PRE-CESSION GOVERNMENT

IN FIJI

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This thesis is based entirely on my own research whilst a Research scholar in the Australian National University between September 1962 and September 1965.
SIR Hercules Robinson formally negotiated the annexation of Fiji on behalf of Great Britain in October 1874, some sixteen years after W.T. Pritchard persuaded the chiefs first to make an offer of cession. The intervening period, together with the administration of Sir Arthur Gordon, governor from 1875 until 1880, has probably received more attention from historians than any other period of Fijian history. Gordon's governorship has been studied in detail by Professor Legge and, to a lesser extent, by Professor Chapman, and although neither has had the opportunity of studying the sources in Fiji, this has not been as serious an omission as might at first seem likely. Gordon's considerable correspondence with the Colonial Office, his papers addressed to various societies in England in explanation of aspects of his administration, and the six volumes of records published between 1879 and 1912, give a clear picture of his attitude to different problems and of his development of policy, even if day to day difficulties of administration, and opinions and feelings of the settler community and Fijians themselves emerge less clearly.

Such is not the case with the Cakobau administration, which preceded the colonial government, and properly to understand the significance of its efforts requires a systematic study of documents available only in Fiji. Only with the organization of the records of the Cakobau government in the Fiji Archives and the collection of a considerable body of material relating to the pre-cession period, has it become possible to approach the subject from the Fijian point of view, and so to establish the relation of the Cakobau government both to previous political experiments and to the colonial régime itself.
IT would be impossible to mention all the people who assisted me in the course of this study, but I wish particularly to notice the following: the research staffs of the Australian National Library, and the Australian National University Library, Canberra, the Mitchell Library, Sydney, the Turnbull Library, Wellington, and the Hocken Library, Dunedin; Rev. C.F. Gribble, General Secretary of the Methodist Overseas Missions, Sydney, for kindly allowing me to examine the mission records in the Mitchell Library; Bruce Palmer for drawing my attention to the manuscript collection in the Fiji Museum; Ian Diamond and Setareki Tuinaceva without whose infinite patience and unfailing good humour I should never have seen the enormous amount of material relating to the pre-cession period which is housed in the Central Archives of Fiji and the Western Pacific High Commission, Suva; Dorothy Shineberg and Emily Sadka for their helpful criticisms of preliminary drafts; Professor Davidson for his criticism and invaluable advice on aesthetic and stylistic matters of presentation; Anvida Lamberts for typing both the final draft and the thesis itself. My greatest debt is to my supervisor, Francis West, whose enthusiasm and gently guiding hand, even when exerted from a distance of 11,000 miles, saw to it that I finished the manuscript within three years.
SYNOPSIS

THE Fijian people, although they are of basically Melanesian stock, have been subjected to Polynesian influences particularly on the leadership system within their social organization, which made possible political developments in the nineteenth century that could not otherwise have occurred. Between the time of the first contact with Europeans at the end of the eighteenth century, and the conversion of the people to Christianity in the fifth decade of the nineteenth, the greater part of the group came within the control of a small number of chiefs who extended their sphere of influence, first by 'federating' with less important neighbouring chiefs, and then by conquering their more powerful rivals. The process of conquest, by which effective political power in central Fiji was consolidated under the chief of Bau, was made possible by the introduction of the musket by the first Europeans.

About the time that this novel political structure was beginning to crystalize into some sort of stability, European settlers, who previously had been very few in number, began to be attracted to Fiji as a profitable field for commercial enterprise. Just at a time when Manchester's main supply of cotton was cut off by the effects of the civil war in America, it was discovered that the high quality, long-stapled varieties of cotton would grow in Fiji; inflated prices enabled those planters with a reasonable amount of capital behind them to sustain the high freight charges and the high initial costs of establishing a plantation industry. In the 'sixties, therefore, an increasing number of Europeans were attracted to Fiji in what amounted almost to a rush, and their effect upon the newly established Fijian
polity was immediate and undesirable. Planters demanded land upon which
to grow cotton, and labourers to tend plantations; the Fijians, ignorant
of the white man's conceptions regarding the ownership and transfer of land,
were angry when they saw coconut palms being felled on land, no more than
the usufruct of which they had considered themselves temporarily to have
alienated. They also discovered that however much they might be attracted
by the iron axes and cotton cloth with which planters paid them for their
services, they were not prepared to put up with the disruption to village
life, work for long periods on plantations implied. The situation was
potentially explosive, and the murders of a missionary and various traders
and planters which took place from time to time as the decade advanced,
served to emphasize to the planting community the need for some sort of
government - a need which had been more or less acknowledged for some time.

There had been American consular officers in Fiji since 1846 but
they had mainly been concerned with commercial enterprises of their own,
and it was not until the first British consul negotiated an offer of cession
with the Fijian chiefs in 1858 that the attention of the outside world was
drawn to the problem. The British government had no wish to extend the
bounds of its already over-extensive empire, particularly in a direction
which gave promise of comparatively little profit, and it felt justified
in accepting the recommendations of a commission of inquiry and refusing
the offer. Pritchard's successor as consul tried to establish a political
union of the great chiefdoms, or matanitu, in 1865, and further experiments
were made in 1867, but they were all unsuccessful.

Towards the end of the decade, conditions returned to normal in
the cotton states of America, the price of cotton fell, and the boom
conditions in Fiji were followed by a slump which happened to coincide with
the climax of the influx of European settlers. Numerous schemes for supplying the benefits of law and order were discussed; the experiments of 1865 and 1867 had shown that large-scale systems of government within the context of the indigenous political structure were unlikely to be productive of success, and schemes with more limited objectives - European settlers' protection societies and municipal councils in Levuka - were investigated, but nothing much further was ever accomplished until June 1871 when the Cakobau government was inaugurated. The Cakobau government, as well as being the most successful of the pre-cession political experiments in Fiji, was also the most complicated, because it provided for a full-scale system of constitutional monarchy for the whole group. It lasted until March 1874, when a further offer of cession was accepted by the British government. The temporary administrations which followed until the definitive colonial régime was established in September 1875 were essentially continuations, under different authorities, of the Cakobau government, which effectively marks the beginning of the institutions of permanent government in Fiji.

In 1871 the ordinary problems of establishing an administration were aggravated by three factors peculiar to the Fijian situation. The depressed state of the planting industry meant that there were a large number of indigent and disgruntled men whose emotions could be worked upon by the leaders of an unscrupulous and irresponsible section of the European community, many of whom had gone to Fiji in order to escape the forces of law and order in the Australian colonies, and who had no wish to see them established in Fiji. There was thus always a nucleus of vociferous oppositionists to any move the government might contemplate. This social instability was another factor besides the collapse of the cotton industry, which dissuaded colonial investors from putting up the capital necessary to
the development the government wished to initiate. And Great Britain's vacillation and indecision in trying to make up its mind as to the legal status of the new government made the problem of its actually exerting authority much more difficult than was necessary.

In spite of these difficulties it did succeed in accomplishing something significant. It dealt with the problems of the labour traffic, strictly regulating the conditions of employment of Melanesian immigrant labourers, and it did its best, with the limited means at its disposal, to eliminate those abuses which occurred during the course of recruiting voyages. The attitude it adopted towards the Fijian people themselves was not basically different from that of the colonial government. It established an administrative structure and conceived administrative procedures which served as a foundation for the colonial government to build upon. It was forced, by the short-sighted attitude of settlers in those areas nearest to the mountains of Viti Levu, to fight an extensive and expensive campaign with the kai colo in 1873 and 1874, but this went far towards establishing permanent peace in the area, and eliminated the necessity for Gordon, in 1876, to conduct a full-scale campaign of his own, and so still further deplete the slender resources of the new colony. There were spheres of activity, notably those of the treasury and the regulation of the transfer of land, in which the Cakobau government achieved nothing, but on balance it deserves to be regarded as something more than an unsuccessful political experiment preceding the annexation of Fiji by Great Britain. This study is concerned to examine the extent of its success.
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ABBREVIATIONS

F1 Records of the Cakobau government.

F4 Records of the British consul, Fiji and Tonga. Fiji, 1863-76.

FCSO Records of the Colonial Secretary's Office, Fiji. These include the originals of despatches from the secretary of state.

FM Miscellaneous manuscripts, Fiji Museum.

FMS Miscellaneous manuscripts, Central Archives, Fiji.


PP Parliamentary papers, Great Britain.

USCL Records of the United States consul, Cancala.

VPLA (i), (ii) and (iii) votes and proceedings of the three sessions of the Legislative Assembly of the Cakobau government.
ORTHOGRAPHY

The following conventions have been adopted in writing the Fijian language:

C represents English TH in though
G represents English NG in hangar
B represents English NB in camber
D represents English ND in hinder
Q represents English NG in hunger

Prenasalization of the consonants B, D, and Q (=G) is almost non-existent when the consonants occur initially.
FIJI BEFORE THE BATTLE OF KABA

THE Fiji Islands lie across both an ethnographic and a geographical division of the Pacific Ocean. To the west sunken ridges form islands of a 'continental' type inhabited by black-skinned 'Melanesians'; to the east the tops of many extinct volcanoes, pushed up from the ocean floor, are inhabited by lighter-skinned 'Polynesians'. Fiji is a mixture of both - the islands themselves are of volcanic origin but they stand upon a submerged platform, which extends far to the south, and may once have been part of an extensive land mass; the people have the dark skin, curly hair, and diversity of language characteristic of the western Pacific, but their stature and dignity of bearing, and the hierarchical ordering of society along patrilineal lines are reminiscent more of Tonga and Samoa than of the Solomon Islands and the New Hebrides.¹ Even within the group itself there are differences - the people of the interior of the largest island, Viti Levu, where Polynesian influence has been least, bear little resemblance to those who live on the coasts, a fact which was to prove of considerable significance in the years preceding annexation by Great Britain and which was first noted by J.B. Williams, the American consul, when he explored the centre of the island in the 1850's:

...I penetrated in the mountains and found the native much more correct in every respect, notwithstanding the cast of their countenance and their features far more inferior than those on the seabord, and generally a smaller race of men.... In some parts of the mountains ferocious cannibals, while in other parts prohibited from eating flesh, and no two tribes speaking the same language...[which was] not easily understood by those on the seabord.  

The precise details of how this complicated situation came about are most controversial, but all that need be understood in the present context is that Fijian culture contains elements derived from at least two separate and distinct ethnographic areas, and that the peculiarities of its history can in part be explained in terms of that mixture. There have probably been two or more influxes of people from the west, as well as infiltrations from the east, possibly on a much smaller scale, of people whose superior physique and ability as leaders enabled them to become the chiefs of the Fijian social system. In the light of the continuous contact known to have been maintained between Fiji and Tonga from the time of European contact, there would seem to be no reason to doubt its existence far back into prehistoric times. Thus, Fijian society can reasonably be characterized as basically Melanesian, overlaid with Polynesian influences, particularly on leadership; and these influences are crucial to the understanding of the history of pre-cession Fiji, because it was the nature of Fijian leadership that made possible the developments which culminated in the establishment of the Cakobau government in 1871.

The traditional pattern of society has no more than theoretical significance in Fiji today, and this was probably no less the case in the nineteenth century, particularly during the period when the great chiefdoms

2 Williams to Marcy, 31 December 1856 - USCL.
were being established. However, it is important to have some notion of
the idealized pattern in order to understand, at least in outline, the
significance of the actual structure. The direct descendants of a legendary
hero, who was usually deified, formed yavusa or tribal units. The sons of
the founder of a yavusa formed mataqali which were supposed to have preserved
their identity and eventually to have become the custodians of a particular
function within the tribe. There were mataqali concerned with the priesthood,
with diplomacy, with carrying out the commands of the chief, and the chiefly
mataqali itself, which was that in the eldest and most direct line of
descent from the founder of the yavusa. Smaller units, i tokatoka, consisting
of closely related families acknowledging one blood relative as head, lived
in a defined area within the village, and functioned as a unit with regard
to the tasks of everyday living. Superimposed upon this structure were
the effects of a federating principle which functioned for other than
reasons of social organization. Yavusa came together into vanua for political
purposes - questions of prestige and protection against the possibly predatory
designs of similarly federating groups in the neighbourhood. And when vanua
joined together in what might be called federations of federations they
were said to have formed matanitu.

3 It is interesting that the legends of the yavusa of Viti Levu indicate
a passage of something like three hundred years since their foundation
and that the founders were of Polynesian origin - R.A. Derrick, A History
of Fiji, I, 7; see also E.W. Gifford, 'Tribes of Viti Levu and their
Origin Places', Anthropological Records, 13:5; A. Capell and R.H. Lester,
'Local divisions and movements in Fiji', Oceania, XI, 313-341, and
XII, 21-48.

4 Although there is no complete description of Fijian society as it existed
at the time of European contact, there is much useful material in the
works of Basil Thomson, A.B. Brewster, A. Capell and R.H. Lester, R.A.
Derrick, E.W. Gifford, and G.K. Roth. The best contemporary, or near
contemporary, account is Berthold Seemann, Viti: an account of a government
mission to the Vitian or Fijian Islands in the years 1860-61.
However, the very lowest level at which contemporary society is organized is that of the yavusa, consisting of, at most, about one hundred people, and frequently fewer. And even at this level criteria of locality rather than of descent are more important, so that the situation arises where mataqali from the several yavusa which could go to make up a village effectively play their part within the village rather than within the yavusa. The vanua, consisting of about six villages, is the level at which ritual functions are performed, and is the smallest significant unit on the more general stage of Fijian power politics. During the first half of the nineteenth century, when much instability was caused by the struggle between the great matanitu of Macuata and Bua, Cakaudrove and Lau, and Rewa, Verata, and Bau, the power of the vanua would have been enhanced, and it is possible that during an earlier period, when the matanitu themselves were first emerging, units smaller than the vanua would have had some political significance.

But one must be careful when engaging in this sort of speculation. There is always the danger of imposing upon the observed facts of Fijian life, European concepts and terminologies which are quite meaningless in terms of the traditional structure. What is important is that Fijian society was organized in such a way that it had the capacity to form great chiefdoms extending over a wide area, which, because they existed for reasons other than the purely domestic organization of everyday life, were exceedingly susceptible to change. The position of the chief of the matanitu, which was determined more by installation and investiture with the appropriate titles, than by descent (although descent would have something to do with who was deemed fit to be a chief), depended upon the number of vanua that could be united within his influence. It was necessary always to exert real authority in order to prevent vanua, particularly those more distant
from the centre of the matanitu and within the potential sphere of influence of another, either from seceding or from playing one matanitu off against another. It was also possible for a new matanitu to be formed by the gathering together of a different group of vanua. Bonds of marriage, and other ties within the domestic structure of society, could exert an influence, but they could also be ignored, as when Cakobau forgot that his mother was a daughter of the Roko Tui Dreketi, or high chief of Rewa, and set out to conquer that matanitu in 1843.  

The instability of the political structure meant that there was more or less continuous fighting, either in the form of major battles between opposing matanitu, or as minor skirmishes between vanua near the limits of the influence of a matanitu, or between coastal people and the tribes of the interior of Viti Levu, which never fitted into the general pattern of the political structure. The nature of Fijian warfare, at least before the advent of the European, was highly conventionalized, and enormous time, energy, and wealth were expended without any great numbers being killed. A chief might be murdered, a town burnt, or some less significant act of hostility would engender a state of enmity; people would be waylaid, more villages burnt, and the two sides would adjourn to an appointed place and confront each other. The mata ni vanua, or heralds, would hurl insults in an effort to rouse one of the warriors to such a pitch of indignation that he would commit some action injudicious enough to give the opposition

5 I am indebted to Rusiate Nayacakalou of the Anthropology Department in the University of Sydney, and to Isireli Lasaqa of the Geography Department in the Australian National University for much useful discussion of this most vexing question. I have also used Nayacakalou's unpublished Ph.D. thesis, 'Fijian leadership in a situation of change', University of London, 1963.
a chance to kill him. His fellows would then seize him to prevent the opposition from preparing him for their ovens - in which case retribution would have been obligatory - a soro, or capitulation, would be presented, and both sides would turn to other matters. Often even this sequence was not completed; some more important event would engage the attention of the combatants elsewhere, and so it would go on. Occasionally massacres in which a couple of hundred persons might be killed occurred, but these were rare and usually the result of treachery.6

The arrival of the European altered this profoundly, introducing the advantages and disadvantages of the iron age to a stone age culture and eventually assailing the very foundations of society by attacking the system of land tenure. The first Europeans were the sandalwood traders, whose interest was centred on the important stands of sandalwood around Bua Bay at the southern end of Vanua Levu. As a result of the boom, which lasted for about a decade from 1804, the matanitu of Bua became unusually powerful and prosperous and remained so all through the precession period. But it was through the matanitu of Bau that the traders, or one of their number, wrought their most profound changes. There had been negligible contact with Europeans in Bau until the year 1808 when the American brig,

6 B. Thomson, The Fijians: a study in the decay of custom, chapter 5; G.S. Rowe (ed.), Fiji and the Fijians, I, The islands and their inhabitants (T. Williams), chapter 3; Derrick, op. cit., chapter 4. Derrick maintains that the introduction of the musket radically altered the nature of warfare: 'it lost its glamour; small local wars were discouraged and warfare became a serious business'. This is an exaggeration, because, although the emergence of the matanitu tended to give war a more systematized appearance by making it more frequently part of a large political design, many small and localized affrays were still carried on, particularly with the people of the interior of Viti Levu and Ovalau, and great parties of warriors still sallied forth to confront each other in traditional fashion. The musket could not have become an integral part of Fijian warfare until the combatants learned to operate it efficiently.
Eliza, ran upon the Mocea reef, south of Nairai, and became a total wreck. The cargo included a quantity of Spanish dollars and some firearms; among the crew was Charles Savage, a sailor picked up in Tonga, who claimed already to have been the victim of a wreck in the Fiji Islands. All three were to prove of decisive influence. Savage made his way to Bau, where Naulivou, the vunivalu, or war chief, was impressed with the obvious potential of the musket with regard to his ambitions for the matanitu, and for the next five years, Savage, later joined by other Europeans, fought for Bau and made it supreme in the central part of Fiji:

...the new settlers made themselves dreaded by the natives who were awed by the murderous effect of their firearms. The hostile chiefs, seeing their bravest warriors fall in battle without any apparent cause, believed their enemies to be more than human.7

Savage was killed in 1813,8 but he was merely one of the first, if the most famous, of the Fijian beachcombers; the pre-eminence of Bau which he helped establish lived on, even if its foundations were severely shaken on more than one occasion in the following forty years. Those chiefs who had first the use of firearms were placed in a position they were not going to surrender easily, and in the earliest instances Europeans were needed to fire the muskets. The Fijians' extreme fear of, and consequent inaccuracy with, a musket, was such that one European was far more effective than a dozen Fijians brandishing their muskets as if they were clubs, and

7 Williams (ed., Rowe), op. cit., 3.
8 Wilkes said that the enmity of the people of Wailea, Savage's murderers, was so great that they ground his bones to powder and drank it in their yaqona - Narrative of the United States Exploring Expedition during the years 1838-42, III, Fiji, 123; see also P. Dillon, Voyage aux îles de la mer du Sud en 1827 et 1828 et relation de la découverte du 'sort de La Pérouse.
occasionally firing them into the air. Bau, led by the astute and ambitious Naulivou, reached an unparalleled access of power. The dissensions which rent the neighbouring matanitu of Rewa, and the adherence to Bau of the strategically important vanua of Viwa, with the consequent weakening of the matanitu of Verata, made the task simpler. With his western flanks secure Naulivou was able to concentrate on the east and north - Ovalau and the islands of Lomaiviti were seized; the suzerainty of Lau was disputed with the Tui Nayau, chief of Lakeba; the northern coast of Viti Levu was conquered as far as the Ba river; and the Tui Cakau, one of the most powerful chiefs in northern Fiji, became a tributary. When Naulivou died in 1829, an observer could hardly have been blamed for predicting the eventual subjugation of the whole group by Bau.

Had he done so he would have reckoned without taking account of the inherent instability of the political structure, because the succeeding twenty-five years witnessed a struggle between Rewa and Bau, the great matanitu of central Fiji, which involved the whole of the group except western Viti Levu, and which was not decided until an army from Tonga intervened on behalf of Bau. Tanoa Visawaqa, Naulivou's younger brother and successor, was forced to flee from Bau, some two years after his succession, when the important chiefs within the matanitu rebelled against his authority. This was a good example of political exigencies overcoming considerations of rank and right to chiefly power, which were important within the traditional or idealized social structure. There was no outcry against what, in European terms, amounted to an usurpation; the situation was accepted and Tanoa spent the succeeding five years in exile, first at Somosomo, the stronghold of the Tui Cakau on the island of Taveuni, and then at Rewa. He regained control of Bau in 1837 but less as a result of his own efforts than of the considerable cunning displayed by his son, Seru.
When his father had been forced to flee from Bau in 1832 some of the rebellious chiefs demanded Seru's death because they considered him a potential instigator of disaffection. Others insisted that his life be spared on account of his youth - he can have been no more than fifteen at the time. He justified the fears of those who had wanted his death by engineering a coup when the opportunity presented itself, which caused the rebels to flee. Tanoa was reinstalled as vunivalu, though the real power henceforth lay with Seru, who, in recognition of his part in the exploit, was honoured with the epithet, 'Cakobau' - literally 'evil to Bau', or 'Bau despoiled'. For the moment there was peace, but the Roko Tui Dreketi, chief of the matanitu of Rewa, is reputed to have said about this time, 'If Bau be at peace we shall all be at peace and all will be well, but if Bau be at war, we shall all be at war and all will be ill'; the story of the 'forties and 'fifties provides all too accurate a fulfilment of the prophecy. Wars were fought on a scale unknown in the time of Naulivou and Savage. Raiding parties from Bau ranged all over the eastern half of the group. Even Macuata, on the northern coast of Vanua Levu, was reduced because it had proved an inconstant tributary, and Ritova, a chief prepared to render unto Bau what Bau considered its due, was established in control. Finally, because of the proximity of Rewa to Bau - Tanoa's reason for moving there during the last years of his exile was to enable him more effectively to plot his return to power - Cakobau determined to conquer it once and for all. The struggle which followed made preceding events appear as but minor skirmishes when compared with the ferocity and barbarity of a conflict which was to drag on until 1855:

9 Derrick, op. cit., 75.
The war was prosecuted with great vigour by both parties; but especially by the Mbau people, who burned several towns, and made great havoc among the plantations and gardens of the adherents of Rewa. Day after day, and sometimes all day long, the sound of musketry was heard at the Mission-house, and often the more dreadful noise of the death-drum struck dismay into the listeners, as it told of the cannibal orgies which were taking place near their door.  

The course of the war was exceedingly complicated; Bau carried all before it in the first stages of the struggle, but the people of Rewa rallied at the beginning of the 'fifties and Cakobau's prestige began to decline. The peninsula of Kaba, commanding an important strategic position between Bau and the mouths of the Rewa river, fell to Rewa; Cakobau was unable to regain it and the chiefs of Bau became so divided amongst themselves that they even failed to take advantage of a hurricane which levelled the Kaba defences in 1854. Rewa was also discouraged and for the moment the combatants sank back exhausted; Cakobau, given time to take stock of the situation was able to reconsider the advisability of accepting the lotu, or becoming a Christian.

There had been Wesleyan missionaries in the Lau islands since 1835 and Roman Catholics since 1844. George Tupou had induced the Tui Nayau to allow the Methodists to remain in the first instance and to give them land upon which to establish a mission station. He had also sent a group of Tongan teachers to assist in making contact with the Fijians, and the influence of Tonga in the christianization of Fiji was decisive in the early stages and continued to be important all through the pre-cession period.


11 The fullest account is to be found in Derrick, op. cit., chapters 7 and 9, though there is much basic material in both Williams and Waterhouse.
In the beginning progress was slight; the Tui Nayau, in common with all the chiefs, was aware that the new religion represented a dangerous threat to his power. According to the traditional ethos, the very fount of chiefly authority, manifested in his sau (mana), rested upon a divine sanction, and to deny the existence of the sanctioning divinity was to deny the validity of his own power.

The missionaries, on the other hand, appreciated the absolute necessity of establishing their authority within the Fijian social structure, and realized that the conversion of the chiefs was a prerequisite to the mass conversions which would mark the beginnings of real progress. In the early days therefore, their main activity was concentrated on teaching the people to read and write, something in which they were vitally interested, and which served to advance the missionary cause until such time as the chiefs could be won over. In 1838, it was decided that a mission station should be established nearer to the largest centre of population, and preferably at Bau, where Cakobau had just restored his father to power, and which was obviously the political centre of south-eastern Viti Levu. Cakobau did not actually refuse entry into Bau, but made it clear that he was not interested in Christianity:

I will not hide it from you that I am now engaged in war and cannot attend to your instructions, or even assure you of safety.\(^{12}\)

This was the key to Cakobau's attitude at this time. The missionaries preached against war, and used all their efforts to prevent the barbarous practices which accompanied it in traditional Fiji. Cakobau had still a war to fight with Rewa, and when the people of Viwa, a small island to the

\(^{12}\) J. Waterhouse, *The King and People of Fiji*, 70-71. 
north-west of Bau upon which the mission station had eventually been established, were converted to Christianity and refused to assist Bau against Rewa, Cakobau's antipathy was exacerbated.

But the mission made significant advances in spite of his hostility. As early as 1842 the Tui Nayau had admitted he would eventually give way, and it was only fear of Bau which made him delay for another seven years, but in October 1849 he became the first important Fijian chief to lotu, and the break-through was in sight. In 1852 Cakobau's father died and another barrier was removed; the inevitable spread of Christianity, in spite of its effect on the power of the chief, was obvious, and it merely became a question of picking as advantageous a time as possible.¹³

In 1853 George Tupou had visited Fiji on his way to Sydney; by expressing interest in the state of the struggle with Rewa and by implying that the Kaba peninsula was not impregnable, he obliquely signified that he was prepared to give Bau his assistance, but in February 1854 he wrote from Nuku'alofa, probably inspired by what he had seen in Australia, suggesting that the time had come for Cakobau's conversion:

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¹³ It has not been thought necessary to include a detailed account of missionary activities in Fiji, because the published accounts are numerous, particularly for the early period. The most important are Williams and Calvert, (ed., Rowe), op. cit.; Waterhouse, op. cit.; G.S. Rowe, The Life of John Hunt; G.C. Henderson (ed.), Journal of Thomas Williams, 1840-53; R. Vernon, James Calvert: from dark to dawn in Fiji; W. Lawry, (ed., E. Hoole), Friendly and Feejee Islands: a missionary visit to various stations in the South Seas in the year MDCCCLXVII, and A second missionary visit to the Friendly and Feejee Islands in the year MDCCCL. See also A.A. Koskinen, Missionary influence as a political factor in the Pacific Islands.
It is good you should be humble; it will be well for you and your land. I wish, Thakombau, you would lotu. When I visit you we will talk about it; for I desire that Bau and the Fiji friends may stand well. But it will be well for you, Thakombau, to think wisely in these days.14

Whether or not this represented a threat is impossible to say, but Cakobau could not afford to risk the displeasure of Tupou; he needed Tongan support if he was to retain power in Bau, let alone conquer Rewa. In April 1854 therefore he publicly adhered to Christianity and gave to the final stages of the struggle with Rewa an entirely different aspect. Large numbers of non-Christian chiefs joined the resistance, and it seemed as if Bau were no longer merely fighting Rewa - paganism was fighting Christianity, the old way of life was fighting a new, barbarism was fighting civilization.

The Tongans inflicted a crushing defeat upon the opposition in the battle of Kaba of 7 April 1855 - Rewa collapsed and peace was restored after forty years of almost continual warfare. An era had ended, though the fact that Cakobau had prevailed only with the assistance of the Tongans was an augury of the future, could he have interpreted it. But for the moment the most important effect of the battle was the rapid spread of Christianity.

The Fijian people had been provided with a graphic demonstration of the inefficacy of their traditional beliefs - or so they thought. The missionaries had achieved their object of converting the important chief, and mass conversions followed. Whole villages and even districts renounced allegiance to the old gods so that in most parts of Fiji, with the exception of the interior of Viti Levu, the Christian religion became predominant.

14 Tupou to Cakobau, 28 February 1854 - translated by W.J. Davis and printed in Waterhouse, op. cit., 243.
overnight. This meant that the missionaries became a powerful force within the Fijian polity. Previously the fear of supernatural forces was one of the prime motivating principles in society; this was replaced by a fear of sinning and consequent consignment to perdition. The missionaries, therefore, became the close advisers of the chiefs and achieved a fundamental political influence, however much this was in direct violation of their parent society's injunction to refrain from political activity of any kind. It also brought them into conflict with the only other group of Europeans of any importance in Fiji at the time.

Savage, because of his personal qualities, had been accepted into the chiefly structure of Bauan society. His several wives were all women of high rank, which meant that his sons, had they ever grown to manhood, would have been men of enormous influence and despotic potential. They were all killed at birth, however, despite his efforts to save them. But his was a peculiar case, and by 1855, as well as the beachcombers, there was a significant part-European community gaining a livelihood by trading in coconut-oil and copra, *bicho do mar*, and turtle shell. Levuka, because of its central position and the favourable disposition of the Tui Levuka, became the main trading settlement during the height of the *bicho do mar* trade in the early 'forties. The traders kept out of Fijian affairs as much as possible, because of their extremely vulnerable position — they could profit from the wars of the Fijians only if they were themselves

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15 Koskinen, *op. cit.*, 48-49.

16 Species of edible echinoderm, called variously sea-slug, sea-cucumber, and trepang (from the Malayan *tripang*). *Bicho do mar* is the Portuguese form from which, early in the nineteenth century, English traders manufactured a quasi-French word, *'bêche de mer'*', which achieved wide currency. The Fijian word is *dri*. 
uninvolved. When one of their number violated this first principle in 1844
the whole community was banished by Cakobau from his dominions and not
allowed to return until 1849, but by 1855 the community was once again
well established.

The reasons for the conflict between the traders and the
missionaries were quite simple - the purpose of the one was inimical to
that of the other. The missionaries gained an ascendancy over the chiefs
at the time of their conversion which it was to their great advantage to
preserve; ideally therefore, all contact between Fijians and Europeans
other than themselves should be eliminated. If the chiefs were once to
come under an influence hostile to Christianity the success of the missionary
efforts would depend too much upon the capricious changes of temper of a
single man. The missionaries were antagonistic explicitly towards the
traders because they supplied the Fijians with strong drink and taught them
how to make it; the less scrupulous of their number also supplied firearms.
The traders for their part objected to the fact that large quantities of
coconut-oil which had previously passed straight into their hands, were
now given for the support of the mission; they were also incensed that the
missionaries should refuse, either to marry them to their Fijian mistresses
or to baptise their children. This antipathy was to last all through the
pre-cession period.

The missionaries were powerless to isolate the Fijians, however

17 H.E. Maude, 'Beachcombers and Castaways', Journal of the Polynesian
Society, LXXIII, 3; Derrick, op. cit., chapter 8 passim; Seemann,
op. cit., 407.

18 Koskinen, op. cit., 63.

19 Seemann, op. cit., 103.
harmful they considered non-missionary influence and after the battle of Kaba the rôle of the Europeans underwent a fundamental change. Before 1855 they had exerted negligible influence upon Fijian society, at least as far as motivating principles were concerned; they may have altered the dynamics of a system of warfare by the introduction of the musket, and they may have weakened or strengthened the exercise of chiefly power by the exploitation of the bicho do mar coasts and sandalwood forests, but they did not effect any significant change in the nature of the social system. That they had not done more is explained quite simply by the fact that there were probably not more than forty living in the whole group: the early traders were merely visitors; the beachcombers tended to submerge themselves beneath the surface of the Fijian system and to exert pressures within its structure, as in the case of Savage; and although conversion to Christianity had a profound effect upon a way of life the power of the chiefs was necessary to the missionary purpose and remained unimpaired.

After 1855 the number of settlers increased, and the process continued with added momentum in the 'sixties - they came mainly from Australia and New Zealand and to a lesser extent from England, although there were a few Americans, Germans, and Frenchmen. An increasing group of men of doubtful reputation, evading the law in the Australasian colonies, congregated on 'the beach' at Levuka, where they later formed a disruptive political pressure group. Because of their numbers they achieved a particular reputation for drunkeness. Grog was cheap and there are stories of men drunk for three months on end. Pritchard describes the system of 'tapering off' which was supposed to prevent the onset of delirium tremens resulting

from such a prolonged state of intoxication. As the spirit was drawn off from
the cask it was replaced with water, until eventually the cask was full of
pure water, and the participants once again sober. But for the most
part men were attracted to Fiji as a place where they could make their
fortune. They had little capital and wished merely to be able to acquire
an irrefutable right to sufficient land to form a viable plantation, together
with the labour to run it. Such seemingly simple needs implied a pressure
which had been absent as long as the settlers did not acquire land and
take some positive interest in the future development of Fiji. After 1855
Europeans affected the form of Fijian society by drawing it nearer to
their own and by involving it in problems associated with land and government
to such an extent that an attempt was made to solve under one head the
problems of both sections of the community. Because of Cakobau's undisputed
position as the most important chief in central Fiji, he was intimately
involved in this process.

In 1847 General Miller, the British consul-general in the Sandwich
Islands, had written a letter to Cakobau addressing him as the King of Fiji,
or Tui Viti, a title which Cakobau was pleased to accept, though he
might not have been so precipitate had he been able to foresee the almost
immediate difficulties it was to entail. A claim to be paramount chief
in Fiji implied responsibilities, particularly during the first years of
any large-scale contact between European and Fijian; there were bound to
be struggles over which he would have no control but for which he would
be held answerable. In the previous year an American consul had arrived

21 Pritchard, op. cit., 237

22 FO58/55.
in Fiji, and Cakobau's claims were put to the test.

J.B. Williams was appointed in 1844, but did not arrive in Levuka until February 1846; he engaged in commercial enterprise and acquired rights to land in various parts of the group, including what he considered to be a potentially profitable tin deposit in the centre of Viti Levu. In one of his earliest despatches to the Secretary of State he advanced the necessity of impressing upon Fijians, by regular visits from ships of war of the United States Navy, the fact that commerce could not be interfered with; his behaviour in the years which followed showed he was in Fiji to get what he could, regardless of the rights of the Fijians.

In 1847 he moved the consulate to the island of Nukulau in Laucala Bay, close to the site of the modern capital of Fiji, so as to be out of the way of any molestation. But in 1849, during the celebrations associated with Independence Day, he managed to set alight to his house and store, and a party of men from Beqa, an island some twenty miles away, took the opportunity to make off with a little plunder. Williams protested to Cokonauto, the Roko Tui Dreketi, and to the Secretary of State. In December 1849 there was a further theft which Williams established could have been prevented by the intervention of Cakobau, against whom he had held a grudge since the time of his departure from Levuka; from then on all claims were directed against Cakobau rather than Cokonauto. But it was twenty-five years before they finally ceased to figure in Fijian history.

23 Williams to Buchanan, 18 November 1844, and 13 February 1846 - USCL.
24 Williams to Buchanan, 16 April 1846 - ibid.
25 Williams to Clayton, 25 July 1849, enclosing Williams to Cokonauto, 11 July 1849 - ibid.
In 1850 Williams sent a 'Schedule of property belonging to American merchants plundered by the Chief of Bau' the value of which he claimed to be a little over $13,000. He stated that further similar occurrences would inevitably follow

unless the Chief of Bau, Tui Viti, is made responsible for the plunder and spoilation [sic] of property by his subjects (which cannot be done without his orders), and he and his people...punished for the same as they are not ignorant of the punishment due for such crimes.26

By the time the USS Falmouth arrived in 1851 Williams was demanding $17,000, and the sudden augmentations which the claims henceforward underwent from time to time were no doubt due to his personal antipathy for Cakobau. Captain Petigru, although he approved of Williams's own claim, did not stay long enough to enforce payment, and when USS St Mary's arrived later in the same year Captain Magruder appointed Calvert, the leader of the Methodist mission, and Whippy,27 the American 'vice-commercial agent', to investigate the whole matter and to report their findings to the commander of the next American ship to visit Fiji.28 The USS John Adams did not appear in Fijian waters until September 1855 by which time Williams had himself returned from a year's leave of absence in the United States, convinced that more forceful measures were necessary. It is easy to

26 Williams to Webster, 14 November 1850 - USCL.
27 David Whippy was a native of New Hampshire who had run away from a trading ship commanded by his brother on account of the bad treatment he had suffered. He settled at Levuka early in the 'twenties and soon became respected by the Fijians. Wilkes, op. cit., III, 47, said, in 1845, that he had been appointed vice-consul for the Fijian group soon after the departure of the expedition in 1841, but there is no record of this. Williams appointed him to act as vice-commercial agent in Levuka when he moved to Nukulau.
28 Williams to Petigru, 4 March 1851; Williams to Webster, 14 March 1851; Magruder to Calvert and Whippy, 28 July 1851, enclosed in Williams to Webster, 31 July 1851 - ibid.
understand why, with the disappearance over the horizon of one warship, the question of indemnities and reparations was forgotten until such time as another appeared as a reminder, but in Commander Boutwell, Williams found a man strong-willed and unscrupulous enough to do what he wanted.  

In spite of a warning not to exceed his instructions from Commander Bailey of USS St Mary's, and in opposition to the entreaties of both Calvert and Waterhouse, Boutwell agreed to claims amounting to $32,686. Cakobau was summoned on board the John Adams, and there forced, on threat of being removed to America, to sign a document agreeing to pay the indemnity within two years; Boutwell then departed, well pleased with what he had accomplished. The indemnity, however, made no difference, because once the John Adams had departed, Cakobau began to breathe more easily - without the menacing guns of a ship of war trained at his head he had time to remember the injustice of the claims, which had been pressed as a result of actions committed at a time when his own power was exceedingly weak, and by people who owed him

29 Whippy to Marcy, 1 August 1854, informed of the departure of the consul for the United States by way of Manila. A letter from Williams to the Secretary of State is addressed from Salem, 3 October 1854, and the first letter from Fiji after his return is dated 10 August 1855. Calvert, in a letter to Marcy, 1 January 1856, said that Williams had been unable to get his way with Petigru, Magruder, and the various British commanders, that he had failed to excite any opinions in his favour by communicating with the Sydney newspapers and complaining of the lenience of the commanders of ships of war and of the interference of missionaries whose representations to the commanders he regarded as the cause of their pusillanimity, and that as a last resort he determined to visit the United States, promising as he left that he would be back soon and would 'teach the fellows how to behave'. Williams on the other hand gave as his reason for requesting a year's leave, the necessity of returning to a cold climate for a while - USCL.

30 Williams to Bailey, 6 October 1855, enclosed in Williams to Marcy, 17 September 1855; Waterhouse to Boutwell, 11 October 1855 and Boutwell to Waterhouse, 19 October 1855, enclosed in Williams to Marcy, 16 October 1855 - ibid.
no formal allegiance. Calvert gives some impression of Williams's attitude in a letter to Marcy written early in 1856:

...Williams was anxiously desirous to inflict signal punishment on the Bau chief and his town and boasted much of what ships of war could do; and he averred that he would give them some 'cast-iron reasons'. He frequently told me that he hoped an American naval officer whom he designated 'Mad Jack' would come to Fiji on whom he would prevail to 'serve the fellows out'. He earnestly entreated me not to appear on the arrival in Fiji of any United States ship of war as he would then be able to get the place knocked down and about a dozen of them bound and taken away; 'then,' said he, 'religion will flourish and commerce will flourish. Bau prevents everything that is good! Nothing good will ever go on in Fiji while it stands'.

After the departure of the John Adams there was a lull of nearly three years before the next American warship appeared in Fijian waters, by which time the situation had changed somewhat. Williams died in 1860, having continued his unscrupulous dealings with the Fijians until the end, and having failed to extract any final settlement from Cakobau.

The main significance of the claims did not concern Williams and his fellow Americans; it concerned Cakobau's own position vis-à-vis the Europeans. If the battle of Kaba ensured his paramountcy within the Fijian political structure, the attitude of American naval officers in the 'fifties ensured the acceptance among Europeans in general, and among naval officers in particular, of the propriety of his claim to be Tui Viti, first chief in Fiji. And this position was established at an important time when a large influx of European settlers was just beginning.

31 Calvert to Marcy, 1 January 1856, enclosed in Bishop to Marcy, 2 May 1856 - USCL.
IN 1857 there were fewer than forty Europeans resident in Fiji; ten years later there were about four hundred, and in 1870 there were more than two thousand. The single most important cause of this increase, which was unusual for the Pacific islands at this time, was the eminent suitability of Fiji for the growing of cotton. The disrupted state of the American cotton industry during the civil war gave an added impetus during the early stages.

Berthold Seemann, who visited Fiji in 1860 as part of a fact-finding mission for the British government, reported in the most favourable terms:

> If I understand the nature and requirements of cotton aright, the Fijis seem to be as if made for it.2

The fertility of the soil, the general climatic conditions, and in particular, the sea breezes keeping the temperature low were exactly what was required. Seemann conducted experiments and made observations which confirmed his highest expectations and stated that the only other necessity for a profitable industry was a supply of labour. However, Lieutenant-Colonel W.J. Smythe, the leader of the government mission, was not so enthusiastic, considering

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1 F.J. Moss, *Through Atolls and Islands in the Great South Sea*, 4-6; pamphlet, 'To the White Residents in Fiji', enclosed in March to Clarendon, 31 March 1870 - F058/118. It was printed in Moss, *op. cit.*, 286-293, and in (H.C. 435) 1871, PP, XLVII.

2 Seemann, *Viti*, 48.
that cotton would never be more than an insignificant product from Fiji, and his opinion was enough to discourage large numbers of potential immigrants for the time.  

Because of the great distance the cotton had to travel, and the high freight charges it had to pay, particularly between Fiji and Sydney, it very soon became evident that only cotton of the highest quality would prove profitable. The reorganization which this involved also caused a delay in the development of the industry; plantations often had to be replanted, and the saw-gin, which was suitable for kidney-type cottons with a short staple, had to be replaced with the knife-roller variety, which did not damage the long staple. A gin was acquired from Samoa in 1862, and soon there were more than a score, though the first attempt to import one from Sydney resulted only in the supply of a quantity of Old Tom from a somewhat single-minded Sydney agent. 

Seemann's samples of Sea Island cotton, the valuable long-stapled variety grown on the islands off the coast of Georgia and Florida, had had no germinating power, but I.M. Brower, the American consul, procured seed from the United States and by 1865 very little else was grown; cotton had become fairly established as the basis of a small but flourishing plantation economy. There were still difficulties connected with transport, but the buoyancy of the market enabled planters to sustain high costs, and the value of the Fiji cotton crop made spectacular increases. It is difficult to arrive at a figure for the year ending June 1873, but whatever it was, the quantity of cotton was negligible in comparison with the approximately

3 A copy of Smythe's report is included in Seemann's book.
4 H. Britton, Fiji in 1870, 8-9.
five hundred tons of coconut-oil, worth nearly £10,000, which formed the main item of export. In succeeding years the quantity of coconut-oil declined slightly, but that of cotton increased spectacularly. In 1864, 600 tons of oil were exported and in 1869, 300, and some of the decrease was caused by a severe hurricane in 1867. Once the crown is blown off a coconut palm it does not rejuvenate and it takes about eight years for new plants to produce nuts. Cotton is not affected permanently in this fashion and the value of the crop leapt from £3,000 in 1864 to £92,700 in 1869.

These figures give some indirect indication of the rate of expansion of the European community, which accelerated all through the 'sixties to reach its climax in 1870. In this year, according to the Fiji Times, 860 people (including 75 children) arrived in Levuka or elsewhere in the group. Most came during the middle months of the year, in time for the planting season in the spring, and there were few arrivals during

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5 Owen estimated that 4480 lbs. worth £335 were exported; Brower estimated 1000 lbs. worth $2,500; Jones, in a later report, for which the figures were presumably taken from consular records, and which should therefore be in reasonable accord with Owen, has the somewhat mystifying figure of twelve tons (value £360).

'Report on the productions and commerce of the Fiji Islands for the half year ending 30 June 1863', enclosed in Owen to Russell, 11 July 1863 - F4/Letterbook 1863-65, 63/41; 'Annual report for the year ending 30 September 1863', enclosed in Brower to Seward, 30 September 1863 - USCL; 'Commercial report on the prospects of the Fiji Islands', enclosed in Jones to Russell, 31 December 1864 - F4/Letterbook 1863-65. (Jones's figure could possibly be a misprint for two tons.)

the hurricane months of January and February. In 1871 the figures were
hardly less - 213 in April alone, by far the largest number in any one
month up to that time, and more than 750 in the course of the year. Not
everybody would have stayed, but it is significant that particularly
during 1871, there were many married women travelling alone with their
children, presumably to join husbands who had preceded them in order to
get themselves properly established before sending for their families.
Also there were always a number of passengers for Fiji from San Francisco
travelling on the new steamers, City of Melbourne and City of Adelaide,
which called at Galoa Harbour in Kadavu.7

Although it was the boom conditions which attracted almost all
the settlers to Fiji they formed by no means a homogeneous group. Apart
from the hangers-on in Levuka, the two obvious divisions were merchant
or trader, and planter, but even within these groups there was considerable
variation in attitudes, needs, and desires, which makes it impossible to
ascribe to the settler community any united purpose. There were first
those planters who had arrived in the early 'sixties, and often many years
before that, with the capital sufficient to acquire and develop a plantation
of adequate size; having arrived in the days when Fijian labour was still
profitable they did not face the same difficulties of establishment and
development as later arrivals. By the end of the 'sixties they had come

7 These figures have been calculated from the passenger lists of ships
arriving from Australia, New Zealand, or America, which were published
in the Fiji Times. As the paper did not usually note arrivals in
small vessels from Samoa, Tonga (whence there were frequent arrivals),
or New Caledonia, and as the lists are probably neither exhaustive
nor accurate, the figures represent under-estimates rather than over-
estimates. Derrick, op. cit., 195, says the total gain for 1870 was
over 1000, but this seems excessive.
to terms with the situation and felt that the years of privation were behind them and that prosperity lay ahead. They were strongly conservative, in favour of any movement which was productive of law and order, and as equally opposed to disorganizing and disruptive tendencies, particularly punitive expeditions against warlike Fijian tribes whom they considered should be left unmolested in the fastnesses of the interior of Viti Levu.

The owners of one or other of the small islands of Lomaiviti or Lau were good examples of this type of planter: Frederick and William Hennings on Makogai, the Ryder brothers on Mago, whose plantations Britton described as producing cotton the equal of any in the world, and I.M. Brower, the American consul, who concentrated to his own eventual detriment on raising sheep on Wakaya, but who was still hopeful, in 1870, of establishing a profitable wool industry. The men on the Rewa river, such as F.J. Moss, and Gustavus Hennings, who operated several estates in conjunction with a group of planters, though not entirely free from difficulties with Fijians, did not suffer the continual depredations of the planters at Sigatoka,

8 In the beginning Fijians had been prepared to work on plantations, but the regular nature of the labour required, often in a district removed from that of their home villages, rapidly made them change their minds, and the first expeditions to secure men from the New Hebrides took place about 1865. To still be successful planters required more capital, first to secure the labourers and then to sustain them during their first season while they learned what to do. This frequently proved sufficient to break planters with little capital. See for example, "Ceres", The Fiji Islands commercially considered as a field for emigration, 58.

9 William Hennings was born in Bremen in 1837 and was persuaded by J.C. Godeffroy, who had extensive trading interests in the Pacific, of the opportunities in Fiji. He arrived in 1860 and soon after married the daughter of one of the chiefs of Lau. His brothers Frederick and Gustavus followed him and a trading partnership was set up, with himself at Lomaloma and Frederick at Levuka. The brothers also acquired planting interests throughout the group, notably at Makogai, Munia, and Katafaga.
Nadroga, or Ba. Those on the island of Taveuni also enjoyed settled conditions it could only have been to their advantage to preserve. But such men did not constitute a majority even of the planting community.

The Fiji Islands became known to men passing from the American to the Australian goldfields, and when they found that they were not going to make a fortune discovering gold, many of them thought again of what must have seemed paradise compared with the diggings in the winter. The boom conditions in Fiji, coupled with the depression in the Australian colonies was all the encouragement they needed:

What Virginia was in the days of Queen Anne, or Melbourne some twenty years ago [1850], to the adventurous men of that day the South Sea Islands were now becoming to the people of New South Wales and Victoria.

Such men were rarely justified in their expectations. Only occasionally did they possess the capital necessary to acquire and develop a plantation of profitable size - at least one hundred acres and preferably more. Because they could not afford to import labourers, at a cost of about ten pounds per man, they had to wrestle with the Fijians who were disinclined to work on plantations; and, as more land was occupied and the Fijians refused to part with what remained, it became necessary to go to places far removed from the traditional areas of European influence - to the frontiers of the territory of the kai colo, the mountain people whose reputation for cannibalism and barbarity was unparalleled in Fiji. It

10 H. Britton, *Fiji in 1870*, 20-22; R.S. Swanston, 'Journal' I. Actually Swanston had already found that sheep were not profitable; as early as 1865 he was losing heavily on his estate on Nananu-i-cake, which, no doubt, was one of the reasons which allowed him the time necessary to engage in political activity.

11 L. Forbes, *Two Years in Fiji*, 2.
was under these conditions that the Ba and Sigatoka river valleys, the plains of Nadi Bay, and the Nadroga coast, were first settled.

G.R. Burt was a man typical of this class. After having served in the Mexican war, and on surveys connected with putting through the trans-continental railway in the United States he left for the South Pacific in the early 'fifties; he spent a short time in Samoa and then went to Kadavu, in southern Fiji, where, for some months, he was the only European. From Kadavu he went to the upper Rewa river for a short time. In 1865 he established himself at Sigatoka, paying nothing more than a couple of guns and some ammunition for his land, and rapidly acquiring a reputation for ill-treating his labourers and Fijians in general. He was fortunate to escape with his life in 1869 when they took their vengeance by slaughtering his stock and ruining his crop. Burt had many peers, particularly in western Fiji, and they were to prove themselves under the leadership of two or three incendiary and irresponsible characters such as T.W. White and J. De Courcey Ireland, implacably opposed to any efforts made in the

12 United States Government - Department of State, 'Memorandum on Fiji Land Claims', 1902. G.R. Burt should not be confused with S.C. Burt, the first premier of the Cakobau government.
The traders, merchants and representatives of the various professions such as lawyers, auctioneers, land agents, and entrepreneurs, formed as equally heterogeneous a group as the planters. Disregarding the sandalwood and bicho do mar traders of an earlier period, who did not settle in Fiji, there were first the affluent merchants who had been attracted initially by the enthusiasm of Pritchard and Seemann for the possibilities of economic development. They frequently had extensive planting interests as well as their trading enterprises, and in fact formed the backbone of the European community. They had the capital necessary and were prepared to advance almost unlimited credit, without any proper security, to those planters whose efforts to establish themselves were genuine. But as the momentum of the 'rush' to Fiji increased, they were joined by men of a very different stamp. Forbes emphasized the difference between men such as William Hennings and J.C. Smith, with an interest in the future of the country, and those who poured in in 1870 and 1871, lured by the prospect of making a quick fortune, so that there were soon in Levuka about three times as many men as there

13 Forbes, op. cit., gives the fullest description of planting life in Fiji at this time, discussing the existence of both the richer and poorer planter, and the troubles encountered in the culture of Sea Island cotton; see also Britton, op. cit.; W.C. Pechey, Fijian Cotton culture and Planters' guide to the Islands; "A Recent Visitor" [known to be F.J. Moss], A Month in Fiji; F.J. Moss, A Planter's Experience in Fiji.

There are several diaries, journals, and other unpublished contemporary accounts, of which the most important are the Swanston Papers, 1857-66 and 1874-85, and the diary of G.H.W. Markham, a planter on western Viti Levu, 1869-74 and 1876-78; see also the diary and letters of N. Turner, manager of a plantation on Vanua Levu, 1870-71, and G.L. Ryder, 'Pioneering in the South Seas', a short account of the Ryder brothers on Mago. The unavailability of the papers of the Hennings family is perhaps the single most important gap in the whole literature of the period.
was work to be done. It was men of this kind who congregated with the
impecunious planters at Keyse's hotel to found the Ku Klux Klan in 1872
and who gave to 'the beach' at Levuka such an evil reputation. From their
ranks came the supporters of the planters' rebellion on the Ba river, and
the drunken crew who shouted down defiance at the officers of the Cakobau
government from the balcony of Hedemann's store, in 1873.

The need for government in 1871 was pressing. The sheer increase
in the European population meant that lawlessness was potentially a more
serious problem, and that appeal to public opinion would no longer effectively
serve to keep the peace; the increasing number of men of the class Forbes
called 'needy adventurers' and 'semi-criminals' served to emphasize the
urgency of this particular problem to more responsible men. And a direct
effect of this larger population was the need for a properly based money
economy. The amount of coin in Fiji had never been sufficient, and most of
what there was was debased Bolivian silver, valued at two shillings in
Levuka but fetching only one and threepence in Sydney. Colonial traders were
quite unprepared to take it and there was a continual drain on good coin;
the Fijian community had perforce to work on a system of continuous credit,
with a free acceptance of bills of exchange, notes of hand, and IOU's,
which, however satisfactory in a small and closely knit planting society,
was a state of affairs quite unsuited to the needs of a rapidly expanding
and heterogeneous community of planters, traders, merchants, adventurers,
and plain ordinary lay-abouts. Coupled with this desire for a more orthodox
basis to the economy, was a widely held conviction that some sort of properly

14 Forbes, op. cit., chapter 13 passim; see also F.J. Moss, Through
Atolls and Islands in the Great South Sea, 225-228.
organized government would necessarily precede the full development of
the country's potential.

THE Cakobau government of 1871 was founded in response to a situation which
was rapidly becoming desperate, but it was by no means the first attempt
at political control. Contemporaneously with the growth of the European
community had developed a desire, at least from a small number of settlers,
for the establishment of governmental institutions, and the inception of
the Cakobau government was preceded by more than a decade of political
experiment, first on the part of the British consuls, and following their
failure, on the part of the settlers themselves.

As early as 1853 Calvert had requested Great Britain to appoint
a consular officer in Fiji, and in 1855 he had tried to persuade Captain
Denham of HMS Herald to accept the cession of Ovalau which he claimed the
Tui Levuka was prepared to make. In 1854 Charles St Julian, law reporter
on the Sydney Morning Herald, Hawaiian consul-general in Australia, and
future Chief Justice of the kingdom of Fiji, submitted a paper to the Foreign
Office on '...the Policy of Her Majesty's Government with reference to
the various Groups of Central, Western and Northern Polynesia' in which he
suggested that consular officers be appointed at Fiji or Tonga, the New
Hebrides, and Ponape or the Carolines. It was September before the government
agreed that St Julian and Calvert might have had a point, and a year later
than that before W.T. Pritchard reached Fiji. But once there he lost no time in plunging into the complexities of Fijian politics. The USS Vandalia arrived in Levuka in October 1858 and once again Cakobau had to answer to the captain of an American warship for the claims first made by J.B. Williams nine years earlier. Commander Sinclair extracted a promise that the claims would be paid within a year, and Cakobau sought the advice of the newly arrived British consul. Pritchard seized his opportunity; 'the result of our interviews was the cession of Fiji to the Queen, on the 12th day of October 1858'. On 3 November he left Levuka in order to use all his powers of persuasion on the British government.

Pritchard was a man of wide vision though sometimes more than a

15 FO58/82; see also W.P. Morrell, Britain in the Pacific Islands, 130-132.

Charles Augustus St Julian (1819-1874) was the son of a French army officer. He went to Australia in 1837 after an expedition up the Niger river, and joined the staff of the Sydney Morning Herald in 1843. He was declared bankrupt in 1849, though his fortunes must have taken a turn for the better, because he was prominent in municipal government in Sydney in the 1860's before leaving for Fiji in 1872.

William Thomas Pritchard was the son of George Pritchard, consul for the South West Pacific whom had been expelled from Tahiti in 1844. He was educated in England but returned to the Pacific in 1848 to join his parents at the newly established consulate at Apia. His knowledge of the Pacific was wide and his understanding of the Polynesian intellect stood him in good stead in his activities in Fiji. After his dismissal from Fiji he returned to England and endeavoured to get an investigation into his conduct. He is believed to have gone eventually to Mexico and to have been lost making his way overland to California. His friend and apologist, Berthold Seemann, edited his manuscripts which appeared under the title of Polynesian Reminiscences in 1866.

16 Williams to Cass, 13 October 1858 - USCL.

17 Pritchard, op. cit., 216; Pritchard to Malmesbury, 8 February 1859 - FO58/90.
little impetuous. He was also unscrupulous but his unscrupulousness was aimed at other than selfish ends, unlike that of his consular colleague for the United States. And, perhaps most important, he was aware of the danger of consulting European interests exclusively:

...an intimate acquaintance with the local interests of both foreigners and natives is absolutely necessary for the due administration of justice and for the effective restriction of that aggressive spirit not infrequently manifested by our own countrymen as well as others and which is too often the prolific parent of the troubles and disasters which harass the inter-island trade.18

His enthusiasm not infrequently carried him away, and he was led into committing acts which his superiors in Downing Street regarded as injudicious. Upon his return to Fiji he became better acquainted with its political structure, and soon realized that Cakobau had not been competent to make an offer of cession for the whole group. This was a defect he considered could easily be remedied and at Levuka on 14 December 1859, after discussion lasting a couple of days, the offer was renewed by an assembly of chiefs representing all parts of Fiji. Nor was this all. The following day he negotiated a 'General Treaty' by which he hoped to define the relations between Europeans and Fijians. It included clauses granting to British subjects full commercial and legal privileges and the right to hold land. It also established liberty of religion and the cessation of such barbarisms as cannibalism, infanticide, and human sacrifice.19 Pritchard himself was granted full magisterial powers, and was 'unanimously and urgently requested... to assume the management of the political and commercial affairs'. Such

18 Pritchard to Malmesbury, 8 February 1859 - FO 58/90.
19 Wodehouse to Rogers, 2 July 1860, enclosing Pritchard to Russell, 31 July 1859 - CO83/1. This is also printed in [2995] of 1862, PP, XXXVI.
decisive action appalled the Foreign Office, and Lord John Russell demanded an explanation forthwith:

...it appears...you have by anticipation not only procured a provisional cession of the Fiji islands to Great Britain, but you have likewise procured the enactment of a law giving to yourself 'full, unreserved, entire and supreme authority and power to govern Fiji', and to make what laws you please.\textsuperscript{20}

But by this time the decision to send Smythe to examine the situation more completely had been taken, and it was agreed that no policy could be enunciated until his report was to hand. But Sir Frederick Rogers, Permanent Under-Secretary at the Colonial Office, was prepared to admit there might be something worthwhile in Pritchard's accomplishments:

...if...the consul be acting \textit{bona fide} I am not sure that this enlargement is in itself to be condemned.\textsuperscript{21}

Smythe's instructions, however, consisted mainly of warnings on all the matters which might have weighed with him in pressing acceptance of the offer. For instance, the missionaries had done much fine work but I must caution you not to suffer your sympathy...or your admiration of their achievements, to affect your judgement.... The hope of conversion of a people to Christianity, however specious, must not be made a reason for increasing the British dominions.

Instead, Smythe was to be guided by 'the motives of ordinary expediency which direct the national policy'. The possibilities of growing cotton were touched upon, but against them were to be weighed the problems of ownership of land, of the adequate supply of labour, and of the expense involved in establishing a government. Smythe's case would have needed to have been absolutely watertight had he recommended annexation in the

\textsuperscript{20} Russell to Pritchard - 20 August 1860 - FO58/92.

\textsuperscript{21} Roger's minute on Wodehouse to Rogers, 2 July 1860 - CO83/1.
face of such a formidable list of obstacles.\textsuperscript{22} It is therefore not surprising that he recommended the offer should be refused; he suggested instead, as if by way of excuse, that the beneficial effect of missionary teaching would probably be more real and permanent the more gradual was the process of christianization:

Judging from the present state of the Sandwich Islands and the former condition of Tahiti, it would seem that the resources of the Pacific Islands can best be developed, and the welfare of their inhabitants secured, by a native government aided by the counsels of respectable Europeans.\textsuperscript{23}

This was an opinion he was to change.

ASIDE from the question of the offer of cession, Smythe claimed that it was essential to both British and Fijian interests that Pritchard should be removed from his post as consul - apart from any defects in his character his high-handed conduct towards the Fijian chiefs could be productive of much mischief.\textsuperscript{24} Smythe considered any action on his own part to be outside his terms of reference, and it was necessary therefore for another commission to be constituted, but it did not reach Fiji until July 1862. During the interim Pritchard was not idle.

In October 1861 he wrote to inform his superiors that he had been induced for the general welfare of the community as well as for the special aid of Her Majesty's subjects to initiate a court more equal to the requirements of the times than the consular court that hitherto has

\begin{itemize}
  \item \textsuperscript{22} Instructions addressed to Colonel Smythe, Royal Artillery, by his Grace, the Duke of Newcastle, 23 December 1859 - CO83/1.
  \item \textsuperscript{23} Smythe to Newcastle, 1 May 1861 - \textit{ibid}.
  \item \textsuperscript{24} Smythe to Newcastle (confidential), 9 November 1860 - \textit{ibid}.
\end{itemize}
adjudicated on disputed questions'. The court was styled the 'Mercantile Court of Fiji' and was to consist of at least three resident merchants or traders presided over by the consul or vice-consul. Decisions were to be unanimous and in the event of unanimity being impossible a new court was to be summoned. Pritchard maintained that his court would protect claimants from the violent personal jealousies so prevalent in small and isolated communities, that the example of systematic regulation of European differences would have a salutary effect upon the Fijians, and that responsibility for decisions would be transferred from the consul alone to at least four persons.

However reasonable these arrangements may appear on the surface, a little reflection in the light of the circumstances within which they were supposed to operate will show how unlikely they were to be productive of any useful result. One of their main purposes was to protect claimants from the violent animosities of fellow traders, or planters, and yet they were the very ones who were to adjudicate. Even had Pritchard been able to assemble a court the members of which would have approached their task unprejudiced, their verdict would always have left someone unsatisfied and

25 In Polynesian Reminiscences (250), Pritchard complained that some of his countrymen considered his duty was invariably to decide land claims in favour of the white man because he was white, without any regard to the justice of the Fijians' case. 'Hence while doing all in my power to further the interests of the country and to develop its resources, I made some bitter enemies....'

This was undoubtedly one of the reasons which 'induced' him to call the meeting at which he put forward his scheme which he claims was unanimously accepted. The planters and merchants of Fiji always showed a tendency 'unanimously' to accept something and then just as unanimously to refuse to cooperate.

26 Pritchard to Russell, 21 October 1861 - F058/94.
therefore ready to give vent to the unbridled passions which he was so anxious to avoid. The settler community was too little organized in 1860 for such a scheme to have been hopeful of success. Only strong measures were likely to prevail, but Pritchard, who had never received explicit instructions regarding his course of action in Fiji, decided that if the traders and planters were involved to some degree in the regulation of their own affairs, his own actions would meet with less opprobrium and he would therefore be a more effective consular official.

Needless to say the Foreign Office did not approve, as it did not approve of his demanding that British vessels employed solely within Fiji and having no register should be required to obtain a 'sailing letter' from him. 'This is another instance of the danger of leaving at Fiji a man like Mr Pritchard who without previous authority from hence exercises powers which are calculated to involve us in trouble....' By this time, however, it was determined that nothing further would be done until the commission sent to inquire into his conduct had submitted its report. The Duke of Newcastle had requested Sir John Young, the governor of New South Wales, to constitute the commission of investigation, and Lieutenant-Colonel J.F. Kempt of H.M. 12th Regiment, Assistant Commissary-General Philip Rolleston, and R.M. Isaacs, LL.D., 'one of the acutest lawyers at the bar, whose services could not be acquired for less than ten guineas a day with

27 Minute by J.M. on Pritchard to Russell, 1 January 1862 - FO58/96.
all expenses...', reached Fiji in July 1862; they immediately began a most exhaustive enquiry, and examined witnesses in all parts of the group except Macuata and northern Viti Levu. They were armed with a memorandum listing twelve charges alleging peculation and excessive interference in the affairs of the Fijians. As they advanced in their work, they became more dissatisfied with Pritchard's fitness to remain consul, and a pretty clear case of his trying to deceive them did nothing to restore their confidence. Cakobau's own testimony concerning the assembly of chiefs which ratified the 1858 offer of cession in December 1859, and Waterhouse's concerning the actions of the Tui Cakau in this respect, both pointed to the use of strong-arm tactics, and the commissioners were unanimous that Pritchard should be suspended.

His best efforts had resulted in no great benefit to the country, but the blame was not entirely his. With the limited resources at his disposal, he could never have accomplished much, and must indeed have been

28 Young to Newcastle, 12 May 1862 - FO58/108. The Colonial Secretary had requested that the commission consist of an army officer of rank not less than captain, an officer of the commissariat, and a lawyer: one of the causes for delay was Young's difficulty in assembling the persons required by his instructions.

29 Memorandum for the guidance of the commission appointed to inquire into the conduct of Consul Pritchard at the Fiji Islands, 15 March 1862 - ibid.

30 FO58/108 (folio 258); Pritchard to Newcastle, 21 August 1862; Young to Rogers, 22 September 1862 - ibid.

31 Pritchard to Young, 21 August 1862, and Pritchard to Russell, 21 December 1863 - ibid. The report of the commission, with attached memoranda, is also in FO58/108. The originals of the report went down with the ship Colombo on their way to England, and all the evidence would presumably have been lost had Young not had it printed in Sydney. The commission's decision was not approved officially until 6 February 1863, by which time Pritchard had already left Fiji.
a man of considerable energy and ability to have done what he did. He accurately analysed the Fijian situation when he said that the mutual jealousies of the chiefs made it impossible for them to frame laws for the general regulation of their own society, let alone for the protection of foreign interest. Having made this analysis he tried to supply the necessary laws by manipulating the Fijian chiefs in a manner which was not altogether scrupulous. Had he been supported with explicit instructions and constructive rather than destructive criticism from the Foreign Office, his activities might have been more significant - as it was he opened the way to a decade in which trade and commerce were to flourish and the problems which he had attempted to solve were to reappear with an urgency which made it impossible for them to be ignored.

PRITCHARD'S departure from Fiji necessitated the appointment of a temporary officer, and Sir John Young managed to persuade a somewhat reluctant William Owen to act until such time as Captain Jones should arrive from England, and he remained in Fiji for eighteen months before his health forced him to leave the tropics. In that time he saw the beginnings of the economic prosperity which was to cause the rush to Fiji at the end of the decade. Coconut-oil was still the most valuable export but coffee, cocoa, and various spices were found to grow well, and bicho do mar and turtle shell, though declining, were still significant. Cotton, of course, was

32 Pritchard to Newcastle, 25 February 1861 - FO58/108.

33 William Owen, an Adelaide merchant and shipowner, had some experience of Fiji in the early 'fifties - he had proposed to sell Cakobau a ketch in 1852 and had attended his formal investiture as Vunivalu of Bau in 1853. He left Fiji on 1 July 1864 - Owen to Russell, 30 June 1864, F4/Letterbook 1863-65, 64/61.
developing rapidly. 34

On the rare occasions when Owen found it necessary to interfere on behalf of settlers he showed himself quite as capable as Pritchard of being brusque with the Fijians. The Foreign Office might not have been quite so dissatisfied with Pritchard had they realized how strongly worded a request was needed to secure any sort of action:

...the natives...are stealing from and otherwise annoying... white men.... I speak for the last time - if the white men under my protection are not allowed to live in peace and quietness I will fine you a large sum of money...you shall be taught that the white man must not be offended. I will hold only yourself accountable for the bad conduct of your people.

One of the most interesting cases involved an arrangement with the Tui Levuka whereby Captain Barrack should take charge of a youth convicted of theft and put him to work in the service of the Somosomo Oil Company for six months, a method of procedure, which, when employed by the independent Cakobau government some eight years later, was considered

34 Report on the productions and commerce of the Fiji Islands for the half year ending 30 June 1863, enclosed in Owen to Russell, 11 July 1863 - F4/Letterbook 1863-65, 63/61; Navigation and Commerce Annual Report for year ending 30 September 1863, enclosed in Brower to Seward, 30 September 1863 - USCL.

Both the American and British consuls made annual reports, but unfortunately they cannot be regarded as accurate because of their limited sources of information. The figures can probably be regarded as under-estimates, and where items appear in the report of one consul and not in the other, it is reasonable to assume ignorance of its existence on the part of the consul concerned. Brower, for instance, mentions 6000 lbs. of wool being sent to Australia; this almost certainly came from his own estate at Wakaya and if the ship carrying it to the colonies did not touch at Levuka, Owen would have been unaware of its departure.
illegal by the authorities of the British Crown. 35

Captain Henry M. Jones, V.C., Pritchard's successor, was six months in Sydney before he set off for Fiji; he spent some weeks at Nuku'alofa and Somosomo before reaching Levuka more than a year after he had been gazetted consul. 36 Once in Fiji he displayed quite as much energy as his predecessor, and also proved himself equally prone to the use of strong-arm tactics in his efforts to get the Fijian chiefs to do his will. He applied himself to the problem of the supply of labour, which, as the number of European settlers increased and the Fijians decided they did not like plantation work, rapidly became acute, but his greatest efforts were directed towards establishing the unity he maintained was necessary to the ultimate prosperity of the group.

Early in May 1865 he persuaded the principal chiefs to gather in Levuka where he endeavoured to convince them of the advantages to be gained from peace and some sort of cooperation between the tribes - they at length agreed to form a confederation with an annually elected president. Jones considered this to be as near an approach to centralized government as was possible at the time, because of the jealousy of each chief for his own independence, and that Cakobau had been elected president, not because

35 Owen to the Vunivalu of Serua, 1 May 1863; Owen to Barrack, 7 August 1863 - F4/Letterbook 1863-65.

Seemann, op. cit., 286, mentions two planters at Somosomo having set up machinery to extract oil from coconuts, and Alexander Barrack, who ran a plantation at Savusavu and later figured in one of the ministries of the Cakobau government, was probably a partner.

36 Jones to Russell, 4 October 1864 - F4/Letterbook 1863-65, 64/82.
of any superiority but rather from a 'superstitious veneration'. He seems consistently to have underestimated the conservative forces at work in Fijian society, and to have been ignorant of Cakobau's real power to an extent which Pritchard, with his greater experience of Pacific societies, would never have been. In 1865 any sort of overt cooperation between chiefs would have been impossible without Cakobau at the head, though with or without Cakobau, the confederation was doomed to failure - traditional political methods were still in the too recent past for so sophisticated a political form as a constitutional confederation to have worked, and even Cakobau remained unconvinced that it would serve his interests. Any measures which appear attributable to the confederation, actually originated with Jones, and eventually even he realized that his idea was premature.

The confederation did not technically collapse until 1867 when the meeting of chiefs failed to elect a president. Cakobau was naturally unwilling to permit anyone to occupy a position which could possibly have been construed as being superior to his own, and the other chiefs were afraid that if Cakobau continued to be president, Bau might establish some sort of pre-emptive right to the post.

Jones, by this time, was preparing to leave Fiji and was not able to influence the chiefs, but his efforts had been an example to the planters who decided to do something about the problem themselves. The

37 Jones to Clarendon, 24 November 1865 - ibid., 65/223.

38 For the many letters which Jones wrote to various chiefs exhorting them to conform to the principles laid down by the constitution of the confederation, see F4/Native letterbook 1865-69, and particularly Jones to Buli Solevu, 20 May 1865, and Jones to Cakobau, 7 June 1865.

The kingdom of Bau and its Dependencies came into being as the result of a meeting of the planters of Rewa and surrounding districts on 13 and 14 February 1867. Amid much ill-founded enthusiasm they put forward a constitution and laws which set out nothing less than a scheme of responsible government under a constitutional monarch. It was proposed that the provisions should be put into effect the following May, and S.A. St John, one of the prime movers, said that the general approbation which the principles elicited from the European population was 'most cordially responded to by the King and his principal chiefs when the laws were read and explained to them'. When the time came, however, the settlers' ardour had cooled somewhat - direct taxation of the European population was one of the provisions of the constitution and they were no longer confident in the good faith of St John and W.H. Drew, his assistant. The result was that none of the provisions of the constitution was ever effectively put into operation.

But although the only real significance of the Bau constitution of 1867 was that it formed the basis of the later constitution of 1871 and was the first Fijian code to look to the constitutional legislation

40 The kingdom comprised only those areas which acknowledged direct allegiance to Cakobau: Bau itself, Rewa, Verata, and north-eastern Viti Levu, and the islands of Lomaiviti including Beqa.

41 St John to Thurston, 15 February 1867 - Fiji/British Consulate Papers, Miscellaneous 1862-70.

St John was an American who arrived in Fiji in the early 'fifties. He married a woman from Bau and was said to be an ardent believer in Cakobau's claim to the sovereignty of Fiji by divine right - Derrick, op. cit., 163.

42 William Hoskins Drew was a young Englishman who had become Cakobau's commercial agent in 1866. He was to worm his way in and out of his confidence several times in the next few years, before becoming a secretary in the Ministry for Native Affairs in 1871.
of Hawaii for inspiration, the embarrassments of the kingdom did not end with the demise of its constitution. In June 1867 the USS Tuscarora, the first American warship to appear in Fijian waters since before the Civil War, anchored at Levuka and there proceeded to reinvestigate the claims of 1849. On 12 June an 'indenture' was entered into whereby Cakobau agreed to pay the sum outstanding of $43,564 over the next four years in four equal instalments. As security the islands of Moturiki, Batiki and Nairai, three fertile islands in the Koro Sea, were to be held by the United States government. Cakobau was no more likely to be able to pay the indemnity in instalments than in a lump sum, but once again he was brow-beaten into putting his hand to an agreement to which he could not hope to adhere. When the first instalment fell due, St John informed the American consul that it could not be paid; Prichette informed the Secretary of State that such would continue to be the case unless Cakobau were forced into action:

...he seems to rely upon his well-known address in temporizing and in postponing his engagements, as well as upon the presumed continued leniency and forbearance of the government of the United States. It appears certain that unless strong measures are taken...the liquidation...will be protracted beyond the lifetime of the complainants.

43 Brower to Seward, 10 July 1867 - USCL.

44 Kleintzing Prichette was appointed consul at Levuka on 8 March 1867 as a result of repeated requests from Brower that he be relieved. Prichette arrived in Levuka on 30 November 1867 but was not to last long. His scandalous behaviour and intemperate habits which frequently placed his life in jeopardy from repeated attacks of delirium tremens, wrote Brower, rendered him quite unsuitable for the post, and Brower was reappointed on 11 March 1868 - Brower to Seward (private), 8 July 1868, with a memorandum by the Consular Bureau, 11 December 1869, attached - ibid.

45 Prichette to Seward, 27 January 1868 - ibid.
The claims were eventually settled, but the $1,373 received by Brower on 12 March 1868 was the only money ever paid by Cakobau to the government of the United States. Great efforts had been made, according to J.B. Thurston, whom Jones had appointed to act as British consul when he left for England, to meet the first instalment, but the sum demanded exceeded the resources of the Fijians:

...when the result of this first default is realized, I am of opinion that the blow to the chiefs and people will be so great that, with an apathy common to Polynesians in moments of adversity, they will relinquish all further attempts to meet this liability....

Under such circumstances Thurston feared the United States government would be permitted to take possession of the islands given as security and to offer them to be sold at public auction in Sydney or Melbourne. At this critical juncture D.L. Evans and W.H. O'Halloran Brewer arrived in Fiji. They came as agents of a development company recently formed in Melbourne to take advantage of the boom conditions in the group. It was remembered that in 1858 Cakobau had offered Great Britain 200,000 acres of land in return for the liquidation of the American debt, and it was hoped that he could still be persuaded to make a similar offer. The

46 John Bates Thurston (1836-97) settled in Australia in 1856 after having served some time in the British merchant service. He farmed near Sydney but was flooded out and took to the sea again, sailing to Western Australia, Mauritius, and New Zealand before being wrecked at Rotumah in 1863. The mission brig John Wesley took him to Fiji and Jones persuaded him to stay. He remained on Ovalau until March relieved him in 1869, when he retired to a newly acquired plantation on Taveuni, where he developed some influence with the Tui Cakau. After cession he became Registrar-General, Chief Secretary, and finally Governor of Fiji and High Commissioner for the Western Pacific in 1888. See Thurston to Stanmore, 15 January 1896 - CO83/66.

47 Thurston to Stanley, 12 May 1868 - F4/Letterbook 1866-69, 68/70.
provisions of the charter were such as to have made the more conservative
doubtful, but the energy of the promoters secured the subscription of the
necessary capital. 48 By the simple device of getting him drunk, 49 Cakobau
was induced to sign a charter on board the Albion, the ship in which Evans
and Brewer had gone down from Melbourne, giving the company powers more
extensive than those enjoyed by the East India Company. Land, including
what amounted to the whole of the north-eastern corner of Viti Levu, a
block extending from Suva to the Navua river, Moturiki, Beqa, and a block
at Natewa Bay in Cakaudrove, was made over in perpetuity in return for
payment of the American claims. In return for an annuity of £200 per
annum Cakobau granted freedom from all export and import duties and other
taxes, together with a banking monopoly, and the right to make such laws
as 'the Company shall consider just, equitable, and right'. 50

Evans and Brewer were not permitted to get away with their charter
as easily as they might have hoped. Thurston protested against all its
provisions, and demanded that nothing more be done until the arrival of

48 Thurston to Cakobau, 25 May 1868 - Fl/Misc., 26; J.H.T. Manners
Sutton to Granville, 17 June 1869, mentions the efforts of General
Latham, the American consul in Melbourne. He had presumably been
in some sort of contact with Fiji, but there is no official
 correspondence between Levuka and Melbourne in the consular records,
and the tone of Brower's letter to Seward, dated 16 October 1868,
indicates that he had had no previous knowledge of the company's
proposals.

49 Thurston recorded, in a letter to Commodore Lambert, how Cakobau
appeared in his office about three o'clock in the afternoon, after
having been treated to a champagne breakfast, that he remained seated
in silence for about five minutes, and then left in a condition
which rendered him quite unfit for business of any description -
Thurston to Lambert, 1 June 1868, F4/Letterbook 1866-69, 68/58.

50 Charter of the Polynesian Land Company, 23 May 1868 - (H.C. 435)
1871, PP, XLVII.
Commodore Lambert, whom he expected before the end of June. The privileges given to the company had been given hastily and without the careful deliberation such momentous decisions demanded; the grants of land included territory which had never been subject to Cakobau's control and most of which was in fact occupied by independent tribes in arms to prevent his invasion of their country; they were illegal according both to Fijian and English law and would occasion serious complication between the agents of the company and the present land holders. All of which was perfectly true. Cakobau was stripped of all control, but left with the responsibility; had the charter ever been put into operation the effect on development would have been disastrous. Cakobau no more had 200,000 acres to give away in 1868 than in 1858, but the value of what land there was had increased tremendously, and if one group of speculators had got their hands on all of it, commerce and trade would have been strangled. Another charter was drawn up but Thurston was no more satisfied with it than with the first:

...the Delegates were mere adventurers endeavouring...to float a bubble speculation for their own interests...Mr Brewer...made false and exaggerated statements respecting the trade and commerce of Fiji...[and] in the presence of his colleague on the night of our interview on board the Albion informed me when I expressed my disapprobation of the charter, that he had been authorized...to tell me, a number of shares in the company would be reserved for my acceptance, and on the successful termination of the company's negotiations I should receive a more material recognition of their regard.52

Thurston was not a man to be bribed, and the directors had to depart for Melbourne with no more than his warning that Cakobau would prove unable to

51 Thurston to Cakobau, 25 May 1868 - Fl/Misc., 26; Thurston to Evans and Brewer, 25 May 1868 - F4/Letterbook 1866-69, 68/40.

52 Thurston to Stanley, 19 October 1868 - ibid., 68/123. [The underlining is Thurston's.]
carry out the terms of the charter, and that the company would run into extreme difficulties in taking up the land supposedly theirs - a warning which proved only too accurate. Stories filtered back to Melbourne that shareholders were not being given their land, and the already dubious reputation of the directorate collapsed completely. But, phoenix-like, it rose reorganized and renewed in time to meet the final settlement with the United States government. Thurston described the event in a letter to Captain Hope, and also made clear what he thought of the methods of the directors:

...J.S. Butters, late mayor of Melbourne and diamond mine swindler, came down as plenipo. Being all scoundrels together the company, by next boat, sent down three commissioners to look after the plenipo.

The 'commissioners' interviewed Brower while Butters was absent from Levuka and finally paid over the money; when Butters returned he was most irate that the money had been paid without any proper settlement having been reached. However, neither Brower nor Cakobau was particularly interested, both having been rid of a burden they had borne for nearly twenty years, and there was little that the disappointed shareholders could do.\footnote{Thurston to Hope, 23 June 1870 - Hope, 'Letter Journals' III. Thurston also described some of the methods by which investors were induced to put up capital in Melbourne:}

...shareholders come down, swear a bit, and go back to Melbourne. Mrs Fitzgibbon is still here and is regarded by deluded shareholders as the source of all their evil. She actually went up to Melbourne, attended meetings, praised the company and its prospects, told everyone there were beautiful roads in Viti Levu Bay, and sent down a buggy as a blind - shares went up like smoke on a calm day and... sold out absolutely.
far as America was concerned. The Polynesia Company continued to press its claims on each succeeding government in Fiji and eventually gained control of a certain amount of land in Suva harbour, and the £9,000 it had paid the American government was repaid by the colonial government on the recommendation of Sir Hercules Robinson, but its charter was never put into operation.  

The kingdom of Bau was a complete failure, but the same is not true of all political activity resulting from the collapse of Jones's confederation. In Lau, Ma'afuotu'itonga, or Henele Ma'afu as he was called in Fiji, established, with the aid of capable European advisers, a political system well suited to the needs of both settler and native.

MA'AFU, a cousin of George Tupou, was sent to Fiji when the latter became King of Tonga in 1845 at the end of a long period of political upheaval. Having decided that Ma'afu still represented a possible focus for opposition to the strengthening and unification of Tonga, which it was his aim to accomplish, Tupou sent Ma'afu to control the increasingly numerous Tongans in Fiji, who also represented a threat to Tongan stability, and within a very short time his political acumen, combined with the weakness of the Tui Nayau, enabled him to become master of Lau. The decisive Tongan interference at Kaba left Ma'afu in a position of singular influence and prestige which he was to exploit to its limits in the succeeding years. His whole career in Fiji was marked by a series of astute manoeuvres aimed

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54 See C.W. Hope, 'Strictures on the activities of American agents in connexion with the claims', and 'Sketches in Polynesia - Fiji' - Blackwood's Magazine, May and July 1869; Truxton to Robeson (Secretary of the Navy), 24 October 1869 - USCL; Thurston to Hope, 18 December 1869, enclosing 'Report of the Court of Inquiry, 28 October 1869' - Hope, 'Letter Journals' III; Robinson to Carnarvon, 20 October 1874 - FCSO.
at establishing certain well-defined objectives, in contrast to Cakobau, who tended to deal with each decision as it arose without endeavouring to work out a long-term policy. 55

Ma'afu never attempted the impossible though there is little doubt that at one stage he dreamed of uniting Fiji under his rule, and at another of ruling Tonga together with the Lau islands. Seemann said that he never espoused a cause on its own merits and that his usual method was to assist the weaker against the stronger of two antagonists, defeat the stronger, and then turn on his allies. 56 He was able to do this because he was capable of maintaining a loyal and devoted body of followers behind him upon whom he could call with the utmost confidence, secure in the knowledge that they were not plotting some petty alliance with some very short-term purpose in mind. By the end of the 'fifties he had extended his influence over the chiefs of Vanua Levu, so that his power was second only to that of Cakobau. He conquered the island of Beqa and occupied the northern coast of Viti Levu. He then planned some sort of pincer movement the object of which was to defeat Bau, but was prevented from plunging the whole group once more into war on a large scale by the arrival of Pritchard. 57

Ma'afu's first attempt at extended political control after the collapse of the 1865 confederation was a confederation of his own. Na Tovata ko no Tokalau kei Viti, the North-eastern Confederation, came into

55 See Seemann, Viti, chapter 15; Derrick, History of Fiji, chapter 10.
56 Seemann, op. cit., 243.
57 See Pritchard to Russell, 8 April 1862, with its enclosures from Calvert, Brower, the American consul, and Bréhéret, the Roman Catholic missionary; idem, 15 May 1862 - F058/96.
being on 13 February 1867, the same day that the formation of the Kingdom of Bau was being considered in the west, and like the Kingdom, it quickly became ineffective. The reason for this was that Ma'afu did not gauge closely enough the opposition to his increased authority. Unlike Cakobau, who held his position as of right, having struggled for it within the traditional political and social structure of Fijian society, Ma'afu had continually to exert himself to maintain his position. As a newcomer and a foreigner he was hated and resented by the Fijians, which was something he forgot in 1867. He realized that the main defect of Jones's confederation had been the lack of power in the hands of the 'federal' authority because he had been the cause of it, refusing to submit himself to any sort of control. It did not occur to him that there could be similar difficulties caused by the chiefs of the north-east, and he secured the establishment of an assembly of chiefs, under a Chieftain Supreme, with the powers necessary to levy taxes for 'federal' purposes, although individual chiefs retained full control of internal matters; the assembly was also vested with supreme judicial authority and a right of appeal from all parts of the confederation was provided for. But when Ma'afu tried to persuade the Tui Nayau to join the confederation he refused, partly from a desire not to be dominated and partly because he was influenced by the missionaries whom Ma'afu had

58 A copy of the constitution is in Fl/Misc., 12. Morrell, op. cit., 143, and Legge, op. cit., state that Tui Cakau was the Chieftain Supreme in the beginning; Derrick and Henderson do not mention this, and it seems unlikely that Ma'afu would tailor a position to suit himself so perfectly and then permit someone else to hold it, particularly someone closely related to Cakobau. This is also in direct contradiction to the 1871 Australian print of the new constitution which says that Ma'afu was chosen head of the confederation, with Tui Cakau as his aide. See also Swanston to Thurston, 1 March 1867, and Swanston to Cakobau (or his secretary) 26 February 1867 - Fl/Misc., 12.
antagonized by using the excuse of protecting the Christians in Moala, Totoya, and Matuku to establish his authority over them in the late 'forties. The letter of the chiefs of Lau contained a somewhat lame excuse for not wishing to join the confederation:

...we are met here at Vatuaqa, we have read the document brought by you and Mr Swanston,\(^{59}\) it is beyond our powers, we cannot confederate because we are weak people and cannot confederate with powerful chiefs; we wish to stand alone and worship God, we beg that you will not be annoyed we do not separate ourselves from you, \(\text{[but]}\) we cannot be of the confederation.\(^{60}\)

R.S. Swanston, Ma'afu's secretary, who exercised considerable influence, particularly with regard to the European community, maintained that the consequence of the Tui Nayau's refusal would be the end of the confederation, and that Lau (meaning the Tui Nayau), and Bua (whose chief was of Tongan extraction), would come directly under the influence of Tonga.\(^{61}\)

For the moment Ma'afu's energy failed him, and the confederation fell into abeyance:

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\(^{59}\) Presumably the constitution of 13 February 1867.

\(^{60}\) Edward, Tui Nayau, Lote Loganimoce, and Joni Wesele to Ma'afu (translation), 28 May 1867 - F4/Miscellaneous papers 1862-69.

\(^{61}\) Minute by Swanston attached to Tui Nayau etc. to Ma'afu, 28 May 1867 - \textit{ibid.}

Robert Sherson Swanston was the son of a soldier and born at Travancore in India. In 1849 he went to California, presumably in search of gold, and left in 1856, possibly with the intention of making his way to the Australian fields. However he stopped in Samoa, where he was for a time in charge of the US consulate before reaching Fiji in 1857. He had held office as Hawaiian consul (presumably having made contact with the Hawaiian authorities on his way to Samoa), and had acted as British consul (unrecognized by the Foreign Office) for a short time during Pritchard's term of office.
...because of the continued outcry raised against me by many of the foreigners resident in Fiji, that I am the root of all evil in Fiji; and because the Lau chiefs have decided to abandon the confederation, and because Tui Cakau is wavering in his adhesion...and because...in my opinion, quarrels...among the different chiefdoms of Fiji are imminent, I write to tell you that I intend never again to meddle in the management [of any chiefdom west of Lau]. What I have done in times passed [sic] in the political troubles of Fiji has been done with the desire to aid the chieftains in preserving order...62

However it did not take long for the diplomat to get the better of the pessimist; Swanston, in a letter to Thurston, reveals some of Ma'afu's methods. He apparently met Cakobau at Moturiki where the American claims were discussed and Cakobau regretted having abandoned his association with the Tongans, confessing that his European advisers had abandoned him. Ma'afu blamed him for seeking Pritchard's advice and reminded him of a previous agreement they had made to pay the claims between them. There is no record of this extraordinary notion, and it is highly unlikely that Ma'afu in 1861, when his plans could hardly be described as solicitous of Cakobau's welfare, would voluntarily have assumed responsibility for a debt with which he had never had anything to do. As if this were not enough indication of Ma'afu's duplicity, Swanston then quotes him as saying:

...you whites will never be able to do anything with the Fijians, they cannot understand you and you cannot understand them and there never will be any confidence between you; towards us they lean, we can manage them, put us in the middle and let us work together and Fiji will be at rest; try and handle these people yourselves and you will have endless trouble.63

Having made advances to the Fijians with one breath, with the next he proposed

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62 Ma'afu to Thurston, 15 September 1867; Swanston to Thurston, 25 September 1867 - F4/Miscellaneous papers 1862-69.

63 Swanston to Thurston, 29 February 1868 - ibid.
a scheme to gain the support of the Europeans in his plans for dominating
the Fijians. Ma'afu was in fact pursuing a temporizing policy; uncertain
whether his future lay in Lau (possibly united with Tonga), or in Fiji as
a whole, he wished to keep all courses of action open. His position as
paramount chief in eastern Fiji only emerged gradually, and each stage
was cemented with a written agreement of some sort, the precise relation
to each other of which is somewhat difficult to elucidate.

In February 1869 he redefined his position in Lau by signing an
agreement with the Tui Nayau whereby the islands within the reef at Vanua
Balavu, together with Tuvuca, Moala, Totoya, and Matuku, paid taxes to
himself in his capacity as Tui Lau; the other islands in Lau continued
to pay their taxes to the Tui Nayau, who owed an annual tribute to Ma'afu.
An annual meeting made laws for the 'confederacy' although the Lakeba chiefs
remained responsible for the internal control of their 'province'.

This Lau Confederation, or Tovata ko Lau, gave Ma'afu within Lau the
considerable executive powers he had sought from the North-eastern Confederation
in 1867, and which he had failed to acquire because of the Tui Nayau's
reluctance, either to antagonize the missionaries, or to interfere with
his relations with Tonga. The Tui Nayau's attitude had been enough to
scare off both the Tui Bua and the Tui Cakau, and Ma'afu's success in 1869

64 Neither this agreement, nor a previous one to which it refers, is
available. There is supposed to be in the Fiji Archives a document
entitled 'Na Veibubului ni Turaga me dua vata ko Lau', an agreement
signed by Lau chiefs forming a united Chiefdom of Lau, dated 15
February 1869 (F1/Misc., 17), but it has been mislaid. G.C. Henderson,
'A History of Government in Fiji, 1760-1875' II, 124, quotes it
verbatim, and I have been forced to use this as my source. The earlier
agreement is even more problematical because there is no trace of
it at all. Presumably it was an agreement into which the Tui Nayau
was forced soon after he withdrew from the North-eastern Confederation
on 28 May 1867 (see above, footnote 59).
was due to his having persuaded Tupou formally to vest all Tongan authority in Fiji in himself, and to terminate the treaties made with Bua and Lakeba in 1865. As a result of this changed situation the North-eastern Confederation was re-established as the *Tovata e Viti*, and the constitution of the *Tovata ko Lau* was considerably revised.

The constitution of the *Tovata e Viti*, is not of such interest as that of the *Tovata ko Lau* which it follows fairly closely, except in providing that the powers of the confederate chiefs were preserved intact within their own dominions. Within Lau Ma'afu did not have to be so careful; his position within the chiefdom was by this time so secure that he was able to ignore the susceptibilities of the Tui Nayau in a way that would have been dangerous with the chiefs of the *Tovata e Viti*. Consequently there are features, particularly concerning the organization of land and the participation of European settlers within the general structure of government established by the constitution, which reveal considerable imagination and political acumen on Ma'afu's part:

XIV After the lands are apportioned out to the native taxpayers, the residue shall be considered as government lands, and the head of the chiefdom shall have the sole control thereof...

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65 Treaties between Bua and Tonga, 3 January 1865, and Lakeba and Tonga, 14 February 1865 - F4/Register of Miscellaneous Documents 1858-67; Tupou Ha'abai (Secretary to the Government of Tonga) to Thurston, 4 February 1869 [two letters], and 22 April 1869 - F4/Miscellaneous papers 1862-69.

The *Fiji Times*, 2 July 1870, reported a meeting of the chiefs of Lau which discussed clauses of laws passed in 1869, 'in order that the object in making the said laws should the more effectually be secured'.

66 The constitution and laws of the *Tovata e Viti* were printed and published in Sydney in 1871.
XV It shall be lawful for the Tui Lau to lease all public lands...500 acres shall be the limit of any land that it shall be lawful to lease to any one person...

Whether or not the chiefs could arrogate to themselves powers of alienating land at this time, is something which will probably never be known. The situation with regard to the Lovoni lands on Ovalau in 1871 indicates that Cakobau was able to do so, whether he was entitled to or not. The action taken by the colonial government in respect of these particular lands, and the general principles which it laid down as representing the status quo in traditional society, do not alter the fact that the Lovoni were dispossessed of their lands in 1871 and that they accepted the situation as something about which they could do nothing. And once Ma'afu had established the principle that he could dispose of all land not being used by the Fijians he was in an excellent position to deal with the European settlers, who wanted land, and whom he wanted to take their place within the governmental structure:

LXX Inasmuch as in making laws for Lau, and for the confederation the interests of two races of different habits, resident in Fiji have to be considered; and as laws may be necessary for the native races which could not be enforced without injustice against the whites, I, Ma'afu, the Tui Lau and leader of the confederated chiefs...do now grant to any committee, nominated by the whites of Lau for that purpose, the right of veto, as regards the application against whites...any law passed in the Lau or Tovata assembly...inconsistent with the feelings and privileges of their race.

This was a well-considered clause from Ma'afu's point of view. It served the purpose of securing European support but also made the exercise of the veto as difficult as possible, because the committee had to be unanimous.

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67 A copy of the constitution, dated 1871, is at FMS/2(1). The Fiji Times, 7 January 1871, reported a meeting held at Lomaloma before Christmas 1870, which considered what part the settlers would play in the confederation.
in its opinion. But Ma'afu had no intention of antagonizing the Europeans anyway, and the main safeguard was that the unanimity required made disruptive influence by irresponsible Europeans unlikely.

Although there is no direct evidence of the internal workings of the Lau confederation, the remarks of contemporaries such as Swanston, Forbes, and Britton, all compare its efficiency with the chaotic situation in the west. It is true that Ma'afu was not plagued with an unruly and irresponsible mob of Europeans such as congregated on the beach at Levuka, and there were no antagonistic and uncontrollable tribes in the interior of his territories such as the kai colo of Viti Levu. The Hennings and Ryder families were substantial planters who desired law and order and they dominated the European community; Hennings and Swanston had had considerable experience of settler problems which made them more useful to Ma'afu than Cakobau's advisers, who served him particularly badly. But even if the situation were less complicated than that facing Cakobau, Ma'afu seized upon its advantages; he was opposed by the missionaries but out-manoeuvred them with considerable skill; the chiefs of Vanua Levu as well as of Lau were unwilling to submit to his authority as head of the confederation, but he overcame their reluctance by careful negotiation. The result was that in 1870 the only area of Fiji which was not badly in need of government was that controlled by the tovata.

68 Neither St John nor Drew was possessed of Swanston's capabilities, and Cakobau's relations with them had proved pretty turbulent. St John went in and out of office several times before quitting Cakobau's service in high dudgeon, pressing an absurd claim for damages amounting to $4,000.
POLITICAL EXPERIMENTS

COMPARISON between the effective political organization in Lau and the somewhat chaotic situation in the areas owing allegiance to Bau was something which worried the European as well as the Fijian population of central Fiji in 1870. For this reason various attempts were made, either to reinvigorate the moribund constitution of 1867 or to institute some less ambitious scheme of government. The need for government was accepted without question; only the form it should take and its actual inception proved controversial.

In Levuka itself, apart from the general desire for a properly ordered society, there was developing a pride among more responsible citizens in the manifestations of civilized society which had begun to appear - a bathing pool for the ladies in which they could enjoy themselves in peaceful seclusion, an annual regatta to celebrate the New Year, debating circles and minstrel choirs, billiards matches with visiting champions from the colonies, and performances by the Levuka Repertory. These things lent to the town an air of civilized respectability, which the lack of a proper water supply and sanitary arrangements, the appalling state of the beach along which it was necessary to walk to get from one end of the town to the other, and the lack of a bridge over Totoga creek which divided the town in two and which was frequently a raging torrent, did nothing to sustain. The planters were not very concerned about the presence or absence of a bridge over Totoga creek and were even less interested in paying for it, but they did want a steady supply of plantation labour, and they did want
to feel reasonably secure against attack from the kai colo. Therefore they were prepared to cooperate with the merchants and traders in investigating the possibilities of establishing a government; the requirements of both sections of the settler community were not mutually exclusive.

The Fijians had their own reasons for wanting relations with the settler community more tightly organized. The structure of their society had suffered extensive changes at the hands of the Europeans, but a period of more or less passive acceptance of customs and institutions was coming to an end. When they saw coconut palms being felled to make way for cotton bushes, they began to understand what was happening to their land, and a major cause of friction in the years of the Cakobau régime, and indeed for many years after that, were disputes over the ownership of land. Cakobau himself had the much more immediate fear that his own power might be challenged. Even in 1870 he could not have been sure that Ma'afu did not plan to make a bid for control in central Fiji.

We have already seen that the important men in the merchant community were frequently planters as well and it is characteristic of the several proposals advanced between 1869 and 1871 that they were supported by a small group of men who could be described as a nucleus for political activity. The scheme set forth in a pamphlet addressed to the 'White Residents in Fiji' in April 1870 illustrates this point. There were thirty-seven signatures on the pamphlet of which thirteen were of men giving their place of residence as Levuka; the rest were from people scattered throughout the group, although western Viti Levu was not well-represented. Close inspection reveals a small number of both merchants and planters whose names were put in support of most political schemes during the next few
The Cakobau government of 1871 forms the climax to a period of considerable political activity in which many public meetings were convened.

1 A copy of the pamphlet was enclosed in March to Clarendon, 31 March 1870 - F058/118.

A.W. Hamilton (Taveuni), A. Barrack (Savusavu), R. Ryder (Mago), and N. Chalmers (Rewa) were planters who all later held office in the Cakobau government; O. Cudlip, T. Grover, W. Reece, and J. Glenny, all of Levuka, were conspicuous among the signatories of petitions and pamphlets with a political purpose at this time, and all sat in the Legislative Assembly of the Cakobau government; the three members of the Hennings family - W. Hennings (Lomaloma), F.W. Hennings (Levuka), and G. Hennings (Rewa) - and J.C. Smith (Levuka), were the most important of the families with both commercial and planting interests.

Professor Legge divides the political activity of this period into two different kinds depending upon whether planters or merchants were responsible. The former, assuming that the Fijians were a dying race and that it was only a matter of time before they inherited the land, endeavoured to persuade the chiefs to cooperate by controlling their subjects in the interests of European settlement. They did not attempt to establish the wider all-embracing government, characteristic of the 'considerable mercantile and professional community' striving 'to enforce agreed rules of behaviour upon the European population' during the later years of the cotton boom. Such a division is misleading, because the 1867 schemes in both Lau and Bau were more extensive in their application, and therefore presumably more 'all-embracing' than any which followed until June 1871. The 1867 constitution failed, not because of the absence of a merchant and trader community whose purpose required a system of government of the scope for which it provided, but because the European community as a whole had no confidence in it. And Ma'afu's confederations in the east, providing a similarly comprehensive system, succeeded because the settlers in Lau, who were predominantly planters, had full confidence in both Ma'afu and Swanston.

To differentiate between merchant- and planter-inspired activity in this way is also to obscure the essential difference between the Bau kingdom and the Cakobau government. The first belonged to the tradition of Pritchard and Jones; it was within the indigenous authority structure, albeit with the outward trappings of a western governmental system, and Cakobau became involved because one of its aims was to provide an adequate counter-balance to the political activities in Lau and Vanua Levu. The European community, apart from its suspicion of Cakobau's 'advisers', St John and Drew, were not, in 1867, in the desperate situation of 1871, and saw no need to support a scheme from which they would not benefit. See J.D. Legge, Britain in Fiji, 1858-1880, chapter 4, passim.
and many resolutions passed: the monarchs of Prussia, France, and Great Britain, and the president of the United States, were petitioned for protection or annexation; the possibility of establishing an 'independency' was discussed and found to be impracticable; and a charter erecting Levuka into a municipality was procured from Cakobau as a sort of last ditch measure at a stage when it was accepted that any more far-reaching scheme would die a premature death from want of support.

In March 1869 W.H. Drew attempted to reinvoke the 1867 constitution, and wrote to his father telling him of his supposed success:

...I have got the king to adopt a constitutional form of government...the country I have divided into districts...the chief of each district is governor, sergeant of police and sub-collector of revenue. White magistrates are...sub-collectors of taxes from the whites...2

The European community, however, had no more confidence in him in 1869 than it had in 1867 and once again nothing positive resulted. Shortly afterwards petitions were addressed to both the American and British government seeking protection.3 Thurston, who was still acting as British consul, was convinced that the directors of the Polynesia Company were behind the American petition, which he therefore considered to be of dubious authenticity. Even Brower, the American consul, although he noticed among the signatories, 'men of respectability and property, who are bona fide residents of the country, and who, I doubt not, have the general good of Fiji at heart,' was later to admit that it would be far more natural for

2 W.H. Drew to J.A. Drew, 15 August 1869 - printed in (H.C.435) 1871, PP, XLVII.

3 A meeting held in Levuka on 14 June 1869 discussed the question of protection and decided to petition the British government - Fiji Times, 30 April 1870; the American residents must have held a meeting about the same time.
the British, than for the American government to extend its protection, because the British was the largest European community. Nothing more was ever heard of the American petition. 4

The British petition, however, was discussed at length in the columns of the Fiji Times from the inception of that newspaper in August 1869 until the document was finally despatched to London in March 1870. It asked for protection for 'ten, fifteen, or twenty years in order that, since annexation is opposed to the policy of Her Majesty's Government, the native chiefs, with the assistance of competent foreign residents, may be permitted and assisted to activate a form of government analagous to that of the Sandwich islands'. Thurston, when the petition had first been drawn up, had suggested, typically, that the support of the chiefs should be sought. Both Cakobau and Ma'afu signed it, the former no doubt on Thurston's recommendation, and the latter from the same sort of motives which inspired

4 Brower to Fish, 30 July 1870 - USCL. Brower also remarked that Cakobau felt grateful to the United States and that 'his present commanding position has only been maintained to him through the protection he has received from our government for several years past in connexion with our indemnity claims', which seems most unlikely. The American claims had caused Cakobau anxiety which had sometimes become so acute that he feared he might have been bodily removed to America; they had also been a contributing factor in the decline of his power in relation to that of Ma'afu and the chiefs of the tovata. To have felt grateful for such services would have indeed been extraordinary.

The German settlers petitioned the North German Confederation, but Bismarck refused the request in October 1869, though he did appoint F.W. Hennings as consul. There was also some talk of petitioning the French Empire, in spite of the fact that France had acquired all the Pacific territories she was likely to need and was unlikely to contemplate further responsibilities - Thurston to Hope, 18 December 1869, Hope, 'Letter Journals' III.
him voluntarily to join the Cakobau government in July 1871. Lord Kimberley, the Colonial Secretary, was still firm against annexation, and the pressure of public opinion in Australia in support of annexation did not change his mind; the European community was larger and therefore 'more able to protect itself and to provide for its own government'.

In Fiji the need for some sort of organization was acknowledged to be becoming acute. As the Fiji Times put it, the size of the community in Levuka was increasing, 'altering the face of society, and certain influences which went far in securing order...have been overcome'; there was much discussion in its columns about the political future of the group, which, judging from the contemporary accounts, always formed a controversial topic of conversation. The next plan of any importance was put to a general meeting of the settlers, held in Levuka on 14 April 1870. A pamphlet, addressed to the 'White Residents in Fiji' pointed out the insecure position of the European race, the disinclination on the part of the great powers to have anything to do with Fiji, and the consequent need for the settlers to act for themselves.

It was proposed that a 'governing committee' be set up to 'redress wrong' when the president called it together. Although details were ill-considered, the underlying conception is interesting because it

5 The petition was enclosed in March to Clarendon, 31 March 1870 - FO58/118; it was printed in the Fiji Times, 30 April 1870; see also Thurston to March, 10 March 1870 - F4. For Ma'afu's reasons for joining the Cakobau government see below 68.


7 Fiji Times, 11 September 1869.
represented a departure from type. Whereas previously a complex system of constitutional government for both European and Fijian had been contemplated, this was a less ambitious scheme with specific aims in view. A draft was published in the Fiji Times a short time before the meeting was due to take place, in which the main purposes were set forth:

...the formation of a permanent fund to be devoted to the advancement of Fiji, and to be expended only in matters affecting its progress.
...the settlement of disputes between members of the Association, and aboriginals.
...to bring about an influence with Cakobau, Tui Cakau, and Ma'afu, and the other ruling chiefs, so that their assistance and support may be given in all matters where the Association decides that punishment is to be awarded to natives.
...to take measures for the suppression of the sale of arms and ammunition to aboriginals...8

Although the cooperation of the chiefs was acknowledged to be necessary, it was not envisaged they would have any explicit function; this was, in fact, the kind of political activity Legge says was typical of the planting as opposed to the commercial interest. But, as we have seen, a group representative of the whole European community was behind it, and the meetings held to discuss it in April 1870 were similarly representative. These meetings also discussed other plans, but the Fiji Times reported that a protection association, in the absence of anything better, 'will meet our wants for the coming twelve months, and prove useful besides, being a school for our promising politicians, preparing them for a great and glorious future'.9

In the tradition of public meetings in Fiji a committee was appointed to devise a constitution of which two important clauses had

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8 Fiji Times, 2 April 1870.
9 Ibid., 9 April 1870.
already been discussed. Revenue was to be raised by a subscription of one pound a head, and a system of districts with elected magistrates was to be established.\textsuperscript{10} Its report appeared in May 1870 and provided for each district to be represented by delegates elected according to the number of settlers; it proposed that a meeting be called for 16 June, but, as had happened in 1869, enthusiasm for a theoretical course of action soon evaporated when it came to levying subscriptions and electing magistrates.\textsuperscript{11} The meeting was a fiasco because some of the delegates claimed to be unsure of their powers and felt that the general public had not been given sufficient time to enrol as members of the corporation. The \textit{Fiji Times}, whose single aim and purpose at this time seems to have been to whip up enthusiasm for any scheme that happened to be afoot, whether it involved establishing constitutional government for the whole of Fiji or providing the ladies of Levuka with a private bathing place, had disconsolately to report in August 1870 that the corporation had failed from want of support and that each district would have to look after itself.\textsuperscript{12}

Within the town of Levuka, however, one more attempt was made. On 15 August 1870 a meeting was convened 'to devise measures for the establishment of a body similar to a corporative town'. There was some

\begin{itemize}
\item \textsuperscript{10} \textit{Fiji Times}, 16 April 1870.
\item \textsuperscript{11} The constitution was printed in the \textit{Times} on 21 May 1870.
\item \textsuperscript{12} \textit{Ibid.}, 13 August 1870. Delegates were elected for Ovalau (Cudlip, F.W. Hennings, Niemann, Turner), Rewa (Eastgate, Chalmers, Waterston, Bentley), Suva (Sellers), and Lau (W. Hennings), but as there was no one from northern or western Viti Levu, Taveuni, or Vanua Levu, the delegates were justified in claiming they could not decide on anything which would affect the whole settler community. It should be noticed that, once again, there were familiar names among the delegates, and that they were all to be politically active in the next few years.
\end{itemize}
disagreement as to whether or not Cakobau should be requested to grant a charter, but eventually he put his signature to a document authorizing the annual election of a body of seven householders with power to make such laws as might be considered necessary for the 'public good'. But the committee did not get much further than appointing sub-committees to concern themselves with the various matters that needed attention, and only one of those accomplished anything.

When the trans-continental railway in the United States was opened, the Australasian colonies discussed the possibility of a steam link with San Francisco, and Levuka merchants naturally wished to have the steamers make a call on their way, if it were possible. They realized the necessity for first surveying the Nanuku Passage, and arranged for Lieutenant G.A. Woods, R.N., who had recently retired from command of the New Zealand government survey vessel Edith and who was living in Auckland, to do the job. He arrived in Levuka on 26 April 1871. Apart from this action by a small group of men very much interested from an economic point of view, the Corporation of Fiji Settlers was no more successful than any of the institutions which had preceded it.

GOVERNMENT, as it happened, was not far away. On the morning of 5 June 1871

13 The Nanuku Passage is the only deep water passage into the Koro Sea from the north-east, but there are a number of treacherous shoals and reefs in it; to avoid it vessels must deviate far to the south-east of Kadavu, and such a possibility, it was well recognized in Levuka, would never have been considered. As it turned out vessels called at Galoa Harbour in Kadavu rather than risk the perils of penetrating further into the group. To get to Levuka passengers had a long and exceedingly uncomfortable voyage in one of the tiny sailing boats which plied the group. See C.F. Gordon-Cumming, At Home in Fiji; Stanmore, 'Fiji Records' I. [See bibliography for an explanation of this reference.]
Cakobau and some of the more important Bauan chiefs met together with a small group of Europeans, and a proclamation was read informing those assembled that government had been re instituted under the provisions of the 1867 constitution:

...the daily increasing foreign population in my dominions introducing the customs, habits, and commerce of highly civilised nations has caused me serious consideration... to preserve that perfect harmony which should exist between the two races, to facilitate the increasing European commerce, to establish Foreign relations, a properly constituted Government has become an absolute necessity.  

On 10 June a 'Gazette' was issued in which the omission of preliminary meetings was explained; such had always proved ineffective in the past, serving only to reopen acrimonious dispute and ending in the dissipation of any firmness of purpose on the part of the settlers. The only way to accomplish anything was to confront the European community with a fait accompli. But notice was given that until a house of representatives had been formed, no matter, except of urgent public necessity, would be initiated. The districts were asked to elect delegates to represent them at a meeting to be held in Levuka on 1 August at which a constitution would be submitted for their amendment and ratification. Most men were

14 Fiji Times, 7 June 1871.

15 Fiji Government Gazette No 2, 10 June 1871 - USGL.

There was an immediate protest from the Europeans present, but Woods, who was intimately involved in the coup de main, sensing that opposition could wreck the movement before it was given proper consideration, refused to take any notice, and Cakobau, his chiefs, and the new ministers left precipitately. The dissenters then elected a chairman to hear protests. The meeting agreed that the government had been launched in an inexcusably high-handed manner but it also accepted that it was a move in the right direction and ought probably to be supported, at least until the principles by which it proposed to function had been properly considered.
satisfied with this statement, and when those among them more concerned with outward appearances than with positive accomplishments proposed to elect opposition representatives, the move was quashed as being needlessly obstructionist. The settlers of Rakiraki met on 12 June, unanimously approved the action taken in Levuka, and offered their cooperation; had this been a more general attitude, the success of the government at least in properly establishing itself, would have been assured.  

There were, however, dissatisfied elements.

At Cuvu, on 3 July, the planters of Nadroga, who were notoriously independent and self-opinionated according to G.H.W. Markham, elected R.W. Hamilton to be their representative at the forthcoming Delegates' Meeting. He showed himself to have little sympathy with the efforts of the government from the beginning and quickly became a rallying point for opposition. The Fiji Times, commenting on his election, also sounded a note of discontent:

...we want a government...and although we are not so fortunate to have [good men at the head]...to ignore the men and all they have done, at one broad sweep would scarcely be so wise as to take hold, help the movement along for the present, and as soon as may be wash our hands clean from the men who have thrust themselves forward unsought...  

In its next issue the Times expanded on this complaint, referring to the attempt made by W.H. Drew in 1869 to re-establish the constitution:

...this effort [of the planters and merchants to organize a constitutional government in 1869] would have been successful; but just at the period when all the elements were ripe for the work, the hurricane came sweeping on destroying property and with it destroying prospects and changing plans. Merchants

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16 Fiji Times, 21 June 1871.

17 Ibid., 12 July 1871; see also G.H.W. Markham, 'Diary' 1871.
and planters alike were compelled by sheer force of circumstances to loosen their hold upon public affairs and turn their attention for the time being to their own private business. Just at the moment, when the bone and sinew, the talent and worth of the country, were resting from public and devoting their time to private considerations a few enterprising adventurers, interlopers 'rushed the ground and jumped the rightful owner's claim,' twisted Cakobau about their fingers and commenced a 'little government' on their own account, thus sapping the foundation beneath the legitimate super-structure...

We have already seen that it was because Drew did not have the confidence either of Cakobau or of the European community that the 1869 attempt did not get off the ground, and the Times's claim that the members of the 1871 attempt were 'enterprising adventurers' intent on setting up a government from which they alone would benefit, was equally inexact.

The first 'Government Gazette' had announced that S.C. Burt was to be Premier and Minister of Finance, G.A. Woods, Minister of Interior Affairs, and J.T. Sagar, Minister of Trade and Commerce; J.C. Smith and Gustavus Hennings were to sit with the ministers as an Executive Council. Ratu Savenaca, Cakobau's younger brother and a chief who commanded considerable respect among the European community, was given the important task of coordinating the Fijian authority structure with that of the new government; Ratu Timoci, one of Cakobau's sons, was appointed Minister of Police.18

Had the criticisms of the Fiji Times been aimed elsewhere than at the first two members of the ministry they would never have been sustained. Hennings and Smith were important members of the commercial community

18 Fiji Government Gazette No 1, 5 June 1871 - USCL. This was printed in the Fiji Times, 7 June 1871.

Had Ratu Savenaca Naulivou not been a victim of the measles epidemic in 1875 he would have taken a prominent place in the colonial régime. Ratu Timoci Tavanavanua was the sixth child and second son of Cakobau by his wife, Adi Samanunu, whom he married after his conversion to Christianity in 1854.
and Sagar was a planter of some means; the ministry was fairly representative, and logically the arguments against Burt and Woods should have been invalidated by the mere fact of the support of the other members. But logic was not a forte of the Fiji Times. It was justified in pointing out that neither Burt nor Woods had been in Levuka long - such was no less than the truth; it was not justified in saying that they were therefore self-seeking adventurers. The strenuous efforts of the two men during the critical first six months of the government's existence do nothing to bear out its contention.

If the press was not firmly behind the government, Ma'afu's adherence on 31 July 1871, a few days before the Delegates' Meeting was due to commence, assured at least its successful inception. His reasons for voluntarily coming forward to join the government are nowhere made clear, but it is unlikely they were altruistic, and the timing of his visit to Levuka is significant in this respect.

It has been suggested that he may have feared the success of the government or hoped to profit from its failure, but neither explanation seems to accord, either with his powerful position as Tui Lau and effective ruling chief of the tovata, or with his character. Had he feared that a successful government would threaten his own power, which was an exceedingly unlikely eventuality, he would certainly have waited until such a situation appeared probable before taking steps to avoid it. And there was no need

19 L. Forbes, Two Years in Fiji, 299-301; R.A. Derrick, A History of Fiji, 204; in a biographical note, written some thirty-five years later, it is claimed that William Hennings persuaded Ma'afu to join the government. There is no direct evidence to support this, but it would certainly have accorded with Hennings' trading interests in central Fiji had he been able to bring about a union between Ma'afu and Cakobau, and there is no doubt that Hennings did wield some influence with Ma'afu - see Cyclopaedia of Fiji, 307.
for him to be part of the government to profit from its failure; had it collapsed, his would have been the only properly organized authority in the group and he would have been in an enormously more powerful position than as part of a broken edifice.

Ma'afu had always had a healthy respect for the potentially disruptive influence of European settlers upon his own rule, and had shown himself prepared to go out of his way to accommodate them in the organization of the chiefdom of Lau. It is likely that some similar consideration weighed with him in July 1871. He gave his support just before the Delegates' Meeting when it would have the greatest possible dramatic effect; he chose a time during the uncertain preliminary stages when his support would be most appreciated and when he would get the most favourable terms for himself - the viceroyalty, a salary of £800 per annum, and a clear title to the islands of Moala, Matuku and Totoya, his control of which was disputed in both Lau and Bau. In return he commuted all revenues from Lau (of which he was made governor), though it is possible to infer from his later actions that in this respect he was being more than a little disingenuous. He knew the collection of taxes in Lau would be difficult unless he gave his consent, and that, effectively, he was surrendering none of his power. In 1874, when Thurston tried to strip him of his offices and recover revenue that had never been sent to Levuka, he found, not only that the chiefs themselves supported Ma'afu, but that it was impossible to gather any revenue in Lau without his approval.

Ma'afu was probably temporizing in 1871 in exactly the same way as he had in 1869. Uncertain as to the possible developments implied by the establishment of the government, he did not want to be caught on the wrong foot. Supporting or opposing the government would make no difference
to his own power, except perhaps that supporting it would create goodwill
with the Europeans; there was no reason, therefore, for him to delay beyond
what was a favourable opportunity.

As far as the ministers were concerned, their task was made easier
by their being able to claim the government was representative of the whole
group, a particularly important factor during the Delegates' Meeting of
August 1871, when the constitution was ratified.
THE LEGAL STRUCTURE OF THE CAKOBAU GOVERNMENT

DELEGATES had been summoned to Levuka on 1 August 1871 but the previous day Burt revealed that the draft of the constitution would not be ready. It was decided to open the meeting, notwithstanding, and eight delegates, four ministers, and Cakobau accompanied by about twenty chiefs assembled accordingly. Cakobau made a short speech saying how pleased he was that Lau and Bau had at last joined together and that he hoped a government satisfactory to the whole of Fiji would result. J.A. Manton and J.R. Ryley, two of the representatives for Levuka, tried to impede the progress of the meeting by refusing to recognize Burt's official position, but they were eventually persuaded that their attendance at the ministers' invitation implied recognition. J.S. Butters was then elected chairman and the meeting adjourned until 9 August.1

When it reassembled another six members had arrived, and W. Hennings

1 J.S. Butters was one of the promoters of the Polynesia company and consequently held in no very high regard by Thurston; he was elected Speaker of the Fijian Legislative Assembly when it first met in November 1871 and continued in that office throughout the entire career of the Assembly.
had been replaced as one of the representatives for Lomaloma by H. Levick. Manton, Ryley, and R.W. Hamilton of Nadroga formed the nucleus of an obstructive element which attempted to delay and even prevent consideration of the constitution. They were never more concerned with getting general principles elucidated and practical details worked out, than with enunciating procedural minutiae, which were irrelevant without a constitutional foundation from which to depend. This can be a valid and productive form of manoeuvre if the obstructionists have some sort of purpose in mind, but such was not the case in this instance. Their acceptance of the job of representing sections of the settler community at a meeting convened for the purpose of ratifying a constitution implied their acceptance of the necessity for a constitution. As it was the constitution was agreed upon in spite of them; nor was their opposition in the Legislative Assembly, to which they were each later elected, any more purposeful. It was one of the misfortunes of the Cakobau government that opposition usually took the form of vituperative

2 The full strength of the meeting was as follows:

- Ovalau - Captain Bateman
- Ra - W.R. Scott
- Nadroga - W.R. Hamilton
- Lower Rewa - Mr Newmarsh
- Bua - R.L. Holmes
- Ba - H. Kennedy and J. Berry
- Levuka - J.A. Manton, A. Levy, and J.R. Ryley
- Lomaloma - H. Levick, R.S. Swanston and H. Emberson
- Upper Rewa - G. Hennings, H. Eastgate, and J.M. Haslett
- Tova and Nananu - Lieutenant Andrews
- Savu Savu - H.B. Smith and A.D. Lang

The cabinet consisted of S.C. Burt, G.A. Woods, J.C. Smith, and F.W. Hennings; besides Cakobau, the most important chiefs were Ratu Timoci and Ratu Savenaca of Bau, and Ratu Samson and Ratu Semisi of Lau. Ma'afu was ill at the beginning of August, and did not attend the first meetings.
accusations of charlatanism directed at ministers, rather than any sort of constructive criticism.

On 12 August Ma'afu was recovered enough to attend the meeting and made the suggestion that as each clause of the constitution was passed it should be sent to a separate meeting of the chiefs, who could then discuss it and resubmit to the Europeans any changes they thought were required. Thus was the principle of two deliberative bodies agreed upon even before the provisions of the draft constitution were discussed, and the anxiety of certain sections of the community was shown to be without basis. The Fiji Times, in a series of somewhat agitated editorials, had claimed that 'the disposition of the native element' was one of the most important matters to be settled. It maintained that the Fijian vote could easily be controlled by unscrupulous men (implying that it would be members of the government rather than the opposition which would engage in these tactics), who could thus effectively deprive the settlers of representation. Ryley, in this connexion, suggested the Europeans should form a government of their own in order to preserve the 'balance of power', but he was ignored.

The Fijians departed and the meeting at last began to consider the provisions of the constitution in detail. In sessions lasting from about 10 a.m. until some time in the evening from 12 August until 17 August, each clause of the draft was debated. With the exception of the one

3 The Fiji Times was always critical of the government, but in 1871 it was not blindly vituperative as it became in 1873, during the later stages of the Thurston Ministry, when it made statements which today would involve it in innumerable suits for libel. When compared with the official record in the Government Archives, its reporting of the first session of the Legislative Assembly appears to have been free from bias, and I have felt justified in taking its account of the Delegates' Meeting, for which no other record exists, as being reasonably accurate.
concerning the membership of the Privy Council, the effective changes made were slight, and once the principle of establishing a separate house for the Fijians had been accepted the details were comparatively simply worked out and the delegates met finally on 18 August 1871. Cakobau signed the constitution and made a speech closing the meeting, again emphasizing the need for maintaining the unity which had at last been accomplished:

...this kingdom...is not your kingdom nor their kingdom but our kingdom. We are one. It would not be difficult to divide Fiji, the whites to have one Government and the Fijians to have another, but that would be worse for both. Or you might have tribal Governments, and one be of Bau and another of Cakaudrove, and another of Macuata, but divided one against another we should quarrel and fight...Ma'afu and I are now of one spirit...and if there be any difficulty in carrying out this Constitution, it will not be with us but with you white residents...4

The preamble of the constitution, as well as stressing this unity, indicates the main difference between the situation in 1871 as compared with that of 1867:

...whereas it is expedient for the good government of the white and native population of the Fiji group of islands to establish a constitution and legislative House of Representatives therein: and whereas, delegates from amongst the white residents have been called together for that purpose: be it, therefore, enacted by the King and delegates in council now assembled...5

In 1867 there had been no public meeting, nor had any legislative body, other than a small cabinet council, whose duty was to advise in the executive affairs of the kingdom, been contemplated. The proponents of a system of government in 1871 had learnt one lesson from the failure of four years

4 Fiji Times, 19 August 1871.

5 Fl/Misc., 15. This is an official print of the constitution by the Government Printer, D.W.L. Murray, a copy of which was enclosed in Burt to Fish, 9 September 1871 - USCL; it was also printed in the Fiji Times, but not until 30 March 1872.
before - the only way to maintain the support of the European section of the community was to create a properly representative legislative body and to act only with its support. This was to prove impossible on two important occasions in the next couple of years - the first time the executive acted independently of the legislature nearly caused the collapse of the system, and the second led directly to the establishment of the Ad interim government which functioned in the months pending the definitive acceptance by Great Britain, of the offer of cession of March 1874.

The broad outlines of the constitution indicate at once its place in the American rather than the English tradition of constitutional law. The principle of the separation of powers was clearly enunciated, and the executive, legislative, and judicial were always to be preserved distinct (Clause 21). There was to be a supreme court, presided over by a Chief Justice and two Associated Justices, one of whom was to be a Fijian, but the Legislative Assembly had the power to appoint such inferior courts as were thought necessary. It was again in the American tradition that the appointment, and particularly the removal of judges was made as difficult as possible (Clauses 63, 67, and 70).

Before considering in detail the models from which the drafters drew their inspiration, it is necessary to quote three clauses concerned with the composition of the Legislative Assembly, and the process of amendment, because of their importance in connexion with Thurston's attempt, in 1873, to overthrow the constitution and to govern without the assistance of a legislative assembly.

58 The representation of the people shall be based upon the principle of equality, and shall be regulated and apportioned by the legislative assembly. The representatives shall not be less in number than twenty nor more than forty, who shall be elected triennially.
Every male subject of the kingdom, who shall have paid his taxes, who shall have attained the age of twenty-one years, and shall have been domiciled in the kingdom for six months...shall be entitled to one vote.

Any amendment...may be proposed in the legislative assembly, and if the same be agreed to by a majority of the members thereof...shall be entered on its journal...and referred to the next session...shall be published for three months previous to the next election of representatives...shall be agreed to by two-thirds of all the members of the legislative assembly, and be approved by the king....

All these provisions were contained in the constitutional law of Hawaii, which is a reflection on the considerable respect with which the Hawaiian system was held in Fiji. On the surface at least the problems to be solved in the two places were similar; both were tropical islands with an important settler community whose relations with a much larger indigenous population required regulation. In Hawaii, constitutional monarchy had been working well for more than twenty years; in Fiji it was proposed that constitutional monarchy be established, so it was natural to give close attention to Hawaiian forms. The implications of the differences, such as the more favourable economic condition and the more westernized state of the Hawaiians themselves, were ignored or were not understood. The too close attention paid by Burt and his colleagues to the Hawaiian constitution in 1871 proved one of the causes of Thurston's difficulties in 1873.

Hawaiian constitutional documents of the period are of two different tendencies: the constitution of 1840, the Organic Acts of 1845, 1846 and 1847, and the constitution of 1852, tend in the direction of popular government, whereas the constitution of 1864 is aimed at regaining for the king some of the power which had been relinquished since the days of Kamehameha I.

The constitution of 1840, although it was the first in the history of the Hawaiian monarchy, did not create so much as describe conditions
that already existed. The king and the premier (Kuhina nui, a traditional officer who had gained great authority during the long minority of Kamehameha III) were at the head of all departments of government and acted as a check upon each other:

...the king shall not transact public business without the concurrence of the premier; nor shall the premier transact public business without the concurrence of the king...^  

The king appointed four governors, who were in effective control of the executive. The legislature consisted of a house of nobles and an elected body, which was the most liberal provision of the constitution even though it could not implement laws without the support of a majority of the nobles. This was a somewhat sketchy and incomplete document, and it quickly became evident that the complete organization of government departments and courts of law ought to be written down. It was found that this could be done, merely by properly defining powers which were implied by or could be inferred from the constitution, in a series of acts of October 1845, April 1846 and September 1847. The first provided for the appointment by the king, of a minister to have charge of each of the five departments of the executive, and also formally constituted the Privy Council, which was to consist of the ministers, the governors, and such others as were appointed by the king.

The second laid down in considerable detail the functions of the departments

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6 Morgan's translation of the constitution - United States Senate Reports, 2nd Session, 53rd congress, 1893-94, II - 'Hawaiian Islands', 121. The translation of this passage in R.C. Lydecker, Roster Legislatures of Hawaii, 1841-1918, an official publication, is as follows:

The King shall not act without the knowledge of the Premier, nor shall the Premier act without the knowledge of the King, but Morgan's translation, even if it less accurately conveys the meaning of the original, more accurately indicates the state of affairs which actually existed.
of the executive, and the third reorganized the judiciary, requiring a 'superior court of law and equity' which was in effect a Supreme Court, with a Chief Justice and two other judges.\textsuperscript{7} The most important characteristic of the Organic Acts, as they were called, is that they tend towards the complete separation of the executive, the legislative, and the judicial aspects of government; the last two were completely separated by the new constitution of 1852 which resulted from a realization that the old constitution was quite obsolescent, and that further amendment was useless.\textsuperscript{8}

Apart from the fact that the king had an absolute veto on legislation the new constitution was a definite advance in the direction of popular liberty, as it granted universal suffrage, and placed checks upon the hitherto unlimited power of the king, by the provision that all his official acts required the approval of the Privy Council.\textsuperscript{9} But when Kamehameha III signed this constitution he said that if it did not work well he would replace it with something more suited to the needs of the people,\textsuperscript{10} and his successors, Kamehameha IV and Kamehameha V, both dissatisfied with the restrictions it placed on the power of the monarchy, determined to do something about it. Kamehameha IV's premature death prevented him from carrying out his desires, but as soon as Prince Lot Kamehameha succeeded to the throne as Kamehameha V on 30 November 1863, he had prepared

\textsuperscript{7} R.S. Kuykendall, The Hawaiian Kingdom 1778-1843 - Foundation and Transformation, 265; the Organic Acts are printed in Statute Laws of His Majesty Kamehameha III.

\textsuperscript{8} Lydecker, op. cit., 36-48.


\textsuperscript{10} For a full discussion of this question, see R.S. Kuykendall, The Hawaiian Kingdom 1854-1874 - Twenty Critical Years, 115-117.
a draft which was submitted to a constitutional convention in July 1864. When agreement proved impossible the king dismissed the convention, abrogated the 1852 constitution, and promulgated a new one a week later.

The most important changes were the abolition of the office of Kuhina nui on the grounds that it detracted unreasonably from the dignity and power of the monarch, the curtailment of the powers of the Privy Council and the strengthening of those of the Cabinet, the abolition of universal suffrage (for which the Hawaiians were considered to be unready), and the combination of two houses of parliament into one so that the independent action of the elected representatives was effectively curtailed, and the king and cabinet became the dominant influence in the process of government. 11

It was to this document that Burt referred when he drew up 'A bill to amend an act known as the Constitution Act of Bau'. 12 Seventy of its seventy-eight clauses are identical in meaning and intent, if not in phraseology, except that 'the King' in the Hawaiian document is 'the King in Council' in the Fijian. The changes made in the remaining clauses, however, were of fundamental importance in that they alter the whole character of the government. Both constitutions provided for the responsibility of ministers, but Kamehameha V intended to take a very real part in the governmental process whereas Cakobau's ministers could control him as they pleased. The Hawaiian people were in a more advanced stage of political consciousness than the Fijian, and it was feasible for them adequately to be represented in a unicameral legislature, however despotic an action the abolition of

11 The constitution is printed in United States Senate Reports, loc. cit., 160-168, and in Lydecker, op. cit., 88-97. See also Kuykendall, op. cit., chapter 4, passim.

12 The Bau constitution was printed in the Fiji Times, 12 July 1871.
the second chamber may have been. In Fiji such a course of action would have been fraught with difficulty, and potentially productive of much abuse; the chiefs' lack of experience of European political forms and the difficulty of translation, not only into Bauan but into the many other dialects spoken throughout Fiji which were usually unintelligible to a Bauan speaker, would have inhibited the efficient working of a unicameral legislature. And the chiefs' inexperience would also have rendered unscrupulous manipulation much easier, a point on which the Fiji Times remarked before the Delegates' Meeting commenced.13

The draft constitution did not make clear whether a one-chamber or a two-chamber legislature was contemplated, but after Ma'afu had told the meeting on 12 August that chiefs wished to be able to confer together it was assumed that there would be a bicameral legislature. No alteration was made to Clause 47, which merely stated that 'the legislative power of this Kingdom is vested in the King and the legislative assembly',14 but Clause 43, defining the powers of the Privy Council, was discussed in considerable detail and important changes made to it. In its original form it read:

13 See a series of editorials on the nature of the government in the Fiji Times, July 1871.

14 Article 43 of the Hawaiian constitution read:
'the legislative power of the three estates of this Kingdom is vested in the King and the legislative assembly; which assembly shall consist of the nobles, appointed by the King, and the representatives of the people, sitting together.'

United States Senate Reports, loc. cit., 164.
There shall be a Privy Council for Advising the King and his Executive in all matters for the good of the Estate Wherein their advice may be sought, which council shall be called the King's Privy Council. The members thereof to consist of an equal number of Natives and White Residents, not to exceed twenty-four, inclusive of the members of the Cabinet, who shall be ex officio members of the Privy Council, to be appointed by the King, with the advice of his Executive, to hold office during the King's pleasure.\textsuperscript{15}

The provision for an equal number of Fijians and Europeans was removed, and a further paragraph added:

\ldots It shall be the duty of the Privy Council to revise all acts of the Legislative Assembly, before receiving the signature of the King, and cause the same to be clearly interpreted and explained to the leading chiefs of the Kingdom who may have been called together for that purpose, and should they discover any clauses which they consider prejudicial to good government, they shall refer the same back to the Assembly.\textsuperscript{16}

When this was sent to the chiefs they submitted that the Privy Council should consist of the native chiefs and one other chief from each district,\textsuperscript{17} but when the clause was returned to the delegates, Butters pointed out that this would mean defining the number of provinces or leaving the size of the Privy Council undefined, neither of which was very satisfactory. The clause was then completely reframed and passed, as it stands, on 16 August, after a

\begin{itemize}
\item \textbf{Fiji Times}, 12 August 1871.
\item \textbf{Ibid.}, 16 August 1871.
\item Clause 42 divided the kingdom into provinces, to be ruled by a Fijian governor, and it is these who were meant by 'the native chiefs'. The word 'district' is ambiguous, but in the 1873 amendment it was changed to province, and it seems reasonable to assume that 'province' was meant in 1871. The constitution did not specify the number of provinces, but in the beginning there were eleven - Central, Lau, Cakaudrove, Bua, Macuata, Ba and Yasawas, Nadroga, Rewa, Naitasiri, Tailevu, and Kadavu. Namosi and Serua were added later, and the province of Ba and Yasawas (sometimes called Ra and Yasawas) which stretched from Nadi to Rakiraki, was divided in two for administrative purposes, although there was never more than one governor.
\end{itemize}
discussion which had lasted two days:

43 There shall be a Privy Council for advising the King in all matters for the good of the estate wherein their advice may be sought, which Council shall be called the King's Privy Council, and consist of the Governors and one Chief from each District, also the members of the Cabinet, who shall be ex-officio members of such Privy Council, all of whom shall assemble at Levuka whenever the House of Assembly is in Session, and at such other times as the King may appoint. Such Privy Council shall receive all Bills passed by the Legislative Assembly, and shall have power to suggest new clauses thereto, or such amendments thereof as they may deem fit: and return to the Legislative Assembly for consideration and approval any Bill so amended; and also prepare and submit through the King's Cabinet to the Legislative Assembly any Bill or resolution the Council may consider necessary for the purposes of good government.

Another important difference between the two constitutions concerned the property qualifications of elected representatives. Article 61 of the Hawaiian constitution demanded an income of at least $250 a year, or the ownership of real property worth $500; the Fijian draft left room for property qualifications, but after some discussion it was decided they should be eliminated, a reflection on the uncertain economic conditions obtaining in Fiji at the time. 18

As well as being complicated, the theoretical structure implied by the constitution was in more than one instance anomalous. The principle of the separation of powers was enunciated, but the clauses defining the power and position of both the Cabinet and the Privy Council contradicted it, unless the framers of the constitution were aware of the somewhat sophisticated concept that one body can function qua legislature or qua executive - as long as it does not try to function in both capacities

18 See Clause 50 of the 1871 constitution, and the report of the discussion in the *Fiji Times*, 16 and 19 August 1871.
simultaneously - without violating the separation principle. As it was, the despotic potential of the Cabinet was the feature of the system the most susceptible to criticism; as part of the Privy Council it sat in the upper house of the legislature, but each member was also an elected representative of the settler community in the lower house; its own functions were executive, but as part of that body called the King in Council it could appoint and dismiss judges, so that it was in a position to exercise direct control over all aspects of the legal structure of the government.

The Cabinet consisted of a chief secretary, a minister for trade and commerce, for lands and works (and later naval and military affairs), for finance, and for native affairs. To begin with, the Minister for Trade and Commerce was also responsible for the conduct of foreign relations, but this was quickly put under the control of the Chief Secretary. When the constitution was drawn up nothing was said about the relative position of the departments over which ministers were in control, nor was there anything, except perhaps a strict and literal interpretation of his name, to indicate that the Chief Secretary was in any way superior to the other ministers, even to the extent of being primus inter pares, but in practice the Chief Secretary's department acted as the focussing point of the administration, and directives issued from it were acted upon without question. Simple mechanics were no doubt in part responsible for this development; the experimental nature of the administration required that there be someone at its head, who could, quickly and efficiently without having to negotiate complicated bureaucratic channels, make any necessary adjustments. Burt was both Premier and Chief Secretary during the first six months of the government's existence, so such a development was quite natural, but when he was forced to resign and Woods became Premier the development continued.
Thurston, the new Chief Secretary, was effectively the most important person in the government, and the superior position of his department, although never made explicit, continued to exist, so that when the colonial régime was established the departmental structure of the pre-cession government was taken over as being more or less in line with Colonial Office practice.

Such was the structure of the new régime as established by its constitution; on the surface it seems excessively complicated, and the difficulties resulting from an over-proliferation of government officers will be dealt with later. But on closer examination the complexities of the legal structure - the bicameral legislature, the small cabinet of European ministers with well-defined functions in both chambers, the supreme court supported by a number of inferior courts, the multiplicity of bureaux dealing with various aspects of the administration - actually appear more or less suited to the needs of a singularly complex situation. The social structure dictated the form of the legislature, and the exigencies of the physical environment affected the judicature, demanding a number of inferior courts which could be moved about through the scattered planting community, over which was placed a superior court to act as an appellate body and as a court for the trial of the more serious matters. If it is possible to epitomize the difficulties of the Cakobau government, it is to say that although it was a government on a very small scale it had to deal with the problems of government on a very large scale.

The number of matters the government had to tackle between its inauguration in June 1871 and the regular passage of legislation by the first session of the Legislative Assembly in November provides some indication of the diversity of the problem with which its ministers had to contend.
By the expedient of a series of Orders in Council the ministry set up those essential services which could not wait until the Legislative Assembly met. A provisional Supreme Court was established, with C.W. Drury and C.H. Clarkson, a future Minister of Finance, as members, together with a Crown Prosecutor, a sheriff, and a registrar. The first case it dealt with concerned the murderers of Achilles Underwood, a partner of G.R. Burt on Kadavu, who had been killed by a number of plantation labourers; the men were only found guilty of manslaughter, because Underwood was proved to have maltreated them. Because most settlers realized the importance of maintaining good relations with labourers, the action of the court was in this instance approved, but the Fiji Times revealed that the European community wished both to have its cake and to eat it:

...whilst congratulating the members of the court upon the general excellence of their mode of conducting business we cannot congratulate the Government upon the institution of a court, because such a step is an assumption of a power which they do not possess, and which Europeans would not acknowledge, until after the meeting of delegates and the establishing of a constitution, confers it upon them.

And this attitude did not change. After the delegates had 'established a constitution' the Times complained that the Assembly would have to pass laws before the government would be competent to sit in judgement upon any member of the European community, and its denunciation of the government's action in the case of George Wilson and William Rees produced the first opposition explicitly organized against the aims of the administration.

19 'Fiji Government Gazette', 27 June 1871. The gazettes were printed by D.W.L. Murray, who also published a newspaper, the Fiji Gazette and Central Polynesian.

20 Fiji Times, 5 July 1871.

21 Ibid., 8 July 1871.
Wilson had been convicted of robbery and sent to prison for a couple of weeks; he escaped, was apprehended and sentenced to another week's incarceration, and was still serving his sentence when Rees was arrested on a charge of having used threatening language towards Murray, the editor of the Fiji Gazette and Central Polynesian. He at first resisted (on the advice of the British consul, Moore, the Sub-inspector of Police, later maintained) but eventually was brought before the court where he denied its jurisdiction and was committed for contempt on 16 October. J. De Courcey Ireland, later to figure prominently among the rebellious planters of the Ba river in 1873, and G.S. Smith took up the defence, stating that the government had been acting unconstitutionally since the dissolution of the Delegates' Meeting, and that its court was not competent to deal with the case. Rees was brought to court on 19 October, but there was no one there to prosecute him; no doubt ministers saw that the whole success of their government was being placed in jeopardy by the opposition of an irresponsible element in a comparatively unimportant matter, and that further perseverance would only lead to increased and possibly uncontrollable insurrection.

But if the government was not yet prepared to force issues, the opposing element, somewhat unwisely, was determined not to have the wind thus filched from its sails; it was remembered that Wilson was in jail, so a 'strong but orderly party of the citizens of Levuka' went down to the

22 'Minutes of a disturbance that occurred at the Police Court, Levuka, 6 October 1871.' Signed by P. Brougham (police magistrate), G.D. Macartney, and T.H. Prichard - F1/10, 71/219\(1/2\); Fiji Times, 21 October 1871; March to Granville, 30 October 1871 - FO58/120.

23 Moore to Burt, 16 October 1871 - F1/10, 71/230.
station-house removed the lock from the jail and took Wilson in custody. He was marched to the other end of the town, tried before an improvised public court, and found guilty. It was then discovered that there was nowhere to imprison him and the assistance of the British consul was sought, but unsuccessfully. March realized that his own power was no greater than that he conceded to the Cakobau government, and in any case he had nowhere suitable to hold a prisoner.

There was nothing for it but that the prisoner should be returned whence he had come, so a letter was written to 'the members of Thakombau's government':

...the constitutional principles which the public of Levuka have taken in their stand upon [sic] in the case of Wilson, being now sufficiently vindicated by the arrest and trial... by the general community, and...Wilson being now proved to be a dangerous character, the public of Levuka do hereby request that you will undertake the safe custody...as there is no public building so well suited for this purpose as that known by the name of the Station House. Wilson was then put back where he belonged, although he tried to cut his way through the floor of the jail 'with a knife he had become possessed of in some unaccountable means'. Fortunately for the government, not all the people of Levuka were opposed to the government and a considerable number signified their conviction of the need for supporting the government in upholding law and order and indicated their wish to be sworn as special

24 Fiji Times, 21 October 1871.
25 S.J. Cusack (chairman of a public meeting) to the members of Thakombau's Government, undated - F1/10, 71/308.
26 Moore to Burt, 21 October 1871 - F1/10, 71/242.
constables on the same day that Wilson was released. This was not the only matter to give the ministry cause for doubt during the interim period before the first session of the Legislative Assembly.

Ma'afu, having given the support of the Tovata ko Lau to the new government, was anxious that the Tovata e Viti should do the same. The Tui Cakau, who had recently been appointed Tui Vanua Levu by the tovata, was invited to Levuka but refused to have any part in the government. He returned to Savusavu and told the settlers that he was determined to remain independent; the settlers decided that under such circumstances they could not send representatives to Levuka and that for the moment at least they would have to ignore the government. In Levuka there was little that could be done; by this time elections had been held in most of the districts sending candidates to the assembly, which should have opened in October though it did not finally get going until 1 November. Ministers had enough on their hands without worrying about the somewhat petulant objections of the Tui Cakau.

In Levuka there were five candidates and electioneering was an important social activity for some weeks. All the candidates were invited

27 Mason to Burt, 19 October 1871 - FL10, 71/216 [the letter is signed by about sixty people]; a week later J.P. Gore Martin, who had been appointed captain of the special constables, wrote to say that their services could be dispensed with and the maintenance of peace and order safely left to the regular police force - Gore Martin to Burt, 25 October 1871, ibid., 71/244.

28 The Tui Cakau's action in this respect was in marked contrast to that of Ma'afu, who, seeing that his adherence to the Cakobau government could do his own position no possible harm acted at a time when he could secure a favourable bargain. The Tui Cakau submitted somewhat ignominiously, early in 1872, without securing anything more than a salary of £750 as Governor of Cakaudrove. For a report of a meeting of residents held at Savusavu on 12 September 1871, see Fiji Times, 20 September 1871.
in the most flattering terms to stand for election by sixty or seventy men who put their names to petitions published in the columns of the Fiji Times or the Fiji Gazette and Central Polynesian. S.C. Burt and F.W. Hennings held joint meetings at which the former did most of the talking and the latter confined himself to standing at the end, telling the audience they knew he was not a good speaker, saying that he supported his colleague's every point and sitting down again. This was sufficient to bring him out third on the list and gain him election. Burt secured second place, and J.R. Ryley headed the poll by getting his supporters to vote only for him instead of returning a full card of three names. 29

The political climate in which the Assembly opened was thus neither particularly favourable nor particularly unfavourable. The Tui Cakau had shown himself determined to maintain a position of independence, and the first significantly overt opposition had occurred in Levuka, countenanced if not encouraged by the British consul; but the more responsible citizens had shown they were prepared to take action themselves, if it were necessary to support the government to such an extent, and were well pleased to have Burt represent them in the assembly, considering that he had won his place by his efforts in inaugurating the government.

The first session of the Legislative Assembly of the Cakobau government was supposed to commence on 1 November 1871, but because gale force winds prevented the king from leaving Bau, the official opening was delayed until 3 November. On that morning news was received in Levuka of the murder of four planters

29 See the Fiji Times and the Fiji Gazette and Central Polynesian, September 1871, passim.
and a member of the Fijian crew of the cutter Meva which had left for Taveuni a couple of days previously with about forty Solomon Island labourers on board. The attack occurred not far from the island of Koro and although one planter escaped overboard he drowned so that the only survivor was the remaining member of the Fijian crew. The government immediately organized a fleet of boats to go after the murderers, who could not have got far, the weather still being very rough and the Solomon Islanders having no very good grasp of the principles of navigation. The efficiency of the government's action created a good impression and reference was made to the incident in the address in reply to the speech from the throne when the Assembly opened that same afternoon. Cakobau's speech complimented members, who reciprocated in kind, and ministers were optimistic as to the result of the session.

The composition of the Assembly, when it finally settled down to the business of legislation on 6 November, is not clear. The Fiji Times reported that on 1 November there were seven men on the 'ministerial' benches, seven on the opposition benches, four on the cross benches, and two absent. The men on the opposition benches were there as the result of a meeting held on 17 October at which was organized the Constitutional Party of Fiji with the purpose of conducting a properly organized opposition. R.W. Hamilton had been elected chairman and R.S. Swanston, who was to join

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30 Fiji Times, 4 November 1871. The Meva was picked up about a week later at Biwa, the westernmost of the Yasawa islands, which the men had mistaken for Tana. They had eaten three of their own party, by that time, as well as the planters - ibid., 25 November 1871.

31 The official record of the proceedings of the Legislative Assembly has not survived complete. It was frequently not as complete as that contained in the Times and the Gazette, from which this account is, in the main, taken.

32 VPLA(i), 3 November 1871 - F1/6; Fiji Times, 4 November 1871.
the government before the end of the session, had read the platform which contained clauses indicating dissatisfaction with some of the acts of the ministry:

...the convention of August did not meet Mr Burt and his colleagues as a properly constituted ministry, but as the agents of Cakobau, better designated as a 'committee of arrangement'.

...the public are not responsible for the doings of the agents of Cakobau...all so-called orders in council under the existing state of affairs are not legal nor binding on the country.

Other clauses had even less point and were designed mainly to whip up emotion against the government. Hamilton, when elected chairman of the party, had said that he would have preferred to work privately, but that the Constitutional Party could accomplish much good, particularly if committees were organized throughout Fiji:

...thus far it was composed of good men, and when fully organized it would embrace so many elements of excellence and influence that its power would be felt and respected by the loyal and true, and feared and dreaded by the usurpers, who [sic] it would hunt from the places they had wrongfully attempted to occupy.33

In spite of the impression that Hamilton's speech and the platform of the Constitutional Party give, the first session of the Assembly worked fairly efficiently, getting through a considerable amount of business with very little hold-up that was merely obstructive. Nineteen acts, dealing with all aspects of the administration, became law. These give some indication of the attitude of the government towards a particular problem, even if they do not reveal anything of the practice; the statute law of the Cakobau government was frequently of such a complicated nature that its effective

33 Fiji Times and Fiji Gazette and Central Polynesian, 28 November 1871.
enforcement would have required a civil service and a public purse of gargantuan proportions.

Because it set up the whole of the administration, the most important piece of legislation considered by the Assembly was 'An act to organize the executive department of the Kingdom of Fiji'; it was assented to on 14 December 1871 and from it depend most of the other acts of the 1871 session. The provincial governors were accountable only to the king. This was made explicit because it was considered necessary that the Fijians should have impressed upon them the fact that the new régime was not an attempt to force a revolutionary system of government upon the Fijian society, but that the traditional authority structure was to continue unchanged.

'For the sake of system and in order to enable the king to act with more method and certainty' governors were to make their reports to appropriate ministers; the main function of the Minister for Native Affairs was to supervise 'all aspects of the gubernatorial transactions excepting the judicial and the fiscal'. This included the appointment of provincial constables for the purpose of keeping public order, and the declaration of martial law when 'urgent national danger' necessitated such a step.

These regulations were made in the light of past experience of opposition from the people of the interior of Viti Levu, and probably in anticipation of more trouble, particularly in Ba. The murder of Spiers and McIntosh and the unsuccessful expedition to avenge their deaths were

34 The statutes of the first session were signed by Cakobau in two batches - nos 1 to 6 and 15 on 6 December, and the rest on 14 December. The numbering of the acts followed no logical pattern; the 'Executive Department Act' was no 17 although it held the attention of the Assembly for some time, and was certainly not the seventeenth brought before the session.
events of which a repetition would do irreparable harm. Ideally, the government wished to prevent friction between planters and kai colo but if this were not possible then it wished swiftly and efficiently to quell any disturbance. The 1873 campaign was to show the extent to which its hopes were over-optimistic.  

The maintenance of public order was probably the most important service the government had to provide for the community, and it was certainly a sine qua non for the support of the planters, who frequently tended to be of the opinion that they were better capable of looking after themselves. But in spite of this, and in spite of the claims that no attempt would be made to subvert the structure of Fijian society in any way, the legislation of the first session indicates that the government considered itself justified in extracting as much as it could from the Fijians themselves, either in money or in service - no thought was given to the possible effects of such legislation. As well as an annual poll tax of five dollars, each male was liable to a labour tax of two days in each month 'provided that this shall not exempt the inhabitants from observance of the Fijian custom and usage affording assistance in the planting of food, the building of houses, etc.'.

It was anticipated that the labour force so assembled would work for the government, performing such works of development as were in the process of construction in the respective provinces. Later a scheme involving the

35 See below chapter 5 and chapter 8.

36 The accounting of the Cakobau government was done in dollars, so that any figures appearing in legislation or other official documents, such as returns of taxes or estimates of revenue, were given in this manner. There were reckoned to be five Fijian dollars to the pound sterling, but the paper currency issued by the government rapidly became devalued, and the European community continued to think in pounds, shillings and pence.
development of government plantations was initiated, but only after it was realized that there was never enough development going on to keep all the Fijians properly employed and that the scheme was collapsing. Planters employing men who owed the tax were able to commute it for eight cents a day if they did not want to lose their labourers' services, for instance during the cotton-picking season. The Fijians themselves were able to commute their services only at the rate of twelve cents a day, an unjust provision designed to encourage them to work, either for the government or for private planters. The mode of taxation adopted for Europeans as well as for Fijians was direct. The settler community was taxed first on the land it owned - twelve and a half cents for every five dollars of the annual net value, and two cents an acre on all unoccupied land - and also by the imposition of licences for a wide number of activities, such as wholesale or retail selling of liquor, or goods of any kind, and practising as an auctioneer, commission agent, lawyer, doctor or coastal trader. It was estimated that the total revenue to be derived from these sources would amount to $120,000, of which the Fijians would contribute $54,000 and the Europeans $65,000. 37

Apart from the poll tax, the main item of revenue to be derived from the Fijians came from an unexpected source. The people of the Lovoni valley in central Ovalau had long been on bad terms with the Europeans of Levuka, and had themselves provoked a quarrel with Cakobau by attacking a coastal village and killing a chief. A full scale attack was made against them in June 1871, the victory of which coincided almost exactly with the

37 See Act no 11, 'An act to authorize the imposition and levy of certain taxes, dues, rates, fees, and other sums of money', and no 18, 'An act to supply a sum of money out of the Consolidated Fund and out of the Land Fund to the service of the year ending 30th June 1872, and to appropriate supplies granted in the session of the Parliament'. 
inauguration of the government. It was decided that the conquered people would be hired out to planters, who were always in need of labourers, and their lands confiscated to the government. Woods, reporting on a survey carried out early in 1872, suggested the lands were too well situated to be sold immediately and should be held until the government was more developed and 'perfect security of tenure established in the minds of capitalists and speculators'. The men themselves were not subject to such considerations and were hired at the rate of thirty dollars per annum for men, twenty-five for women, and fifteen for children. It was estimated that $8,250 would be realized from this source and although the estimates proved over-optimistic the proceeds were not insignificant, and it was always possible to put arrears

38 Derrick, op. cit., 200-201, wrote that Cakobau conducted the campaign as a means towards establishing himself as the head of a government, and that he conferred with 'a small coterie of Levuka merchants' while his warriors campaigned in traditional fashion. This is unlikely in the light of Cakobau's attitude towards European government in the past, and what little evidence there is implies that Burt and Woods provided the motivating force for the establishment of the government, and that Cakobau was persuaded to comply with their wishes, rather than vice versa. See for instance Swanston's Journal for June 1871, Forbes, op. cit., 287-290, and the editorials of the Fiji Times for June and July 1871.

39 Woods to Thurston, 4 February 1872 - F1/10, 72/54.

40 F.W. Hennings to Murray, 23 September 1872 - F1/43(1), 162; Hennings to Richardson and Maitland, 9 May 1872, ibid., 258.
of hire among the assets of the government.  

Contemporary opinion was unanimously against this act of the government, in spite of its being in accord with the traditions of Fijian society, in which the presentation of a soro to a conqueror indicated that the land and the people were his to do with as he pleased. Goodenough and Layard regarded the hiring out of the Lovoni people as an act of slavery, and Gordon deplored the results of their dispossession soon after he arrived in Fiji. Had the conquest taken place before the inauguration of the government, and had Cakobau been in need either of the land or the services of the people, he would not have hesitated. As it was they were hired under the provisions of the Foreign and Native Labour Act, 1871, which tightly controlled the conditions of employment of any plantation labourers, and the proceeds provided the government with the funds necessary to get properly started. If the government is to be blamed for its treatment of the Lovoni then it must be for failing to consider what it would do with them after they had served their term as labourers, having dispossessed them of their land; this lack of concern for the future was characteristic of the government in its early stages, when it was fighting for its existence.

Apart from the wish to ensure that the Fijians contributed an

41 See for example, 'Statement of revenue for quarter ending 20 September 1872' which includes $2,225 for Lovoni labourers - 'Fiji Government Gazette' I, 46; the figure for the quarter ending 31 December 1872 was $4,903 - ibid. I, 62 (22 February 1873); in the financial year 1872-73 $10,331 was collected - ibid. I, 78 (14 June 1872). Because the periods these figures represent overlap, it is impossible accurately to calculate the extent to which the government benefitted from this procedure, but it must have been in excess of $12,000 (about £2,400). Henderson, 'Evolution of government in Fiji' II, 223, and Derrick, op. cit., 221, give £1,000 as the sum realized on the sale of the services of the labourers (without saying whether this includes hire) but neither gives the source of his figure. See also Forbes, op. cit., 290.
equal share of the revenue, without any complementary desire to do as much for them as for the European community, the government passed legislation in this first session which was quite unexceptional. Indeed ministers realized that efficient implementation of adequate legislation would necessarily precede the recognition by the foreign powers of any sort of legal status for the government.

The constitution had made provision for a supreme court but a system of inferior courts had to be set up. It was decided that a warden would be appointed in each province whose duty it would be to try minor cases in a provincial court, in company with at least two justices of the peace, of whom one was to be Fijian in any cases involving Fijians. The act provided that the courts should be 'coordinate and assistant each to the others and have jurisdiction throughout the whole kingdom', but the isolation of each part of the kingdom from another was not taken into account, and there is no record of any sort of liaison having been established. Courts were to be set up where and when the cabinet directed, and there must have been considerable planter support for the scheme, at least in theory, judging from the correspondence advocating the holding of the court in one locality rather than in another.\textsuperscript{42} This was also another instance of the desire of the government to preserve the principle of the separation of powers; the

\textsuperscript{42} The judicial legislation was contained in Act no 5, the 'Act Restraining Act', and no 6, the 'Administration of Justice Act'. The illogical numbering - no 5 depends on no 6, its full title being 'An act to regulate the operation in certain cases of "the Administration of Justice Act, 1871"' - is inexplicable. No 6 was debated first in the Assembly though both were assented to on the same day. See Settlers of the Upper Rewa to Burt, 3 January 1872 - Fl/10, 72/4; Blyth to Clarkson, 12 March 1873 - \textit{ibid.}, 73/158; Chalmers to Swanston, 3 February 1873 - \textit{ibid.}, 73/171.
main European administrative official for the provinces was the secretary to the governor, from whose jurisdiction the administration of justice had explicitly been excluded - the wardens were thus in no way amenable to the secretaries, which led in some instances to inefficient administration of justice, particularly when the warden did not have the backing of the European justices of the peace.

The Electoral Act, 1871, made explicit something which may have been implied in the constitution though it was not made clear. Clause 7 reads:

> Every male subject of the Kingdom who shall have attained the age of twenty-one years and shall have been domiciled in the Kingdom for six months, and shall have caused his name to be entered on the list of voters...other than native-born subjects and natives of any Polynesian islands... [is entitled to vote.]

Clause 60 of the Constitution Act had not specifically excluded Fijians and 'Polynesians' from the vote, though the phraseology (which was followed in the clause cited above) makes it clear that it was not contemplated they should be enfranchised. Thurston, after the third session of the Assembly, maintained that this act was invalid because it violated the constitution and wished to enfranchise the Fijians in an effort to control what he considered to be a contumacious Assembly, and only the annexation of Fiji by Great Britain obviated the necessity for a move which would have provoked united European opposition.

THE legal structure established by the constitution and legislation of 1871 shows that Burt and his colleagues were sincere in their attempt to establish a government suited to the needs of the whole community, but its most serious defect was the excessive number of officers required
to make it function, all of whom had to be paid. Of the £120,000 at which the first year's revenue was estimated, no less than $77,000 was to be spent on salaries, a fact explained not so much by the size of salaries as by their number. In the Ministry of Lands and Works, for instance, as well as the Minister, there were a chief clerk, a surveyor, a sub-inspector of works, two draughtsmen and an assistant draughtsman, and a registrar of Crown grants. The judicial division was the most elaborate, with a Chief Justice, two judges, an Attorney-General, a registrar and clerk of the Supreme Court, two more clerks one of whom was also to act as bailiff, a crier tipstaff and messenger, a judge's associate, a clerk to the Attorney-General, a Sheriff of the Supreme Court, a clerk of the Petty Sessions, and a messenger - all of which was to cost $12,865.50 annually. Most of the remaining $43,000 was earmarked for equipment for the various departments - for stationery and surveying instruments, for mail bags and stamps, and for other items concerned with the actual functioning of the administration. The items of a purely developmental nature included in the estimates amounted to the ludicrously small figure of $3,076 and one of the main complaints against the government was that its cost was out of all proportion to its worth.⁴³ A far more complicated machinery than the situation warranted or than the potential revenues justified had been created. Instead of a small and efficient group of men working in close contact with each other there was a vast bureaucratic edifice which could not have been expected to begin to function properly without its share

⁴³ See the 'Appropriations Act, 1871'. 
of birth pains. The exigencies of the situation in Fiji in 1871 demanded immediate solution and the measure of both the success and the failure of the Cakobau government must be made in terms of practical realities rather than theoretical possibilities.
THE BURT MINISTRY - NOVEMBER 1871-MARCH 1872

NOT until after the first session of the Legislative Assembly had established the structure of the administration and secured the legality of its actions did the ministry realize the full extent of the problem it had set out to solve. Before November 1871 it had functioned as little more than an interim government, solving difficulties as it came to them in a temporary fashion. After its status had been properly defined, temporary measures were no longer sufficient and it became necessary to work out longer term policies.

The lack of cash, both in its own coffers and in the pockets of the settlers, was the most serious problem, because all the rest of its troubles depended from, or were aggravated by, the financial straits of the community. The regulation of contact between European and Fijian, the imposition upon Fijian society of a mode of government of which it had had no experience, and the supplying of the planting community with the land and the labour necessary to the development of a flourishing plantation economy, were all problems directly affected by the prevailing impecuniousness. The irresponsible opposition of that element of Levuka society which had no wish for any kind of government at all was made more effective by the support of unsuccessful planters whose discontent stemmed from the economic depression. The hostile attitude of the British consul was aggravated by the low level of achievement of the government, and this in turn affected the recognition afforded it by foreign powers. All these problems were related to each other, but, apart from the financial question, the most important was the
regulation of conditions of employment of plantation labourers. This was a matter which concerned the British government, and as the continued existence of the Fiji government depended upon Britain's approval, efficient control of all aspects of the labour traffic was imperative.

There was thus much activity during the short term of the Burt Ministry. It took some time to get the administrative structure working properly, and there were many problems connected with the provincial organization which only became apparent as the secretaries commenced their duties. The Minister for the Interior went to Australia to investigate the possibility of floating a loan and found that the Fiji government held no very high reputation in the eyes of Sydney capitalists. This problem of recognition was exacerbated by events in Levuka itself where the intransigents of Levuka society clamoured for the resignation of the Premier and organized themselves, somewhat melodramatically, as a Ku Klux Klan and proclaimed their determination to bring down the government by force of arms if necessary - a determination in which, if they did not actually receive encouragement from the British consul, they certainly received no discouragement. They were successful in forcing Burt to resign, but they did not bring the government down. The ministry was completely reorganized in May 1872 and Thurston, the new Chief Secretary, was able to write at the end of the second session of the Legislative Assembly that the government was in a position which showed considerable promise for the future. Captain Douglas of HMS Cossack, at the end of a stay lasting some five months, congratulated Cakobau on the rapid progress of his government and the strength of his executive, and
upon the fact that active opposition had ceased and law and order was perfectly maintained. 1

THE financial activity of the Cakobau government could never have been dignified with the term 'policy' - rather it was reminiscent of a bad juggler managing to keep most of his balls in the air, but occasionally letting one fall to the ground. From the beginning a train of expedients were adopted to ameliorate difficulties as they occurred, without any thought for long-term consequences. The hire of Lovoni labourers provided a small sum with which to initiate the administration, but this did not last for long. In August 1871 the Cabinet decided to try and float an issue of debentures for £5,000 at ten per cent on the Sydney market, but because it was not backed by any proper legislative sanction this proved unsuccessful. An issue of paper money was then authorized, also without any proper guarantee of redemption to sustain it; because of the amount of 'bad paper' in Fiji at the time, this did not excite the adverse comment which might otherwise have been the case. The chronic lack of coin had always necessitated the conduct of much business by means of bills of exchange, notes of hand and promissory notes of various kinds; much of this had been rendered worthless by the collapse of the cotton market and the ruin of those planters who had started with insufficient capital and had relied upon continued boom conditions to keep them going. Paper money was one of the hazards of life in Fiji to which the inhabitants of Levuka had become accustomed. Had it been otherwise the ministry might have been more circumspect and so saved itself from much of

1 Thurston to L.D. Nathan (Government Agent in Auckland), 26 September 1872 - F1/23, 72/191.
the odium heaped upon it in the following year.²

Nor did the Legislative Assembly appear unduly concerned with the fiscal manoeuvres of the ministry - all Orders-in-Council were laid upon the table of the House but their provisions were not debated, even in conjunction with the Appropriations Act (No 18), or the Revenue Act (No 11). A Loan Act (No 12) was also passed, making it legal for the government to issue debentures up to the value of $25,000.³ The frequent changes at the head of the department can have done nothing towards establishing a sound financial practice in the government. Burt acted as Minister of Finance, as well as Premier and Chief Secretary, until the cabinet was properly organized

2 The experience of an Australian visitor in this respect is a good example:

Duff wanted some postage stamps. He bought about five shillings worth, giving a sovereign and receiving the change in government dollar notes. Afterwards he wanted to buy something in a shop, and tendered the notes in payment. He was told he must pay in money and not in rubbish like that.

- 'Diary of Richard Philp, 19 August 1872-13 December 1872', Fiji Museum, 64/1. Philp, who was a lawyer in Victoria, went to Fiji because he was promised the post of Attorney-General by Woods when the latter was in Melbourne. He reached Fiji only to find that the post had been filled, and was consequently highly critical of the government. He records elsewhere how he could only get some notes, which he had himself been unwise enough to accept, taken at 4/- in the pound discount.

3 The ease with which ministers managed the first session of the Assembly was no doubt affected by the fact that many members hoped for employment with the government. There is certainly much correspondence with the Chief Secretary in the early days in which the writers inquired about jobs. Some suggested positions for which their qualifications fitted them but others were content merely to express confidence in their ability competently to fill any post the government saw fit to give them.

See for example H.O. Paton to Burt, 9 June 1871 - Fl/10, 71/10. Philp remarked in his Diary that the only people who supported the government were those in its employ and that all others vilified both the government as an institution and its employees as individuals.
in conformance with the provisions of the constitution on 25 August 1871, when F.W. Hennings took over. J.C. Smith succeeded him on 4 January 1872 and remained in office only until 25 May when Thurston reorganized the ministry and C.H. Clarkson took over. Arrangements were made with the Oriental Bank Corporation in Sydney for the opening of a Fiji Government Current Account, but before the end of 1871 C.L. Sahl, the commercial agent in Sydney, wrote saying that at the request of the manager of the bank he had guaranteed an overdraft for £500 as the bank had accepted drafts 'to a considerable extent in excess of remittances'. Already the administration was getting out of its financial depth.

It was under these not very encouraging auspices that Woods, the Minister for Lands and Works as was now his official title, set out for Australia 'to confer and advise with His Majesty's Consul [C.L. Sahl]...in

4 The defective state of the records makes it impossible to form a detailed picture of the financial policy at this period. Smith to Power, 10 April 1872, and Smith to Darby, 1 April 1872, together with the memorandum attached to the former, are concerned with the organization of the collection of taxes from the Europeans in the district of Tailevu, Ba and Yasawas, and Nadi. Power and Darby were appointed tax assessors in these districts and their instructions were in accordance with the Public Revenue Act, 1871. Presumably similar instructions were issued to cover all districts in Fiji, although there is no record of such letters in the file - F1/28, 72/3 and 72/4.

The evidence that the half dozen letters extant do not represent the entire activity of the department is conclusive. F1/28, 72/7 from J.C. Smith to the Oriental Bank Corporation, Sydney, 23 May 1872 refers to an earlier letter, 72/2, to the same firm dated 6 January 1872. F1/28, 72/2 is in fact a letter to H.O. Paton, Levuka, dated 2 January 1872. Smith's earlier letter could be in another file which has disappeared, but this is unlikely and the answer probably lies with the incompetence or laziness of the clerk in the department responsible for making letter press copies of all outgoing correspondence.

5 Oriental Bank Corporation to Burt, 1 August 1871 - F1/27, 71/1 and 2; Sahl to F.W. Hennings, 12 December 1871 - ibid., 71/15.
all matters affecting the interest of this Kingdom particularly the sale of debentures, the sale of Lovoni lands, the purchase of a small steamer and the establishment of a bank in connexion with the Treasury...'. He was also empowered to negotiate a loan of up to $40,000. He left on the Quickstep on 6 February 1872, but found, when he arrived in Sydney, that the reputation of the government made it impossible to raise any sort of loan at all. The Earl of Belmore received him cordially, but informed him that Sir James Martin, the Premier of New South Wales, was not prepared to recognize the Fiji government in any way until Great Britain had done so; the Manager of the Oriental Bank saw him but was not satisfied with the security offered against the loan; Rabone Feez and Company, the government's brokers, expressed dissatisfaction with the haphazard fashion in which Hennings sent them advice about bills and drafts. On 29 February Woods had to admit that there was no chance of raising a loan either in Sydney or in Melbourne. On 11 March he berated his colleagues in Levuka for allowing the report to reach Australia that the government could pay no more than 10/- in the pound - such candour appalled him and he denied the report in the Sydney newspapers; he also waxed most wrath at not being kept fully informed of what was going on. But the damage had been done, and all that he was able to accomplish before leaving for Levuka at the end of April was an arrangement with the Postmaster-General of New South

6 Extract from the minutes of the Executive Council of the Kingdom of Fiji, 3 February 1872 - F1/2, 72/17; see also F1/31, 72/149; Fiji Times, 7 February 1872.
Wales for the onward posting of mail bearing Fiji postage stamps.  

The efforts of the rest of the ministry within Fiji were not so unproductive. Ratu Kini, the powerful Tui Nadroga, who was determined not to have anything to do with the government and who was encouraged in his attitude by the settlers of his province led by R.W. Hamilton, was eventually persuaded to go to Levuka where he was converted to the purpose of the government and gave it his full support. Plans were initiated for taking a census to provide the basis for accurate tax assessment, and also for certain general information - the good or bad site of a village, the presence of adequate anchorage, the state of health and education of the people, and the number of men available for work on plantations. The possibility of establishing an education system was also investigated, but the difficulties and expense proved too great.

This was one of the few matters in which the government sought the assistance of the missionaries. Hennings wrote to W. Nettleton, the Methodist missionary at Levuka, saying that it was proposed to train a Fijian staff in the details of departmental organization and asking if there were two suitable boys in the Mission College. F.W. Langham, the Chairman of the Conference, offered a couple of clerical assistants but

7 Memorandum of proceedings of the Minister of Lands and Works in Sydney, commencing 19 February 1872, dated 12 March 1872 - F1/Misc., 12/8 (10, 72/73); memorandum undated, the last entry being for 25 March. Presumably there was a further memorandum, but this is not extant - ibid., 12/9, (10, 72/91).

8 See Burt to G. Hennings, January 1872. Hennings proposed to visit Nadroga and was asked to visit Ratu Kini and induce him to communicate personally with the government - F1/13, 72/2.

9 F.W. Hennings to Wilkinson (Secretary for Bua), 22 April 1872 - F1/43(1), 143.
pointed out that the mission was providing for secular as well as religious education, at least of the sons of chiefs. Langham's attitude was consistently hostile to the government for a number of reasons; he believed that ministers were jealous of mission influence, and that Nettleton was prepared to support the government against the mission (or, more explicitly, against himself); he considered any attempt to organize a system of secular education in a 'heathen' country ridiculous, and maintained that the government was squeezing both the Europeans and the Fijians for taxes to pay a large staff of officials who were neither use nor ornament. The size of the administrative staff of the government was unnecessarily large, but this merely provided Langham with an excuse to voice his real objection to the government which was that it made a financial claim upon the Fijians in opposition to the mission. He later complained that he was compelled to release from their duties a number of his Fijian staff so that they could obtain the taxes required of them.  

However, the mission and the government did not come into very great contact with each other. Nettleton, by virtue of his being stationed at Levuka, had most to do with it and approved of its aims, being less concerned to guard the influence and prerogatives which the mission had established with the Fijians than to seek the general welfare of the country. He acted as interpreter to the provisional Supreme Court when it commenced work in July 1871, and continued to assist the government in this capacity, particularly during cases which involved regulation of the labour traffic.

10 F.W. Hennings to Nettleton, 13 May 1872 - F1/43(1), 270; Hennings to Langham, 21 June 1872 - ibid., 376; Langham to Rabone, 23 December 1871 and 5 August 1872, and Langham to Chapman, 11 September 1872 and 3 December 1872 - M.O.M. 103, 'F.W. Langham, Letters Received 1862-79'. 
Apart from this one instance, mission and government functioned side by side, wary of the influence the other exerted but never coming into open conflict.

Probably the most difficult problem with which the government had to deal was that concerned with the ownership and transfer of land. The fact that a Lands Bill was introduced into the first session of the Assembly and then withdrawn until a Royal Commission to Quiet Land Titles had made its report caused the *Fiji Gazette* no surprise:

...perhaps in no country in the world has the Crown so little influence over the soil. Titles have never been derived from Kings. Lands have become possessed by foreigners...sold and alienated by the aboriginals themselves...[with] no tribunal whereby could be disputed a holding. Those 'nine points' of the law, possession, have been the salient resting places upon which titles have been based.

This betrays an ignorance of conditions elsewhere but it does indicate the nature of the problem in Fiji. And the sooner a solution could be found the better - the *Gazette* regretted the fact that the summoning of a commission would prevent the putting into effect of any legislation before the second session of the Assembly, which meant a delay of a year. However the provisions of the rejected bill were grossly unjust and would have involved the government in untold difficulty; they proposed quite simply to make Crown lands out of all land not already occupied by Europeans and completely ignored the implications of the status of the *matanitu*, which, before June 1871, had been quite independent, and would have objected violently to any summary move on the part of the Cakobau government to deprive them of their lands. But even the Royal Commission, in spite of the reasonable principles it set out as being those upon which it proposed to work, had to admit

complete failure, and the matter was left to the Thurston Ministry to tackle with as little success.

The Burt commission met first on 4 January 1872 when it considered land which had been alienated to Europeans but which was still occupied by Fijians. This it regarded as being subject to the rights of petty chiefs and occupants, but also to the rights of superior chiefs under whom the former had associated for purposes of mutual defence and safety, and who had thereby acquired an interest in the land. Cakobau's position was defined under an extension of this principle. Because of his personal character and power, consolidated by treaties and legislation, he had become a 'main element' in land transactions; if land were transferred without his concurrence he could still claim sovereign rights if the transfer had been made since the ratification of the Constitution Act. Thus the consent of both the king and the superior chiefs was required before inferior chiefs or occupants could alienate land. However the commissioners gave themselves a complete escape by concluding their enunciation of general principles in the following terms:

...in consequence of the variety...of claims to land in Fiji, and the extreme difficulty of ascertaining the full force of native customs and traditions; and the prerogatives of rank, the Commissioners find it impossible to lay down fixed principles or rules by which they shall in all cases be guided, hence they must be guided by the nature of the evidence brought before them....12

The Commission met six times during January 1872 but when Woods left for Australia it almost ceased to function. Settlers had no respect

12 Royal Commission to Quiet Land Titles, Minute Book 1872-74. The Commission as first constituted consisted of G.A. Woods in the chair, with R.W. Hamilton, W. Scott and F.W. Hennings - Fl/t15. These general principles were published in the 'Fiji Government Gazette' I, 8, 12 January 1872.
for the grants which it issued so that there was frequently not enough business to keep it occupied. It met only three times in February and then once without a quorum. R.W. Hamilton, the Attorney-General and Woods's successor as Chairman, wrote to Burt in March 1873 recommending that the government officially recognize the fact that the Commission had ceased to function and suggesting that it should be reorganized by the second session of the Assembly.\(^\text{13}\) When the Assembly did examine the question it also examined the report of a Commission of Inquiry which had investigated charges made against Hamilton in his position as a member of the Land Commission. They all involved the acceptance of bribes and although Hamilton was exonerated in each case, it was upon a technicality; it is easy to understand settlers' unwillingness to put cases before a body which had a reputation for corruption.\(^\text{14}\)

But this was the only problem in which the Cakobau government met with no success; its nature was such that a solution was not possible without exciting violent antagonism from one or another section of the community and this was something it could not afford deliberately to do. Sir Arthur Gordon was not so restricted, and, having made up his mind as to the propriety of a certain policy, was able to put it into practice regardless of the opposition engendered amongst the planting community. But if the ministry had to leave the problem of land to the colonial régime

\(^{13}\) Hamilton became Attorney-General when H. Manning, his predecessor, was drowned early in 1872 - Fiji Times, 27 January 1872; Hamilton to Burt, 18 March 1872 - F1/8, 2.

\(^{14}\) Report of a Commission of Enquiry into charges made against Colonel Hamilton as a member of a Royal Commission to Quiet Land Titles, laid on the table of the House, 12 June 1872 - ibid., 25.
there was much it could and did do in governing the relations between Fijians and Europeans, and in regulating conditions of plantation labour.

'KAI COLO' was the name given to the people of the interior of Viti Levu, who had never been in permanent contact with the coastal tribes and who had not taken part in the fighting associated with the establishment of the great matanitu of eastern Viti Levu. They made shifting alliances with one another and with tribes on the north and north-west coasts; in 1871 they had not been converted to Christianity and were still cannibal; they commanded an intimate knowledge of the precipitous terrain of the interior and were liable to make sudden and devastating sorties before retiring to their impregnable fortified villages in the mountains. The settlers on the more remote coasts of Rakiraki and Ba lived in almost daily apprehension of attack, and the Cakobau government, to gain their support, had first to give them reasonable security of life and property. To this end it achieved considerable success in the long campaign of 1873, but the problem had to be faced within weeks of its inception, when its action did not prove satisfactory to the settlers.

In June 1871 Woods received a letter from D. Hannah of Viti Levu Bay, in the north-east of the island, complaining that a war was actually being waged over his plantation; fighting fences had been erected on the outer boundaries of his cotton, leaving his house in the no-man's land between the opposing forces and effectively preventing his tending the plantation which was degenerating into a wilderness. But worse was to come.

15 Hannah to Woods, 28 June 1871 - Fl/31, 71/41.
On 9 July James McIntosh and John Spiers were murdered while shooting duck near the foot of the mountains in the upper Ba valley. The bodies were dismembered before they could be rescued and were probably eaten by the murderers who were said to be of the Vatusila, the tribe responsible for the murder of the missionary, Thomas Baker, in 1867. A number of settlers immediately wrote to Cakobau asking his assistance, and Berry, the warden for Ba, suggested that a protective force be sent until such time as steps could be taken against the mountaineers. Burt temporized in replying to these letters. He lamented the fact that Spiers and McIntosh should have gone so far from their homes knowing the hostile feelings of the surrounding natives, but said that the government would take all the necessary steps to ensure the capture of the murderers, the subjugation of the mountaineers, and the security of the lives and property of the settlers. But he also warned against any attempt being made to take a small force of settlers into the interior, knowing that men were at that moment in Levuka looking for volunteers for that very purpose. He wrote to the American and British consuls asking for their cooperation and saying that it had been decided that a small force of Fijians should be drilled to act with European officers and volunteers.

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16 Report of an inquest held at Rarawai station, district of Ba, Viti Levu, 10 July 1871, on the bodies of Messrs James McIntosh and John Spiers, enclosed in Berry to Burt, 19 July 1871 - F1/10, 71/149.
Ibid., further enclosure; J. Kennedy, R.J.P. Sullivan and other settlers of the Ba to Cakobau, 11 July 1871. This correspondence, together with Burt's reply, was printed in the Fiji Times of 26 July.

17 Burt to deputation from Ba river, 18 July 1871 - FMS/2, II(2)/1; Burt to March, 21 July 1871 - F1/23, 71/15; Burt to Brower, 21 July 1871 - ibid., 71/16. See also A.-B. Brewster, King of the Cannibal Islands, 171.
The Ba settlers were not satisfied that the government was doing all it should and determined to send an expedition regardless of Burt's admonition. Further correspondence ensued in which neither side persuaded the other of the validity of its point of view; the settlers gathered on 23 August 1871 together with a contingent of volunteers from Levuka. The assistance of the Tui Ba was sought and the small band set off into the mountains. Fortunately for the Europeans a chance shot brought down one of the kai colo, who, according to the traditional mode of fighting, fled to their mountain fastnesses and the force was able to return unscathed to the coast, having accomplished nothing more than a provocation of the mountaineers to further depredations.18

Early in September 1871, Gaul, one of the planters on the Ba river, was attacked in his house. A letter he wrote to Berry gives some idea of the sort of feeling that existed among the settlers at the time, which the government would have had to have broken down, before it could persuade the kai colo to submit to its authority:

...I got woke [sic] up about twelve o'clock by someone trying to open the door. I called out to Mr. Abbot and we both turned out and looked out through a loophole we fortunately had cut. There was a lot of Ky Tholos [sic] so we gave them a volley which made them clear out. In the morning we found tracks of blood so we had the

18 Sullivan to Burt, 26 July 1871 - FMS/2, II(2)/1; Burt to Sullivan, 1 August 1871, and Kennedy to Burt, 8 August 1871 - ibid.; Brewster, op. cit., 176, says that had the expedition attempted to penetrate as far as the Vatusila it would have been wiped out.
satisfaction of knowing some of them got peppered.\textsuperscript{19}

Woods had already set out on a tour of inspection of the north coast of Viti Levu when this happened, so he was on the spot when the news was brought in. He went up the river with two settlers and the Tui Ba to supervise the positioning of picket patrols; he also met as many planters as he could and endeavoured to convince them that such expeditions interfered most seriously with the intentions of the government which were to make contact with the kai colo and persuade them to come down out of the mountains and to cease raiding plantations. His remonstrations were in vain and the settlers persisted in their determination to make another raid.\textsuperscript{20}

The 'Ba question' continued to occupy the government in a desultory fashion until early in 1873 when another and more alarming murder occurred. By this time the settlers had become so opposed to the government's policy of peacefully approaching the kai colo that the Thurston Ministry had first of all to put down armed resistance from the settlers themselves before it could deal with the mountaineers - a course of action made necessary in the first place by the attitude of the settlers.\textsuperscript{21}

\begin{itemize}
\item \textsuperscript{19} Gaul to Berry (undated), enclosed in Journal of the Minister for Lands and Works, read to the Executive Council [Executive Council minute 71/26, 18 September 1871] - F1/10, 71/204. The Times in its account of the incident, said that six mountaineers were killed, but this does not accord with Gaul's own statement - Fiji Times, 9 September 1871.
\item \textsuperscript{20} Woods's journal consists of a day to day account of a journey in the cutter Vivid, beginning on 31 August and ending on 14 September 1871. One of his purposes was to distribute ballot boxes for the forthcoming elections to the Legislative Assembly.
\item \textsuperscript{21} See for example, Thurston to Leefe, 17 September 1872, and Thurston to Burnes, Mackintosh, Abbot, etc., 30 September 1872 - FMS/2, II(2)/1. For a complete discussion of the 1873 campaign see below chapter 8.
\end{itemize}
REGULATION of the problem of plantation labour was of special significance; not only did the settler economy depend upon a constant supply of cheap labourers, but Great Britain's attitude could most easily have been favourably affected by a demonstration on the part of the government that it was both competent and determined properly to regulate the labour traffic, or that aspect which came within its jurisdiction. Most planters realized that a steady supply of men depended upon their being well treated, and this made the government's job easier. If a Solomon Islander or a New Hebridean were well treated while in Fiji and was returned home at the end of his contracted period, not only would he extol the virtues of working on a plantation where conditions were potentially better than those he normally enjoyed at home, thus encouraging more of his fellows to contract, but would himself offer to return for a second and even a third term. In this case a planter (for the labourers would usually require to be sent back to the same plantation) would get an experienced man who would need no training, instead of a raw recruit who often took a full year before he was of any use on a plantation. 22

Previous to the establishment of the Cakobau government the only authority which had interested itself in the labour traffic had been the British consul. Indeed the problem had not existed until the cotton boom, when, at the same time that the demand for labourers increased, it was found that Fijians were temperamentally unsuited to the regular nature of the work required, which usually took place away from their home villages.

Thurston was acting as consul when the number of ships bringing

22 For an account of a voyage in search of labour recruits from Fiji to the New Hebrides, see J.B. Thurston, 'Journal of a voyage from Ovalau, Fiji, to the New Hebrides in search of voluntary emigrants'.
men from Melanesia increased, and he used all his efforts to ensure that the traffic was kept free from abuse. He demanded from the master of each vessel a complete list of labourers and then examined each one to make sure that he had come voluntarily to Fiji and understood the purpose for which his services were required. Only after the planter had signed an agreement to clothe, feed, and pay the men, and finally to return them to their homes at the end of three years, would he allow them to be removed. Thurston did not have any difficulty in seeing that justice was done in the case of complaints, and in April 1869 cooperated with Captain Palmer of HMS Rosario in having the schooner Daphne sent to Sydney on suspicion of having engaged in slavery.  

By the time the Burt Ministry came to investigate the control of labour vessels, Jones's successor, March, had finally arrived in Fiji, and Thurston had retired to his plantation on Taveuni, inveighing against the idleness and general incompetence of the new consul. Thurston's charges were exaggerated but the Cakobau government was determined to do something about the labour traffic regardless of March's attitude - the whole question of recognition by foreign powers was at stake. Burt set up a commission in September 1871 to investigate all aspects of both 'Polynesian' and Fijian labour which submitted a report to the first session of the Legislative Assembly. W. Hennings acted as chairman and the foreign consuls in Fiji were invited to sit with five members appointed by the Delegates'  


24 See Thurston's letters to Hope, in Hope, 'Letter Journals' III. For a full discussion of the government's relations with March, see below, chapter 6.
Meeting. March, in reply to Burt's letter asking for his assistance, stated that he regretted he did not have the time to devote to the inquiry, and couched his reply in terms which made it clear he considered the government's action unnecessary and that it trespassed to an unwarranted extent into his own sphere of authority:

...since my arrival in this country I have given this subject my most earnest attention and endeavoured by every means in my power to place the movement upon a sound footing.

You are aware of the Regulations I have endeavoured to establish and if the persons who have the real good of their adopted home at heart would only sincerely cooperate with me in carrying them out the unenviable notoriety which is now attached to these fair Isles would disappear.26

He warned Burt against interfering with the rights of British subjects, and in a concluding note indicated his opposition to the government and his determination to stick uncompromisingly to the letter of his not very explicit instructions, at the same time making matters as difficult for Burt as possible. In 1870, on the occasion of a previous attempt to form a government, he was asked by Cakobau to ignore any communication that was not in the Fijian language, and did not bear his signature; this movement had since expired but he had not receive any request to change his approach. Not only was this at variance with Clarendon's injunction to avoid partizan action which would in any way compromise the neutrality of his position, it was also precisely calculated to elicit a

25 Freeman to Murray, 5 September 1871. The letter finished with the statement that the government wished to place a check upon the causes leading to the commission of the many outrages complained of in connexion with foreign vessels and to obtain the cooperation of the consuls in the matter - F1/23, 71/45.

26 March to Burt, 6 September 1871 - F1/14.
reaction from Burt which boded ill for future relations between the British consul and the Cakobau government, at least as headed by Burt.  

But the commission did not need March's support to function effectively, and after a month submitted an encouraging preliminary report to Burt. Abuses did not appear to be as widespread as they had been led to believe, and what irregularities did occur were caused by two or three notorious characters such as G.R. Burt and Achilles Underwood of Kadavu, and Captain Hayes of Queensland; in their final report the commissioners recommended that some sort of cooperation with both New South Wales and Queensland would be advantageous. But before framing an act to cover the matter the Legislative Assembly seized the opportunity to take more evidence when they heard from Captain Sinclair of the Cambria, Captain Lessing of the Harriet Armitage, and J. Borron, a Queensland planter who had sailed with Captain Lessing, all of whom happened to be in Levuka at the time. The evidence was confusing. Sinclair and Lessing agreed that Fiji's reputation was bad because of the uncertainty of labourers' being returned to their homes; Lessing suggested that a government agent and a proper register

27 Clarendon to March, 19 March 1869 - F058/115 (folio 172); Burt to March, 7 September 1871 - Fl/23, 27. The general nature of March's instructions enabled him always to interpret them in a way which made things difficult for the government.

28 Progress report of Royal Commission to inquire into the Polynesian labour system, enclosed in W. Prichard (Secretary of the Commission) to Burt, 3 October 1871 - Fl/10, 71/143; in this regard Prichard wrote a few days later, asking if copies of the New Caledonian and Queensland regulations could be obtained - Prichard to Burt, 6 October 1871, ibid., 71/189; see also copy of the report of the Royal Commission on the Polynesian Labour Question - ibid., 73/63.

29 Minute paper of the Legislative Assembly, 7 November 1871 - Fl/8, 32; evidence given at the bar of the House, before a Committee of the Whole, 7-8 November 1871 - ibid., 14.
would eventually put an end to much mistrust. Borron, on the other hand, considered Fiji's reputation to be no worse than that of Queensland and that recent murders were from motives of revenge for old grudges.

Such opinion encouraged the Assembly which hoped that with suitable legislation and a close scrutiny over labour vessels, effective control could be exercised and tragedies such as that of the Meva eliminated. The urgency for such measures could hardly have been more forcibly brought home than by the murder of two men on board Captain Lessing's vessel, the Cambria, within the harbour at Levuka, by a party of Solomon Islanders, who had evidently been confined below decks - a practice which was itself inhumane and should not have been allowed. An inquest was held, but because there was no one who understood the language of the islanders no final decision was reached. The case brought home to the government the excessive difficulties of properly controlling the labour traffic; it could inspect those vessels which came to Levuka and see that all labourers were aware of what they were required to do before allowing them to go to plantations, and it could see to it that men were returned to their homes at the end of their contract, but many of the abuses occurred at the time of recruitment and during the voyages. Such were beyond the powers of the government to handle and all it could hope to do was to exercise continual vigilance.

The Legislative Assembly also appointed a separate committee to examine the potentials of a Fijian labour force and to report on a system which had been established by an Order in Council in June 1871. Planters had been asked to supply the government with figures indicating the extent of their needs, and regulations were drawn up whereby they were to pay thirty

30 Fiji Times, 18 November 1871.
dollars a year for each man, of which the government would take fifteen to enable it to provide effective supervision. But the system was open to abuse, as the committee soon found out. Conditions of work and pay were frequently misrepresented in order to entice men to leave their villages; Nettleton said that chiefs complained of not being given sufficient notice when labourers were required; and A.J. Cripps, who had been appointed Government Agent in August 1871, employed sub-agents over whom he exercised no control and who tended to be quite unscrupulous in fulfilling their quotas. 31

The committee tabled a series of suggestions for the better regulation of the system, and it was on the basis of these and the report on 'Polynesian' labour that 'An act to regulate the hiring and service of foreign and native labourers' (no 8) was drawn up. 32 No ship of less than twenty-five tons was permitted to carry labourers, and those working within Fiji were required to have a representative of the chief on board as a safeguard against any misunderstanding as to the terms of the contract. Conditions under which it was lawful to conduct a recruiting voyage beyond Fiji were laid down in detail, and all vessels were required on their return first to go to Levuka for a complete inspection. Planters were supposed to furnish quarterly reports on the state of health of their men, on injuries

31 Fiji Legislative Assembly: papers relating to labour regulations in Fiji, laid before the House on the motion of Mr Otway, 8 November 1871; Order in Council (undated) made under the provisions of the Constitution Act of Bau - Fl/8, 28.

sustained, and on any other matters connected with the labourers' welfare; governors and wardens were to make quarterly inspections to ensure that the obligations entered into by employers, both with the government and with the labourers themselves, were being fairly and reasonably carried out, and that the labourers were fulfilling their contract. Wilkinson reported that many planters were unacquainted with the regulations, and that in any case the problems connected with local as opposed to foreign labour were so dissimilar that different regulations were required for each. Local magistrates (or justices of the peace as they were indiscriminately called) had of necessity to be local planters, more likely to accede to the interests of their neighbours than to administer justice in an impartial manner. 33

W.M. Ollivier, the Auditor-General, when going through the accounts of the Burt administration in June 1872, said that those of the Labour Department were in such a chaotic state that it was possible only to elucidate the fact that there had been many irregularities, particularly with regard to the payment of fees. 34 Administrative difficulties were enormous, and to have solved them all within six months of its inception would have been remarkable. The energy and imagination with which the Burt Ministry tackled them is to its credit, and shows that it sincerely sought the welfare of both Fijian and European. Certain sections of the settler community, however, considered that the Fijians had no rights if they happened to clash with European interests, and they were able, by taking advantage of

33 Wilkinson to Hennings, 23 March 1872 - Fl/41, 260.
34 Ollivier to Swanston, 26 June 1872 - ibid., 499.
the economic difficulties of the time, and encouraged if not directly assisted by the British consul, to bring about Burt's resignation in March 1872, and almost to cause the collapse of the government.
OPPOSITION AND REORGANIZATION

EDWARD Bernard March finally arrived in Fiji on 1 December 1869 and relieved Thurston of the responsibilities of the acting-consulship. Previous to his promotion to Fiji he had served at Missolonghi in Greece and at San Sebastien in northern Spain, where he had been awarded the Albert Medal for saving the crew of a ship, the *Nouveau Canoteur*, from drowning. This caused the *Fiji Times*, upon his arrival in Levuka, to engage in characteristic eulogy:

...recommended by such deeds as made the name of Grace Darling beloved and famous, and coming from the classic shades of ancient Greece, bearing Her Britannic [sic] Majesty's commission we welcome to these islands in the name of all its resident British subjects E.B. March, Esq. H.B.M.'s consul.

But something more than physical valour was needed of the British consul in Fiji in 1870 and Thurston was convinced from the beginning that

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1 *Fiji Times*, 4 December 1869, reported that HMS *Virago*, in which the consul travelled, arrived off Levuka on 28 November 1869 and that an official landing was held a couple of days later. It also expressed its disappointment that the consul's commission did not give him magisterial powers:

...while the good sense of the community will always support the consul in the maintenance of law and order...more satisfactory to have a properly appointed justice of the peace than to have to rely on local authority.

Thurston, writing to Hope on 18 December 1869, said that March arrived on 1 December, but probably meant that this was the day upon which he took over the consulate - Hope, *'Letter Journals'* III. For March's career before his appointment to Fiji, see FO58/113.
March would prove unsatisfactory. His lack of consular experience beyond the duties involved in shipping and discharging seamen, his vanity and his laziness were all attributes which Thurston considered inimical to his success. Such a damning conclusion arrived at so quickly suggests that Thurston's judgement was biased; in fact it was probably biased before ever March arrived in Fiji because his letters to Hope make it clear that he felt less than justice had been done in his not having been appointed to succeed Jones in a permanent capacity.

March did nothing to overcome this antipathy and Thurston shortly afterwards felt compelled to retire to his plantation on Taveuni;² he took great delight, however, in chronicling March's ineptitudes for Hope's edification:

The whole group...despise and dislike March. March himself is a perfect enigma. He was married a month ago to a lady with three shock-headed children and a tall gaunt one-eyed Irish mother-in-law who 'smokes and cusses' and receives absolution from the French padre.

The children run about bare-footed and placards may be seen in the bars and tap-rooms of Levuka, headed 'Subscriptions

² The immediate cause of disagreement seems to have been a report on the general state of the islands which March had requested Thurston to prepare, then copied out in his own hand and read back to Thurston for his opinion 'as he thought he had fairly exhausted the subject'. If this is in fact the way things happened, and there is a report in the Foreign Office files - Report on the Fiji Islands, enclosed in March to Clarendon, 31 March 1870 - signed by March and dated in the month in which Thurston 'cut Mr March's official company', then Thurston had a very real grievance and March was a man of quite staggering vanity. Thurston's draft is not extant in the consular records, and the official styles of writing of the two men are insufficiently different to enable any conclusions to be made from that approach, but the report is a competent piece of work (in spite of a few careless inaccuracies), betraying a knowledge of Fiji which could not have been gained in a few months. And there would have been no cause for Thurston to misrepresent facts in a private letter - Thurston to Hope, loc. cit., 23 November 1870.
for the purpose of clothing and shoeing the children of HBM Consul in Fiji & Tonga.

It was impossible to do any business at the consulate because the only activity came from a clerk installed in an outer verandah, which had served Thurston as a pantry during his occupancy of the consulate (by which piece of gratuitous information Thurston presumably meant to convey his opinion of the unfitness of the place for consular activity). The clerk saw people, collected fees without ever giving change, and solaced himself every ten minutes with a suck at a gin bottle which stands with the Records cheek by jowl upon a shelf. ... Is not this a fine state of affairs? To give such a post to a wretched imbecile who is a perfect curse & wet blanket to his compatriots is enough to madden any man to a state of forgetfulness in his language.3

Thurston could hardly be credited with successfully controlling his language at this point, but it is obvious that March had enlisted neither the sympathy nor the support of the European community during his first months in office. And the situation got no better. In 1871 March complained that the European community in Levuka was actively opposed to him, and that Ryley, Griffiths, the editor of the Fiji Times, and 'a couple of other layabouts', had vowed

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3 Thurston to Hope, 6 September 1871 - Hope, 'Letter Journals' III; the Fiji Times, 9 October 1870, also gave full play to its extensive vocabulary to describe the iniquities of the British consul:

...our office is close to the castle of this consular ogre, and men visit us daily in a high state of excitement, goaded to madness by some acrimonious brusquerie....
...we are inundated with letters...so full of vituperation and ornamental exasperation as to be unintelligible.
that either he or they would go.\textsuperscript{4} Neither Ryley nor Griffiths were men of moderation, but the fact that March elicited such an extreme reaction from them suggests that Thurston's exasperation, which was strengthened by a clash of personality between himself and March, had something more than an emotional basis. Thurston possessed the ruthlessness, the determination, and the ability to act with authority, which were so necessary to any effective control of the political situation. He had had some years' experience in Fiji by 1870 and accepted the fact that the consul was quite unprotected; he believed, however, that it was easy enough to lead or direct the European community, or at least that part of it which he called 'the mob' and which gave March so much trouble.\textsuperscript{5} March, on the other hand, allowed the situation to get the better of him almost before he started. Instead of accepting the unusual nature of the Fijian situation and taking a sympathetic attitude towards any efforts directed at rendering it less unusual, he chose to treat the ministers of the Cakobau government with a lofty contempt which must have been particularly galling, and to make no effort to interpret the spirit rather than the letter of his instructions. Had he not been so morbidly concerned about any activity which he construed as infringing his own sphere of influence, many of the difficulties the administration experienced in exerting its authority within Fiji and achieving

\textsuperscript{4} March described Ryley as having come from a lunatic asylum in Auckland and whose behaviour since his arrival in Fiji indicated that he was 'still demented'. As Ryley was an FRCS, any connexion with a mental hospital was presumably professional, and March was merely being vituperative - March to Wylde, 21 April 1871 - FO58/120 (folio 124); March to Clarendon, 27 October 1870 - ibid. (folio 151); Fiji Times, 3 September and 8 October 1871.

\textsuperscript{5} Thurston to Hope, 23 November 1870 - Hope 'Letter Journals' III.
recognition beyond would have been eliminated. The absence of any but the most general instructions from the Foreign Office meant that his actions were not called in question and he was finally removed from Fiji because the Foreign Office considered that special circumstances had made him unsuitable for the job - it did not accept that he had had any part in creating those circumstances. The fact remains that during the latter part of his consulship, which coincided with the Cakobau government, March's attitude was better calculated than any other to ensure its downfall, whereas the Foreign Office's own inclination was to recognize its *de facto* status.7

When the government was inaugurated, March admitted that it could accomplish something useful if it were to confine itself to 'framing a code of laws adapted to the requirements of this young settlement'; but he claimed that instead, not only was it attempting to arrogate to itself powers not exercised in civilized countries without legislative sanction, but that it also sought to extend the government's authority over parts of Fiji which acknowledged no obligation to it. Such activity could not

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6 See for example March to Woods, 30 June 1871 - F1/14, printed correspondence.

7 Clarendon contented himself with warning March of the absence of a constituted government, and of the presence within the British community of 'many persons who by their antecedents and habits may be more prone to adventure than ready to conform to authority' with whom he would be required to exercise tact and judgement. Apart from this most general warning March was instructed to avoid taking part in any internal dissension or in any acts of partizanship, which would compromise the neutrality of his position. Clarendon to March, 19 March 1869 - PO58/115 (folio 172).

For a complete account of the vacillation of the British government with regard to Fiji at this time, see Ethel Drus, 'The Colonial Office and the annexation of Fiji', *Transactions of the Royal Historical Society*, fourth series, XXXII, 1950.
avoid serious complications:

...it is hardly to be expected that three thousand whites will submit to the dictation of five or six of their own number acting in the name of a native who can scarcely be said to have emerged from barbarism and whose conduct is guided by the interests of the moment and the hope of personal gain. It is notorious that these native chiefs are but mere tools in the hands of designing white men and it is therefore of the utmost consequence that persons who are placed in the responsible positions of ministers of finance and trade should enjoy the confidence of the people they presume to govern...

This was both emotional and inaccurate. Burt made it clear that the government did not intend to do anything that was not absolutely necessary until a constitution had been ratified and legislation passed, and no effort was made to extend the government's authority into the territory of the Tui Nadroga or the Tui Cakau, for instance, until they had joined the government, though every means was used to persuade them. And the accusations made that Burt had left Sydney with defalcations amounting to thirty thousand pounds against him were similarly without proper foundation.

All March's 1871 despatches tend to discredit the government; he used any argument that came to hand to make his point, even reaching opposite conclusions from the same facts in successive despatches. In July he argued that attempts were made to extend Cakobau's authority beyond its legitimate extent, implying that there were in Fiji many chiefs with authority the equal of his. In October he emphasized the fact that Ma'afu's and Cakobau's authority was absolute and that the minor chiefs and people had no political influence or status at all. Both states of affairs he

8 March to Clarendon, 7 July 1871 - F058/120 (folio 157). See also March to Granville, 11 October 1871 - ibid. (folio 201).

9 See for example March to Cakobau, 1 July 1871, enclosed in March to Clarendon, 7 July 1871 - F058/120.
considered bad. He underestimated, or did not appreciate, the power which between them Cakobau and Ma'afu wielded because he did not understand the hierarchical nature of the Fijian authority structure; he made it appear that the government was supported by a minority among the Fijians and that the rest were in active and direct opposition, which was not true even in June 1871, let alone at the end of the year by which time all the important chiefs had joined the government. The difficulties of the settlers on the Ba river in their dealings with the kai colo - whom he called 'the Swiss of Fiji' for some peculiar reason - he blamed upon the administration without taking account of the hostile attitude the settlers had chosen to adopt contrary to the repeated advice of the officers of the government, who warned settlers that the consequence of a persistent disregard for the rights of the kai colo could only be a 'war of races'.

Not surprisingly the Foreign Office showed itself disinclined to recognize the new régime, disinclined in fact to do anything:

...the despatches show a very curious state of affairs in Fiji...a set of white adventurers have attempted to establish a sort of burlesque constitutional government. ...we may anticipate some serious trouble before long. At the moment the policies of annexation and conferring jurisdiction as in the Levant are in abeyance. The other policy is recognition of the government de facto. What to advise the consul?10

Even in his last despatch for the year, March managed to convey the impression that the progress made during the first session of the assembly had been accomplished by unscrupulous means. He claimed the success of the government

10 Minute by Tenterden, dated 3 January 1872, made in the light of March's three despatches of 7 July 1872 (folio 157), 11 October 1871 (folio 201), and 18 October 1871 (folio 219) - F058/120 [the minute is attached to the second despatch]; see also the case of the Peri (folio 251) and Wylde's minute to Enfield, 12 April 1872.
was due to the financial control held over most of the members of the assembly by two members of the ministry, through their being the main store-keepers in Levuka and the only source of the credit so necessary to the planters, and that effective opposition was thus rendered out of the question.

By this time, however, the Foreign Office was becoming more accustomed to March's mode of expression, and Wylde's minute indicates that he was well capable of reading between the lines. He pointed out that, in spite of all that had been said against it, the government had succeeded in establishing itself, and that March should, accordingly, be furnished with more explicit instructions. Enfield concurred, saying that he could see no alternative to assuming a protectorate, other than affording the government some degree of recognition. But apart from an instruction from Lord Kimberley that the régime was to be afforded de facto recognition, an instruction which March never received and therefore never considered himself obliged to obey, the British government continued for another couple of years in much the same way as it had for the last twelve.\footnote{March to Granville, 30 December 1871, with minutes by Wylde and Enfield attached - FO58/120 (folio 280). March was presumably referring to F.W. Hennings and J.C. Smith, both of whom ran large commercial establishments in Levuka, but to suggest that all members of the assembly were financially obligated to these two gentlemen was ridiculous, and indeed, even to suggest that there was no opposition during the assembly was misleading - see above, chapter 4.}

March's implacable opposition on the one hand, and the indecisive vacillation of the Foreign Office on the other, affected both the action of the intransigents within Fiji and that of the British naval officers who were called upon more than once to assist in restoring an equilibrium which would not have been upset had March's attitude been different or had
his instructions from the Foreign Office been more explicit.

On 25 January 1872 Burt informed March that the government had become aware that a number of British subjects 'of low character and without any genuine interest in the country' had formed a league to resist the laws of the kingdom, to offer members of the cabinet personal violence, and to burn down public buildings. The government was averse to clashing with any section of the community, but

...[it is] determined to carry out the laws in their integrity and to enforce the decisions of the magistrates, and therefore any persons taken in opposition or committing unlawful acts must take the consequences.... I now do myself the honour to invite your attention to the propriety of warning British subjects against any participation in proceedings of the illegal nature alluded to.¹²

This was hardly the way to enlist March's support:

...I beg to state that as the actual state of things in Fiji has arisen entirely from the action of the foreign residents in these islands I must continue declining to interfere therein, leaving to you and the other British subjects to whom you allude the responsibility attached to the line of conduct you respectively adopt....

Because he had never received any indication of the opinion of the Foreign Office he was able to write that Great Britain had not recognized the government in any way, and that he would himself regard the attempt to use any sort of coercive force upon British subjects in the most serious light; he counselled 'the greatest moderation in the present suspensory state of affairs'.¹³ His advice was good but he was more concerned with directing it at Burt and his colleagues, who had no wish to provoke a clash of any kind, than with quelling the incendiary tendencies of the British Subjects' Mutual Protection Society.

¹³ March to Burt (copy), 27 January 1872 - F1/14.
If March did not have a properly balanced view of the situation, Burt's giving vent to his spleen certainly did not help him acquire it. He claimed that March's failure to impress upon the malcontent British community the necessity for obeying the laws of the country in which they chose to reside, was directly responsible for 'the offensive position assumed by certain British subjects towards the king and the government'. He was tactless enough to quote at length from 'the standard works on the subject of the duties of consular officers' and warned that the government was determined

...to collect the taxes as imposed and to carry out in all cases the decisions of the magistrates by which alone can a stable Government be maintained, and this kingdom earn for itself the respect, countenance, and support of other nations whose example and precept it is determined to closely follow.¹⁴

The energy with which Burt pursued this end during the short term of his ministry shows that he was perfectly sincere in what he said and March's behaviour was inimical to such a consummation, whatever the legal technicalities may have been. He stated that the provisions of the Foreign Enlistment Act would be invoked against any British subjects within the employ of the Cakobau government, who attempted any kind of coercion against their fellow countrymen. He claimed to have assumed a position of 'scrupulous non-interference except in instances where the undoubted rights he is placed here to protect were being unwarrantably jeopardized' and did not consider himself called upon to enter into explanations with persons, who, 'by a favourable concatenation of circumstances have succeeded to positions full of responsibility and to which their antecedents by no means fitted them'.

¹⁴ Burt to March (copy), 31 January 1872 - Fl/14.
He suggested that Burt should resign in answer to the majority of his electors and 'so prove his patriotism and calm the agitation'.

Not only was this request inconsistent with the great pains he had taken to indicate why he could not recognize the government, and presumably therefore, the position from which he was asking Burt to resign; it also suggests that he was sympathetic with the aims of Burt's 'malcontent British community' and prepared to put his word in for it, in spite of the fact that Ryley and Griffiths, such a short time before, were so anxious to get rid of him.

Exactly when the British Subjects' Mutual Protection Society was formed is difficult to establish. It was first mentioned in a letter to the Fiji Times of 7 February 1872, but there had been oblique references to secret meetings in the leaders of the previous few issues. Eventually Burt felt himself obliged once again formally to complain about the activities of 'a secret society and armed corps'; he reminded March that he had taken no action as a result of the last letter he had received on the subject, and stated that should he still refuse to issue the requested warning, or if he countenanced the society in any way, it was the intention of the Fiji government to report the matter to London. Once again March returned the letter with an acid memorandum attached:

...to comply with the request of Mr Burt...[to] induce a portion of the community, who have repudiated British Law and assumed one made by themselves, to obey the men they have placed in power would be inconsistent with the

15 Copy, undated, of March's memorandum in reply to Burt's letter of 31 January 1872. The originals of both letter and memorandum have disappeared - F1/14. There is another copy of March's memorandum at F1/11, 72/126. March refused to receive Burt's letter of 31 January and sent it back with the memorandum attached. Apparently a refusal to 'receive' correspondence did not imply a refusal to read it.
position he [Mr March] has assumed from the beginning of this movement and a needless interference with a state of affairs in the creation of which he has had no hand...\textsuperscript{16}

March was perfectly well aware that no one connected with the Cakobau government had ever repudiated British law; in fact the only people to have done so were those who wished to repudiate any kind of law at all and whom March seemed determined to assist in every way. Further exchanges occurred,\textsuperscript{17} but nothing more than increased blood pressure resulted, and the Cakobau government decided to make a formal complaint to the Governor of New South Wales; Commodore Stirling was also invited to visit Fiji and to direct that March reside in Tonga! This shows the government's complete ignorance of the relative authority of various British functionaries, but it also indicates the strength of its conviction that March was in the wrong, which is at least a testimony of its own sincerity.\textsuperscript{18} Its main complaint, apart from his basic antipathy, was that March attended to his duties with regard to foreign labour in a most haphazard manner, passed men in an irregular fashion, and put every obstacle in the way of the effective operation of its own act.\textsuperscript{19}

On more than one occasion during his first visit to Australia in

\textsuperscript{16} Memorandum by March, 14 February 1872, attached to Burt to March, 13 February 1872 - Fl/14, 72/2.

\textsuperscript{17} There is a further letter from March to Burt in Fl/14, dated 17 February 1872, which is in answer to one from Burt which has disappeared. After this final exchange the correspondence ceased for a while, as Burt found himself more pressed by other duties.

\textsuperscript{18} Extract from the minutes of the Executive Council of the Kingdom of Fiji, 3 February 1872 - Fl/2, 72/17.

\textsuperscript{19} See for instance, Thurston to Sahl, 12 October 1872 '...the murders committed, and small craft stolen, by Polynesians passed by H.M. Consul were innumerable, while not one offence has yet been committed by those passed by this government' - Fl/23, 72/196.
1872 Woods interviewed the Administrator of New South Wales, Sir Alfred Stephen, who showed sympathy and forwarded the Fijian complaints to the Colonial Office but could do nothing further. The Premier, Sir James Martin, considered he had already gone too far in acknowledging the government de facto - the lead for such an action should have come from England.  

In Fiji in the meantime, the B.S.M.P.S. was becoming more actively antagonistic towards the government. At the end of January 1872 Burt was confronted by a deputation of electors bearing a petition said to have been signed by one hundred voters; he replied that there were only about thirty bona fide signatures, that many of the other names were those of disappointed applicants for office, and that the petition did not therefore represent the opinions of the majority of those who had been pleased to elect him in October 1871. The Fiji Times published an anonymous letter which referred in the most scurrilous terms to Burt's antecedents in Australia and helped whip up a frenzy of antipathy. Burt accused the B.S.M.P.S. of hatching a plot to assassinate Woods and himself, and the B.S.M.P.S. plotted to overthrow the ministry.  

The Fiji Times put forward what it considered to be the reasons for getting rid of Burt: taxes were heavy and the mode of their collection oppressive; the government was carried on in a slovenly fashion and the premier was accused of having deceived the electors by telling them he

20 Woods to Stephen, 25 March 1872 - Fl/Misc., 12/2; Woods to Stephen, 2 April 1872 - ibid., 12/3; Stephen to Woods, 19 April 1872 and its enclosure, Kimberley to Belmore (circular), 3 November 1871 - Fl/31, 72/153a; see also Martin's letter to Stephen, printed in the Sydney Morning Herald, 24 August 1872, with the Herald's leading article in reply, 27 August 1872.

21 Fiji Times, 3, 7, and 24 February 1872.
envisioned an administration consisting of 'a few officers, well paid and efficient, avoiding anything like the patronage and the sinecures of the English and colonial governments...', instead of which a vast, expensive, and inefficient machine had been created; allusions were also made to embezzlement in the treasury 'prior to the taking of office of the present treasurer'. The charge against Burt of his having created an unnecessarily large administration had some substance to it, but the attitude of both the protection society and the newspaper was really much more emotional:

...we earnestly desire a Government, but not one whose extravagance is unlimited, and whose foresight is nil. We want one possessing the confidence of the people, and that has the real prosperity of the country at heart, but as long as the present one remains in office it will be a Government without the confidence of the great majority of the settlers, and such an [sic] one is inimical to the interests of any people.\(^\text{22}\)

Burt resigned on 8 March 1872, the day after the most successful attempt of the B.S.M.P.S. to flout the authority of the government.\(^\text{23}\) R.W. Smith, who had been accused of murdering a Fijian, established himself at the Criterion Hotel with the assistance of the B.S.M.P.S., whose members were summoned by a cannon shot. The government, with a force of thirty trained men and one hundred and twenty volunteers, prepared to prevent any

\(^\text{22}\) Fiji Times, 14 February 1872.

\(^\text{23}\) The 'Government Gazette' contained notice that Burt had sent in his resignation to the king, although it did not indicate whether or not the resignation had been accepted. He ceased acting as Chief Secretary almost immediately because Fl/13, 72/39, dated 12 March, is signed by the Acting Chief Secretary F.W. Hennings. Many letters during this period were in the form 'I am directed by...' and signed by Freeman or Smart, the departmental clerks. Hennings continued to act until Thurston took over on 6 May. See Thurston to March, 6 May 1872, informing him that he had taken over the duties of the department - *ibid.*, 72/125.
clash. Ministers tried to contact March in an effort to get him to remonstrate with the insurgents but he was unavailable, even to Captain von Blanc of HIGMS Nymphé. The government's authority was successfully subverted, and Smith, who maintained that his Tanese labourers had been provoked into killing the man of whose murder he was accused, remained at liberty; the B.S.M.P.S. stated that it had acted, not to protect a man from the consequences of criminal acts, but to prevent his being tried by a court the legality of which was not proven.

Burt's reasons for resigning are not clear. He told Woods (and Woods told Stephen) that his fellow ministers, that is Hennings and Smith, would not agree to the use of force against the B.S.M.P.S. - presumably because they feared repercussions or possible retributive measures March might manage to take. When explaining to the Legislative Assembly some three months later, he said that he resigned because the law could not be maintained without a clash between the government and the B.S.M.P.S. which he wished to avoid. The explanation to Woods seems more likely. This was not the only evidence that Burt did not get on with his ministerial colleagues - there were several allusions to mismanagement in the department of Finance on the part of J.C. Smith, who himself resigned in May 1872, giving the Legislative Assembly the rather lame excuse that there were too

24 HIGMS Nymphé was paying a courtesy visit to islands in the Pacific, though one of the reasons for visiting Nji was to investigate the necessity for appointing a German consul.

25 Fiji Times, 9 March 1872.

26 Woods to Stephen, 2 April 1872 - Fl/Misc., 12/3.

27 Fiji Times, 8 April 1872; VPLA (ii), 3 June 1872 - Fl/6.
many commercial men in the ministry. Burt possibly had enough political acumen to sense that no real progress would be made against the violent antagonism directed at himself personally, and that if he resigned the leadership of the ministry he could save something of his career. His own activities in the following couple of years, and the comments of the Fiji Times when he resigned, seem to bear this out; the newspaper said that with the removal of the 'noxious minister' a little moderation could yet save the government. But for the next few weeks the B.S.M.P.S. dominated events in Levuka, even if they were not entirely unopposed.

On 16 March a meeting of the planters on the Rewa expressed considerable dissatisfaction at what had been going on in Levuka; constitutional means were always open for the redressing of grievances, and there never would be any confidence in investing capital unless laws made equally for all were allowed to proceed. Fijians were already discontented at having to pay taxes when the Europeans refused to pay their share, and they would rapidly become completely hostile if such activity were allowed to continue. The planters condemned some of the actions of the ministry but asserted that the only reasonable way to do anything about their dissatisfaction was to wait until the next session of the Legislative Assembly and to demand an explanation of, and a constitutional remedy for, the existing disorders.

Agitations in Levuka, which bore no relation to opinion in the rest of the

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28 VPLA (ii), 28 May 1872 - Fl/6. There are allusions in Clarkson's correspondence, both with Woods when he returned to Australia later in the year, and with Coleman Phillips in New Zealand, to inefficiency on Smith's part.
group, could do nothing but provoke disorder. A meeting held in Lomaloma the following day was just as blunt in condemnation of the 'rioters' in Levuka, and expressed its determination to stand by a government which continued to benefit the true interests of Fiji.

Nor were the residents in outlying districts the only ones to object to the B.S.M.P.S.; in Levuka somewhat more positive measures were adopted. Early in April a Mutual Defence Corps was established by the supporters of the government with the intention of preserving the peace by meeting force with force, which was something of a contradiction; some members of the community, fearing a collision between the B.S.M.P.S. and the Mutual Defence Corps, formed a Neutral Party with the object of preventing a collision by throwing its weight against the aggressor, which was even more of a contradiction. The B.S.M.P.S. continued as active as ever under its leader, 'Captain' J.H. Beatson, even if there were no logical pursuit of a given set of ideas. On 12 March it demanded that the government be entrusted to F.W. Hennings and J.C. Smith, that the collection of taxes be suspended 'until their legality be established' and that Europeans be

29 Planters of the Rewa, 16 March 1872 - F1/10, 72/93. A meeting of planters in Levuka on 15 April referred to this meeting and determined to follow its example and address a letter of support to the government - Fiji Times, 20 April 1872.

30 Reported in Fiji Times, 27 April 1872.

31 Ibid., 13 April 1872. Included among the members of the Neutral Party were Captain Barrack, the future Minister for Trade and Commerce in the reorganized administration of May 1872, W. Scott and O. Cudlip who had sat in the first session of the assembly and were to support the opposition in the second, and G.L. Griffiths the proprietor of the Fiji Times.
forbidden to drill Fijians. On 4 May it resolved that members would not vote for a representative in the forthcoming Assembly but would merely appoint a delegate 'to watch the interests of Europeans in Fiji'. For the moment it could act with impunity, but its hour of triumph was nearly over.

THURSTON arrived in Levuka on 4 or 5 April to take over the job he had held in contempt for so long. He had allowed himself to be persuaded, as much by the united pleading of the most influential people that Cakobau could

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32 S.L. Lazarus to F.W. Hennings and J.C. Smith, 18 March 1872 - F1/10, 72/123. Hennings and Smith replied that they had neither the will nor the power to arrogate to themselves the necessary authority. A copy of the reply, dated 20 March, was attached to the inwards letter.

33 Fiji Times, 8 May 1872.

34 See Thurston to Granville, 23 August 1869 - F4/Letterbook 1866-69, 69/93:

...during the last three years certain men, all British subjects have attached themselves to the interests and persons of the various important chiefs of Fiji, and assumed the style or title of 'Chief Secretary' or 'Vunivola'. ...these men, illiterate and factious, are active partizans in the many tribal quarrels of Fiji... the position [they] wish to assume is anomalous - they direct or meddle with the affairs of the native chief, but in moments of difficulty, whether in danger from civilized authority, or from seeking to establish and enforce their own monstrous designs, they never fail to demand the protection due to them as British nationals....
summon to plead on his behalf, as from his rooted conviction that the cause of the present difficulties could be blamed on the ineptitude of the British consul, whose office should properly have been his:

...after all my struggle to keep clear of Fijian politics it at last became necessary to give in. Bloodshed was imminent in Fiji. Gloomy brooding hatred was fastening itself upon the native mind in consequence, as I shall ever assert, of H.B.M. consul...if I am now a Fiji man it is because poor Earl Clarendon sent a half-bred Spanish bigot, ignorant yet pretentious, crafty yet witless, haughty as the haughtiest Castillian Don, yet false as the falsest Greek pedlar....

March, whom he accused of actually leading the B.S.M.P.S. and whose distaste for the truth he likened to that of a cuttle fish for clear water, was said to be responsible for the contretemps that was going on when he arrived in Levuka:

...I tried to anchor...but was actually afraid Mrs Thurston would be shot. A row was going on and bullets were being slapped about with an abandon anything but attractive to married people of quiet tastes and regular habits. ...the simple fact was that the government was afraid...to shoot March's vagabonds down and hang him if necessary as a caution to gentlemen of his kidney in future.

For the Fijian government to have shot down Her Britannic Majesty's consul would have meant the end not only of March, and no doubt Thurston was doing nothing more than venting his spleen. But the events of 14 May 1872 were more serious. Captain Douglas had recently arrived in HMS Cossack and the

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35 Thurston, in a letter to Hope dated 6 September 1871, said he had been pressed, on his return from the New Hebrides to accept the leadership of the ministry, but that he had declined saying he desired only to be consul in Fiji. In his next letter, dated 5 July 1872, he said that the Speaker, the Anglican clergyman, a Privy Councillor, Ma'afu, and the Tui Cakau, had all arrived at his plantation at Taveuni to press the same request so that he gave in 'and allowed [himself] to be put in harness' - Hope, 'Letter Journals' III.

36 Thurston to Hope, 5 July 1872 - ibid.
B.S.M.P.S. planned to show him how incapable of ruling effectively the government was. Beatson sent an insulting letter in an effort to incite the government into something injudicious and the B.S.M.P.S. prepared to fight. But Thurston forbore. With the presence of a British warship and the support of a large group of planters who protested against Beatson's activities, he could afford to ignore the B.S.M.P.S. Douglas received a deputation from the society on 17 May but said that the laws of the government were to be obeyed, and its power was effectively broken. Apart from vague mutterings, recorded indirectly, its only action was to apologise for its behaviour and to request that the government refrain from proceeding against its members for the ensuing six months in order to give them a chance to sell their land and property and to leave the country, a request

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37 Thurston says that the letter was addressed to the Acting Chief Justice (C.R. Forwood) but there is no record of its having been received in the Cakobau records. Perhaps the government took a leaf out of March's book and refused to 'receive' it - Thurston to Granville, 17 September - Fl/23, 72/183.

38 Fiji Times, 18 May 1872. It is not suggested that the planters gathered from all parts of Fiji specially to protest against the carryings-on in Levuka, but among those who happened to be in Levuka and who attended the meeting were men from all parts of Vanua Levu, Taveuni and Viti Levu, including men from the Ba whose names do not figure among the rebels of the following year.

39 Ibid., 22 May 1872; Douglas to Thurston, 17 May 1872 - Fl/Misc., 24 (11, 72/150).

40 See affidavit of F. Gwynne, dated 17 May 1872, in which he claims Keyse told him of a meeting of the B.S.M.P.S. at which 'six men had drawn lots to kill six swindlers, viz., Thurston, F. Hennings, J.C. Smith, G.A. Woods, J.C. Forwood and Butters' - enclosed in Gore Martin to Thurston, 28 May 1872, Fl/10, 72/164.
which was granted.\(^{41}\)

Destructive opposition had effectively been quashed - at least for the moment - and the government turned to more important matters. Woods returned from Australia on 22 May, and the second session of the Legislative Assembly opened two days later.\(^{42}\) Even the *Fiji Times* was confident that something would be accomplished; it was disappointed that Thurston had associated himself with the government, but acknowledged his fitness for the position at the head of the ministry, and prepared to support him. Such a benign attitude was not to last.\(^{43}\)

St Julian opened the Assembly in the absence of the King. It consisted of only twelve members though the number increased to a maximum of twenty-four as the session proceeded.\(^{44}\) On 28 May the resignation of the Burt administration was announced, together with the composition of the new ministry. G. A. Woods was Premier and Minister for Lands and Works,

\(^{41}\) J.H. Beatson to His Fijian Majesty's Cabinet, 11 June 1872 - Fl/10, 72/209. Douglas supported this request and himself submitted a copy enclosed in his letter to Thurston, 11 June 1872 - Fl/11, 72/204. In answering the letter the government stated that a personal expression of the desire to conform to the laws of the kingdom would be appreciated - Fl/13, 72/185; the apology of 18 June is probably a compliance with this request - Beatson to Freeman (Clerk of the Council), 18 June 1872, Fl/Misc., 12/7.

\(^{42}\) Both Woods and St Julian, the recently appointed Chief Justice, arrived in the *Meteor* - *Fiji Times*, 25 May 1872.

\(^{43}\) *Fiji Times*, 8 May and 11 May 1872. Though the paper said that it supported Thurston's action in joining the administration it also made it clear that this did not imply support for the administration itself.

\(^{44}\) Thurston to Chief Justice, 21 May 1872 - Fl/13, 72/157. The average attendance during the session was between fifteen and twenty.
J.B. Thurston, Minister for Foreign Relations and Chief Secretary, C.H. Clarkson, Minister of Finance, R.S. Swanston, Minister for Native Affairs, and A. Barrack, Minister for Trade and Commerce. Apart from Woods this represented a complete change; J.C. Smith resigned because of a disagreement over the running of his department, and F.W. Hennings probably resigned because of the pressure of his business interests, though he may have been influenced by the fact that Swanston had been persuaded to take over his department.

During the second session of the Legislative Assembly, as during the first, the ministry benefitted from being an untried quantity to which members were prepared to give a reasonable chance to prove itself capable of running an administration. The speech from the throne referred somewhat optimistically to the imminent establishment of a banking institution with Australian backing, and to the de facto recognition which Great Britain

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45 See VPLA (ii), 1872 - Fl/6; the Fiji Times carried a full report of the day to day proceedings of the assembly. It remarked that the new ministry represented 'the leading interests in the group, we mean the planting interest' and that it approved of Woods's having a place on it as one of the 'most active and disinterested' members of the former ministry - Fiji Times, 5 June 1872.

Barrack was a planter at Savusavu and was not often present in Levuka, apart from during the sessions of the assembly, but still played as full a part in the affairs of the ministry as his position allowed. His appointment was without salary.

46 Swanston was at first reluctant to take office in the government, but eventually agreed when he learnt that Thurston had been persuaded to become Chief Secretary - R.S. Swanston, Letters, 1871 Political (folio 4), passim; ibid., 1872 Political (folio 5), but see especially Otway to Swanston, 17 February 1872, Scott to Swanston, 24 March 1872, and Ryder to Swanston, 3 June 1872.
seemed prepared to accord the government. It was hoped thereby that the senseless opposition of the previous six months would not be repeated and that a properly founded bank would improve the commercial prospects of the country. It was accepted that none of the great powers was interested in annexing Fiji and that government would have to come from inside the country. Men such as R.W. Hamilton and J. Glenny, who were opposed to the government on principle, endeavoured to obstruct its every move but their efforts were unsatisfactory and the government was never embarrassed for lack of support, though on one occasion a division over the banking privileges of the Polynesian Company was carried by only eleven votes to ten. This was a matter which involved personalities as well as principles of policy, and Fijian settlers never behaved rationally where their friends or enemies were concerned. For the most part however the ministers' confidence in their ability to solve the problems of the government was sufficient to carry the day. Both the Chief Secretary and the Minister of Finance referred in optimistic terms to the financial position. Thurston said that although debentures had originally been issued by authority of an Order in Council dated before the Constitution Act had come into effect, the amount required to redeem them would be forthcoming from taxes due; Clarkson, referring to the financial position in general, said that it was not as bad as had been represented and was the result only of the 'dilatoriness of former ministers' and not

47 Neither the ministry nor the British consul ever received any official notification of Britain's decision. Woods was merely reporting what Kimberley had written to Belmore.

48 VPLA (ii), 31 May 1872 - F1/6; Thurston also stated that coin was daily expected with which outstanding treasury notes would be retired. Of the £9,600 worth of debentures which had so far been issued, only £2,082 had been redeemed - ibid., 4 June 1872.
of insoluble problems with which they had had to wrestle. Taxes remained outstanding which he considered could be collected without difficulty, and the new system of taxation would easily produce the amount of money necessary to effective administration. 49

It did not prove any simpler to raise revenue in the year following the second session of the Assembly than it had in the year preceding, but for the moment members were convinced. The Fiji Times criticized the way business was conducted in some instances, but its tone was moderate and its criticisms were justified, in contrast with its attitude of a few months before and a few months later. It complained of the speed with which some legislation was passed and drew attention to the fact that one of the most serious imputations against the first Assembly had been that of 'hurrying and slumming over measures without the members of the House having any time given them to study them'. It was referring in this instance to the Impost Act Amendment Act, the first measure passed during the session, which, by the expedient of suspending the Standing Orders, was put through all stages in one day; it had been discovered that some Fijians had paid only 1/- instead of 10/- in taxes for the six months from November 1871 to June 1872, and it was thought necessary to pass a measure making them liable for imprisonment with hard labour if they did not pay. 50 Such haste was unnecessary because the Assembly sat for two months and with one exception none of the twenty bills passed was assented to before 23 July. 51 The Fiji Times remarked with some reason that the government encountered much

49 Fiji Times, 8 June 1872.
50 Ibid.; VPLA (ii), 6 June 1872. - F1/6.
51 The Legal Tender Act (no 22) was assented to on 19 June.
opposition through its own improvidence, as when it rushed measures into the session, taking members by surprise and securing the passage of something, which, on more mature consideration could have been modified and improved.\textsuperscript{52}

Some of the measures merely modified legislation of 1871 in the light of six month's experience, but others incorporated basic changes in the approach to a problem. Possibly the most important in the second category was 'An act for granting to His Majesty certain duties of customs, taxes, assessment, and for securing the public revenue'. Act no 11 was repealed (except as far as duties payable according to its provisions were still owing) and instead of the system of licences required to engage in various occupations, a direct tax was imposed on a list of commodities: on spirits $1.25 per gallon, on wine 75 cents per gallon, on beer 25 cents per gallon, on tobacco 25 per cent \textit{ad valorem} and on cigars $12.50 per thousand. Sugar was taxed $1.25 per hundredweight and all other goods, except necessities such as flour and bread, 5 per cent \textit{ad valorem}.\textsuperscript{53} Firearms were taxed 100 per cent in an effort to keep their number down to the absolute minimum and to keep them out of the hands of the Fijians, particularly the more turbulent spirits of the interior.

The tax on land was also altered in an attempt to make it unprofitable for land to remain uncultivated. Whereas before such land had been charged at a flat rate of two cents an acre it was to be charged 10 per cent of the assessed annual value; the rate for cultivated land was to be only 2.5 per cent. The stamp duties, and the shipping, harbour,

\textsuperscript{52} \textit{Fiji Times}, 20 June 1872.

\textsuperscript{53} The increased price of liquor which resulted from the tax, encouraged the distillation of rum from sugar-cane. The still consisted of a good sized kettle and a few gun barrels - Brewster, \textit{op. cit.}, 261.
pilot and light dues, which had been established in 1871, were retained, and the rate of the poll tax on Fijians was retained at the old rate, but it was hoped that the duties imposed upon consumer goods would not only produce a better return from the European community but also a return from the Fijians themselves. 54

Wilkinson's complaint that the Foreign and Native Labourers' Act (no 8) did not cope adequately with the different problems besetting the two types of labour resulted in its replacement by two acts - the Fijian Labour Act (no 27) and the Polynesian Immigration Act (no 34). 55 The provisions of 1872 were almost identical in spirit with those of 1871 though some streamlining in the operation of the system was effected. For instance it was no longer necessary for a representative of the chief to accompany each group of Fijian recruits - the administration considered itself competent to determine whether or not men had been coerced.

Levuka remained the only port of entry for 'Polynesian' labourers though Fijians needed no longer to be taken there; the district magistrate was empowered to inspect all labourers within a week of their arrival to see if they understood the provisions of their contract, and also to exercise a general supervision over plantation conditions. Contracts for foreign labourers were not to exceed five years and they were to be valid only if

54 It was certainly not the policy of the government to encourage Fijians to drink, but no attempt was made to prevent them and the Roko Tui Dreketi, paramount chief of Rewa, engaged in drunken orgies quite the equal of the worst excesses of the beach in Levuka.

See Carew to Swanston, 23 September 1873, and 8 October 1873 - F1/41, 73/132 and 146.

55 Wilkinson to Hennings, 23 March 1872 - F1/41, 260; see above chapter 5 page 124.
the immigrant understood the agreement, proof of which lay with the master of the vessel bringing the men to Fiji, who was also required to maintain men between the time of their arrival in Fiji and their going into service.

On 15 June 1872 Woods moved, without notice, that the Standing Orders be suspended to enable him to introduce a bill authorizing the raising of a loan of $250,000. This was the most controversial matter brought before the Assembly and there was considerable and sometimes heated discussion over its propriety. Once again the government was inept in its handling of the matter in the House. The second reading of the bill was made an order of the day for the following afternoon, and both the opposition and the Fiji Times clamoured that an attempt was being made to bull-doze an important matter through the Assembly without allowing time for proper discussion. It was generally accepted that capital was necessary to the development of Fiji's economic potential and that money would be spent more effectively by the government than by private individuals, so there was no need for any rush on the part of the cabinet. As it was, the terms of the act were accepted on 16 June but J.T. Sagar was able to move a vote of want of confidence in the ministry, on 19 June, which found the support of more than a third of the members present. Such tactics were dangerous; although it was necessary to curb excessive expenditure, the success of a no-confidence motion could have meant the collapse of the whole structure of government. Ma'afu had already expressed his dissatisfaction at the recent change in the ministry, and another would almost certainly have caused him to secede, together with the Tui Cakau. But the ministry managed to defeat the motion by fifteen votes to nine, and the only really tense moment in the whole of
the session was passed without incident.56

The last act of the second session of the Legislative Assembly, as of the first, was the Appropriations Act. It provided for the 'appropriation out of the general revenue to cover the expenditure of His Majesty's government in respect of outstanding liabilities for the year ending 30 June 1872. And also for the appropriation of the revenue and supplies granted by parliament for the year ending 30 June 1873'. The outstanding liabilities, according to the act, amounted to almost $22,000. The Burt ministry had estimated that the revenue for the year would be $120,000, and J.C. Smith revealed to the Assembly that it had only spent $85,000. This was all very well except that there was still a deficit of $22,000 which meant that the actual revenue can have amounted to no more than $63,000, which does not say very much for the 1871 estimates. The government, however, was incurably optimistic and ignored the facts implied in these figures. Instead of trimming estimates to the most pessimistic figure and calculating expenditure accordingly, the act assumed a supply of $140,410. New customs dues were to bring in $50,500 and the taxes on Fijians were to realize $64,750, an increase of almost 50 per cent on 1871 estimates, based on what it was hoped would be more efficient collection. Expenditure once again accounted for every cent of the estimated revenue, though one encouraging fact was the reduction of salaries from the $76,813 of the 1871 act to $53,250 - a reduction of more than twenty per cent when regarded as a fraction of the total estimated revenue in each case. The government had learnt that the proliferation of administrative officials did not lead to efficiency, and it is noticeable that, as the government

56 Fiji Times, 20 and 24 June 1872; VPLA (ii), 19 June 1872 - F1/6.
gained in experience, the number of officials continued to decrease.\footnote{VPLA (ii), 28 May 1872 - F1/6.}

On 23 July 1872, Ma'afu in his capacity as viceroy, signed the acts which had been passed during the session, and prorogued the house until 1 May 1873. In his speech closing the Assembly he stressed the importance not only of cooperation between the races, but also of unity among the Europeans. 'It appears that as soon as it is thought well to do anything that is good, several rise up to oppose it...' He assured the assembly of his own support for the government but said that it would fail unless the Europeans could agree upon what the government was trying to accomplish. His speech represented an acute analysis of the reasons for the failure of the previous ministry, couched in terms sufficiently pointed for his meaning to be perfectly clear without being too blunt for the occasion upon which he was speaking. It also contained the hint of a warning that he was not prepared to support the government if it continued to be rent by internal squabbles.\footnote{Ibid., 23 July 1872.}

\textbf{ONE act of the session still remains to be examined.} The ministry had never found itself in difficulties from opposition within the House during the session, but opposition from outside, particularly when it came from the British consul, was another matter, and Act no 26 of Cakobau Rex must surely be one of the most extraordinary bills ever passed by a legislative body. Its full title was 'An Act to carry out an agreement made under protest by His Majesty's Government for the concession of certain privileges to Edward
Bernard March Esquire, Her Britannic Majesty's consul for Fiji and Tonga, pending the settlement of certain questions at issue between the said government and the government of Her Britannic Majesty'. Its short title was the Consul March Immunity Act, 1872, and in order to understand its implications, it is necessary to return to the question of relations between March and the government at the time of the arrival of Captain Douglas in HMS Cossack on 13 May 1872.

That aspect of the consul's activity which gave the government most dissatisfaction was his treatment of the labour problem. March considered that the clearing of ships belonging to British subjects and the inspection of labourers was an aspect of his consular function in which interference from the Cakobau government was insupportable. The government considered that March's efforts were slovenly and inefficient and that his obstructive attitude permitted abuses which were quite unnecessary. This state of affairs, coupled with the fact that charges made against March in the Supreme Court of Fiji were declared to have gone against him by default because he refused to appear, thus resurrecting the old problem of an exequatur and the rights of diplomatic immunity, placed Douglas in an exceedingly delicate position as soon as he arrived in Levuka. Once he had decided that the government was worth supporting he was hard pressed to prevent a complete rupture between March and the government; this involved volumes of correspondence and the disentangling of several complicated cases connected with the labour traffic and with the status of the government.

Possibly the most important, and certainly the most involved, was

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59 A copy of the act was enclosed in Thurston's letter to Granville, 17 September 1872, which informed the Secretary of State of March's behaviour during the previous year - F1/23, 72/183.
that of the cutter Volunteer. In January 1872 Burt had informed March that the vessel was about to proceed to sea without complying with the port regulations and without paying the wages of James, the master, who had recently been discharged, not by the owner of the vessel but by his brother acting as agent. Burt asked March if he would detain the papers until the regulations had been complied with and a master duly appointed, but March replied that the ship was already cleared and the papers no longer in his possession, and that 'under any circumstances the appointment of a master to a British ship does not fall within your jurisdiction'.

Once battle had fairly been joined, March did all he could to prevent the government's accomplishing anything. The Cabinet tried to enforce a strict reading of its legislation pertaining to the regulation of shipping, which Douglas considered most unwise - 'the Fijian courts have been made use of for the purpose of perverting justice and to favour the designs of a dishonest and unworthy person'. Douglas was referring to James, and at that early stage it did appear than an injustice was being done to Blair, but his later actions suggest that he was no more honest than James. And from the government's point of view, it was important, in the early stages of its career, for its laws to be strictly enforced if ever they were to command respect.

It would appear that an agreement had been made in Auckland, some time early in 1871, by which James was to contribute one third of the expenses of running the Volunteer in return for a third of the profits. He was unable to account for the vessel's earnings though he claimed to have expended

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60 Burt to March, 31 January 1872, and March to Burt, 1 February 1872 - F1/14.
money in Levuka on its account; the owner, who lived in the New Hebrides, thereupon determined to send his brother to Levuka in an attempt to clear the matter up and to discharge what was patently a dishonest master. Then, in quick succession, a firm of Levuka merchants brought a charge against Blair for the non-payment of which he was imprisoned by the Fiji courts, and James brought a charge for the non-payment of his wages, for which it was ordered that the cutter be sold. Possibly the factor which tells most heavily against James's probity was that the Volunteer was bought by its former agents in Levuka with whom James claimed he had first incurred debts on the vessel's behalf. It is not certain whether James continued to act as its master, but it is obvious that there was some more or less shady connexion between him and the new owners. After the sale, its name was changed to Annie Russell and it flew the Fijian flag, without becoming properly registered, presumably because it was thought the Fiji government would be less able to enforce strict supervision than the British government. 61

More important than the involved evidence of the case was the fact that all communication between March and Thurston had ceased, and the situation appeared ripe for the resurrection of the B.S.M.P.S.; it was this consideration more than any other which caused Douglas to use his best efforts to compound the differences between the British consul and the Cakobau government. First he reprimanded Thurston for regarding March as no more than a consular commercial agent to look after British shipping interests because he had never applied for an exequatur. Thurston wriggled out of that one by pointing out that his opinions did not coincide with those of

61 March to Douglas, 13 August 1872 - F4/Letterbook 1872-74, 72/271; Douglas to Thurston, 5 September 1872 - F1/18, 72/504.
the previous ministry and asking Douglas to frame a suitable letter of apology. The need for Douglas's tact, however, had only just begun. A bailiff had been placed on board the Volunteer and this gave March considerable offence because the vessel flew the British flag. Douglas asked that he be removed:

...I must say that I cannot but think that such arbitrary proceedings were discourteous to Her Majesty's representatives here...[considering] my strenuous efforts to arrange all questions in an amicable manner...being still loath to allow affairs to drift into a rupture, I request your friendly offices in this matter...

He placed one of his own officers on board until the matter could be permanently arranged.

But because the Cossack was due to sail for Samoa, Douglas was anxious to leave March and Thurston more amicably disposed to one another. In a long letter to Thurston he pointed out the difficulty of March's position, describing it as 'perhaps almost unprecedented in the history of nations' and saying that he deserved special consideration. At the same time he tactfully remarked that he was 'extremely anxious not to interfere in the execution of your laws, and have every respect for the Dignity of your Chief Justice and his authority, which I should be the last to contemn or dispute'. He concluded by asking that the government guarantee the inviolability of the consul until further instructions could be obtained.

62 Douglas to Thurston, 25 May 1872, and 27 May 1872 (two letters) - Fl/11, 72/155, 156, and 158; Thurston had also been at pains to point this out to the Legislative Assembly when he first addressed them in May 1872 - VPLA (ii), 1872, Fl/6.

63 Douglas to Thurston, 1 June 1872 - Fl/18.

64 The Cossack sailed on 11 June, travelling by way of Savusavu, Taveuni and Lomaloma.
from the British government, and it was this request which gave rise to the Consul March Immunity Act. 65

These letters are all formal in style, as befits official correspondence, but it is possible to infer that Douglas's sympathies were with the government and that he realized the difficulty of dealing with March. He was on friendly terms with Thurston and no doubt in unofficial encounters they expressed themselves somewhat more freely. On 8 June Douglas asked the government to use patience and forbearance during his absence, 66 and he wrote in the strongest terms it was safe to use to such a character as March:

...I feel compelled to address you from my position as mediator, trusting that you will accept what I advance in the same kindly spirit it is meant, to request you most earnestly not to weigh any errors the government make in too strict a balance and to make concessions to the somewhat difficult position in which a newly formed government must necessarily find itself; so long as such concessions do not in any degree affect your position and status, we, as members of a great nation can readily receive small slights when unintentional, which would prove annoying to an inferior power. 67

March had no intention of accepting slights, unintentional or otherwise, from anyone. On 12 June he addressed a 'declaration' to the Foreign Office,

65 Douglas to Thurston, 4 June 1872 - Fl/11, 72/187; Thurston replied to this letter using the argument that March should recognize the Fijian government as the consuls in France did under the régime of Gambetta, or as those in the republics of South America (this letter, dated 8 June 1872 is missing from the correspondence); Douglas then suggested that the government 'might readily concede a temporary privilege to Her Majesty's consul which could not be for a moment expected from a long established power like that of Great Britain' - Douglas to Thurston, 8 June 1872, ibid., 72/196; see also Stirling to Thurston, 14 May 1872 - ibid., 72/304.

66 Douglas to Thurston, 7 June 1872 - Fl/11, 72/195.

in which he protested that any slur on the way he had acted with regard to
the Fiji government was quite unwarranted:

...I have on all occasions acted with the most conscientious
desire of fulfilling the onerous duties of my office and
advancing the real prosperity of these islands...except in
instances where the undoubted rights of British subjects
stood in peril...I have most carefully abstained from
interfering in the differences and disputes arising from
an attempt at establishing a complicated form of government
in Fiji....68

By this time personal animosity had taken too firm a hold for
Douglas ever to have effected any permanent amelioration in the consul's
relations with the government; so long as he remained in Levuka he was
able to prevent any serious rupture, but as soon as he left for Samoa trouble
broke out, still caused by the persons involved with the Volunteer. The
officer whom Douglas had placed on board at the beginning of June was
removed before the Cossack sailed for Samoa, but the Fiji government reasonably
assumed that the master and its owner were under obligation to abide the
issue of a new trial. On 22 June Blair enquired of the Chief Justice whether
he might proceed on a voyage at once, and was told that he might do so if
he could provide sureties. However, the following night the Volunteer tried
to slip out of the harbour and was picked up from the reef the following
morning. Blair, it would appear, was no more to be trusted than James;
a Mr Truscott, one of the advocates of the Supreme Court of Fiji, who had
been put in charge of Blair's case at the new trial, became so suspicious
of Blair's honesty that he declared himself unprepared to continue with the
case, whereupon proceedings for the trial were discharged and the government

68 Declaration of March from Levuka, 12 June 1872 - F058/131; March to
sold the vessel.  

The evidence is exceedingly complicated, but both Blair and James showed by their actions that the one was as untrustworthy as the other; and the government did nothing more than would have an Australian government under similar circumstances. The main fact that emerged from the case was that March's further tenure of the consulship would produce nothing but renewed dissension. Only Douglas's tact and firm support of the government had prevented the development of a situation identical with that of March 1872 when Burt was forced to resign.  

Thurston was particularly grateful for this support and he and Douglas parted on the most friendly terms. Douglas expressed the hope that 'any cloud which may threaten the future prosperity of Fiji may be speedily dispelled by the energy and the growing wisdom of this young government...'.

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69 For further papers relating to the case, see Douglas to Thurston, 10 September 1872 - FL/18, 72/497; Douglas and March to the Fiji Government, 14 September 1872 - ibid., 72/620a; St Julian and Forward to Thurston - ibid.; Fiji Times, 21 September 1872; Thurston to Douglas, 5 June 1872 - FL/23, 72/160; Thurston to Douglas, 10 September - ibid., 72/167; Thurston to Douglas, 9 September 1872 - ibid., 72/172. In this last letter Thurston accused March of attempting to compound the felony by supplying Blair with the ship's chronometer which had been in the consulate since the ship's arrival in Levuka.

70 Douglas to Thurston, 16 September 1872 - FL/11, 72/519; Thurston to Douglas, 17 September 1872 - FL/23, 72/179; Douglas to March, 17 September 1872 - F4. By this time the captain's patience was beginning to wear a little thin:

...I have really not sufficient time at my command to commence any new discussion with the Fijian government, and if Mr Thurston has 'gone out of his way to insult you and your office' of which I was not aware, we both know that our government will not be slow to enforce reparation and redress.

71 Douglas to Thurston, 14 September 1872 - FL/18, 72/503.
and Thurston was confident that if the progress of the government were not checked 'by unforeseen difficulty and disaster' de jure recognition by Great Britain would soon follow. Before he left Levuka Douglas received Cakobau on board the Cossack, paying him full regal honours of twenty-one guns and yards manned, and Thurston wrote to Sahl, the Fijian consul-general in Australia, and to Commodore Stirling, commanding the Australian Station, praising Douglas's firm and temperate bearing and the courteous manner with which he had supported the government.

March's stay in Fiji was near its end too, because, although Thurston's somewhat intemperate language did nothing to gain him any support in London, it was perfectly plain to the Foreign Office that his further remaining in Fiji would serve no useful purpose. On 18 November Lord Granville offered for his consideration the consulship of Fernando Po, in tropical West Africa, with a salary in advance of what he was getting in Fiji; on 23 November he was assured that his conduct in Fiji had the approval of Her Majesty's government, but that it was considered necessary to send someone 'whose line of conduct will be unhampered by the peculiar circumstances connected with the state of transition in the government in Fiji which have contributed to render your position so embarrassing'.

72 Thurston to Douglas, 14 September 1872 - F1/23, 72/177.
73 Thurston to Nathan, 26 September 1872 - F1/23, 72/191; Thurston to Sahl, 13 September 1872 - F1/23, 72/174; Stirling to Thurston, 5 August 1872 - F1/11, 72/557.
74 Thurston to Granville, 17 September 1872 - F1/23, 72/183; Thurston to Granville, 19 October 1872 - ibid., 72/200.
75 Private Secretary to March (telegraphic), 18 November 1872 - F058/131 (folio 27); Granville to March, 23 November 1872 - ibid. (folio 28). In the draft of this letter in the Foreign Office files, Fernando Po has been crossed out and Old Calobar substituted.
It was not until 23 January 1873 that March finally left Fiji, and the Times expressed a satisfaction at his departure which was widely held. He continued to address the British government in the months following, both from Sydney and from London and his remarks had some effect upon the appointment of the commission sent as a result of Thurston's inquiry of February 1873 as to whether Great Britain would 'entertain a proposition from the Government of Fiji to cede the Kingdom to Her Britannic Majesty if its king and people once more, and now through the King's responsible advisers, express a desire to place themselves under Her Majesty's rule'. In Fiji, however, he was soon forgotten.

But although March was gone, and although the ministry, by offering once again to cede Fiji to Great Britain, tried to shift responsibilities from its own shoulders, the problems of government had still to be faced. The Thurston Ministry took some time to organize itself, but in the closing months of 1872 and in the first half of 1873 it made some of the most important advances in the whole history of the Europeans in pre-cession Fiji.

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76 Fiji Times, 25 January 1873.

77 March to Granville, 21 February 1873 - FO58/135; memorandum by March, 7 May 1873 - ibid. (folio 123); see also Colonial Office Confidential Print: Australian No 36 - memorandum by March, 19 May 1873.

78 Thurston to Granville, 1 February 1873 - F1/23, 73/7. This request was also sent to Robinson in Sydney who telegraphed it to the Colonial Office, 20 February 1873 - CO201/573.
ALTHOUGH Thurston was persuaded to join the government in April 1872 the ministry was not formally reorganized until Woods returned from Sydney, just before the start of the second session of the Legislative Assembly. Once the new men took over, however, they lost no time in coming to grips with the somewhat chaotic state of the administration. Thurston and Clarkson were optimistic, both to members of the Assembly and to interested persons in Australia, that the financial position would improve; the *Fiji Times* was confident that the worst of the crisis was over, and that prosperity only depended upon the development of Fiji's considerable resources, among which it numbered cotton, sugar, coffee, and cocoa.¹

Even during the sitting of the Legislative Assembly Clarkson was busy issuing instructions for the assessment of lands, for the collection of taxes, and for the taking of a census so that in future both functions could be carried out more efficiently.² He urged Swanston to impress upon the provincial governors the necessity for collecting the outstanding native

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¹ See for example, Thurston to Hope, 5 July 1872 - Hope, 'Letter Journals' III; Clarkson to Rabone Feez & Co., 15 July 1872 - Fl/28, 72/28; Clarkson to Bennett, 12 August 1872 - *ibid.*, 72/51; *Fiji Times*, 20 June 1872.

² Clarkson to Hetherington and Cave, 10 June 1872 - Fl/28, 72/13; Clarkson to W. Hennings, 1 July 1872 - *ibid.*, 71[sic]/23; Clarkson to Hetherington and Cave, 8 August 1872 - *ibid.*, 72/50.
taxes and wrote a long memorandum to all the provincial secretaries about the way taxes were to be collected, in which he laid great stress on the necessity for punctuality, 'not only as a *sine qua non* for carrying on the expenses of the government, but also as a means for bringing before the natives the fact that there is a power to which they are paying tribute and therefore rendering it easier for them to understand the new relations in which they stand to the government'. The method of collecting taxes was left to the discretion of the secretaries themselves but they were urged to keep a strict account of defaulters who were to be dealt with summarily if they did not pay within the period of grace allowed by the act.  

The wisdom of these remarks was borne out when Chalmers, the secretary for the Central Province, reported upon his experiences some months after the collection of taxes had begun:

...a fatal error is committed in delaying even for one single day the collection of taxes - the native is told that on a certain day the collection of taxes will take place - in Moturiki they were told in February that no more than six weeks would elapse before they would be required to pay. Seven months have elapsed and they are not ready to pay.

The reason is plain. Either the native has his tax ready and finding that he is not likely to be called upon for it, spends it - or he does not take any trouble about it till the last moment partly because he does not know when it will be wanted and partly because he has hitherto escaped punishment for his delay....

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3 Clarkson to Swanston, 12 June 1872 - Fl/41, 479; Clarkson to Swanston, 27 June 1872, with minutes by Swanston and Clarkson - *ibid.*, 483.

4 Clarkson to Payn, 12 July 1872 - Fl/28, 72/49. This letter was sent to the secretaries of Rewa, Namosi, Ba and Yasawas, Cakaudrove, Nadroga, Macuata, Lau, Kadavu, and Central Province, as well as to Payn, who was secretary of Tailevu.

5 Chalmers to Swanston, 30 September 1872 - Fl/41, 745.
But delays were difficult to avoid, and when it was found that Fijians were frequently unable or unready to pay their taxes, various expedients were discussed in an effort to cope with a situation which seemed inevitable, caused as much by the physical difficulties involved as by the lack of energy on the part of the secretaries. Clarkson moved about investigating conditions in outlying districts, and eventually proposed a system of government plantations where the defaulting taxpayer could serve an equivalent amount of time in lieu of paying cash. It was also suggested that Fijians should be compelled to plant and keep in order a given number of cotton bushes, but Carew pointed out that this had already been tried and that Fijians had proved willing enough to plant bushes but unwilling to tend them.

Payn, the secretary for Tailevu, drew attention to the difficulty of making Fijians understand the purpose of the government, and pointed out that any peremptory enforcement of law was regarded as oppression. He asked that discretionary powers be allowed the governors of provinces; Swanston, realizing the difficulty of inaugurating a system so alien to the traditions of Fijian society, agreed as far as purely Fijian cases were concerned, and also directed that taxes should be levied in the form of a gross assessment.

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6 Clarkson to Swanston, 17 September 1872, enclosed in Swanston to Wilkinson, 25 October 1872 - F1/47(d), 1; Swanston to Thomson, 22 May 1872 - F1/43(1), 315; Stevens to Swanston, 4 June 1872 - ibid., 423.

7 Clarkson to Woods, 28 August 1872 - F1/Misc., 6/11f; Clarkson to Woods, 2 October 1872 - F1/35; G(1).

8 Carew to Swanston, 28 September 1872 - F1/51; Clarkson to Simpson, 18 November 1872 - F1/28, 72/90. Simpson had made arrangements for cotton to be grown on an organized basis for the paying of taxes, but in fact the plantations never got going in Kadavu or anywhere else.
in cases where secretaries decided individual levies would not work.\textsuperscript{9}

In some provinces, such as Tailevu and Central, the collection of revenue proceeded relatively easily; as long as government officials supervised the system, an amount sufficient to meet the estimates was raised well within the required time.\textsuperscript{10} Both these provinces were near the seat of authority and both had important ties with Bau within the traditional structure which made the secretaries' job easier, but even in more distant provinces the difficulties were not always caused by Fijians. In Nadroga, where Ratu Kini gave the government his full support, Thomson reported that fair quantities of produce, mainly tobacco, \textit{bicho do mar}, turtle shell, and copra, had been collected, but that the European settlers led by Hamilton and J. Rennie were proving obstructive and talking of uniting, in defiance of Ratu Kini, with the settlers of Nadi and Ba. Langham, who never lost a chance to criticize the government, reported that there were complaints on every side against the tyranny of the administration; he did not cite any specific instances, and as the most powerful chiefs in the group were steadily

\textsuperscript{9} Swanston to all secretaries in reply to Payn to Swanston, 23 October 1872, 30 October 1872 - F1/43(2), 54; Swanston to all secretaries, 20 November 1872 - \textit{ibid.}, 222.

\textsuperscript{10} \textit{Fiji Gazette}, 26 October 1872; Clarkson to Swanston, 17 September 1872, enclosed in Swanston to Wilkinson, 25 October 1872 - F1/47(d), 1.
behind the government at this stage, it is difficult to see where he got his information. 11

The general indigence of planters, aggravated by the acute shortage of coin, was the fundamental cause of the trouble. Before the end of 1872, and more acutely as 1873 progressed, the government was embarrassed by its inability to meet its commitments in the Australian colonies. In April 1873 Clarkson was forced to accept an expedient for collecting taxes from men employed as plantation labourers in Lau and Taveuni which he knew would almost certainly prove unsatisfactory; instead of pressing for payment when taxes fell due, he accepted promissory notes that taxes would be paid when the labourers' time expired. But planters were obliged to pay their men in trade rather than in cash, and the government was deprived of its revenue. Clarkson was sympathetic towards the planters' position, but he realized that procrastination would never get anyone anywhere, and that sooner or later the implications of the depressed state of the economy would have to be recognized and something positive done. To this end Woods went once more to the colonies to attempt the arrangement of banking facilities and the floating of a loan under the Loans Act, 1872. 12

Early in July 1872, Coleman Phillips had arrived in Levuka in

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11 Thomson to Swanston, 23 December 1872 - Fl/41, 1138. There is a reference in this letter to a visit from Clarkson who probably continued round the south coast of Viti Levu from Serua, which he visited in late August. See Clarkson to Woods, 28 August 1872 - Fl/Misc., 6/11f; Langham to Thurston, 28 October 1872 - Fl/10; 72/715. For Thurston's reply to Langham see Thurston to Langham, 1 November 1872, in which he claimed that the laws were not tyrannical and suggested the administration should be granted a sufficient time to establish itself before criticisms were levelled at it - Fl/13, 72/454.

12 Clarkson to Hennings, 22 April 1873 - Fl/28, 73/382 1/2; Clarkson to Woods, 2 October 1872 - Fl/35, G(1).
connexion with the interests of the Auckland and Fijian Cotton Company. According to the terms of the Loans Act, 1871, the government had attempted to float an issue of debentures for £5,000 on the Australian market but had succeeded in placing only £500. Of the rest, £3,000 had been sent to Julius Vogel, the Premier of New Zealand, who had been unable to place them owing to the unsatisfactory and alarming news from Fiji. Against these, Phillips either offered or was persuaded to offer an immediate loan of £1,500, which was further secured by a mortgage on 'certain private lands of the King'. He promised that the debentures would not be floated at less than 82/- and the Fiji government agreed that the Bank of New Zealand, with which Phillips also had connexion, would be granted the first rights of operating under the new Bank Charter Act, 1872. It was proposed that Woods would go to Auckland as soon as the session finished, and Phillips left Fiji towards the end of July.

Press of business kept Woods in Levuka until after the departure

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13 The company's sphere of operations was in the Nadi Bay area which was one of the reasons for its failure; another was its manager, John Rennie, whose main energies appear to have been devoted to raising opposition to the government. His services proved unsatisfactory to the company's directors in Auckland and one of Phillips's jobs was to get rid of him. See Fiji Times, 16 July 1870, for a prospectus of the company, and 8 and 22 July for notices from Phillips concerning the winding up of the company.

14 Clarkson to Bank of New Zealand (strictly private and confidential), 15 July 1872 - Fl/28, 72/30.

15 Clarkson to Bank of New Zealand, Auckland, 16 July 1872 - Fl/28, 72/29; Clarkson to Rabone Feez & Co., 15 July 1872 - ibid., 72/28. An account of this affair from the New Zealand point of view will be found in Angus Ross, New Zealand Aspirations in the Pacific in the Nineteenth Century, 93-97.

See also Clarkson to Woods, 15 August 1872, written the day Woods left for Australia - Fl/28, 72/54. A copy of this letter is also included at Fl/31, 73/8.
of the vessel upon which it had been planned he should travel to Auckland; he left for Sydney on 15 August, hoping to make a connexion for New Zealand from there, but once in Australia he was pressed by Sahl to meet investors. Attempts were made both to raise the loan and to establish a bank and Woods finally left for Fiji, after several false starts for New Zealand, on 10 January 1873. J.E. Rogan was appointed to act in New Zealand but this proved quite unsatisfactory because Auckland businessmen were unprepared to recognize Rogan as a proper representative of the Fiji government.

In Australia, Woods was hardly more successful than he had been earlier in the year. First he tried to interest the Bank of New South Wales in opening a branch in Levuka, but the directors refused to become involved, giving as their excuse the excessive responsibility that would be placed on the manager in view of the inadequate communication with Sydney. Sahl, whose influence with Melbourne and Sydney investors seems to have been considerable, and whose efforts on behalf of the Fiji government were unceasing, then attempted to interest men of capital on their own account. E. Vickery, a Sydney investor, was persuaded to take up £2,500 worth of debentures, but

16 At the end of July the Premier went with a detachment of troops under Major Fitzgerald to Ba, where negotiations were in progress with the kai colo - Fiji Times, 3 and 17 August 1872. Clarkson to Phillips, 24 July 1872 - F1/23, 72/55; Woods to Phillips, 6 September - F1/32, 62/C.

17 Sahl to Woods, 5 September 1872 - FMS/2, 1/12; 'Memorandum of the proceedings of the Honourable the Minister for Lands and Works for the information of the Honourable the Executive Council, 11 September 1872' - F1/34, 72M'. Woods's memoranda from Australia were put together on their arrival in Levuka, with the registration number F1/1, 73/11, but because of their length I have referred to them by their outwards registration number.

18 Woods to Rogan, 6 September 1872 - F1/34, 72/P; Phillips to Clarkson, 7 October 1872, attached to Ollivier to Clarkson, 25 July 1872 - F1/27, 72/82; Woods to the Fijian Executive Council, 25 September 1872 - F1/34, 62/Z; Thurston to Woods, 25 October 1872 - F1/23, 72/198. Apparently Woods had met Rogan at his hotel in Sydney and Phillips was not unreasonably incensed that persons such as Macfarlane, Russell or Nathan, prominent Auckland businessmen whose interest in Fiji was well known, had been passed over in favour of a perfect stranger.
the majority wished to see a bank established in conjunction with the floating of a loan. Woods went to Melbourne in November in an effort to persuade the directors of the newly formed Bank of Caledonia to open in Levuka as well as in Noumea. This plan failed when a French company was given important concessions in New Caledonia against which the Australians could not hope to compete. The best offer Woods eventually managed to get on the Australian market was one where the capital raised amounted to only £18,500 for £25,000 of stock with a yearly rental of £1,750 or 9.5 per cent on the amount raised. At first he was inclined, although reluctantly, to accept this, but then thought better of it and left Sydney on the Meteor on 10 January, arriving in Fiji on 7 February. In New Zealand Phillips was furious, first because Woods failed to appear at all, and then because he failed to report on what he was accomplishing in Australia. It was only with difficulty that Phillips managed to persuade the Bank of New Zealand to meet the drafts he had guaranteed in Levuka, and he requested Clarkson to come to Auckland if anything further was to be accomplished. Correspondence continued to pass between Phillips and the Bank of New Zealand in Auckland, Rabone Feez and Company and Greville

19 Sahl to Thurston, 16 September 1872 - Fl/10, 72/617a; Rabone Feez & Co. to Woods, 1 October 1872 - FMS/2, 1/12.

20 Sahl to Woods, 27 September 1872 - ibid.; Woods to Sahl, 27 September 1872 - Fl/34, 72/C'; Woods to Executive Council, 18 October 1872, and 4 November 1872 - ibid., 72/T', and 72/F"; Rabone Feez & Co. to Woods, 1 October 1872 and Woods to Rabone Feez & Co., 2 October 1872 - FMS/2, 1/12. The offer consisted of £5,000 offered at a discount of 10 per cent, redeemable in twelve months, and £20,000 at a discount of 30 per cent, redeemable in five years, the whole to pay interest at the rate of 7 per cent. Rabone Feez & Co. pointed out that the £20,000 would be offered on the open market and the government of Fiji would receive half the proceeds if it was negotiated at less than 15 per cent discount, thus sharing in the profits 'in case of prosperity'.

21 Fiji Times, 8 February 1873.
and Company in Sydney, and Clarkson for the Fiji government. Eventually
the bank interested itself in the government to the extent of £40,000, and
J.S. Macfarlane, one of the directors of the bank, and an erstwhile director
of the defunct Auckland and Fiji Cotton Company, arrived in Levuka in February
1873 to investigate the situation for himself, and to report on the advisability
of establishing a bank. 22

As early as February 1871 the subject had been discussed in Fiji,
and late in 1872 the matter was again broached. A preliminary prospectus
was published in January 1873 and shares had actually been taken up by
February, but Macfarlane's arrival upset the arrangements. The local company
was given a fortnight to make up its mind as to whether or not it would
carry on, and when it backed down, Macfarlane's terms were accepted. 23 He
demanded a monopoly on banking rights, which caused some adverse comment, but
it was generally conceded that the establishment of the bank was worth the
disadvantage of its having a monopoly. 24 Clarkson went to Auckland in April
1873 to continue negotiations and more representatives visited Fiji in
September; it was not until early December that the bank finally opened its

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22 Clarkson to Rabone Feez & Co., 10 December 1872 - F1/28, 72/254; Bank
of New Zealand to Clarkson, 8 March 1873, and 8 April 1873 - F1/27,
73/179 and 203; Phillips to Clarkson, 4 April 1873, and 7 April 1873 -
FMS/2, 1/12; Ross, loc. cit.

23 See for example, Fiji Times, 18 February 1871; Fiji Gazette, 11 January
1873 and 15 February 1873; the preliminary prospectus of the Fijian
Banking Company is in Fiji Times, 11 January 1873. The directors of
this company included F.W. Hennings, J.C. Smith, F.C. Hedemann and W.M.
Ollivier, the government auditor. See also Fiji Times, 1 February 1873.

24 Ibid., 5 March 1873. The prospectus of the Fiji Banking and Commercial
Company appeared on 19 July 1873. The terms of its charter included
a monopoly of note issue and a land grant not exceeding 10,000 acres,
provided 20/- per acre was spent in the succeeding twenty-four years.
doors to business in Levuka. In the meantime there were other problems.

INTERNAL difficulties concerned the efficient operation of a system which had been modified by the experience of more than a year, rather than in developing methods of dealing with problems which had only recently become evident. This does not mean that there were no simple mechanical problems, but most trouble was caused either from a failure to understand or a refusal to accept the aims of the ministry, on the part of the people being governed. The most controversial matters were the enforcement of law and order, and the regulation of claims to land.

The efficiency of magistrates and minor courts, because it depended so much upon the circumstances within a district, varied considerably from place to place. In a disturbed area, such as the west of Viti Levu it was almost non-existent, for by the middle of 1872 the settlers there were more or less in open revolt; in south Taveuni there were complaints that 'want of assistance' brought the magistrates into contempt and they resigned en bloc in July 1872. In Lomaloma, on the other hand, the magistrates were concerned only to perform their jobs to the best of their ability, and the system worked well. In Cakaudrove it was difficult to persuade the native magistrates to assume any sort of authority over men from Bau, as being opposed to the traditional order, and Thurston had most emphatically to point out that the king and the chiefs of Bau expected that Fijians would be amenable to proper local authority wherever they were, without regard

25 Fiji Times, 26 April, 18 July, 27 September, and 6 December 1873. The representatives who visited Fiji in September were H. Wardrop, the Secretary, and W. Aitken, a director.

26 Leefe to Thurston, 16 May 1873 - Fl/10, 73/334; Tayte to Thurston, 13 May 1873 - Fl/10, 73/342.
for tribal distinctions.  

The Fiji Gazette, which was interested in advocating the government point of view, remarked that:

...acting upon the experience of New Zealand our government has adopted a policy which instead of creating differences between the two races here, binds them indissolubly together and gives the natives a confidence in the whites. Having an equal power in the creation of the laws which they must obey they are relieved of all feeling of distrust and instead of having to breed [sic] over wrongs they feel themselves safe and strive their utmost to please the strangers upon their soil.  

This was palpably absurd, as witnessed events in the Ba valley, but Thurston and his abler provincial officers were aware of the difficulties. Wilkinson, who held the post of Native Commissioner to look after Fijian interests throughout the whole group, insisted that the administration of the legal system was fraught with difficulty, and cited the instance of a case heard before a provincial court in which the governor, as presiding judge, was unable to make himself heard against the continual interruptions of the two Europeans acting as defending counsel for a Fijian. The technicalities of English law were beyond the Fijian understanding, and to enforce them would only perplex and annoy the chiefs. Swanston agreed that the chiefs must be free to administer justice according to the Fijian code, at least until

27 Drury, Maitland, and Hamilton to Thurston, 17 August 1873 - Fl/10, 72/380; W. Hennings to Thurston, 28 August 1872 - ibid., 72/459; Thurston to Mason, 5 November 1872 - Fl/13, 72/461. See also Tayte to Thurston, 28 September 1872 in which he complains of the action of one of the chiefs in obstructing the work of the magistrates - Fl/10, 72/616a.

28 Fiji Gazette, 5 April 1873.

29 See below, chapter 8.
considerable progress had been made in educating the Fijians in English methods. Members of the executive moved about the group as much as they were able without impairing their efficiency in Levuka in an effort to accustom the Fijians to the ways of the government, to supervise as much of the governmental process as possible, and to set right any anomalies or injustices that might have existed.

In eastern and southern Viti Levu most of the difficulties arose out of the actual organization of tribal boundaries. In Naitasiri, the governor, Ratu Timoci, and the secretary, W. Tuff, died within a fortnight of each other in mid-1872 and the result was complete disorganization. It was eventually decided that Adi Arieta Kuila, Timoci's widow, should be appointed as a lieutenant governor, under Ratu Epeli, the governor of the neighbouring province of Tailevu. Wilkinson recommended that the two provinces should be combined under one secretary to bring some degree of coordination to the administration, but Payn continued to act in Tailevu, and W.S. Carew was appointed secretary for Naitasiri where he distinguished himself as one of the most capable and most energetic of the provincial

30 Memorandum for the Cabinet by R.S. Swanston, 5 April 1873 - Fl/49; Wilkinson to Swanston, 12 September 1872 - Fl/41, 719; Wilkinson to Swanston, 26 September 1872, enclosed in Swanston to Thurston, 30 September 1872 - Fl/10, 72/586.

31 Wilkinson's post as Native Commissioner was created when Swanston found that he was spending too much time away from government headquarters - memorandum for the Cabinet by R.S. Swanston, 5 April 1873 - Fl/49.

32 Ratu Timoci died on 26 July 1872 - Fl/41, 552; William Tuff died on 7 August - ibid., 583.

33 Ratu Timoci was the Vunivalu of Naitasiri and Adi Arieta was a daughter of Cakobau and half-sister of Ratu Epeli, Cakobau's eldest son.
secretaries. Six weeks elapsed between Tuff's death and his appointment but that was sufficient time for the province to become thoroughly restive. Although Adi Arieta was a chief of the highest rank, she did not belong to Naitasiri; as in all cases where it was found necessary to appoint as governor someone other than the ranking chief within the traditional authority structure in the area, the government was faced with disaffection among the people. Magistrates complained that they were unable to enforce their decisions, no taxes were collected, and there were complaints against Adi Arieta's appointment, but within a few weeks Carew was able to report in optimistic terms, and for the rest of its existence the province of Naitasiri was one of the best governed under the Cakobau régime.

In southern Viti Levu there were problems of tribal identity within the provinces. The Namosi were originally hill people who had moved down on to the Navua flats where the Serua, a coastal people whose chief lived on a small island just off the coast, not unlike that of Bau, had had to make room for them. A governor of the province of Namosi had been appointed in February 1872 and a deputation of provincial governors which had been sent in July of that year to inquire into the situation had ruled that Serua should be included with Namosi. This did not satisfy the coastal people at

34 Wilkinson to Swanston, 16 August 1872 - Fl/41, 626; Wilkinson to Swanston, 20 August 1872 - ibid., 629; Storck to Swanston, 15 August 1872 - ibid., 640.

35 Swanston to Woods, 3 September 1872, with its enclosure Eastgate to Payn, 28 August 1872 - Fl/31, 72/366; 'Memorandum for the Secretary of Naitasiri, drawing his attention to the extract of a report of the Treasurer to the department of Native Affairs, 17 September 1872' - Fl/44, 59; Carew to Swanston, 9 October 1872 - Fl/41, 797.

36 Native Affairs Department: report of officers receiving pay since 1 June 1872 - Fl/1, 73/53; Swanston to the secretaries of Rewa, Namosi, Nadroga and Ba, 26 July 1872 - Fl/43(1), 470.
all, and they complained that they would lose their identity if this happened, asking that a separate province be established. They claimed that Serua had never been subordinated to anybody and had always been a separate entity. In October and November 1872 Wilkinson made two visits to the area and a separate province of Serua was established. He made the same mistake which had been made in Naitasiri by appointing Gagabokola, a Namosi chief who probably was the most powerful in the area, instead of Vosavakadua, the Vunivalu of Serua, as governor. This soon caused dissatisfaction and Wilkinson expressed the opinion to Swanston that the whole approach to the provincial organization of southern Viti Levu was wrong. Instead of minimizing the power of Rewa, as being too powerful a threat to Bau, it should have been strengthened and the whole of the south coast administered from there.

The problem of provincial administration consisted in deciding upon the extent to which traditional authority should be used and the extent to which it should be ignored. In Naitasiri, the coincidence of the death of the governor and the secretary - the representatives of the traditional and the imposed authority - left a situation exceedingly susceptible to disaffection. But because Naitasiri was a cohesive political unit in the traditional sense, Carew, although representing the imposed authority, was

37 Diaper to Swanston, 29 July 1872 - F1/41, 874; William Diaper, whose sobriquet was 'Cannibal Jack' later applied unsuccessfully for a position with the Cakobau government - Diaper to Swanston, 16 October 1872 - ibid., 877; see also Cannibal Jack: the true autobiography of a white man in the South Seas.

38 Wilkinson to Swanston, 18 October 1872 - F1/41, 851; Wilkinson to Swanston, 21 November 1872 - F1/47(d), 1. Extract from the report of the Native Commissioner on his return from Deuba, Serua, in the month of November 1872 - F1/43(3), 85; Garnett to Swanston, 6 December 1872 - F1/41, 990; Garnett to Swanston, 28 February 1873 - ibid., 1196; T.G. Garnett was appointed secretary for Serua on 12 August 1872 - F1/1, 73/53.
able to overcome the unrest, in spite of the fact that the governor of the province continued to be a foreigner to the traditional authority structure. In Serua and Namosi the traditional state of affairs had been much more amorphous and the government made a mistake in paying it too much attention. It would have been possible to recognize the traditional rulers in some minor context - as lieutenant governors for instance, but Carew's experience in Naitasiri indicated that an energetic secretary would have accomplished more had he been placed in charge of one large province, and Rewa was the only chiefdom which would have formed a suitable nucleus.

In Vanua Levu the difficulties were generally less acute. Macuata, because of the divisions which rent the traditional authority structure caused the Privy Council some anxious moments in August 1872 when it was suggested that the only way to secure the province was to place it under the military control of a European magistrate. The council could not bring itself to agree to such a drastic step and Ritova, of whose loyalty they were doubtful, was confirmed in his position as governor and survived to stage a full scale revolt in 1873. 39 In Bua and Cakaudrove, however, the chiefs showed every willingness to assist. At meetings held at Somosomo in December 1872 chiefs and planters affirmed their support of the government and Wilkinson praised the energy of Parsons, the secretary for Cakaudrove, and McClintock, the warden of Taveuni. 40 In Bua there were initial difficulties but the enthusiastic support of the Tui Bua made Forbes's job relatively simple as he toured the province taking a census and explaining the meaning


40 Wilkinson to Swanston, 10 January 1873 - F1/47(b).
and purpose of the new laws. 41

Only in western Viti Levu did the government fail to make progress. The attack upon G.R. Burt's plantation at Sigatoka in 1869 was something for which he had only himself to blame, but the fact that the attackers escaped unpunished probably provoked a further attack in July 1872. Again the settlers were not entirely innocent, but they became filled with righteous indignation and petitioned the American vice-consul to arrange for a warship to visit the coast. Drury passed the memorial on to the government which tartly commented that 'no foreign vessel of war could interfere, except on application from this government'. 42

Such a situation could not be permitted to continue to exist, and H.C. Thurston, the Chief Secretary's younger brother, was sent in December 1872 to attempt to quiet the province and to point out to the settlers that they were themselves contributing not a little to their own difficulties. Thomson, the secretary for Nadroga, was not a sufficiently strong-willed person to be able to impose obedience on the recalcitrant settlers, but Thurston was more forceful:

...notwithstanding the strong expression of many of the settlers of this and the Nadi district, 'that they would not have or let any official live here', I have opened and held a court in both provinces and administered justice to both white and native.

41 Armitage Forbes was appointed secretary for Bua until he was transferred to Kadavu in January 1873 - F1/1, 73/53; memorandum for the Cabinet by R.S. Swanston, 5 March 1873, together with its enclosures; Forbes to Swanston, 11 November 1872, and November 1872 [sic] - F1/10, 73/67.

42 A detailed account of what actually occurred will be found in the Fiji Times, 31 July 1872. See also Woods to Thurston, 2 August 1872 and its enclosures; Graburn to Swanston, 23 July 1872, and memorial from Nadroga settlers to United States vice-consul [copy], 10 July 1872 - F1/Misc., 12 (72/427a). [A copy of the memorial was also enclosed in this letter.]
Many settlers who had been attending meetings organized to oppose the government instead of looking after their plantations were persuaded of their mistaken views. The destructive influence of a demagogue such as John Rennie was effectively removed, and the Fijians of the interior induced to make friendly overtures to the government, towards which end Ratu Kini exerted his influence.

In Ba and Nadi the chiefly structure was more fragmented than in any other part of Fiji except the interior of Viti Levu, and a proliferation of matanitu made the area excessively susceptible to disturbance. The policy of the government towards the kai colo had not changed, and although there had been a contingent of government troops on the Ba river since July 1872 their main purpose was to make clear the government's determination to protect settlers and to promote the development of a plantation economy. For a time it seemed that it was to be successful. By September the kai colo had indicated their intention of coming down to confer with the officers of the government and it seemed that the troops were no longer necessary; they were removed, in spite of the entreaties of some of the settlers, towards the end of the month. Burnes, whose behaviour brought about his own death, and whose murder precipitated the campaign of 1873, was actually one of the signatories of the petition requesting the government to maintain its troops on the river, a fact which gives some indication of the complete change of opinion which the incendiaries were able to work on the Ba settlers in the following three months.

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43 H.C. Thurston to Thurston, 23 December 1872 - F1/10, 73/79; Thomson to Swanston, 6 January 1873 - F1/41, 1141; H.C. Thurston to Thurston, 5 February 1873 - F1/10, 73/100. See also Thomson to Thurston, 10 October 1872, in which he refers to a meeting held at Cuvu on 23 September 'to organize a systematic and fractious opposition to the government' - ibid., 72/707.
or four months. 44

CONTROL of land purchasing and systematization of rights of tenure had been one of the signal failures of the Burt Ministry, but although the Land Commission was reorganized during the second session of the Assembly, little was accomplished. The Privy Council suggested that a board should be appointed to go into the provinces to settle questions on the spot, in consultation with the provincial governor. Ratu Marika was appointed, but the board does not appear ever to have gone on circuit. 45 The legislation concerning land tenure which it had been hoped to introduce in the first session of the Assembly did not appear in the second either, so that when the commission met for the first time on 7 June 1872 it had first to amend its regulations. In the beginning it met more or less regularly and investigated a number of cases: on 10 June the first judgement was given against Reece's claim to the island of Moala; on 15 June a case was decided in favour of the plaintiffs, whom it appeared, were prevented from occupying land at Lawaci, Ovalau, because the Fijians, after a proper sale, refused to move. On 22 June during the course of taking evidence concerning lands in Macuata it was recommended that the commission hear evidence on the spot, but this was never done. F.W. Hennings was given crown grants to Makogai, Makodraga, and Malaki in July, and a few more grants were issued in the following months, but as time passed the commission met more and more

44 Thurston to Leefe, 17 September 1872 - FMS/2, II(2)1; Thurston to the settlers of Ba, 30 September 1872 - ibid.

45 Department of Lands, Mines and Surveys: Royal Commission to Quiet Land Titles; miscellaneous working papers and correspondence, 1871-74. Memorial from the Privy Council to the Honourable His Majesty's Ministers, 11 July 1872 - F1/t16.
desultorily as the hopelessness of elucidating right and wrong became more obvious. Meetings were adjourned for want of a quorum and there were no meetings at all in October and November, though in October Thurston wrote to Forwood in his capacity as legal representative of the Polynesia Company in Fiji, saying that the Cabinet, fully alive to the questionable circumstances attending the contract between Cakobau and the then agents of the Company 'declined to eject from their hereditary planting grounds the inhabitants of 200,000 acres of agricultural land'. The Cabinet said it was prepared to advise Cakobau to grant 20,000 acres at Suva and to attempt to induce the Tui Cakau to grant a further 10,000 acres at Natewa Bay, and with this Forwood had for the moment to be content. 46

In February 1873 a claim was decided which had been entered as soon as the commission had reassembled some seven months previously; it was one which involved land in the vicinity of Levuka where evidence could easily be collected and where the commissioners could satisfy themselves of the facts of the case, and it was but small success when compared with the magnitude of the problem. It soon became evident that the government did not have the power to set down a series of general principles as a basis upon which to try

46 Thurston had been acting as British consul in 1868, when the contract had been negotiated. He had protested officially against it then and was unlikely to have changed his mind in the meantime - Thurston to Evans and Brewer, 25 May and 27 May 1868 - F4/Letterbook 1866-69, 68/40 and 68/61; Thurston to Lambert, 1 June 1869 - ibid., 69/53. Thurston to Forwood, 26 October 1872 - F1/13(2), 174. In neither area would the grants have been suitable for settlement and in fact the company's future in Fiji was limited. When Robinson made his recommendations to Carnarvon concerning the liabilities of the Cakobau government he suggested that the £9,000 advanced to meet the American debt be repaid but that all claims to land which had not been settled - all but about 500 acres - be repudiated, Robinson to Carnarvon, 20 October 1874 - FCSO. This was printed in [G1114] of 1875, PP, LII, 153.
all land claims; the particular circumstances in certain cases made some sort of a decision possible, but no general solution such as that of Gordon was possible. The commission almost ceased functioning in 1873, when the events of the Ba campaign occupied the government almost exclusively, and as the grants issued by the Cakobau government were not recognized by the Land Claims Commission of the colonial régime it is impossible to claim for it any permanent success in the matter.

But by this time the planters' conviction that the land commission served no useful purpose had become more generalized into a dissatisfaction with the whole achievement of the government, and a renewed desire for annexation by Great Britain. Once again the intransigents came into the open. A new B.S.M.P.S. was formed and the settlers of western Viti Levu again forgot about their plantations and occupied themselves in conducting copious but scurrilous correspondence with each other in an effort to whip up sufficient antagonism towards the ministry to bring it down. The Fiji Times, which had previously been fairly measured in its criticisms, lost all proportion in its violent condemnation of the idiocies and inadequacies of the administration, and of the infamy of its ministers. On the other hand, Great Britain did not appear any more anxious than usual to assume responsibility. Thurston and his colleagues had therefore to battle on against a rising tide of opposition from a position aggravated by a deteriorating financial position and by a lack of sufficient officers competent to deal with an increasingly delicate position vis à vis the Fijians. It would not be unfair to say that the beginning of the end for the Cakobau government dates from December 1872. In the Ba campaign of 1873 it probably made its biggest single contribution to the future peace of Fiji, but it was made within a context of opposition the beginnings of which dated from the re-formation of the B.S.M.P.S.
Early in October 1872 the government had taken over the *Fiji Gazette* and *Central Polynesian*:

...advised on the extreme necessity of allowing their policy to be plainly set before the world...[the government has thought it] advisable that a weekly gazette...should be issued which might be authoritatively quoted as a faithful representation of the policy of the government.\(^7\)

Once the government had acquired a press of its own it did not need to rely upon the services of the *Fiji Times* printing department, and this seems to have been the root cause of an almost lightning *volte face* performed by that paper. As short a time previously as 21 September it had sprung to the defence of the *Gazette* when it had been censured by the government, saying that 'if the press in Fiji cannot go to the extent of the *Gazette* then it may as well be silent'. In the first issue after the takeover this change is noticeable; the criticisms of the government became more trenchant and vilifications of its 'contemporary' became, by modern standards, unprintable. The Cabinet, which was accused of running the paper to perdition, was referred to as 'a posse of dignitaries whom the wheel of fortune has somehow shuffled to the top in Fiji'.\(^8\)

From constructive criticism of the government and outright condemnation of any attempts made to subvert its authority it became an ardent supporter of the cause of the annexationists, a more or less tacit supporter of the intransigents, and utterly opposed to any attempts of the government to continue in its purpose. Occasionally it did issue a word of

\(^7\) *Fiji Gazette*, 12 October 1872. The name was shortened when the government took the paper over. The last issue of its predecessor appeared on 5 October.

\(^8\) *Fiji Times*, September to November 1872, but specially 21 September, 16 October, 19 October and 30 October.
warning but it was usually concerned with vilifying the government in the 
most scurrilous terms. 49

On 16 October it published an advertisement for the Fiji Reform 
League advocating 'reform, retrenchment and improvement in the administration 
of the government'; at the same time it said that the settlers were 'too 
low in civilization' to be placed upon an equal footing with European 
magistrates and judges. In other words it was not, at that stage, in favour 
of anything but annexation. 50 It was to change its tune. In December the 
Reform League sent a deputation to request Thurston to 'advise the King to 
entirely withdraw the constitution [and] to explain to him that he was 
deceived in believing that he had a right to grant it'. Thurston temporized 
and the deputation withdrew, determined to force the issue. 51 A further 
meeting was held at Keyse's hotel at which a society was formed to depose 
the government. A committee, consisting significantly of Beatson, White, 
and Keyse, among others, was deputed to canvass support. An oath of secrecy 
and a password were instituted, two vessels were chartered to go to Taveuni 
and Vanua Levu, and once again the Ku Klux Klan was in existence, if not by 
name then by function. 52

In the face of such activity, members of the Cabinet felt compelled 
to do something, and on 12 December a meeting was convened. Thurston and

49 Fiji Times, 22 December 1872.
50 Ibid., 16 October and 19 October 1872.
51 Report of a deputation from a public meeting, headed by Colonel White, 
requesting ministers to advise the King to withdraw the constitution, 
7 December 1872 - Fl/10, 72/838.
52 Memorandum of a meeting held in Keyse's Hotel on 18 December 1872, from 
the B.S.M.P.S. to the settlers of Rewa, 20 January 1873 - Fl/10, 73/168.
Clarkson represented the ministry, and there were nine members of the Assembly present of whom the majority had supported the government during the 1872 session. Thurston in one of his rare moments of uncertainty, said that there was a general cry for reform in which some desired annexation, some the abrogation, and some the reform of the constitution. The more moderate desired the House to be called together, and he gave the impression that he was himself in favour of such a move. But his colleagues were divided. Some agreed with him on the grounds that it would enable the government to effect constitutional reforms in the prescribed manner (though what the reforms should have been was not discussed). Others considered that there was not much pressure upon planters, who were causing most of the opposition, that the irregular summoning of an Assembly would look bad in Australia, and that reform of the constitution was not something to be attempted hurriedly in the face of temporary exigencies. Clarkson concluded the meeting on an optimistic note by stating that the revenue was coming in at the rate of £25,000 to £30,000 a year, and that this could be increased to £40,000 if there were peace and quiet. It was decided to let matters ride, at least for the time being, and when the Assembly finally met in 1873, the situation had

53 Barrack was rarely in Levuka, except during the session, Swanston was away on departmental business in north-west Viti Levu, and Woods was in Australia. Those members of the House present were Butters, Burt, Scott, J.C. Smith, Surplice, Bentley, Cudlip, Murray and F.W. Hennings.
changed completely. 54

It was against this background of opposition and uncertainty that Britain was once again involved in the question of whether or not a protectorate should be established over Fiji. Earlier in 1872 it had affirmed its unwillingness to annex Fiji although stating that it was prepared to entertain the notion that one of the Australian colonies should control Fiji. The question was debated in the House of Commons where it became obvious that there was a growing body of opinion in favour of annexation. C.L. Sahl, the Fijian representative in Sydney, who happened to be in England, interviewed Granville, Kimberley, and Knatchbull-Hugessen, the Parliamentary Under-Secretary for the Colonies, to whom he stressed the anxiety of the Cakobau government to have the labour traffic properly controlled. They were impressed, and both Gladstone and Knatchbull-Hugessen defended the Fijian government against harsh criticism from MacArthur and other ardent annexationists, saying that they should delay a little longer and keep a close watch. 55 Sahl told Thurston that British recognition would depend upon the extent to which the

54 Minutes of a meeting of members of Parliament held at the offices of the Attorney General, 12 December 1872 - Fl/Misc., 12. There is also a copy of these minutes at Fl/10, 73/11/2. Clarkson reported to the meeting that some of the Nadi settlers desired their member, Otty Cudlip, to resign but that there was division in the matter. Derrick, op. cit., 22, nl7, without stating the source of his information, says that Barrack at Savusavu, persuaded his electors to withdraw a request to resign and that Ireland acceded to a similar request from his electors at Ba. Eastgate to Thurston, 11 January 1873, encloses a resolution from the settlers of Naitasiri of the same date, which asked that the king be advised to call parliament together by the end of February at the latest - Fl/10, 73/12. The Fiji Times, 23 November 1872, stated that Clarkson had been asked to resign and that Thurston was about to be asked. 55 Sahl to Thurston, 17 June 1872 - Fl/11, 72/245. For a full discussion of the developments in England, see E. Drus, 'The Colonial Office and the Annexation of Fiji', Transactions of the Royal Historical Society, 4th series, XXXII, 1950, and W.P. Morrell, Britain in the Pacific Islands, 156-168.
government demonstrated its ability to maintain law and order, and that
the single most important factor was the control of the traffic in labour. 56

Thurston wrote to Granville several times towards the end of
1872; in October he referred to the 'efforts', 'anxieties', and 'enormous
difficulties' of the Fiji government and asked

whether the King's functionary may be encouraged to continue
the work they have commenced at the request of the King and
chiefs and not of their own motion

or whether they could anticipate government support for MacArthur's motion. 57

He sent copies of the legislation of the second session of the Assembly to
the Colonial Office, and R.G.W. Herbert, the Permanent Under-Secretary,
said that he hoped, on the basis of the legislation that it would be possible
to afford the government formal recognition. 58 But in Fiji, Thurston's
drive seemed momentarily to desert him. In October he had also written
to Hope saying that he had worked very hard and considered that he had
succeeded, at least within the confines of a governmental system unsuited
to the country. He looked forward to continuing his efforts, though he
regarded annexation by Britain as the greatest blessing

not because I fear to fail in what is now being done, but
because I know England could do it better, quicker, and
perhaps for the same or very little more money. 59

By the end of the year, he appeared much less certain of the ability of
his administration to carry on. With the Fiji Times howling for blood

56 Sahl to Thurston (private and confidential), 29 August 1872 - F1/10, 72/444a.
57 Thurston to Granville, 19 October 1872 - F1/23, 72/200.
58 Thurston to Hugessen, 24 June 1872 - CO83/2.
59 Thurston to Hope, 11 October 1872 - Hope, 'Letter Journals' III.
and the opposition seizing upon the terms of Lord Kimberley's note to the Australian colonies of 14 August as a means of cloaking their actions with a spurious air of legality, he felt compelled once again to complain to Granville, and to confide his disgust to Hope.

To Granville he pointed out that the Crown Law Officers' opinion that the British government could declare 'certain acts or engagements to be legal or illegal in the case of British subjects in Fiji', as expressed in Lord Kimberley's despatch, had had the effect of inducing white settlers to offer armed resistance to the government. He retailed some of the more barbarous habits of the European settlers and concluded by 'respectfully pressing' Cakobau's right of jurisdiction within the whole extent of the group and 'earnestly protested' against the terms of Kimberley's despatch. 60 To Hope he was less polite, referring to the 'dog in a manger attitude' of the British government:

...the country is going to ruin and very very little will bring on a rising of the natives. If England wants Fiji let her take it; if not do not let her rob the chiefs of their rights. 61

Such was the motivation which caused Thurston to repeat, on behalf of the Fijian chiefs, the offer of cession to Great Britain.

This time the British government was forced to do more than express vague confidence in the ability of the settler government, but it took some time. Ten months were to elapse before another investigating commission arrived in Fiji and in that time events occurred which caused Thurston to change his mind.

60 Thurston to Granville, 16 December 1872 - Fl/23, 200; see also Forwood to Thurston, 2 December 1872 - Fl/16.

61 Thurston to Hope, 24 November 1872 - loc. cit.
BECAUSE of its proximity to the mountainous centre of the island and the comparative ease of access afforded by its valley, the Ba river was the scene of the toughest problem with which the Cakobau government was confronted in its short career. It was a problem which involved all the difficulties faced elsewhere - inadequate finance, uncertainties of land tenure, and differences between government and settler, settler and labourer, settler and mountain Fijian, and mountain Fijian and coastal Fijian. The forces of intransigent opposition made their last and most nearly effective bid to bring down the government, and a British warship from the Australian station was once again forced to play a reluctant part in upholding its authority. In spite of this formidable list of difficulties, the government, in the campaign of 1873, made one of its most important contributions to the future peace of Fiji.

The Ba had long been an area in which there had been friction, at first between the kai colo and the coastal Fijians, and later between the settlers and the kai colo as well. In more recent years the coastal people had established friendly relations with the planters, who had first arrived in the area in any numbers during the cotton boom - there were almost no settlers in the whole of western Viti Levu before boom conditions forced settlers away from the traditional areas of European settlement and made it worth their while to brave the isolation and uncertainty of this part of the group - but the attitude of the kai colo always remained obscure.
In the face of this uncertainty settlers developed an **esprit de corps** among themselves, and a contempt for people living in more civilized areas - particularly the town dwellers in Levuka - which made them prone to persuasion by persons who desired to whip up opposition to the government.

They were resolutely opposed to the efforts of the government to win the people of the mountains over. The shifting alliances among the **kai colo** themselves, and between the **kai colo** and the coastal people, were too transient for the settlers ever to be sure of the sentiments of a particular tribe; it was safer to assume all mountaineers were hostile, and to protect oneself accordingly. W. Burnes, who with his wife and children and most of his Tana labourers, was to be murdered in February 1873, wrote to Woods at the beginning of 1872 giving some idea of the unsettled conditions. His plantation, Vunisamaloa, was the most isolated in the Ba valley and the one nearest to the territory of the mountaineers, and this explains his concern. The **kai colo** had established contact with one of the coastal tribes and he was consequently compelled to keep an extra number of white men for protection. He requested that instructions be given to the Tui Ba, the head chief in the area, though by reason of his advanced age not the governor of the province, to keep an eye on the mountaineers:

[They] appear to locate themselves on the other side of the river (opposite my place)...hitherto I have not anticipated any danger from them, but during the last few days they have had sufficient time to reconnoitre our position and watch our movements.\(^1\)

There was enclosed with this letter an undated note to H.L. Tripp, the secretary of the province, telling him that the 'war-fence camp' had been

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1 Burnes to Woods, 5 January 1872 - Fl/41, 183.
attacked and a Fijian shot in the arm. He requested that a protective force be established nearby and that a general statement be made to European settlers warning them of their danger. Ratu Esikeli, the governor of Ba, was then instructed to take immediate action to prevent aggression, but there is no evidence to suggest that the requested force was ever established, at least not in an advanced position in the valley where it could have been of some deterrent effect; later events indicate that the kai colo were permitted to become bolder.

In June 1872 Tripp informed Swanston that they had attacked Burnes's plantation but had been driven off with the aid of the Tana labourers. The settlers were by this time thoroughly alarmed and begged that a force be sent down by the Native Affairs department for their protection. Tripp voiced his own opinion when he said that the kai colo had, for some time past, been threatening the settlers and the coastal tribes, and that the attack on Burnes was only a preliminary; but as it accorded with what Burnes had himself reported a few months earlier Swanston began to make preparations for enforcing martial law in the province.

This was finally declared on 27 July 1872 and gave the governor wide discretionary powers for defending the persons and property of the subjects of the kingdom, though the point was made quite explicit that the forces at his command were to be used only for defensive purposes, and he was strictly enjoined in this respect not to take into his counsel any of

2 Burnes to Tripp (undated), enclosed in Burnes to Woods, 5 January 1872, together with a minute by Swanston, 15 February 1872 - Fl/41, 183. Burnes's note to Tripp was sent to J. McIntosh, who owned a plantation at Rarawai, near the mouth of the Ba river and the present site of the SPSM sugar mill.

3 Tripp to Swanston, 17 June 1872 - ibid., 539.
the Europeans resident in the province, with the exception of the warden. The Armed Constabulary under Major Fitzgerald was sent to Ba some time in late July or early August - the force may already have arrived by 27 July when martial law was declared. On 18 August, however, Fitzgerald made his first report to the Native Affairs department, as well as sending down a copy of draft regulations for the Armed Constabulary. He stated that the mountaineers were daily becoming more numerous in the area and that they were rumoured to have intended an attack from which they were deterred only by the presence of the soldiers. The following month a petition was sent by the settlers requesting that the troops on the river remain. Whether the petition resulted from a fear that the troops might be removed is not made clear, but in the light of the attitude of the settlers in 1873, after the murder of Burnes and his family and after De Courcey Ireland and Sullivan had fanned the flames of fear and discontent in the minds of the settlers, it is interesting to read an expression of their opinion some five months before the Burnes murder:

...since the arrival of the troops here we have been able to attend to our cultivation without...being obliged to arm one half of our labour to protect the other half while at work. We cannot afford to pay for extra men to protect us, we are quite willing to pay our taxes, but we most certainly look to the government for protection...

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4 Minute by Swanston - Fl/41, 539; 'Instructions to Governor of Ba and Yasawas concerning the district under martial law' - Woods to Swanston, 27 July 1872, ibid., 557; G.H.W. Markham, 'Diary' 27 July 1872, wrote that Burnes's plantation had been attacked three times.

5 Fitzgerald to Swanston, 18 August 1872 - Fl/31, 72/392.

6 Fitzgerald to Swanston, 18 August 1872 - ibid., 72/393.

7 'Petition from settlers on Ba river not to remove the troops from this district', received 23 September 1872 - FMS/2, II.
The settlers suggested that there would be no difficulty in procuring seed corn and potatoes so that the troops could become self-supporting. This was over-optimistic, but it does indicate the keen desire of the settlers to have the troops remain in the area. But by the end of October the situation had become so settled that it was decided martial law was no longer required; Fitzgerald returned to Levuka and a proclamation was prepared to be read in Ba on 11 November.  

Fitzgerald was reported in the *Fiji Gazette* as saying that the mountain chiefs, seeing that the Cakobau government was in earnest, had sent down a deputation offering to submit peaceably if they were placed on the same footing as other Fijians, and that they were now on their way to Bau with Ratu Esikeli to make their submission to the king in due form. The state of affairs on the Ba seemed to have become stable beyond the most optimistic expectations of the administration, but no sooner had martial law been lifted than it deteriorated; the lives of settlers were placed in continual danger as a result of repeated incursions from the *kai colo*, who struck without warning and then retired to their mountain fortresses before any reprisal could be attempted. And the coastal tribes also became restive; they witnessed the impotence of settlers in the face of the *kai colo*, and, not unnaturally, considered it foolish to remain committed to the losing side in what appeared an inevitable struggle. It was unfortunate in this respect that the Tui Ba was a man too old effectively to have performed the duties of governor; the administration had been forced to appoint an outsider, and although Ratu Esikeli was a chief of high rank and

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8 Esikeli to Swanston, 26 October 1872, with minute by Swanston, 31 October 1872 - Fl/10, 72/418a; *Fiji Gazette*, 2 November 1872.
considerable ability, he was a Bauan and therefore less likely to be able
to command the more parochial feelings of the coastal tribes of Ba. After
Burnes's murder the settlers themselves became uneasy and discontented and
it was no difficult matter for incendiarists of the skill of Ireland,
Sullivan, and White to whip up a fervid and irrational opposition to the
efforts of the government to restore order.

At this stage the administration gave the intransigents something
out of which to make political capital. Clarkson went to Ba on the government
steamer *Pride of Viti* in November 1872 and made one or two statements which
were indiscreet in the context of the delicate relations existing between
settlers and Fijians. When he met a number of residents at McIntosh's
plantation at Rarawai and was informed that they proposed to request their
members to withdraw from the legislature, he replied somewhat hotly instead
of attempting to sway the settlers from their purpose with a calmly reasoned
statement. He is alleged to have replied:

...that at every risk and hazard, Government would uphold
their paramount authority; that the rope and bullet were
ready for all refractory parties, that by holding up his
hand he could bring the natives upon us [the settlers] and
that the penalties of High Treason would be vigorously
enforced...^9

He finished by placing the blame squarely on the shoulders of the settlers
who had brought the present state of affairs about by their refusal to
allow the mountaineers free access to the coast by way of the river. There
was considerable truth in this, but it was a tactless remark for which the
ministry was to pay dearly.

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9 J. De Courcey Ireland, D.M. Campbell, G.H.W. Markham, T.W. White and
J.C. Johnstone to Captain Chapman (HMS *Dido*), 19 March 1873, enclosed
in Layard to Thurston, 11 February 1874 - P1/11, 74/19.
Clarkson continued his journey of inspection up the river, and at Vunisamaloa urged Burnes to disarm his labourers, saying that peace had been made with the mountaineers, that the government would be answerable for the settlers' safety, and that for labourers to continue to carry arms would be considered unnecessarily provocative. In light of the fact that a deputation had only weeks before gone down from the mountains to make a formal submission to Cakobau, this was not unreasonable but it did allow the opposition to muster support for their cause when the mountaineers were provoked to what the settlers regarded as treachery, but which the kai colo no doubt considered justifiable reprisal.¹⁰

On the morning of 4 February 1872 Burnes, his wife and two children, and about twenty-six labourers were murdered by a large force of kai colo who had come mainly from the mountain towns of Karawa and Korawaiwai. The

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¹⁰ J.C. Johnstone to W. Graburn and the settlers at Nadroga, 14 February 1873 [copy], enclosed in Berry to Fitzgerald, 12 February 1873 - Fl/10, 73/93¹/2.

The version of events given in the letter addressed to Captain Chapman [see above, footnote 9], is as follows:

...he [Clarkson] then well knowing that the mountaineers were daily threatening Mr Burnes and his foreign labourers, and in spite of Mr Burnes' remonstrances, he actually threatened the labourers with the rope if ever they killed a mountaineer in self-defence, and by way of illustration placed a rope with his own hands around the neck of...a Tana man.

It is unfortunate that Clarkson's own report, or at least that of an unbiased witness is not available, but it is hard to believe he would have acted the way Ireland and company suggest.

Markham, looking back on the event, remembered that Clarkson had boasted of bringing the mountaineers down on the settlers merely by lifting his finger, and that Burnes's labourers became timid and afraid after Clarkson's warning. This can probably be explained by Markham's opposition to the government and admiration for Ireland - 'Diary' 1873.
facts of the massacre, which seem never to have been in dispute, were as follows. Burnes had always had a good collection of muskets and an adequate supply of ammunition and he and his men were generally armed and ready to resist attack. But as a result of Clarkson's admonitions of November 1872 the labourers had been going unarmed into the plantation. On the evening of 3 February they became aware of a number of mountaineers in the cotton and on the following morning begged to be allowed to take muskets with them. Burnes was unconvinced that anything serious was about to take place, though he gave out five muskets to pacify the labourers and himself accompanied them, armed with a revolver. When they reached the far end of the plantation a number of Fijians, with their hair cut short and clothed in sulus, came forward saying that they had some trade, and when they had got near enough made a rush, simultaneously with others who were concealed in the cotton. The five who were armed discharged their pieces and then, using them as clubs, managed to batter their way to safety; Burnes fired upon the Fijians and wounded three of them, but he was run through with a spear and clubbed to death; the mountaineers then chased the labourers and killed as many as possible before turning their attention to the homestead. Mrs Burnes defended herself and her children to the last but was hopelessly outnumbered - the children were killed by means of being held by the feet and having their brains dashed out. The bodies were dismembered and were being prepared for the cooking fires when a party of Europeans and Tanese arrived, causing the kai colo to flee with the remains.

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11 This was done so that they would be mistaken for coastal natives. One of the first things a Fijian did when he became a Christian was to discontinue the practice of dressing his hair with lime and yellow dye to make it stand out from his head as much as a foot on each side.

12 This account is taken from the report in the Fiji Gazette, 11 February 1874, and from Johnstone's letter to the settlers of Nadroga, 14 February 1872 [see above footnote 10].
On first consideration it might seem impossible that any extenuating circumstances could be found which would detract one iota from the culpability of the murderers; but there are factors which make it clear that the mountaineers had been provoked by Burnes, who need never have met his death at their hands had he been a little more circumspect. His attitude appears to have been one of arrogant superiority. He asserted that in purchasing the land for his plantation he also acquired all rights to the river and could thus not only deny access to the sea by way of the river, but could also prevent fishing for a species of fresh-water mussel which grew prolifically on the mud bottom of the river and formed an important variation in the diet of the inland people. He ordered his labourers to shoot Fijians on sight and himself pursued women whom he found digging for wild yams on the opposite bank of the river from his property. The immediate cause of his death was the shooting by a couple of his labourers of two women fishing for mussels. 13

The settlers of Ba determined that reprisals were necessary and that the government must be prevented from taking action itself. Ireland, White, and others of the opportunists were at Nadi organizing a branch of the newly formed, or re-formed, British Subjects' Mutual Protection Society when the tragedy occurred, but, sensing an opportunity too good to be missed, returned as quickly as possible and reached Ba a couple of days before the government force, which had been sent from Levuka. Ireland appears to have been the most active in organizing the planters' opposition. A meeting was held on 12 February 1873 at which it was resolved that the __________________

13 Swanston to Thurston, undated - F1/10, 73/170a; Thurston to Brower, 14 February 1873 - F1/23, 73/16.
landing of government forces would be resisted on the grounds that they would do more harm than good. J. Berry, magistrate and deputy-warden of Ba, wrote to Fitzgerald telling him of the meeting and stating that the planters were in a very excited state and that if the government troops were to force a landing it would lead to a rupture with the settlers, whose annoyance stemmed from Clarkson's injudicious conduct in November 1872. He also made the important point that such a demonstration of division among the Europeans could provoke the Fijians into attacking another plantation.

Ireland's own account of his action at this time is contained in a letter he wrote to J.H. James, one of the Nadi planters, and perhaps gives as good an indication as anything of the irresponsibility with which he acted:

...[I] went over to Ba river determined to make the Ba men take some stand against this damned Govt. bringing down their Fijian forces, and taking the initiative in avenging the murder of Burnes & family yesterday morning. I proceeded to Rarawai collecting the planters on my way who all seemed quite careless about the matter and dreaded taking any violence. Berry was up there & of course approved of the Govt taking the initiative & read a letter from Thurston to De Este threatening that if any of us attempted to act without the consent & under the direction & command of the Govt he would immediately have us removed and could command the services of the first man of war &c &c &c - altogether the most threatening piece of impertinence I have ever heard.... I made a most inflammatory speech [and] told Berry if he permitted this

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14 Berry's appointment was of a temporary nature. It had originally been suggested that H.C. Thurston, the Chief Secretary's brother, be appointed warden of Ba, but the settlers were not prepared to recognize him, so a temporary appointment was made until someone could be found acceptable to the planters.

15 Berry to Fitzgerald, 12 February 1873 - F1/10, 73/931/2.
Govt to make political capital out of the murder of his own sister... he had not a spark of the feelings of a man in him...

Thurston, having made arrangements for the despatch of the government force as soon as he had received news of the tragedy, communicated with various officials unconnected with the government, either informing them of the state of affairs or asking if he could count on their assistance. On 14 February, in the light of the first information from Ba since the expedition had set out, and before news of the clash with the settlers could have reached him, he wrote to I.M. Brower, the United States consul, telling him that a number of settlers of various nationalities had organized themselves, together with their labourers, and were preparing to attack mountain villages that had no connexion with the murder, and with whom, only after great patience and difficulty had the government been able to establish friendly relations. He asked Brower to caution all United States' citizens against taking part in such an operation and pointed out that

...the consequences of this rash and unreasonable conduct will not only, in all probability, precipitate the country into an unnecessary and expensive native war, but must lead to a collision between the settlers and the King's forces, as it is impossible that the government can permit any

This last remark had its effect, for Berry resigned the same day:

...as I cannot hold Dr Clarkson blameless in the murder of Mr and Mrs Burnes and family and their relation to myself is so close that in future I cannot act as magistrate under any ministry [sic] that may have him as one of its members...

- Berry to Thurston, 13 February 1872 - F1/10, 73/931/2; a copy of Ireland's letter is also enclosed.
independent warfare, or allow its duties and authority to be assumed by irresponsible people...\textsuperscript{17}

At this stage Thurston did not think the attack indicated any general or combined movement on the part of the \textit{kai colo} but that it was merely a retaliatory action committed by one or two towns with a grievance against the settlers.\textsuperscript{18} He could hardly have been more wrong, because what followed was a long and difficult campaign which occupied the greater part of the attention of the administration for the remainder of 1873, and which was not finally brought to an end until May 1874.

The government force which Thurston had despatched under command of Major Fitzgerald arrived at the mouth of the Ba river late on the evening of 11 February but because of the difficulty of getting boats to disembark troops and equipment (there are extensive mud flats at the mouth of the Ba river), it was not until 13 February that they got as far as Sagunu where the troops were disembarked with orders to march to Vunisamaloa; before they could proceed, Berry met them and told Fitzgerald of the meeting the planters had held that morning, of their determination to resist the troops, and of their being armed with breech-loading rifles and revolvers. He warned that if the troops persisted in their intention the result would be a race war in which much blood would uselessly be spent. The troops

\begin{footnotes}
\item[17] Thurston to Brower, 14 February 1873 - Fl/23, 73/16; Brower complied with Thurston's request, and wrote informing him of the fact the same day - Fl/10, 73/101.
\item[18] Thurston to Sahl, and Thurston to Chapman, 18 February 1873 - Fl/23, 73/12 and 73/11. Thurston's actual words to Chapman were '...a retaliatory action committed by one or two towns that have or allege they have been aggrieved by the settlers...', an ingenuousness presumably employed in order to excite the sympathy of the captain for the difficulty of the situation into which the government had been forced. He knew perfectly well that the mountaineers did have a grievance - cf., Thurston to Brower, above footnote 17.
\end{footnotes}
were then withdrawn, and departed down the river to re-embark on the Marie Louise and return to Levuka.

It is not possible to reconcile the two reasonably detailed accounts of this incident still extant. Fitzgerald says that he saw his duty was to reoccupy the areas he had held the previous year in accordance with his instructions, that he told several of the planters present who volunteered for service against the kai colo that the government had already called for volunteers, some of whom he expected by steamer, and that he would willingly lead into the field any force the government might decide to send. He finished his report by emphasizing that the planters with whom he had been in contact were not malcontents, and did not even mention that he ordered a withdrawal, let alone explain why he acted in a way so contrary to what he had considered to be his duty in the previous paragraph.19 Ireland in his letter to James, on the other hand, concludes with the following:

...the major tried to make a long speech about his experience &c, but I told him to halt his troops, which he did without the slightest hesitation. I then told him the determination we had come to [to resist the government with arms if necessary].... He told us he thought we had just cause... that he believed the murder was caused by Clarkson that he would never attempt to bring another body of Fijimen on the River and that this wd burst up the Govt & cause a hell of a row in Levuka...20

Fitzgerald obviously expressed some sympathy with the plight of the planters though it is hardly likely he would have condemned the

19 Fitzgerald to Swanston, 19 February 1873 and 10 March 1873 (with an undated affidavit by Fitzgerald, sworn before Burt and Woods, enclosed, in which he denied offering his services to the settlers) - F1/31, 73/97 and 73/77.

20 See above, footnote 16.
Minister of Finance in such emphatic terms; he may have considered that an unnecessary clash between the Europeans would do inestimable damage and that the responsible thing for him was to retire - in spite of anything he may have said to Berry, whom he had presumably met before the rest of the planters, with Ireland at the head, appeared.

The troops were re-embarked and were returning along the coast to Levuka when R.B. Leefe, the warden of Ra, requested their assistance in capturing the murderers of a Fijian from Bau who had met his death at the village of Korowaiwai some miles inland. Fitzgerald says that the planters at Togavere, a village about halfway between Tavua and Rakiraki, were also in danger. It was agreed that Korowaiwai would be reduced, but Swanston was not prepared to act until the decision had been communicated to Levuka, and it was not until 3 March that the town was taken by assault after every means had been used to induce the mountaineers to surrender. About one hundred and fifty were killed in an uncontrollable massacre carried out by the Ba and Rakiraki Fijians, who had been unprepared to take part in the assault. The troops under Fitzgerald managed to protect some of the women and children but were powerless against the force of the coastal tribes. The government forces then returned to Ba where they were most unjustly blamed for the massacre by the rebel settlers.21

Leefe had already been in Ba endeavouring to reason with the

21 Leefe to Swanston, 19 February 1873 - Fl/31, 73/98; Fitzgerald to Swanston, 19 February 1873 - ibid., 73/97; 'Decision of a council of war held on board the schooner Marie Louise, 24 February 1873 - Fl/1, 73/21; memorandum from the Cabinet to the Minister for Native Affairs, 15 April 1873 - Fl/3; Chapman to the settlers of Ba, 19 March 1873, enclosed in Layard to Thurston, 11 February 1872 - Fl/11, 74/19; Fitzgerald to Swanston, 4 March 1873 - Fl/4a; Swanston to the Cabinet, 4 March 1873 - Fl/31, 73/66.
settlers, but they remained determined to resist the government, even going so far as to enter into another covenant while Leefe was present. 'Colonel' White (as he was quite erroneously called by the Ba settlers) desired Leefe to inform the government that he was in charge of Burnes's property and would surrender it to none but a British consular official. In these circumstances Thurston considered that however patient and forbearing the government might be, the settlers seemed determined to be intransigent and that the ringleaders of the opposition would have to be arrested. He asked the assistance of Chapman in an attempt to minimize the difficulty:

...Messrs White and Ireland are British subjects and the cabinet beg respectfully to enquire whether in their interests and those of the Kingdom of Fiji generally it can acquire your good offices...it appears that many settlers are mere tools led away by more designing and mischievous persons...and the effect of your presence and influence as Senior Naval Officer of ships in this station would induce many of them to lay aside their arms.22

Meanwhile Captain Harding, in charge of a small part of the government force which had moved from Rakiraki to Ba by water, leaving the rest of the force to follow overland, had arrived at Sagunu, the village of the Tui Ba, on 6 March; he entrenched himself in its centre and awaited developments. Swanston arrived the following morning to be confronted by about forty highly excited men from Ba, Nadi and Nadroga, together with a body of Tanese. Wishing to avoid a clash, he hastened to come to some sort of agreement and managed to satisfy the settlers by moving the troops from Sagunu to Bulu, the village where Ratu Esikeli had set up the provincial

22 Thurston to Chapman, 6 March 1873 - F1/23, 73/19.
headquarters, and by agreeing that the government would take no action until the result of a communication asking Chapman to visit Ba was received. A week later Thurston, who had arrived on the river by that time, wrote to Berry, still addressing him as deputy warden, and asking him to be present at the meeting to which Chapman had consented. He made it clear that if the settlers could not be made to see reason, the government proposed to eliminate disaffection without further ado.\footnote{23}

The \textit{Dido} arrived off the Ba river on 18 March and a meeting of the planters, at which both Swanston and Thurston were present, was held on board the following afternoon; Chapman told the settlers they must cease their opposition and most of the party remained on board the \textit{Dido} for the night, to be entertained by the officers and crew.\footnote{24} The following day Thurston and Chapman visited some of the plantations up the river to inspect the conditions of the work of the labourers; they expressed satisfaction when they found the men were well-treated and healthy with no wish to leave.\footnote{25}

What happened after this is a little obscure, but it would seem that Thurston, not entirely satisfied with the results of the meeting on

\footnote{23} Memorandum, with its enclosures, for the members of the Cabinet from the Minister for Native Affairs, 7 March 1873 - F1/4(2); Thurston to Berry, 16 March 1873 - F1/23, 73/21.

\footnote{24} G.H.W. Markham, 'Diary' 19 March 1873; Diary of an unknown planter, 1873 - F1/Misc., 31. The owner of this diary does not anywhere give any information which definitely identifies him, but it seems most likely that it was J. McIntosh, whose plantation was about a mile down the river from Vunisamaloa. The entry for 25 March says that some of Burnes's labourers had asked the writer to employ them, and those men who had escaped death on 4 February went to McIntosh's plantation to bring help, so they would already be acquainted with him.

\footnote{25} \textit{Ibid.}, 20 March 1873.
board the *Dido*, wrote a letter to Chapman which virtually demanded that Ireland and White be arrested. He then left for Levuka. Thurston began his letter by stating that the moderate policy the government had so far adopted towards the rebels had been dictated by a hope that they would thus be induced to lay down their arms, and that their continued perverseness was explicable only upon the grounds that

...a few men moved...by a spirit of unrest and a disinclination to be controlled by legal enactment consequent upon established authority desire to overthrow this Government and so relieve themselves from many civil and in some cases criminal liabilities...\(^27\)

Without making a direct request he made it clear that the government would appreciate it if Chapman were to remove the ringleaders. Chapman replied that he had had no difficulty in getting the settlers to lay down their arms and to agree to conform to the laws, and that he had taken both Ireland and White into custody but hoped he would receive directions from the ministry to return them to their plantations.\(^28\)

Once the European agitation had been effectively quelled it was possible for the government forces to get on with the main purposes of reducing the mountain tribes to submission. In this connexion, two memoranda

\(^{26}\) Thurston to Chapman, 19 March 1873 - Fl/23, 73/22.

\(^{27}\) Ibid.

\(^{28}\) Chapman to Thurston, 23 March 1873 - Fl/11, 73/176.

Ireland managed to escape deportation, but White, as the president of the B.S.M.P.S., a society the avowed aim of which was to bring the government down, and whose members had been given six months to leave the country early in 1872, could expect no further leniency. Thurston asked Chapman to remove him on the *Dido* - Thurston to Chapman, 8 April 1873 - Fl/10, 73/50. See also Diary of an unknown planter, 21 March 1873 - Fl/Misc., 31.
prepared for the Cabinet by the Minister of Native Affairs (who remained at Ba for the following few months) show Swanston's first reaction to the situation followed by a revision of opinion in the light of increased experience of the conditions under which he was required to act.

At first he was of the opinion that the coast (meaning the north-western coast of Viti Levu, together with the inland villages) was in such a state of political confusion that there was no question of avoiding the permanent settlement of the question of sovereignty, even if it meant a general war. The powerful inland villages, such as Korowaiwai, were always ready to act against constituted authority, and to receive fugitives from justice and fight for their defence. Until these villages were quelled no progress could be made. He therefore proposed a possibly ideal but certainly impracticable scheme of centralization; outlying petty villages would be destroyed and their inhabitants brought into the chief villages. He claimed already to have discussed the scheme with the important chiefs whom he maintained were in substantial agreement with the scheme, and to have moved some of the outlying villagers into Sagunu. 29

A couple of months' experience forced Swanston to make a more realistic view, and to advocate a scheme almost the opposite of his first:

...to secure the persons of the scattered townpeople by harsh measures is impracticable; to hunt them down a few at a time out of the question, and the only mode of successfully quieting the district is to grant a complete amnesty to all who will surrender their arms and who will come in and settle on the lands allotted by the government...

29 'Memorandum from the Minister for Native Affairs to the Cabinet, submitting a plan for effectually maintaining the authority of the government against the rebellious coast towns' - F1/4(2). The memorandum is undated, but was probably written before the end of March 1873, and certainly before the taking of Karawa, the first of the mountain strongholds, which fell to the government in the last week of April.
He realized that to punish all the people involved in the Burnes massacre would mean inflicting great misery on hundreds of innocent people, and the continuance of a costly and difficult guerilla war for months, at the end of which there was no guarantee that the guilty might not have escaped. He proposed, therefore, that the chiefs who had been sent to Bau to make their submission should not be allowed to return to their own villages; he hoped this would break up the complex pattern of connexions between the mountaineers which was making the job of the expeditionary force so difficult:

...these savages are so intimately linked together by heathen social and religious ties that in the course of a task of the present nature...[it is often necessary to] follow an evil to its source through any multitude of qalis...

The gov't must shew its power even to what may be termed mercilessness in order to thoroughly convince these embruted beings at times that they must bend to the supremacy of the King...

Swanston very rarely gave way to such intemperate language, usually showing himself most sympathetic towards the Fijians, but he was obviously writing after weeks of the most exasperating activity on the part of the force whose responsibility it was his to direct. 30

The campaign began auspiciously enough. Vunisamaloa was turned into a military camp and preparations were made for the attack on Karawa, the mountain village which could be perceived at the top of a steep ridge about sixteen miles away. Karawa was taken late in April and the expedition became possessed of a powerful foothold, strategically placed in relation

30 Memorandum from the Minister for Native Affairs to the Cabinet, 18 June 1873 - Fl/4(2).
to all the mountain tribes, from which a general campaign could be fought.\textsuperscript{31}

From Karawa it was possible to see the large village of Nakiko on some flat land below and about two thousand yards distant. A \textit{soro} was presented to Fitzgerald by Ratu Dradra, in an effort to avert destruction of the village, but was rejected; it was stormed and destroyed after which there was some sharp skirmishing when a great number of the enemy were killed. This was regarded as a major blow against the rebels whose boast it was that Nakiko had never been taken; the disciplined troops fighting under the command of experienced officers was something of which the Fijians had had no experience, and they were to a certain extent taken by surprise.\textsuperscript{32}

The difficulties of the campaign were not encountered on the battlefield. It was rather as quartermaster and politician that Swanston faced trouble. It was very difficult to persuade the coastal natives to transport food and equipment up to Karawa, let alone any further, and this placed a tremendous strain upon the regular Fijian troops, who were in any case proving intractable. Both Fitzgerald and Harding stated that they were good fighters as long as the battle was in progress but that otherwise they were lazy and disobedient, and that Ratu Esikeli was not giving the assistance expected of him.\textsuperscript{33}

\begin{footnotes}
\item[31] G. Wright, 'Fiji in the Early Seventies', \textit{Transactions of the Fijian Society}, 1910, 25; R.A. Derrick, \textit{History of Fiji}, 226, citing an article entitled 'Old Fiji Letters', \textit{ibid.}, 1918, says that Karawa fell on 28 April, but as Fitzgerald's report on the capture of Nakiko was dated 26 April, this is impossible.
\item[32] Wright, \textit{loc. cit.}, 27; memoranda from Swanston to the Cabinet, 27 April 1873 (enclosing Fitzgerald to Swanston, 26 April 1873) and 7 May 1873 - Fl/4(2).
\item[33] Memorandum from Swanston to the Cabinet, 1 May 1873, enclosing Harding to Swanston, 1 May 1873, Fitzgerald to Swanston, 6 May 1873, and Swanston to Woods, 3 May 1873 - Fl/4(2).
\end{footnotes}
Swanston himself became a little impatient with both Fitzgerald and Harding, saying that they both mistook the burning of villages for the conquest of the country, and that Fitzgerald might secure himself against the kind of things of which he complained by becoming conversant with the language and character of the Fijians; but, at the same time, he realized that it would be impossible to attempt any sort of extended operations with the Fijians, as they did not understand the principles of military discipline and were unprepared to obey an order unless convinced of its wisdom.

One of the characteristics of the campaign now became considerable disagreement among the leaders, with the result that plans were imperfectly put into effect and there was a general decline in efficiency. The most important contributing factor was the proliferation of leaders of the expedition: the Minister of Native Affairs was in charge of the general direction of the campaign and responsible only to the Cabinet, but he exercised his control from the coast rather than from a position of command in the mountains; besides the minister there was the governor of the province, Ratu Esikeli, who was theoretically in charge of the Fijian forces (as defined by the commission appointing him governor, and by the edict declaring martial law), though in practice he was supposed to accept the advice of the minister. Unfortunately the growing tendency among the Fijians to question and then to refuse to obey orders, permitted full reign to the governor's unscrupulousness. Had he not interfered with the execution of the plan for the capture of Nubutautau, with which the campaign was supposed to end, it is probable the mountain tribes would have been properly subjected to the authority of the government; as it was they were only temporarily disorganized and rose in further revolt in 1874 and in 1875.

Swanston was eventually provoked into making this aspect of his
difficulties the subject of a memorandum for the Cabinet. He admitted that the duality of command was an inevitable consequence of there being irregular levies fighting with the government troops, but he claimed that it was a major hindrance to combined action in the field. The contempt of both races for the customs and methods of the other - of European officers for Fijian prejudices, language, and military strategy, and of Fijian leaders for European methods of reasoning and choice of places of battle utterly at variance with their own experience - meant that there had continually to be an executive officer in close enough contact with the force to secure the progress of the campaign. In this respect Swanston remarked that he had had the greatest difficulty in persuading the Fijians that he was the personal representative of Cakobau, without which assurance they were quite unprepared to obey his commands, and that W. Berwick, who was known to the Fijians as one of Cakobau's most trusted friends among the European community, had, by his unwavering support, prevented the expedition from having long since collapsed.

Even within the ranks of the small European force there was dissension. Early in May 1873, H.C. Thurston, a younger brother of the Chief Secretary, was despatched 'to aid and assist with his advice and counsel' in the prosecution of the campaign. His instructions were to join the expedition with his own force of twenty regulars and a thousand irregulars from Nadroga, where he was warden; Woods stated, in his letter notifying Fitzgerald of Thurston's imminent arrival, that the government had great

34 Confidential minute for the Cabinet from the Minister for Native Affairs, 22 July 1873 - F1/4(2).

35 The word Swanston used was mata, presumably short for mata ni vanua, implying Cakobau used Berwick to communicate anything in English.
confidence in his experience and ability, and desired that he be consulted at all stages of the campaign.  

Even had he been a man of vast military experience and enormous tact, such a letter, with its implied lack of confidence in the manner in which the campaign was being conducted, would have done nothing to have made him more acceptable to Fitzgerald. As it was, he appears to have been quite unsuited for the job to which he was called. Swanston, writing in September 1873, when the campaign was nearly at an end, stated that Thurston was not a military man either by profession or by natural instinct, that he lacked the qualities necessary to ensure respect and obedience from subordinates, and that he was inclined to create difficulties and complain of hardships where none existed. Swanston considered that it was due entirely to his own efforts that any discipline at all remained in the last stages of the campaign, when both Fitzgerald and Harding, who were men with military experience, had left the force.  

Nevertheless, with the arrival of Thurston and his reinforcements, the task of subjecting the mountaineers was begun in earnest, and for a time all went well. On 26 May the stronghold of Karawa was destroyed and the forces moved to Sabeco, to the west of the Ba river, where a general council was held. The Sabeco chiefs, who had pledged their support of the coastal tribes and the government, but who had been guilty of assisting the mountaineers in the battles of Karawa and Nakiko, admitted their treachery

36 Woods to Fitzgerald, 6 May 1873 - Fl/4(2).
37 Swanston to Woods (confidential), 20 September 1873 - *ibid*.
38 See for instance Thurston's opinion of the superiority of a properly disciplined force over the *kai colo* in his letter to Nathan, 18 June 1873 - Fl/31, 73/414.
39 Undated (June 1873) memorandum from Swanston to the Cabinet - Fl/4(2).
and were arrested. It was decided that inland towns would be burnt, that the people would come down and live in the more accessible villages, that all arms would be handed over to the government and that certain people, belonging to Nadi tribes, but who had deserted their chief when he had become Christian, would be sent back where they belonged.

It seemed as if the Sabeco were going to submit and that the worst of the campaign was over, but when the time fixed for the surrender of arms had expired Harding reported that only seventy-five worthless muskets had been gathered and that the able-bodied men had all disappeared. The Sabeco were obviously determined to continue their rebellion and would have to be dealt with as such. It was decided that Botini, in the Sabeco range, would be destroyed and that the force would then move on Nubutautau, a mountain stronghold to the east of the Ba river which was the key to complete control of the area. It was planned that the force would split in two. Swanston, Thurston, and Ratu Esikeli, with fifty drilled troops, were to descend to Ba and go up to Nubutautau from below, whereas Fitzgerald and the remainder of the drilled troops together with the European volunteers were to stay in the high country and proceed through Mogodro. After the stronghold was taken Fitzgerald was to continue across country to Rewa, leaving Swanston and Thurston to settle matters on the Ra coast and to establish a military post at the direction of the Cabinet. A month later Swanston was able to report that the program was being carried out according to plan, and that fifteen villages had been destroyed and the country thoroughly wasted, an action which was considered necessary if the

40 Memorandum from Swanston to the Cabinet, enclosing a map of the hills below Korowaiwai, 17 June 1873 - F1/4(2).
mountaineers were to be prevented from disappearing into the hills and living off the gardens of the ruined villages, harrying the planters, and creating a disturbance as if an attack had never been led against them.  

The next place at which any concerted resistance was offered by the kai colo was Naculi; this was taken on 19 July, after what was the most pitched battle of the whole campaign. Fitzgerald reported how an outflanking movement was ultimately successful, causing the enemy, who had assembled at Naculi to about the strength of 1500, to flee, leaving the village in flames and abandoning a large number of rifles in their cases. Naculi was the only battle in which a European volunteer lost his life, although it was thought that Captain Harding, who had received two shots in the chest, might also have been fatally wounded; but he recovered and was to lead the attack in the final battle of the campaign.

With the capture of Naculi the campaign paused in its progress for about a month, during which time the main topic of concern was a charge of cowardice and incompetence made against Fitzgerald by Harding and H.C. Thurston. The evidence against Fitzgerald was inconclusive and is very difficult to reconcile with the respect Harding and Fitzgerald seem to have had for each others capabilities, unless the change can be attributed to Thurston's animus for Fitzgerald; certainly it was not until after his arrival at Ba that there was any suggestion of lack of cooperation

41 Memorandum from Swanston to the Cabinet, 12 July 1873 - Fl/4(2).
42 Memoranda from Swanston to the Cabinet, 20 July and 22 July 1873 - ibid. Swanston praised the support of the volunteers in his second memorandum, saying that they had unmurmuringly gone through the hardships attending a campaign lasting nearly five months, and that they had contributed much to the success of the venture.
between the leaders in the field. Swanston was quite unable to credit the charge of incompetence, regarding it as a baseless slander originating from some 'monstrous delusion' on Harding's part; however, he was not able to stay court martial proceedings and Fitzgerald was deprived of his commission. An inquiry was held to investigate Thurston's behaviour but he was found to be trustworthy. Fitzgerald tried unsuccessfully to get the grant of land he claimed he was supposed to receive after two years' service, and then disappeared from the Fijian scene.

The situation in the Ba valley did not remain static while the administration sorted out this imbroglio. In July and August 1873 the kai colo began to come down in small groups and give themselves up to the government. Swanston returned to Levuka to discuss what should be done with them and H.C. Thurston was left in charge until Swanston returned on 26 August.

Nubutautau was attacked on 11 September. The Privy Council had previously decided that the village should be captured and the important chiefs taken prisoner, but that only the surrounding villages would be destroyed. The organization of the kai colo would thus be destroyed without

43 Harding to Fitzgerald, 9 August 1873, enclosed in Fitzgerald to Woods, 11 August 1873 - Fl/4(3); H.C. Thurston to Fitzgerald, 30 August 1873, enclosed in Murray to Woods, 13 September 1873 - ibid.; evidence given at court martial, 2 to 6 October 1873, and undated confidential memorandum from Swanston to Woods, together with an extract from Swanston's diary for 23 September 1873 - ibid.; Swanston to Fitzgerald, 20 September 1873 - Fl/t18, miscellaneous papers 1873-75; Harding to Swanston, 1 May 1873 - Fl/4(2).

44 Fitzgerald to Swanston, 14 August 1873 - Fl/41, 73/50; Fitzgerald to Nettleton, 2 October 1872 - FMS/2, II, 1. Nettleton to Simpson, 5 October 1873 - F4/Letterbook 1872-74; memorandum from H.T. Milne (Cakobau's private secretary) to the Cabinet, 9 October 1873 - Fl/4(3); report of a board of inquiry, 8 to 9 October 1873 - ibid.; Fitzgerald to Woods, 11 October 1873 - Fl/31, 73/787.
removing the means for the government to control the tribes. Instead, in direct contravention of orders, Nubutautau was sacked in traditional Fijian fashion; this appears to have been effected with the connivance of the governor, who, with most of his own force, conveniently found himself unable to be present at the engagement. H.C. Thurston proceeded with the attack, drove the enemy from the hills in front, and entered the village which he found to have been deserted for no more than a matter of minutes, as the remains of warm cooked yams indicated. The Fijian irregulars then burnt its eighty houses in what Swanston described as a most extraordinary blunder; his only explanation was that Ratu Esikeli had come to some agreement with the people of Nubutautau which provided for the safe evacuation of the village before the arrival of the government force which then fired the village in order to satisfy Fijian custom as far as the object of the campaign was concerned. The fact that the auxiliaries departed the morning after the attack, the governor professing himself powerless to prevent their departure, lent weight to Swanston's contention.

Whatever may have been the reason for the blunder, it completely altered the course of the end of the campaign. The whole force suddenly and precipitately returned to the coast, and in order to deal with the mountaineers who were spread throughout the coastal villages, Swanston estimated that a force of one hundred men would be required, together with

45 Memorandum from Swanston to the Cabinet, 26 July 1873 - Fl/45, 35.

46 H.C. Thurston to Swanston, 12 September 1873 - Fl/31, 73/738; Swanston to Woods (confidential), 4 October 1873 - Fl/4(3). Swanston was careful, in this despatch, to emphasize that he had no evidence sufficient to convict the governor of this intrigue, but that his knowledge of conditions and his experience of the Fijian character led him to come to his conclusions.
enough vessels to send to Levuka all the prisoners from the campaign, whose services, it had been decided, would be offered to the planters in an effort to recoup some of the expenses. J.P. Gore Martin was transferred from Vanua Levu to assist Swanston in the establishment of the normal processes of law and order in an area which had been under martial law for nine months. He also supervised the transfer of prisoners who were moved in large numbers, though by early October there were still 2,700 to be moved.\(^\text{47}\)

In December 1873 Gore Martin was instructed to erect a barracks somewhere on the Ba river so that Vunisamaloa, which had been used as a military camp throughout the campaign, could be vacated, and by the beginning of January 1874 Swanston reported that the final phases of the campaign had been completed.\(^\text{48}\) There remained only the trial of the murderers of the Burnes family, which took place at a special sitting of the Supreme Court between 4 and 6 February 1874. The *Fiji Gazette* in its report on the trial reported that proceedings were lengthened by the fact that evidence had to be rendered from the mountain dialect into Bauan and from Bauan into English, a process which cannot have improved the accuracy of the judges' knowledge of the evidence. As there was no dispute over what had actually happened, and the defence rested upon motivating principles, this was not perhaps as important as might otherwise have been the case. It was established that men from Karawa and Korowaiwai had assembled in force on the night before with the express purpose of making the attack. Evidence was produced

\(^{47}\) Memoranda from Swanston to the Cabinet, 14 September and 19 September 1873; Swanston to H.C. Thurston, 14 September 1873 - Fl/31, 73/740; Gore Martin to Woods, 10 October 1873 - ibid., 73/789.

\(^{48}\) Swanston to Gore Martin, 18 December 1873 - Fl/10, 74/37; Swanston to Woods, 4 January 1874 - ibid., 74/36.
to show that they had consulted in the temple at Karawa for three days, to the accompaniment of appropriate ceremony, after which Nawailea, a priest of the temple, and one of the prisoners on trial, was presented with a tabua with the request that the men might go and 'bathe' at Vunisamaloa. He became inspired and declared the omens to be propitious for a start to be made on the third day. 49

In the face of such evidence the Chief Justice had no recourse but to pass sentence, but both he and Ratu Marika, the Fijian associated judge, recommended mercy be shown 'because of the heathen ignorance and savage habits of the criminals'. The capital sentence was remitted to penal servitude for life, the first six months of which was to be served in close confinement. 50

For the time being fighting ceased. The government had been forced into a long, expensive, and unnecessary campaign by the efforts of two or three incendiary individuals bent on opposing the government with no thought to the consequences, either for themselves, or for the Fijians. Thurston gave the principal causes of the revolt as being four in number: the purchase of enormous blocks of land, frequently from persons who did not have the authority to sell; the hasty manner in which planters sought to remove the original occupants without any concern for where they would go, or more pertinently for their own future welfare, if less altruistically, of what effect their displacement would have upon tribal relations; the stoppage, or attempted stoppage, of right of way from the mountains to the sea;

49 Fiji Gazette, 11 February 1874.

50 St Julian to Thurston, 11 February 1874, with a minute by Thurston attached - F1/10, 74/829.
the refusal of the planters to allow the Fijians to fish in the river, and the appropriation of crops planted on the land at the time of purchase. Mutual wrong and aggression were the inevitable result though the 'overbearing and incautious demeanour' of the settlers was the original contributing factor. Clarkson's object in visiting Ba in 1872 had been to persuade the settlers to abandon their aggressive attitude (the settlers' rule had been to fire on sight of a kai colo, who could be recognized by his hair style); contact had been made with the mountain chiefs, some of whom were at that stage at Bau, and they had agreed to abandon hostilities if they were allowed free access to the coast. Clarkson may not have been as diplomatic in his choice of words to the New Hebridean labourers as the excessively delicate situation demanded, though he had to make perfectly certain they understood what he was trying to tell them, but the continued arrogant aggressiveness of men such as Burnes and McIntosh made the attack highly probable.51

Once the attack had been made, the government, if it were ever either to establish its control over the whole of Fiji or convince the British authorities of its right to recognition, was obliged to crush the rebellion. It was to its credit that it achieved so much in the face of so many difficulties: the attitude of the settlers in February and March 1873 was inexcusable, particularly when compared with the sterling service rendered by some of their number in the later stages of the campaign when the government forces were seen to be achieving something; Esikeli's duplicity during the attack on Nubutautau made it impossible properly to

51 Thurston to Layard, 18 February 1874 - F1/23, 74/27.
achieve the object of destroying the organization of the rebels, and another short campaign had to be fought in April 1874, under the *Ad interim* government.\textsuperscript{52} But after Nadawarau had been reduced, the kai colo were properly subdued and it was only a most inauspicious concatenation of circumstances which led to further revolt in 1875. It would not be unreasonable to claim the accomplishments during the Ba campaign as among the most positive contributions of the Cakobau government to the establishment of stable conditions in Fiji.

Events in Levuka, in the meantime, were not standing still. By the beginning of 1874 the question of the status and future of the government had once more been thrown in the balance as a result of the British government's deciding that it wished to have the report of yet another commission of enquiry.

\textsuperscript{52} See below chapter 10.
THE ebb and flow of events during the last nine months of the Cakobau government's short existence is extremely complex, but it is possible to discern some sort of a pattern. The third session of the Legislative Assembly marked the end of any attempt to govern according to the 1871 constitution, and gave the forces of the opposition a weapon with which they were able to produce an almost deafening clamour, though their attempts to bring the government down by physical attack proved singularly ineffectual. The ministry ignored these 'alarums and excursions' for more important matters: first it produced a constitution more suited to the needs of the country and then defended its merits to the representatives of the British crown who visited Fiji in the last half of 1872; secondly it sustained the rights of the Cakobau government against a determined effort on the part of the commissioners to render them nugatory; and thirdly it continued, as best it could, to function as the only law-enforcing authority in the country. This was a formidable task, and it is to the credit of Thurston and his colleagues that they were able to maintain some semblance of order in the face of such distraction.

The third session of the Assembly was opened on 31 May 1873, after having been delayed for as long as the constitution would allow, in the hope that Cakobau, who had gone up the Rewa river in connexion with the last stages of the Burnes campaign, might have returned to Levuka with some encouraging news. He did not get back in time and St Julian officiated
in his stead. The House was informed that it had been summoned to a cession at which the main purpose was to amend the constitution. A small number of necessary bills would be introduced, but after the constitution amendment had been ratified the Assembly would be dissolved. The amendments concerned the electoral rights of Fijians and Europeans, and the excessive number of 'special advisers in the Executive affairs of the Kingdom'.

However, the ministry got very little further with its plans than enunciating them to the Assembly. It very soon became evident that the opposition far outweighed the supporters of the government and that they were determined to be as obstructive as possible. At the beginning of the first ordinary day's work, Burt demanded that the state of the revenue be investigated forthwith, in spite of Woods's having explained that the budget, delayed because of Clarkson's absence in New Zealand, would be presented as soon as it was ready. As a result of a vote on this motion being carried against the ministry, their resignation was announced the following day and from then until the Assembly was dissolved on 11 June it was occupied almost entirely with acrimonious discussion which accomplished nothing but an enormous waste of time. Both the Times and the Gazette were pretty scathing about the course of events, though the latter

1 'Speech from the throne as read by Sir Charles St Julian, K.C.K., Chancellor of the Kingdom of Fiji' - VPLA (iii), 31 May 1873, F1/6.

St Julian derived his title from an award made by the King of Hawaii in 1871 in recognition of services rendered over a period of nearly twenty years. The letters stand for Knight Commander of the Order of Kamehameha I. St Julian never applied to the British crown for permission to use the title, but as Chancellor of the Kingdom of Fiji it was probably quite in order for him to call himself Sir Charles.

2 Ibid., 2 June 1873.
was much more biased in favour of the government:

...from the very moment that the speaker took the chair on Saturday last it was plainly observable that a dead set was to be made against the ministry no matter whether rightly or wrongly. No man with an unbiased mind could say aught else than that the opposition was a disgraceful one, and that personal feeling in the part of some few was at the bottom of it...3

The former contented itself with characterizing the proceedings as farcical, and productive of neither good nor ill. 4

On 11 June, Woods delivered the King's reply to the ministry's letter of resignation the week before. Ministers had shown that with only about half the members of the Assembly present, and with three of their number absent, the opposition was effectively usurping the executive power of the Cabinet. They concluded their letter by stating that they would consent to remain in the office, if the King refused to accept their resignation, only if the Assembly were dissolved and a new one elected. This was virtually a case of the right hand telling the left hand what to do, designed more to impose an air of legality upon what they proposed to do once the fractious opposition had been removed.

It is unlikely that ministers contemplated any other answer to their letter than a refusal on Cakobau's part to do without their services, though, as he was still in the upper valley of the Rewa river when called upon to reply to their letter, he could, presumably, have acted independently. But whether he was acting according to his own inclination or with a gun at his head is unimportant; he replied that the existing ministry was accomplishing much in dealing with the recalcitrant tribes of the interior,

3 Fiji Gazette, 7 June 1873, but see also other issues for June.
4 Fiji Times - June 1873.
and that there was still much they could do for the future welfare and prosperity of Fiji. The warrant necessary to dissolve the Assembly was included with his letter.\(^5\)

Thurston, from his conviction that the opposition was merely contumacious and without any real power, and that the Fijian people had a right to a greater say in the government of their country, regarded the dissolution of the Assembly as another victory in what he was coming more and more to consider as a personal struggle with the European community, or at least with that part of it which was unprepared to admit that the Fijians had any sort of rights in their own country. He was confident that the government could succeed, and thought that the vacillations of Great Britain, or rather of 'that dear, delightful lot of old ladies in Downing Street' would produce a reaction against cession in the minds of the chiefs, which would give him a chance to prove his case. The attempts to seduce Ma'afu and the Tui Cakau from their allegiance had been shown to be abortive, and only the unsuitability of the constitution stood in his way; he informed the chiefs that unless it was abrogated and a simpler one granted which provided for a partly elected, partly nominated, assembly with greater powers in the hands of the Fijians, any attempt at government would be doomed to failure and the country might as well be ceded to Great

\(^5\) Woods to Cakobau, 2 June 1873, and Cakobau to Woods, 6 June 1873, printed in Fiji Gazette, 21 June 1873; Thurston to Cakobau, 2 June 1873 - F1/1, 73/500; Milne to Thurston, 7 June 1873 - F1/37, 73/64; VPLA (iii), 11 June 1872 - F1/6. The minutes of the Assembly are not clear as to precisely when these letters were read, but, at some stage, Barrack, the Minister for Trade and Commerce, had moved that the standing orders be suspended to enable a two month's supply to be granted. This was carried though there is no record of the supply actually having been granted, as later events show this must have happened.
Thurston's enthusiasm when the affairs of the ministry were going well was equalled only by his disgust with factors which militated against it, and his evaluation of the situation at the end of the third session was over-optimistic, as events in the following months were to show only too clearly. Its success in subjugating the kai colo was something the government could cite in justification of its existence, but in other matters it had not proved so successful.

From the time of its inception in 1871 the financial situation had been deteriorating, and even the establishment of a bank did not look like fixing it; Woods's statement to the Assembly had not satisfied that body and, indeed, it was a characteristic of the financial statements which the government published more or less regularly, that they were never masterpieces of clarity. They seem to have been designed more to minimize the financial straits of the administration than anything else.

Thurston informed Hope, after he had been in office about six months, that his administration had managed to live within its income, but it is not an easy matter to verify his claims. For the three quarters ending 30 June 1872, that is for the whole course of the government's existence since the establishment of the 1871 constitution, the revenue received was only $38,000. As $101,000 was spent, the deficit Burt and his colleagues

6 Thurston to Sahl, 21 June 1873 - Fl/23, 73/51; Thurston to Hope, 28 July 1873 - Hope, 'Letter Journals' III; Thurston to Nathan, 18 July 1873 - Fl/33, 73/414; Fiji Times, 5 July 1873. This edition carried a note to the effect that the Tui Cakau's private secretary had verbally informed the Taveuni justices of the peace that Ma'afu and the Tui Cakau had seceded from the Cakobau government; Thurston sorted the matter out and was confident of their loyalty when he wrote to Sahl and Hope - see below chapter 10.
left was something in the vicinity of $60,000,\textsuperscript{7} a fact which the auditor blamed upon the carelessness of the Ministers of Finance and Native Affairs. This was unreasonable, as the deficit of the Burt Ministry was caused by a much more general lack of responsibility where money matters were concerned.\textsuperscript{8}

The statements for the year 1872-73 were more satisfactory: for the quarter ending 20 September 1872 the excess expenditure was $298; for the quarter ending 31 December the expenditure was actually $3,261 less than the revenue. It was not until the beginning of 1873, when the government was faced with the unlooked-for financial commitments of the Ba war, that the picture once again became gloomy: the revenue for the third quarter, which happened to coincide with the hurricane season, dropped to $10,000, and, although the ordinary expenditure for the whole period since the second session of the Assembly was only $742 above the revenue, there was a supplementary expenditure of $28,000, made necessary by the exigencies of the war, which

\textsuperscript{7} Thurston, in his letter to Hope informing him that he had been persuaded to join the ministry, said that the debt was £8,000 ($40,000), but the figures in the statement are quite clear - Thurston to Hope, 5 July 1873, Hope, 'Letter Journals' III. Writing in September 1873, he gave the figure as £12,000 - Thurston to Hope, 25 September 1873, ibid.

\textsuperscript{8} Statement of revenue for three quarters ended 30 June 1872 - Fl/Misc., 7; Fiji Gazette, 14 June 1873 ('Government Gazette', I, 78); auditor's report on the above statement, dated 20 July 1872 and laid on the table of the House, 9 June 1873 - Fl/Misc., 7.
left a deficit of almost $40,000.\textsuperscript{9}

Thurston was still capable of being optimistic, because he pointed out to Sahl that disregarding the expenses of the war and supposing the revenues from Cakaudrove and Lau to have been collected according to schedule, the balance would have been in favour of the government. As it was he hoped for a large increase in the ensuing quarter which would help reduce the debt. Once the job of quelling rebellion in the interior had been begun, it was not possible to stop until the whole of the island was 'fully and finally conquered'.\textsuperscript{10}

Woods's report to the third session of the Assembly, because it was necessary to reveal the total liability of the government, had, perforce, to include the loan figures; the result was somewhat depressing. In 1871 $21,500 had been raised at a cost of $4,000, and in 1872 $111,725 at a cost of $33,000. This sum, together with the $31,000 treasury notes still in circulation brought the debt to $201,000.\textsuperscript{11} The loans had been authorized at a time when the members of the Assembly had been confident in the future prosperity of Fiji; but by May 1873 the full effects of the slump following

\begin{enumerate}
\item "Statement of revenue and expenditure for the quarter ending 20 September 1872" [sic, i.e. should be 1873] - Fiji Gazette, 2 November 1872 ('Government Gazette' I, 46); 'Statement of revenue and expenditure for quarter ending 31 December 1872' - ibid., 22 February 1873; 'Statement of revenue and expenditure for nine months from 1 July 1872 to 31 March 1873' - ibid., 26 April 1873 ('Government Gazette', I, 71). These statements also revealed that customs and native taxes usually produced about the same amount, which implied that the Europeans (who paid almost all the customs duties) were contributing about as much to the general revenues as the Fijians, a state of affairs the Gazette considered most satisfactory.
\item Thurston to Sahl, 3 May 1873 - F1/23, 73/55.
\item Memoranda relating to the Treasurer's financial statement of 31 May 1873 - Fiji Gazette, 14 June 1872 ('Government Gazette', I, 78).
\end{enumerate}
the cotton boom were being felt both by planters and merchants, and the possibility of ever being able to pay back of loan of such proportions seemed, to the indigent and disgruntled members, so remote as to be irrelevant.

However unsatisfactory an explanation this may have appeared in the eyes of the opposition, the ministry was justified in making clear the fact that most of its financial troubles had been caused by the war. They had been drawn into it, in spite of their most strenuous efforts to avoid it by the use of diplomacy - efforts which, before its outbreak seemed hopeful of success. No government is in a flourishing financial position after having fought a major war, and the Ba campaign was just this for the Cakobau government. At least it had the advantage that its record, in the period preceding the war, indicated that it was dealing successfully with problems which had hitherto proved intractable, and Thurston can be excused for regarding those opposed to his administration as uselessly destructive. Great Britain had remained mute in the face of his telegram of January 1873, so it was reasonable to imply that she did not contemplate accepting the proffered cession, in which case it was up to Fiji to govern itself. This Thurston was convinced he could do, and the period from the dissolution of the Assembly and the abrogation of the constitution of 1871, until the establishment of the interim arrangements in March 1874, was a continual struggle with those who thought such a solution impossible, and fought for annexation by Great Britain.

W.C. MICHELL was left in charge of the British consulate when March quitted his post in January 1873; this was an arrangement as unsatisfactory to the British government as to the Fiji government, but, because he was
acting-consul in all but name until removed by Commodore Stirling in August, and because his tenure of office coincided with Captain Chapman's visit in HMS Dido, the Ba campaign, and the dissolution of the Assembly, certain developments in late 1873 can be fully explained only by reference to his behaviour during the early months of that year.

Michell, for a short time in 1871, had acted as Medical Officer, but had become estranged from the government and, during 1872, had assisted March at the consulate. Before arriving in Fiji he had evidently been in Hawaii where he claimed to have been unjustly prevented from practising medicine by the British authorities; he made a claim against the British government which the Foreign Office considered absurd, so it was not disposed to regard him as a suitable person to be left in charge of a British consulate. Granville telegraphed New South Wales to this effect in January 1873 and in March requested the Admiralty to instruct naval officers visiting Fiji to make such communications as might be necessary direct to the government. Chapman, who was not aware of these instructions when he arrived in Fiji, was guided by his better judgement and refused to deal with Michell, who, however, managed to persuade him that he was legally entitled to act as British consul and extracted an apology.

12 Michell to Burt, 15 October 1871 - F1/10, 71/141.
13 Michell to Granville, 22 January 1872 - F058/133.
14 Granville to Robinson (telegraphic), 1 January 1873 - F058/131.
15 Enfield to the Secretary of the Admiralty, 8 March 1873, published in the Fiji Gazette, 12 July 1873.
16 Michell to Chapman, 5 March 1873 and 5 April 1873 - F4/Letterbook 1872-74, 73/476 and 73/484.
Thurston refused to acknowledge his official existence on behalf of the Fiji government, protested to Chapman about his activities particularly with regard to shipping licences and the regulation of the labour traffic, and made public the official attitude of the government:

It having come to the knowledge of this department that Mr W.C. Michell, a resident of Levuka, has assumed functions of a quasi official character at the late British consulate, the public are notified that he has no consular or other official authority in this Kingdom nor will his activities receive any faith or credit by the authorities of His Majesty's Government.

(signed) J.B. Thurston, Chief Secretary
4 April 1873. 17

This produced a spate of letters in all directions between Thurston, Chapman and Michell, but did nothing towards clearing up the dispute. 18

Not only did Michell continue, in the view of the government, to perpetrate irregularities in the control of shipping and labour, he actually calumniated the government in the columns of the *New Zealand Herald*; in June 1873, Thurston received evidence from the proprietor that Michell had been the author of a damaging letter which had appeared anonymously in November 1872. He issued a licence to engage labourers to the master of the *Lady Alicia* in spite of the refusal of the governor of New South Wales to do so. This was too much for Thurston, who complained to Chapman, that, because the powers exercised by the consul and the governor in this respect were derived from the same act, Michell's action was *ultra vires*. Thurston demanded his removal, but it was not until Commodore Stirling

17  Thurston to Chapman, 3 April 1873 - F1/23, 73/27; *Fiji Gazette*, 5 April 1873 ('Government Gazette', I, 63).

18  Thurston to Chapman, 8 April 1873 [two letters] - F1/23, 73/29 and 73/30; Chapman to Thurston, 8 April 1873 - F1/11, 73/216; Michell to Chapman, 7 April 1873 - F4/Letterbook 1872-74, 73/485.
arrived in August that he got his wish. But his activities, after these allegations had been substantiated, were reduced to a minimum as he realized he would get no support from Chapman. Stirling, armed with Lord Enfield's instructions, wrote to Thurston asking if the Fiji government would recognize any officer he might appoint, pending the arrival of E.L. Layard who had been announced as March's successor. This was a courtesy which immediately established cordial relations with the commodore, and also with Lieutenant A.T.D. Nettleton, whom Stirling appointed on 11 August.

It seemed as if the cooperation of the British authorities was going to enable Thurston to overcome the intransigents and to establish an administration better suited to the conditions with which it was required to deal. On 7 August Stirling had interviewed Cakobau and Ma'afu, together with Woods and Thurston; this had been requested by some of the settlers of Levuka, and Cakobau was asked to justify his refusal to accept ministers' resignation and his dissolution of the Assembly. Both chiefs expressed their confidence in the ministers' loyalty to Fiji and their understanding of the exigencies of the situation; Stirling was satisfied and refused

19 Thurston to Chapman, 8 May 1873 - F1/23, 73/38; see also Ollivier to Thurston, 24 May 1873 - F1/10, 73/374; affidavit of W.C. Wilson, enclosed in Rogan to Thurston, 5 June 1873 - ibid., 73/408; Thurston to Chapman, 24 June 1873 - F1/23, 73/54; Michell to Chapman, 24 June and 26 June 1873 - F4/Letterbook 1872-74, 73/494 and 73/495; Burt to Thurston, 24 June 1873 - F1/10, 73/419; Chapman to Thurston, 28 June 1872 - F1/11, 73/432.

20 Stirling to Thurston, 9 August and 11 August 1873 - ibid., 73/545a and 73/555. Michell left Fiji on HMS Clio on 13 August - Fiji Gazette, 16 August 1873.
to interfere on behalf of what he decided was a fractious minority.\textsuperscript{21} HMS Clio departed after a visit lasting only a week and Thurston shelved his plan for summoning a new Assembly elected by Fijians as well as Europeans. He realized that any attempt to push the election through was fraught with difficulty and that he would be wise to tread warily; the calm established as a result of Stirling's visit would very easily be shattered. It didn't last long anyway.

At the end of August the two months' supply granted by the Assembly expired, and the intransigents once again attempted to try conclusions with the government. On the afternoon of 4 September a number of men, some of whom were armed, forced their way into the king's presence while he was in council and threatened to depose him if the ministry were not dismissed within twenty-four hours. The deputation then departed, saying that it would return the following afternoon. Accordingly, on 5 September an unruly mob of about 150 Europeans advanced upon the seat of government, which was at Nasova, about half a mile north of Levuka; a struggle ensued with the guard which had been posted in anticipation of any such attack. Thurston warned Captain Simpson of HMS Blanche, which was lying at anchor in Levuka harbour, that the Fijians were in a very excited state and that the whole matter would be decided by 'bullet and bayonet' unless exceeding care were taken. He invited the captain's consideration of the affair, something he thought necessary if the lives of 'white men who seem madly rushing on

\textsuperscript{21} Thurston to Stirling, 6 August 1873 - F1/23, 73/77; 'Address to His Majesty with regard to the grievances of certain British subjects', (undated) - F1/11, 73/542a; report of Stirling's interview with the king, 7 August 1873 - Fiji Gazette, 9 August 1873; 'Reply of the King to the petition of grievances presented by Commodore Stirling' - ibid., 16 August 1873; Thurston to Hope, 25 September and 6 December 1873 - Hope, 'Letter Journals' III.
to destruction' were to be saved.22

While all this was going on another contretemps, connected with the firm of F.C. Hedemann, was developing, and the excitement which had been roused by the 'advance on Nasova' was transferred to the town. Hedemann, who had refused to pay taxes on a piece of land, was summonsed before the warden's court, failed to appear, and a decision was given against him by default. Because he still refused to pay, a bailiff was put into his store in Levuka. The bailiff was forcibly ejected by one of Hedemann's assistants named Schule, the king's bond was broken on the alleged advice of Gustavus Hennings, who was acting as German consul during his brother's absence in Sydney, and ammunition was provided with which to defend the store against the officers of the government. Nitro-glycerine fixed with fuses was prepared to be hurled from the balcony of the store, and the defenders fortified themselves with strong drink.23

Thurston sent numerous letters to Hennings,24 who had extended

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22 Thurston's letter to Simpson is dated 3 September, but all the other correspondence indicates that the events took place on 4 and 5 September and that Thurston's letter has been wrongly dated. It should be 5 September.

Thurston to Simpson, 3 September 1873 - F1/23, 73/100; 'Transcription of what transpired when a deputation of white residents, headed by Mr Forwood, burst into the Council Chambers to interview the King, 4 September 1873' - F1/10, 73/596; Milne to Woods, 6 September 1873 - F1/11, 73/127.

23 Thurston to Sahl, 8 September 1873 - F1/23, 73/106 [there is also a copy of this letter at F1/13, 73/419]; Nettleton to Granville, 8 September 1873 - F058/135; Nettleton to Thurston, 1 October 1873 - F4/Letterbook 1872-73.

24 See for example, Thurston to Hennings, 6 September 1873 - F1/23, 73/102; Hennings sent just as many in reply, including three letters on 4 September alone - F1/11, 73/610-613.
the consular protection to Schule, and was, if anything, encouraging the rioters, 'endeavouring by the aid of high-coloured and most untruthful reports to obtain the interference of British officers in sheltering German subjects for a most unwarranted breach of municipal law'.

But the miscreants were to be arrested at all costs and Thurston instructed J.H. Garrick, the warden for Central Province, to swear in as many special constables as would be required. Lieutenant Nettleton, by contriving somehow to be in three places at once, managed to avert any sort of a clash; he asked Simpson to assist, if necessary with force, but the Cakobau government, because its future status was at stake, was determined to quell the rebellion and to resist any usurpation of its authority by the British navy. Simpson at length agreed not to interfere if Thurston would refrain from using the military to support the civil authority.

Thurston then pressed his advantage. Derrick suggested that Simpson, because of the hatred for Thurston on the part of the Levuka

25 Thurston to Sahl, 8 September 1873 - Fl/23, 73/106; Thurston was doubly incensed at Hennings's behaviour because he had made no attempt to acquire an exequatur to act as consul from the Fiji government.

26 Thurston to Garrick, 5 September 1873 - Fl/13, 73/412.

27 The Fiji Gazette, 13 September 1873, published two proclamations of Captain Simpson dated 4 September. The first, which was rescinded by the second, forbade British subjects to take up arms, either in support of the Germans or the Fiji government. The second informed British subjects that any armed resistance to the authority of the 'reigning government in Fiji' would be at their own peril.

Proclamation of the King, 8 September 1873 - Fl/Misc., 11; Thurston to Sahl, 8 September 1873 - Fl/13, 73/420; Thurston to Nettleton, 5 November 1873 - Fl/13(3), 124.
populace, asked him to resign. 28 There is no letter of this kind in the records, but an exchange did occur which makes it clear that Thurston did use the threat of resignation to his own ends. Simpson wrote first:

...on behalf of Her Majesty...I decline to accept that resignation as I believe you to have fulfilled the duties entrusted to you with integrity and honour, and considering the very difficult position you have been placed in, with judgement...29

This gave Thurston the opportunity he was looking for:

...thank you for the high compliment thus paid...I hope that in time my countrymen and other foreigners in Fiji will admit that in maintaining the sovereign right and interest of the King and people of Fiji, when I seem them endangered, I have but done my duty...30

Captain Simpson did not gain very much from this exchange but Thurston gained the enormous advantage of the written expression of his highest approval from the senior British naval officer in the area. The government, once again assisted by the moral support of a British naval officer, had quelled incipient rebellion. With another victory behind him Thurston pressed on with the program he considered necessary to the good government of Fiji. The terms of his letter to Simpson, quoted above, indicate his increasing concern for the rights of Fijians within the government structure and there are many other instances of his expressing the same opinions, notably in his letters to Captain Hope, which, because of their private character, indicate Thurston's own feelings most clearly:

The King, Ma'afu, and Tui Cakau have discovered that the Europeans intend to thoroughly subordinate them socially

28 Derrick, op. cit., 234.
29 Simpson to Thurston, 9 September 1873 - Fl/11, 73/615a.
30 Thurston to Simpson, 10 September 1873 - Fl/23, 73/120.
and politically - the scheme of a mixed legislature for a mixed people they find is a delusion and a snare...

...the whole of the whites are now trying to get men returned to the Assembly whose declared intentions are to clear the niggers out.

I think the British have treated Fiji in the most unjust and trifling manner.  

Possibly as a result of the disturbances of the first week in September, the King in Council met and issued a directive to the Chief Secretary that the present constitution, which was utterly unsuited to the 'genius of the nation' should be modified, 'always providing for the Electoral Franchise being exercised by the Foreign residents in returning their members to the National Assembly'. On 6 October a 'Gazette Extraordinary' was published in which it was stated that the new constitution would be submitted to the governors of the respective provinces, who, after consultation with the chiefs and people, were to report back the feeling of the province. If such opinion was favourable the new constitution would go into effect on 21 October.

The new constitution which bore little resemblance, except as regards uncontroversial provisions, to previous Fijian constitutions, was obviously drawn up by Thurston in the light of the experience of the government.

31 Thurston to Hope, 28 July and 25 September 1873 - Hope, 'Letter Journals' III.

32 Memorandum for the Chief Secretary, 8 September 1873 - F1/1, 73/112.

33 'Fiji Government Gazette Extraordinary', 6 October 1873.

34 An official print of the constitution, together with the Gazette Extraordinary of 6 October, was enclosed in Thurston to Layard, 14 January 1874. Layard forwarded all three documents to the Foreign Office a month later. See Layard to Granville, 12 February 1874 - F058/142.
The style of the drafting is his, and the provisions contained in some of the clauses, such as that providing for the fining and imprisonment of recalcitrant members of the National Assembly, were obviously inspired by the contumacious proceedings of members of the opposition during the 1873 session of the Legislative Assembly. The number of 'principal executive officers' in the administration was reduced from five to three; the division of their duties was to be as circumstances demanded, and any one minister could perform the duties of any or all of the others. This merely constitutionalized a situation which had existed ever since the government's inauguration. Woods had spent considerable periods in Australia and New Zealand, Clarkson had visited New Zealand, and Swanston had spent long periods away from Levuka during the Ba campaign, so that the conduct of affairs in Levuka had been left to those ministers who had happened to be on the spot.

The most controversial provisions of the new constitution and those which caused Captain Simpson to ask that its promulgation be delayed, concerned the structure of the National Assembly, contained in Clause 44. The Assembly was to consist of twelve 'native-born or naturalized' subjects to be appointed by the King on the advice of the governors, who would seek the opinion of the respective provinces in the matter. Each governor was to have the nomination of one member, which in effect provided for one provincial representative elected by the Fijians. Eight foreign representatives were to be elected by the Europeans as a group, in contrast to the system which had operated under the 1871 constitution where each member represented an electorate. Both of these classes of members were elected for five years.

There were also the appointed members of the Assembly: first the
president; then the three ministers of the Crown and other members of the cabinet (which could number as many as seven); and finally there were a further eight Fijian members nominated by the King with the advice of his Privy Council. This meant that the King (or his ministers) controlled three-quarters of the seats in the Assembly.

The 'Gazette' of 6 October had implied that a copy of the new constitution accompanied it, but this was not so. Thurston evidently decided to withhold it from the European population until its acceptance by the Fijians was assured. He did however submit a copy to Simpson who was not at all happy with the provisions of Clause 44 and desired to seek another opinion before it was put into operation. Thurston was not inclined to comply with the request; once the constitution had been accepted he maintained it must become the fundamental law of the kingdom

or a most solemn and deliberate act of the King, chiefs, and people must be held in abeyance by reason of ministerial advice which I fear nothing can justify the Cabinet in giving....

What he really meant was that he was not prepared to pander any further to the indecision of the British government, which, combined with March's attitude and the 'seditions and conspiracies of British subjects', had made the constitutional amendments necessary in the first place. St Julian, meanwhile, had sent a copy of the constitution to the Sydney Morning Herald which published it on 4 November; Europeans in Fiji first learnt the terms of the constitution when this issue arrived in Fiji later in the month. They accused Thurston, not unreasonably, of trying to go behind their backs. This did nothing to advance Thurston's cause, but because Simpson continued to press, diplomatically but firmly and eventually successfully, for the
constitution to be withheld, its not having been published was not significant.\(^{35}\)

Once Simpson had persuaded Thurston to delay he felt he could rest content until the arrival of the commission of inquiry, sent as a result of Thurston's telegram of 31 January, and of whose arrival Thurston had been informed only in September.\(^{36}\)

J.G. GOODENOUGH, R.N., arrived in H.M.S. *Pearl* on 16 November 1873, some six weeks before his colleague, E.L. Layard, who did not reach Levuka until January 1874.\(^{37}\) Goodenough did not wait for Layard before commencing his investigations and from mid-November 1873 until the establishment of the interim arrangements late in March 1874, Thurston and the commissioners engaged in almost continuous battle.

There were factors inherent in the situation which made a clash

\(^{35}\) Simpson to Thurston, 16 October 1873 - Fl/11, 73/817; Thurston to Simpson, 21 October 1873 - Fl/23, 73/136; Simpson to Thurston, 22 October 1873 - Fl/11, 73/818; Thurston to Simpson, 25 October and 31 October 1873 - Fl/23, 73/138 and 73/140; Simpson to Thurston, 1 November 1873 - Fl/11, 73/826a; Nettleton to Granville, 25 October 1873.

Thurston, typically, excuses himself for giving in by saying that the assistance Simpson had given in quelling the recent excitement had given the British government a right to special consideration, which, however, was not to be taken as a precedent for future intervention in the purely domestic policy of the kingdom - Fl/23, 73/140.

\(^{36}\) Thurston to Robinson, 25 September 1873, acknowledged receipt of a letter of 15 September containing a copy of a telegraphic message of Lord Kimberley concerning the appointment of a commission to inquire into the situation in Fiji. Even at that stage Thurston was displeased that a more definite reply to his telegram had not been sent - Fl/23, 73/119.

\(^{37}\) Commodore James G. Goodenough, R.N. was the newly appointed commodore commanding the Australian Station, and E.L. Layard was March's successor as British consul for Fiji and Tonga.
most probable. Because of a changing climate of opinion in England, Goodenough arrived in Fiji predisposed in favour of annexation. Smythe, who had reported unfavourably on annexation ten years before, had recently changed his mind and supported the agitation led by Alderman McArthur in the House of Commons, and, if he had no concrete evidence, Goodenough must have been able to sense, both from the tone of interviews and from the cast of his instructions, that Kimberley and Knatchbull Hugessen were also in favour of annexation - only the Prime Minister's opposition prevented the commissioners' being invested with powers of negotiation. Nor did he find anything in Fiji to make him change his mind. In fact there were several things which reinforced his predisposition. First, the provisions of Clause 44 of the new constitution to which he considered no community of European settlers could reasonably be expected to submit - in other words, the settlers were justified in actively opposing the government, at least in that respect; secondly, those settlers with whom he came in contact except those actually involved in the government, favoured annexation to a man; and there was also the conviction, which strengthened as he became more familiar with the history of the government, that Thurston depended upon British sea-power to maintain his position; lastly there was Thurston's avowal that the government would employ Fijian troops, which it had been training for the purpose, to keep order, and that the 'weakest would go to
Thurston on the other hand, was determined to defend the Fijian social system, or what was left of it after the assault of the previous decade; he described this as preserving the 'integrity' of Fijian society. He admitted that annexation would have been the most acceptable solution, but Great Britain had been so long in answering his question of January 1873 - in fact had not answered it at all but, instead, sent yet another commission of inquiry - that he became impatient. Britain seemed determined to sit on the fence interminably. He explained the appointment of the commission to Hope as meaning:

...We won't have you without public opinion is so strong that we must annex. We shall play for a year or eighteen months with the question during which time something more exciting may turn up.' Fiji all this time is to be kept 'boxed up' like a ship in irons.

Goodenough appeared almost perversely determined to accept any opinions except those of the ministry, and Thurston immediately suspected him of

38 W.D. McIntyre, in the light of Goodenough's journals but without reference either to the records of the Cakobau government or to Thurston's letters to Hope, argues that it was inevitable Goodenough should have come to the conclusion he did, and that he was justified in hamstringing the government in order to convince Great Britain. He admits that it is impossible to make a satisfactory judgement of Thurston's actions without reference to the government records but then implies, somewhat unreasonably, that Goodenough was justified in suspecting Thurston of personal ambition when the latter persuaded the chiefs to withdraw the offer of cession in March 1874. Indeed his statement that it was inevitable Goodenough should advocate annexation is an indirect criticism of Thurston.

Thurston's behaviour appeared devious to Goodenough because he was unwilling to admit the validity of a point of view other than his own; reference to the material putting Thurston's point of view makes it clear that blame, if it must be case at all, should be cast more evenly. See W.D. McIntyre, 'New Light on Commodore Goodenough's Mission to Fiji 1873-74', Historical Studies, Australia and New Zealand, 1962, X, 39.

39 Thurston to Hope, 6 December 1873 - Hope, 'Letter Journals' III.
anti-Fijian sympathies. Simple lack of understanding of the aims and opinions
of the other explain the failure of an offer of cession being made with a
minimum of fuss.

From an examination of the correspondence between Thurston and
Goodenough, and from their private writings during the period, it would
appear that after an almost negligible effort to establish contact, and
without really discovering what the other wanted, each retired into as
impregnable a position as the tenets of his position would allow, and did
his best to demolish the other. Within a fortnight of Goodenough's arrival,
relations between the two had deteriorated to such an extent that future
amicable cooperation was highly unlikely. It is difficult to apportion the
blame for such an unfortunate state of affairs, particularly when it is
evident that both men were acting in accordance with a conception of their
duty; Goodenough's conception of his position as commodore and Thurston's
as protagonist for the cause of the Fijian chiefs were irreconcilable. The
respective characters of the two men maximized rather than minimized the
difficulty; both were seized with a firm sense of their own importance, and
Thurston, in particular, was given to high-flown and involved language
which would have tried the patience of a man much less dogmatic than
Goodenough.40 Both were better at ruling than at being ruled, and when
each tried to dictate to the other sparks flew.

40 See for instance Thurston to Goodenough, 15 December 1873, a letter
of more than thirty-five pages, consisting of a restatement of Thurston's
position without adding anything that had not been discussed in previous
correspondence and including nothing to make Goodenough alter his
opinion - F1/23, unnumbered; Goodenough to Thurston, 22 December 1873 -
F1/11, 73/1012; Goodenough, 'Private Journal' III, 1 December 1873 -
'*...got heaps of letters from T. confound him'.

Goodenough's behaviour during the first few days of his visit was quite unexceptionable. The first people that he sought out were Woods and Thurston because they represented the government. In the days that followed he saw a variety of settlers, but Woods and Thurston, and Brower and F.W. Hennings in their consular capacities, were the only people whom he saw more than once. Even the entries in his journal about people's characters would have received Thurston's approval: J.H. Beatson was criticized indirectly, though Goodenough knew nothing of the activities of the B.S.M.P.S.; about G.L. Griffiths, the proprietor of the Fiji Times, he was quite explicit - the man was most objectionable. But Thurston was not to be pleased. He was even prepared to find fault over questions of protocol; the day after Thurston and Woods called on Goodenough he left cards at their respective homes; a week later, after they had met on at least two further occasions, Thurston complained that the commodore had not made an official call at the offices of the government, which, therefore, was slighted. The complaint was trifling and absurd, particularly as Goodenough had no desire to slight the government and was innocent of having committed a gaffe of any kind. The incident does indicate, however, that Thurston was not going to go out of his way to establish friendly relations with

41 Goodenough, 'Private Journal' III. There are short entries for almost every day of Goodenough's visit to Fiji with comments about all the people he met and details of the more important conversations, particularly those with Thurston.

42 Ibid., 26 November 1873.
Deryck Scarr, in contrast to McIntyre, maintains that Goodenough was incompetent, and that Thurston, in the face of quite unwarranted behaviour on the part of the commission, stood fearlessly by a set of principles which were fully vindicated in the native policy of the colonial régime. The native policy of the colonial government is irrelevant in the context of the commission's relations with Thurston; in fact it is clear both from Goodenough's journals and from Gordon's remarks about Goodenough that he would whole-heartedly have approved of it. Instead, Goodenough was concerned with the rights of British subjects, which, because of their lack of understanding of each other's aims, he thought Thurston was planning to ignore. The same confusion leads Scarr to see in a remark which Goodenough made to Clarkson, something sinister and racial where none was intended:

You do not suppose for an instant that I have come up here with any intention except that of seeking the interest of English. The English Govt. care no more for 140,000 natives & three white ministers than for Samoa or the New Hebrides. The only reason of my being here is regard for 1500 whites here of whom the greater No. are British subjects.

(Goodenough, 'Private Journal' III, 17 February 1874.)

This does not mean that Britain had no interest in Pacific Islands - her concern over the labour traffic is proof enough of that - it was merely meant to point out to Clarkson, in the clearest possible terms, the nature of Goodenough's commission from the British government.

Scarr argues that had Goodenough's decision to act been that of a courageous man, over-riding instructions in the face of the exigencies of a situation he had accurately and impartially summed up, it might be possible to respect him for it, but that because he professed complete unconcern for the Fijians he must be condemned. He approves of Thurston's standing firm in the face of the settlers' notions of the 'necessary, almost Darwinian and certainly divine preeminence of the Anglo-Saxon race' which Goodenough, judging the government on a brief prepared by the Fiji Times accepted without demur. Apart from being grossly unfair to Goodenough, this is an inaccurate attribution to the whole settler community, of opinions held by a small part of it. We have already seen how the more prosperous merchants and planters realized the importance of maintaining satisfactory relations with the Fijians, and this was no less true in 1873 than in 1863. A good illustration of this point is provided by a letter, signed by about fifty settlers, sent to the government in September 1873, immediately after the disturbances of the Hedemann affair:

...knowing that rebellion is rife amongst a certain portion of white residents...we assure you of our support and loyalty...

The difference between these men and the 'rampant Anglo-Saxons' was pointed out by themselves when they wrote that they all had 'a considerable stake and interest in the kingdom'. (J. Morey and others to Cakobau, (continued over page)
The day before Goodenough arrived in Fiji, an editorial, obviously written by Thurston, appeared in the Fiji Gazette, which shows the strength of his opinions with regard both to the political rights of the Fijians and the status of the government, but before he had resort to the dialectical extremes occasioned by his duel with Goodenough:

Politically the Fijian must and will be treated with consideration and it is the attack upon his political and other rights that primarily created the momentary excitement which outside of Fiji is described as anarchy.

This was the direct result of Great Britain's refusal either to recognize the competence of the government to deal with recalcitrant British subjects, or to assume full responsibility itself, and would continue so long as did this indecision. Such people destroyed the political and social rights of the Fijians in opposition to the policy of the government, which was to preserve the authority of the king and chiefs:

The arbitrary power of the chiefs was only yielded up in return for a settled form of law...and upon the express understanding that they acted as the Executive officers of that government...

Early in December, Thurston defended these opinions to Goodenough by referring to the history of the last session of the Legislative Assembly,

43 10 September 1873, F1/1, 73/109.)
(cont) The intransigents of Levuka may have had the support of the Fiji Times, but one of the few things Thurston and Goodenough had in common was their dislike of the proprietor, so it is unlikely that this did their course any good. Goodenough was certainly not incompetent, though he can perhaps be blamed for being deliberately obtuse, but Thurston undoubtedly contributed his fair share to the misunderstanding which the vociferousness of the intransigents and the Fiji Times did nothing to dispell. See Deryck Scarr, 'John Bates Thurston, Commodore J.G. Goodenough, and Rampant Anglo-Saxons in Fiji', Historical Studies, Australia and New Zealand, XI, 43.

44 Fiji Gazette, 15 November 1873.
which had been asked to consider the amendment of the constitution; the request had been treated with 'derision and invective' and ministers had felt compelled to resign. The king, under great financial responsibility and with a native war on his hands, had refused, with the support of his chiefs, to accept ministers' resignations; the fact that their confidence had not been misplaced was demonstrated by the successful termination of the war, and by the establishment of the National Bank of Fiji. But it was still necessary to do something about the constitution:

the whole desire of the white community was to force the king to change those counsellors in whom he and his people had confidence, and to accept in their place persons whom he and they regarded as the enemies of himself, and the country.\footnote{Thurston to Goodenough, 3 December 1873 - Fl/23, 73/162.}

In a further letter Thurston indicated his position even more emphatically:

If the government do something the British settlers do not approve the settlers may offer, as heretofore, armed resistance. If they do resist, the British consul may not, and the Fiji Govt. must not, stop them. Where then is the \textit{de facto} govt. of Fiji?

The direct cause of this statement was a warning from Goodenough that any English officers whom the Fiji government employed against British Subjects would be liable to the authority of the Supreme Court of New South Wales.\footnote{Thurston to Goodenough, 4 December 1873, in reply to Goodenough to Thurston, 27 November 1872 - Fl/23, 73/166 and Fl/11, 73/983; Goodenough's reply to this was quite simply that the preservation of peace and of the king's authority had been greatly due to the 'moral and material' support of British authorities, Goodenough to Thurston, 8 December 1873 - \textit{iibid.}, 73/995.}

Thurston also referred in this letter to another warning aimed much more directly at the ministers themselves:

You and those Englishmen acting under your orders ought to have the clearest warning in my power of the possible results

\footnote{Thurston to Goodenough, 3 December 1873 - Fl/23, 73/162.}

\footnote{Thurston to Goodenough, 4 December 1873, in reply to Goodenough to Thurston, 27 November 1872 - Fl/23, 73/166 and Fl/11, 73/983; Goodenough's reply to this was quite simply that the preservation of peace and of the king's authority had been greatly due to the 'moral and material' support of British authorities, Goodenough to Thurston, 8 December 1873 - \textit{iibid.}, 73/995.}
of your attempting to impose your will and that of your colleagues by force upon other Englishmen and so call forth resistance which I cannot foresee the British Consul would be able to stop.\textsuperscript{47}

Thurston accepted this as an indication of a feeling which this Govt. is utterly unable to understand and which if continued can only lead us to one or the other authority drifting into a false position. The tone of this paragraph is to a certain extent intimidatory, addressed to particular individuals and not to independent representatives and political agents of a recognized king \textit{de facto}. Therefore ministers cannot consent to be recognized in any double capacity - they are either the King's ministers or they are Englishmen who can be 'warned'.\textsuperscript{48}

\begin{quote}
Goodenough, once he had analysed the problem within the context of his position as commodore and commissioner and determined that annexation was necessary, adopted an attitude to the Fiji government which was warranted neither by his instructions nor by the situation. He attempted to destroy the government in order to convince the Foreign Office of the force of his argument; he did this in spite of his lack of powers of negotiation, which meant that he could not guarantee the acceptance of an offer of cession, should the chiefs make one. And he ought to have realized that any attempt to destroy the government would antagonize the chiefs, who might then refuse to renew the offer of cession, without which he knew the British government would not reconsider its decision.

It is not surprising that Thurston used all his efforts to preserve the unity of the government against such an onslaught. His experience of the vacillation and procrastination of the British government made him doubtful that it would ever reach a decision, but if it again refused to
\end{quote}

\textsuperscript{47} Goodenough to Thurston, 2 December 1873 - F1/11, 73/985.

\textsuperscript{48} Thurston to Goodenough, 4 December 1873 - F1/23, 73/166.
accept the cession some sort of government was necessary if Fijian polity were to be preserved. If Ma'afu, the Tui Cakau, and other important chiefs seceded from the Cakobau government and a return were made to the disorganized condition of the 'sixties the consequences might be much more serious and much more permanent. The European settlers who preached the supremacy of white over black had been the single most dangerous threat to the unity of Fijian society before the commissioners appeared; once Goodenough and Layard had indicated they were concerned more with British settlers than with Fijian inhabitants, then they were to be numbered with the enemy and countered at every turn, whether or not they agreed with the extreme doctrines of the racist Europeans.

Goodenough's complaint that it was impossible to know where Thurston stood on any particular issue, and that he 'professes great frankness and uses as much as is necessary to conceal what he is about', becomes more intelligible when considered in this light. From Thurston's point of view as the Chief Secretary of the Cakobau government Goodenough was the most dangerous threat with which he had been faced during his tenure of office. He would indeed have been inept had the purpose of his every move been readily perceptible to Goodenough, when his design was to prevent the destruction of the government at which Goodenough aimed.

In spite of these strictures against Goodenough's motives it must be admitted that his reasons for objecting to the actions of the Cakobau government were frequently very cogent. The 1871 constitution had erected a governmental structure in which the European community had certain

49 Confidential notes on some residents in Fiji, by J.G. Goodenough, 17 April 1874 - CO83/5.
legislative and executive powers. The representatives of this community had assented to the imposition of certain taxes, the control of the expenditure of which Thurston wished to take away from them and place within the sole control of the king's ministers. The ministers however, because of the composition of the Legislative Assembly, were beyond the advice or control of the independent representatives of the European community. The system Thurston envisaged was actually not dissimilar to that of a British Crown Colony, but Goodenough was not prepared to accept Thurston's conviction that parliamentary government was an impossibility, if it meant that control of the whole process of government was placed within the power of two or three Englishmen, who were quite irresponsible in the constitutional sense.  

An incidental cause of friction was the trial at Koro of about four hundred prisoners taken at the siege of Nubutautau during the last stages of the Ba campaign. The trials, of which there were eight, were conducted before the Chief Justice and Ratu Marika, the Fijian judge of the Supreme Court, and with Fijian juries. Only men were tried, there never having been any intention, either of convicting women and children, or of making them work. Nor was it anticipated that families would be split up if the men were sentenced to work on a plantation. Yet Goodenough accused the government of trying for rebellion eight hundred men, women, and children, who had never owned the authority of Cakobau, and he made it clear that he would regard the hiring of the men as an act of slavery.  

50 Goodenough to Thurston, 6 December 1873 - F1/11, 73/994; Thurston to Goodenough, 10 December 1873 - F1/23, 73/171.  
51 Goodenough to Thurston, 9 December 1873 - F1/11, 73/996; notice to British Subjects, enclosed in Goodenough to Thurston, 10 December 1873 - F1/11, 73/998; Burt to Thurston, 13 December 1873 - F1/17, 73/939.
Goodenough was precipitate in making so definite a complaint before demanding a proper explanation and undoubtedly did his own cause considerable harm; Thurston used the incident to prove to the chiefs that the commodore wished for nothing less than the destruction of the government:

[Goodenough] has determined upon the evidence and given judgement upon a domestic matter still sub judice before the courts of Fiji. It is a subject upon which personally he can actually know nothing and can have no other object than to interfere with and dictate to this govt. and, especially to impugn in anticipation the integrity of the judicial power of this kingdom.52

Goodenough was in fact questioning the right of the government to try the kai colo in the first place, rather than interfering with a matter sub judice; what exactly Thurston meant by 'impugn in anticipation the integrity of the judicial power' is not clear, but he was justified in accusing Goodenough of trying to interfere with and dictate to the government, for reasons which have already become clear.

With Layard's arrival in Levuka on 1 January 187453 the official inquiries of the commission could be put in motion. Granville's instructions to Layard as consul, as indeed Kimberley's to the commissioners, stressed the importance of dealing with the government de facto and the necessity

52 Confidential memorandum from the Minister for Foreign Relations to His Majesty's cabinet attached to Goodenough to Thurston, 9 December 1873 - F1/11, 73/996; Thurston to Goodenough, 11 December 1873 - F1/23, 73/172.

53 Layard to Granville, 1 January 1874 - F4/FO Letterbook 1872-74; Layard to Thurston, 1 January 1874 - F4/Letterbook 1872-74.
of avoiding irritating the local authorities.\footnote{Granville to Layard (draft), 20 September 1873 - F058/135; copy of a letter addressed to Commodore Goodenough, R.N. and E.L. Layard, Esq., Her Majesty's Consul in Fiji, instructing them to report upon various questions connected with the Fiji Islands, with enclosure, presented to both houses of Parliament by command of Her Majesty, April 1874 - [C983] of 1874, PP, XLV.} Even had Layard wished to carry out this part of his instructions the feeling between Goodenough and Thurston engendered during the previous six weeks would have made such a course excessively difficult; as it was Layard showed himself little more than a tool in Goodenough's hands, and the commissioners continued in 1874 in much the same way as the commodore had started in 1873.\footnote{Goodenough's opinion of his fellow commissioner was not high: 'I can see I shall have to tell Layard what to do in everything - Goodenough, 'Private Journal' IV, 4 January 1874.}

The commissioners considered it important to make as extensive a tour of the outer districts of Fiji as possible, and plans were made to leave immediately. Layard appointed his son, E.L.C. Layard, to act during his absence and Thurston was supplied with a list of the questions for which answers would be required before a report was written.\footnote{Layard to Layard, 1 January 1874, and Layard to Thurston, 3 January 1874 - F4/Letterbook 1872-74; Goodenough and Layard to Thurston, 2 February 1874 - F1/11, 74/8.} The consul and the Chief Secretary also managed to have the first of a series of terse exchanges before the Pearl left Levuka on 16 January; it concerned the promulgation of the 1873 constitution and Layard quite bluntly stated that he would regard any action 'such as I deprecate...[as] an insult to Her Majesty the Queen, my mistress...' and repeated Goodenough's warning about
the competence of the Supreme Court of New South Wales. Thurston, not surprisingly, lost his patience:

...an armed rising of the whites has been almost the chronic condition of the country since the establishment of the Govt... [it] forced me into office after having forced my predecessor out...[it] endeavoured lately to force me out in order to replace that predecessor again in office.

I am aware that the lives of myself and colleagues...have been drawn by lot - 'whites', some of the veriest scum of the earth have bound themselves under oath to take our lives - quite irrespective of any Constitution but on account of personal and particular dislike to any controlling authority.

He stated that the objections to the new constitution were nothing more than a 'political coign' on which to justify violence aimed at overturning the independence of the Fijian Chiefs so that they would be forced to accept annexation.58 Battle had been fairly joined; Thurston was determined that the chiefs were not going to be bulldozed into anything, and reports of the commissioners' activities appearing in the Fiji Times must have strengthened his determination:

Ritova and Tui Cakau wish to speak to the commissioners in their own district where they can speak without fear.

The government has been denounced by the commission at Suva as one not adapted to the requirements of the place.59

Some time during the second week in January the commissioners

57 Layard to Thurston, 16 January 1874 - F1/11, 74/14a.
58 Thurston to Layard, 16 January 1874 - F1/23, 73/12.
59 Fiji Times, 28 January and 7 February 1874.
returned to Levuka and matters very quickly came to a crisis. They asked for a complete financial statement covering the whole of the period of the government's existence, and informed Thurston that they had invited Thomas Horton, the manager of the Fiji Bank, and C.L. Sahl, to go over it with the Fijian Attorney-General. In a letter addressed directly to Cakobau they advised him against taking any action affecting the European settlers unless he first consulted the foreign consuls 'who will advise you faithfully in all things you should do that are good.' Both Layard's report to Granville, and that of the commissioners to Kimberley, stressed the incompetence and extravagance of the government, and excuse their failure to treat the government de facto on the grounds that it was not the one to which Kimberley referred in his instructions; they also said that they were prepared to assume a temporary protectorate of some sort, pending a definitive arrangement, in spite of the very firm rejection of such a course of action contained in Kimberley's letters of instruction.

They also requested Thurston to arrange a meeting for them with the king and chiefs in Levuka as soon as was convenient, for the purpose of discussing the cession. Thurston replied that such a meeting would be impossible at Levuka, but that the chiefs would be meeting at Bau on 2 March. Obviously he wished the meeting to take place on the Fijians'
own ground, undisturbed by the riotous opposition in Levuka.63

The sequence of events at this meeting, which culminated in the withdrawal of the offer of cession, was complicated, but it has been made to seem more so by a failure to accept the fact that Thurston, at this stage, was determined to convince the chiefs that they were being bullied by forces not primarily concerned with the welfare of the Fijians and that to accede to the commissioners' request would be to make a present of the country to the Europeans. The example of New Zealand, where the Maoris were retreating in the face of a European advance, and which he considered had been annexed at the wish of the European settlers, was continually before him, and he was determined that it would not be followed in Fiji.64

Much of the evidence is conflicting and always supports the point of view of the person supplying it. Thurston wrote to his friend Captain Hope telling him of the arrival of Commodore Goodenough and particularly of his meeting with Cakobau on board HMS Pearl on 22 December. He remarked that Cakobau had been displeased with the way Goodenough went about the streets 'asking planters mechanics and missionaries' instead of consulting his government:

Before the govt. was established things were different. Captains sometimes threatened me - Boutwell stamped his foot. That time is passed and I have ministers.

Thurston's reporting of the interview on board the Pearl was even more unsympathetic:

63 Thurston, Goodenough and Layard, 24 February 1874. Thurston reported Cakobau as having decided that the decision to be arrived at should be communicated at Bau 'the recognized seat of authority among Fijians' - Fl/23, 74/31.

64 See for example, Fiji Gazette, 15 November 1873.
...G in the presence of some 15 people...said rather loftily: tell the King that when Mr Layard arrives we shall ask him if he wishes to cede Fiji to G.B. I do not require his answer now and he may think it over but he must himself tell me distinctly and he must understand that I will have no persons between him and me.65

If this is an accurate account of the attitude adopted by Goodenough, and he has the reputation of having learnt his manners on the quarter-deck, then it is not surprising that Cakobau answered that he would keep Fiji. Goodenough did not himself make any comment about his visit of Cakobau to the Pearl apart from noting that the king had been on board on 22 December. However, he does record two further interviews at Bau in January 1874, at which he told Cakobau of the system of government in various colonies of the British crown, and warned him that government in Fiji would become increasingly difficult as the number of Europeans grew, so he was possibly not always as abrupt as he is alleged to have been in December.66

Goodenough maintained that Cakobau was dissatisfied with the way his ministers treated him, and Thurston claimed that Goodenough had angered the King and the Fijian people by his cavalier approach. Thurston gave the key to his own attitude when, in the same letter to Hope as that quoted above, he complained that Goodenough appeared anxious to bring about annexation without reference to the Fijian ministers:

Why should I or my colleagues be ignored, but particularly myself, since the king and chiefs acted formerly on my advice they will act again on and with my advice as he will yet discover.

In all this he is backed by Langham who like all missionaries desires to act as the King's adviser.

65 Thurston to Hope, 24 December 1873 - Hope, 'Letter Journals' III.
Taken out of context, this could be accepted as proof that Thurston acted purely selfishly during the whole course of the negotiations, but other letters to Hope indicate that however piqued he might have been by the commodore's ignoring him, he was convinced that annexation, so long as it was brought about at the wish of the Fijians and without their being forced into it, would be the best solution to the problem. In an interview reported in the *Gazette*, after the matter had finally been decided, he said that while he had used his influence to bring about annexation in accordance with these beliefs,

> others had endeavoured to hasten the measure, and also put it in an injudicious light; and knowing nothing of the Native character had hence hurt their pride, and excited their suspicion.... ...the Natives said they had heard very little of the great question of Annexation; but they had heard a great deal of other matters - the National Debt, the venality of Ministers, the certainty of future complications, etc., and it seemed...that an attempt was being made to frighten them into ceding their country.  

UNFORTUNATELY no record has survived of the discussions which took place between the Fijian chiefs before the commissioners were invited to attend the conference on 5 March. The previous day Cakobau, who did not always attend meetings himself, was given a declaration, signed by most of the important chiefs except Ma'afu, that it was their wish the offer of cession be withdrawn - Thurston had, for the moment at least, gained his point, though it is impossible to discover how important a part he played in these preliminary discussions.  

67 *Fiji Gazette*, 21 March 1874.

effect - the chiefs of the rest of Fiji had never been particularly happy
that a Tongan should wield such influence as he did within any part of
Fiji, and because he was a Tongan they could not be sure of the integrity
of his motives. But, however heated and uncertain the discussion may have
been, the outcome is certain; the report of the meeting with the commissioners
on 5 March indicates that the sense of this declaration was conveyed to
Goodenough and Layard on that day, though it was not until the following
day that Cakobau's letter of withdrawal was made public.

Goodenough accepted the decision though he made it clear that
he disapproved; he reminded Cakobau that the government had been brought
into being by the Europeans, for the Europeans, and that consequently
ministers should have the confidence of the European community. He recommended
that certain reductions should be made in the civil and military establishments,
that expenditure, which in January and February 1874 had again exceeded
the revenue, should be reduced, and reminded him that Layard and himself
would always be most willing to consult with him concerning the problems
of government; he then left Bau to go to the assistance of a steamer which
had run aground at Kadavu.

69 Goodenough and Layard to Kimberley, 19 March 1874: enclosure 1, Cakobau
to Goodenough and Layard, 6 March 1874; sub-enclosure, Declaration
of chiefs, 4 March 1874: enclosures 2 and 3, reports of meetings at
Bau, 5 and 6 March 1874 - C083/5.

The signatories of the chiefs' declarations included all those who
signed the definitive deed of cession of 10 October 1874, except
Ma'afu and the chiefs of Macuata, Ritova and Katonivere, who were,
presumably, absent from the March meetings. Although Ma'afu did not
sign it himself his lieutenant, Mafi, did, so it was not surprising
Fijians suspected him of double dealing of some sort.

St Julian said Katonivere gave his assent to the cession at Bau, so
he must have been there by 20 March. See Goodenough to Layard,
29 July 1874, with its enclosures, Goodenough to Chapman, 2 July 1874,
and an extract from the Sydney Morning Herald, 5 July 1874 - FMS/2.
Thurston's sincerity during these negotiations was first questioned by H.T. Holland, of the Colonial Office, in a minute on the Commissioners' despatch of 19 March, and it has been questioned ever since; Goodenough's sincerity, on the other hand, has not been impugned, yet his deliberate attempt to destroy the government and force a reoffer of the cession in the fortnight following is completely at variance with any impression he may have given in his speech of 6 March. Far from assisting Cakobau he refused to acknowledge Thurston's position as minister, denied the existence of any constitution, and attempted to dragoon Cakobau, at a meeting on 17 March, to cede Fiji against his will.

On 7 March Thurston wrote formally to advise Layard that 'after careful consideration and long consultation with the Native Chiefs, I have felt it my duty to accept the responsibility of attempting to carry on the Govt. of this country'. Such a move was necessitated by the announcement of Woods, on 6 March, that the ministry had resigned. Thurston said that he was prepared to ignore the 1873 constitution for the moment and that the Assembly would be assembled immediately under the terms of the 1871 constitution. This letter, together with a public notification of Thurston's acceptance of the ministry, engendered a storm of protest from the Europeans in Levuka, and provoked a most complicated misunderstanding between Goodenough, and Layard, and Thurston, which could have been avoided had the three been on better terms, and which contributed to the Commissioners' determination to bring down the government.

Thurston informed Goodenough, before he left Bau on 6 March, that he had accepted the task of carrying on the government; Goodenough, 

70 Thurston to Layard, 7 March 1874 - Fl/23, 74/32.
on the assumption that Layard had been consulted, accepted Thurston's policy and departed without further discussion with his colleague. Thurston, without being specific, sent a note to Layard late that same evening saying that he wished to have further discussion with him concerning the 'state of affairs'. Presumably, he imagined that Goodenough had informed Layard of the latest development and was consequently considerably put out when Layard replied the following morning that, having accepted Langham's invitation to accompany him to Moturiki and Levuka, he was leaving almost immediately and would come and pay his respects to the King and then depart:

...with respect to any conversation with you as to the state of affairs I will do so at some other time if it is worth our while to go into them privately.  

It is not surprising that Thurston made no further allusion to his note, but sent the information to Levuka to be made public. Layard, when he arrived in Levuka, said that he found the town in an uproar which was only quieted by his own notice saying that the Commissioners did not recognize Thurston. Nor can he be blamed for believing that Thurston deliberately tried to deceive him, and for writing in such terse strains when the latter complained that he could not understand the cessation of friendly relations.

Meanwhile Goodenough had returned to Levuka and the Commissioners rapidly brought matters to a head. On 10 March they informed a deputation of European residents on board the Pearl that the question of annexation was still open, that they did not recognize Thurston's new position, and

71 Thurston to Goodenough, 11 March 1874 - Fl/23, 74/36; Goodenough to Layard, 12 March 1874 - FMS/2.
72 Layard to Thurston, (private), 7 March 1874 - F4/Letterbook 1872-74, 74/41; Thurston to Layard, 13 March 1874 - FMS/2.
that they had asked Cakobau to come to Levuka. The letter to Cakobau was sheer intimidation; he was advised to dismiss his ministers, to consult with the British consul before appointing a new one, and to consult with all the consuls before reorganizing the government:

...in this matter Mr Thurston has deceived us as well as deceiving you and we cannot recognize him as your minister by writing to him or by receiving letters from him.... Your position before was perhaps a little clear, but now that you say you do not wish to give up Fiji...you are in a far more difficult position; you will get into greater trouble if you do not now come to us to consult with us....

He asked Cakobau to meet him at Nasova on 17 March. Thurston, when writing to Brower requesting him to be present at the meeting in his official capacity, informed him with some satisfaction that Goodenough had sent the steam launch from the Pearl to meet the king, but that he had refused to go on board, thus indicating that Goodenough's bluster had severely injured Cakobau's dignity. And as he continued in the same vein at Nasova it is not surprising that nothing was accomplished:

The commodore: I found to my great surprise that a minister had been appointed and a beginning of a government had been made and none of the consuls had been consulted. I now desire to ask what this means...

The king: Is it in accordance with the law for foreigners to have any voice in the selection of ministers?

73 Goodenough to Layard, 12 March 1874, with its enclosures, Thurston to Goodenough, 11 March 1874, and an extract from the Fiji Times, 11 March 1874 - FMS/2.

74 Goodenough and Layard to Thurston, 10 March 1874, enclosed in Layard to Thurston, 16 March 1874 - Fl/11, 74/37a; Layard to Granville, 17 March 1874 - F4/FO Letterbook 1874-76.

75 Thurston to Brower, 14 March 1874 - Fl/23, 74/40.
The commodore: There is no question of law, whoever has told you so is foolish - weak people must go about with a support, which the strong can do without.  

Goodenough made it plain that Cakobau could not continue to govern the Europeans by himself, which was tantamount to saying he could not continue to govern; the Fiji Gazette tartly remarked that the whole question could long before have been settled had fewer people interfered, and Thurston realized that the implacable hostility of the Commissioners made it impossible for him to carry on. Once again he persuaded the chiefs to change their minds. At a second meeting at Nasova, on 20 March 1874, the Commissioners met Cakobau and accepted a renewed offer of cession. The decisive step had been taken. The fact that Britain did not accept the conditions attached to the cession and sent Sir Hercules Robinson to make yet another investigation, though with powers to accept an unconditional offer of cession, was irrelevant in Fiji. The decision of 20 March was definitive as far as the chiefs were concerned.

The commissioners had achieved their object but they had played their cards incredibly badly, considering how many they held. Indeed they threw away their most powerful card when they failed to enlist Thurston's support in the beginning, which, in view of the cordial relations he had established with such British naval officers as Hope, Douglas, Stirling,

76 'Report of the meeting at Nasova 17 March 1874' - FMS/2. This document is in G.G. Whalley's handwriting and is presumably the official Fijian report of the meeting. See also Goodenough's own report, 'Private Journal' IV.

77 Fiji Gazette, 18 March 1874; Layard to Granville, 19 and 20 March 1874 - F4/FO Letterbook 1874-76; Goodenough and Layard to Kimberley, 19 and 20 March 1874 - C083/5; Fiji Gazette, 21 March 1874. The conditions upon which the cession was made were enclosed in Thurston to Goodenough and Layard, 11 April 1874 - F1/23, 74/48.
and Simpson, should not have been difficult. With his support the difficulties would have been negligible. As it was Goodenough arrived in Fiji, not only with preconceived notions concerning conditions, but with his mind made up as to the course of action he would recommend to the British government, and Layard did little else but follow suit. Thurston, though he believed in annexation, was determined that it would be brought about in a manner satisfactory to the Fijians,

so that when the British flag was hoisted they would cheer it instead of sitting down and regarding the change with dislike or sullen apathy....

Had the commissioners been a little less single-minded, they could have avoided giving Thurston this impression and so have avoided three months of unnecessary wrangling.

78 Fiji Gazette, 21 March 1874.
TEMPORARY ADMINISTRATION, MARCH 1874-SEPTEMBER 1875

IN the period between the negotiation of the conditional cession by Goodenough and Layard on 21 March 1874 and Gordon's formal assumption of control of the colonial government with the reading of his commission on 1 September 1875, there existed two temporary administrations in Fiji. The Ad interim government was designed to bridge the gap left by the destruction of the Cakobau government, until Great Britain formally accepted the offer of cession and established a governmental structure of its own. Goodenough assumed that acceptance of the offer was inevitable and tended to forget that Fiji was still technically independent, whereas Thurston, fearing another rejection, continually asserted that the government was still that of King Cakobau, even if he had as his advisers the consuls representing the foreign powers whose subjects were resident in Fiji. The Provisional government, on the other hand, set up by Robinson when he negotiated the definitive cession of 10 October 1874 and assumed the governorship of the Crown Colony of Fiji, was not beset with such problems, but because of its temporary nature, designed to maintain order until the Colonial Officer could decide on a policy and a permanent governor be
appointed, and because the persons most concerned with its administration were the same as those who had controlled the Ad interim government, the two régimes effectively functioned as if there were no difference between them. The Ad interim can be regarded as an appendage of the Cakobau government and the Provisional as a preliminary to the Colonial, but there is a thread of continuity running through all four which it is more important to perceive because it helps place the accomplishments of the Cakobau government in their proper perspective.

Immediately Cakobau indicated his willingness once again to cede Fiji to Great Britain, Goodenough asked him to name representatives to confer with the commissioners and the foreign consuls in order to work out a system of administration to take the place of the old régime. On 23 March, therefore, Ratu Epeli, Ratu Savenaca, St Julian, Thurston (described, with extraordinary precision, as 'His Fijian Majesty's chosen and special adviser fully representing His said Fijian Majesty and the Fijian people by express appointment of His said Majesty in Council',) the commissioners, and the foreign consuls - Brower, Hennings and Murray - met together in what became known as the Fiji and Foreign Conference. Thurston, whose intention is indicated by his emphasis upon the sovereign nature of Cakobau's authority in the description of his own powers, remained adamant that the government was still a Fijian one with Cakobau at its head, and this attitude is reflected in the structure of the new administration. An executive council,

1 It was thus more than three months before Robinson knew who was to succeed him, but he had known that it was not intended that Fiji should ever be administered from New South Wales - Carnarvon to Robinson (confidential), 15 January 1875. [The original of this despatch is filed at the beginning of the volume of despatches for 1877, from the Secretary of State to the Governor of Fiji - FCSO.]
consisting of Epeli, Savenaca, Thurston as Chief Secretary, and Ryder as
Minister of Finance and Trade, was established to control the new
administration. Before the executive could make any new laws, repeal
or amend any existing ones, or in any way make changes necessitating
expenditure beyond that recommended by the conference, it required the
unanimous approval of a legislative council, which included the foreign
consuls. A quorum of the Legislative Council required Layard to be
present.

The purpose of these arrangements is perfectly clear; by removing
Woods altogether, and replacing Clarkson with Ryder, and by making Layard's
approval necessary for all departures from the recommendations of the
Foreign Conference, Goodenough hoped to reduce expenditure, to eliminate
the extravagance for which he was convinced Woods was responsible, and
to prevent Thurston from accomplishing anything inimical to the interests
of the Europeans. However unwilling he may have been to accept the necessity
for leaving the chief executive power in Thurston's hands, Goodenough

2 Langford to Ryder, 28 March 1874, Fl/2(2).

Rupert Ryder, the eldest of five brothers at one time or another
associated with the plantation on Mago Island, had not previously taken
an active part in politics, although letters in the Swanston papers
indicate that he was one of those who persuaded Thurston and Swanston
to join the ministry when Burt resigned in 1872. The efficiency with
which the plantation on Mago was run seems to have been the main reason
why Goodenough considered him a suitable person to take over from
Clarkson, of whose financial acumen he had no high opinion.

3 'Resolutions of the representatives of native and foreign residents
for carrying on the government of Fiji pending annexation by Great
Britain, 23 March 1874' - Fl/21; the resolutions were enclosed in
Brower to Fish, 21 May 1874 - USCL; see also 'Fiji Government Gazette',
25 March 1874, II, 136. The conference also resolved that the land
tax according to the Revenue Act 1872 should be rescinded and an increase
in customs duties imposed to make up for it.
realized that he had already far exceeded his powers as an investigating commissioner and that to have gone further would have been explicitly to commit Great Britain to a course of action she was not prepared to admit was a moral responsibility.

But having accepted the fact that he could not remove Thurston from the centre of the administration, Goodenough would have done well to have refrained from interfering, particularly in Fijian matters about which, as Thurston justifiably observed, he could know nothing; instead, the same over-confidence in his own powers of analysis which had caused him almost to predetermine the necessity for annexing Fiji before he ever arrived, caused him to meddle in provincial affairs in Kadavu and Macuata without accomplishing any other object than that of making Layard's job of maintaining good relations with Thurston more difficult.

The province of Macuata had for years been in a state of unrest because of the dissension among its chiefs; Wilkinson, in a report submitted to Gordon during the early stages of the colonial government, described it as the most backward of the Fijian chiefdoms and a place where crime and evil practices of all sorts went unheeded unless they were prejudicial to the particular designs of one or other of the chiefs. Ma'afu's interference threatened the stability of the whole group in the early 'sixties, and although Pritchard had restored Ritova to power as representing the senior branch of the old ruling family Ritova had shown himself neither capable of maintaining order nor particularly interested in trying. He had sold land indiscriminately to Europeans, with the result that the Cakobau government had continually been confronted with complaints from dissatisfied settlers. Wilkinson said that he could not remember a meeting of the Privy Council at which the affairs of Macuata were not discussed. Eventually it was
decided that Ritova would have to be removed and that unless a chief could be found capable of governing the province it would have to be split up between the neighbouring provinces of Bua and Cakaudrove. Rataqa, Ritova's much younger half-brother was appointed to succeed him, assisted by Katonivere, the head of the other branch of the ruling family, who was also a young man. The solution would appear to have been ideal except that Ritova, whom Thurston described as 'old and imbecile but whose fears are worked upon and name invoked by every troublesome fellow as it serves his interest', was induced to resume his former position. Obviously it was necessary to get him out of the way, and the Privy Council, in February 1874, resolved that he be invited to live at Bau; Thurston hoped that this would enable Rataqa and Katonivere to acquire effective control of the province without further difficulty, but he reckoned without taking Goodenough into account.

The commodore appears to have carried on a correspondence with Ritova from Taveuni in April 1874; he did not himself visit Macuata but communicated with the chief and formed his opinions of the rights and wrongs of the situation from the reports of Lieutenant Suckling and Commander Dupuis of HMS Renard. Completely ignoring the fact that the Cakobau government had acted in conformity with a policy enunciated over a period of a couple of years and in the light of considerable experience with Fijian affairs, recognition of which should at least have caused him to discuss the matter

4 Gore Martin to Whalley, 19 February 1874 - F1/10, 74/344; Gore Martin to Whalley, 28 February 1874 - ibid., 74/416.

5 Undated memorandum by Wilkinson, with Thurston's comments attached - F1/t18, A10; Hetherington to Swanston, 28 May 1873 - F1/10, 73/366; copy of a resolution of the Privy Council, February 1874 - F1/3; Thurston to Layard, 9 April 1874 - FMS/2.
with Thurston, Goodenough made another snap judgement and decided that Ritova had been wronged. He believed the chief's complaint that an attempt had been made to deprive him of his power and that the warden interfered in the affairs of the province to an unwarranted extent, particularly with regard to the collection of taxes; he gave Ritova a guarantee that his position would be preserved. Thurston protested in the strongest terms to Layard (Goodenough having by that time left the group), who, though he considered that Thurston was acting injudiciously, realized that he did not have the power to interfere; he did however pass the full correspondence on to Goodenough, who was incensed that his actions had been called in question. Dupuis, in writing to Layard, had suggested that Goodenough had guaranteed Ritova's position because of the agreement made at the Foreign Conference that the status quo would be preserved until the answer of the British government to the chiefs' offer of cession had been received, but Thurston pointed out that Ritova had resigned his position and a successor been duly gazetted before the March conference had met, that Katonivere not Ritova had signed the offer, and that considering...the commodore did almost precisely the same thing at Kadavu, and caused ill-feeling, and trouble to arise between Qaranivalu, the retired governor, who was not a party to the offer of cession, and Nacagilevu, the actual and responsible governor who was, I incline to the belief...that he formed his opinions...from sources outside the govt. and acted upon them without regard to the effect of such action upon it.  

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6 Layard to Thurston, 20 April 1874, enclosing Suckling to Layard, 17 April 1874 - F1/11, 74/40; Thurston to Layard, 21 April 1874 - F1/23, 74/54.

7 Thurston to Layard, 9 June 1874 - F1/13(4), 37. [This is a letter-press copy of the original which is in FMS/2.]
Dupuis complained that the government attempt to subvert the commodore's guarantee would throw the navy into disrepute, but Thurston pointed out, with irrefutable logic, that if Goodenough, unknown to the Fiji government, made promises calculated to cause destruction and rebellion against its authority, the Fijians could not be expected to respect that authority, even though the commodore, almost in the same breath, declared that it was to be observed and maintained:

It is this inattention to fixed principle upon the part of H.M.'s officers that is constantly leading to misunderstanding and difficulty. Until the offer of cession is accepted the King rules....

The commodore could only reply

Mr Thurston is here creating, as in many previous cases, a difficulty in order to shew that he has the ability to remove it, and to prove that he is the one person necessary to guide Fijian politics....

This perhaps indicates the depth of his misunderstanding both of Fijian politics and of Thurston himself. He instructed Captain Chapman to ignore any declaration of the Fiji government concerning the removal of Ritova so long as it remained merely a declaration, but any force was to be dispersed and its European officers arrested.

Not surprisingly therefore, and in spite of the efforts of J.P. Gore Martin, the commissioner for North Vanua Levu and one of the

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8 Thurston to Layard, 9 June 1874 - Fl/13(4), 37.
9 Goodenough to Layard, 29 July 1874 - FMS/2.
10 Layard to Dupuis, 29 May 1874 - F4/Letterbook 1874-76; Layard to Thurston, 4 June 1874, enclosing Dupuis to Layard, 26 May 1874, and Suckling to Dupuis, 25 May 1874 - Fl/11, 74/52; Gore Martin to Thurston, 17 June 1874 - Fl/10, 74/726; Goodenough to Layard, 29 July 1874, enclosing Goodenough to Chapman, 2 July 1874, and extracts from the Sydney Morning Herald of 2 and 5 July 1874 - FMS/2.
Macuata continued disturbed throughout 1874, and the culmination was armed rebellion in October and November of that year.\(^{11}\) Gore Martin himself endeavoured to make Ritova see reason, and encouraged Katonivere to speak to the other chiefs, but to no avail; he was forced to the conclusion that Ritova had been too long in power in Macuata for anything useful to be accomplished until he was removed. Goodenough had made this impossible, and Ritova himself refused to take notice of any one except Goodenough, unless it were Ma'afu and the Tui Cakau, whose attitude to the Ad interim government was equivocal, to say the least.

Ma'afu's adherence to the Cakobau government in 1871 was not dictated by motives of altruism; his own power in eastern Fiji was such that the government gained more from his adherence than he did from supporting it. Burt and his colleagues had been pleased but also surprised that, unprompted, he should have signified his intention of joining the government, and they expressed their gratitude by conferring upon him the title of viceroy and a salary of £800 per annum. His allegiance, however, had not proved particularly steady, and, as the troubles of 1873 had increased, so had the unsteadiness of his support. In May of that year there were rumours current of his disaffection in conjunction with the Tui Cakau; he was asked to go to Levuka to confer about the conduct of the Ba war and to bring the Lau contingent with him, but he temporized to such an extent that Thurston

\(^{11}\) For the details of the rebellion, see Gore Martin to Thurston, 5 October 1874 - F1/10, 74/1000; Gore Martin to Swanston, 18 and 19 November 1874 - F1/41, 74/84 and 85.
was forced to the conclusion that there might be something in the rumours.  
Early in July, Henry Parsons, the warden of Taveuni, wrote to Thurston to say that at a meeting of the provincial Council of Cakaudrove the Tui Cakau had informed the chiefs that he had, in conjunction with Ma'afu, seceded from the government. Parsons commented that this seemed very peculiar as the Tui Cakau had been particularly cooperative, right up to the day of his secession. Thurston immediately set off for Vanua Levu and Taveuni in an effort to find the cause for this sudden change and eventually managed to persuade both the Tui Cakau and Ma'afu (who indignantly denied that he ever had any intention of breaking away from the government) to visit Bau and to discuss any grievances they might have had with Cakobau and the ministers.

Even at this stage Thurston suspected Ma'afu; the source of this misunderstanding was a letter written by Bayley, Ma'afu's secretary, to Chapman informing him of Ma'afu's secession. Ma'afu later denied any knowledge of this letter to Thurston, who once he had persuaded him to go to Bau, was for the moment satisfied. Thurston's association with Taveuni had enabled him to cultivate an influence with the Tui Cakau which he had never been able to repeat with the Tui Lau, and it is possible that already he was considering methods by which Ma'afu's influence, particularly outside Lau, could be minimized:

Tui Cakau, with whom I spent the day yesterday, was most friendly and I see I have not lost any of my personal influence with him. He has grievances which demand

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12 Cabinet memorandum for Swanston, 19 May 1873 - Fl/3.
13 Parsons to Thurston, 3 July 1873 - Fl/10, 73/449; Thurston to Woods, 15 July 1873 - ibid., 73/490; Barrack to Woods, 2 July 1873 - Fl/1, 73/72.
consideration and I believe the origin of the movement [towards secession] is Ma'afu...I feel some political alteration will be necessary to prevent any recurrence of trouble.14

Whether or not this represents the beginning of a conviction in Thurston's mind that Ma'afu was plotting against the Cakobau government and would have to be prevented from doing further harm, does not alter the fact that the conference of chiefs at Bau at the beginning of March 1874, as well as withdrawing the offer of cession to Great Britain, considered the propriety of removing Ma'afu from all positions he held under the government. The most complete account of this meeting is contained in Swanston's journal which indicates that although Ma'afu admitted his error in withholding revenues he had collected as governor of Lau, the chiefs refused to depose him; Cakobau then indignantly dissolved the assembly and dismissed Woods whom he considered responsible for Ma'afu's continuation in office. The following day (4 March) the king apologized for his outburst but refused to reinstate Woods, and the assembly went on to discuss the question of cession. On 5 March Swanston records that the Tui Cakau asked Ma'afu, in the light of his previous opposition, what made him favour cession; Ma'afu replied that Nasova (referring to the narrow escape from a clash between the European residents of Levuka and the Fijian military forces in September 1873) had made him change his mind, and that without annexation there would be more Nasovas:

...without a strong government, matters will become more complicated. The whites do not respect the Fijian govt, you the Chiefs do not, you are not united, you do not

14 Thurston to Woods, 18 July 1873 - Fl/10, 73/490. See also Fiji Gazette, 26 July 1873; Chapman to Ma'afu, 25 July 1873, enclosing Bayley to Chapman, 19 July 1873 - Fl/11, 73/519a.
work together and troubles will arise which will result in our fighting.\textsuperscript{15}

Swanston's summary of the motives of the people concerned in these events is not wholly reliable but this account accords with the facts.\textsuperscript{16} Woods's importance in the government had steadily declined since the disastrous third session of the Legislative Assembly, and, in spite of Goodenough's remarks concerning Woods's ascendancy over Thurston,\textsuperscript{17} an examination of the government files for the latter part of 1873 and the beginning of 1874 indicates that Thurston had complete control of the administration and that his colleagues conferred with him about even the most minute details. There is however no evidence to suggest that Woods and Thurston did not agree; on the other hand, if Woods did favour the retention of Ma'afu against the wishes of both Thurston and Cakobau, Thurston would have been well-pleased to be rid of him once the decision to carry on the government had been made.

In mid-February the question of Ma'afu's withholding taxes had been discussed by the Cabinet and a letter sent which made it clear that no further prevarication would be countenanced:

...the Cabinet views with extreme regret the fact that the promises which when you were here last [September 1873] you

\begin{footnotes}
\item Swanston, 'Journal' II, 5 March 1874.
\item Swanston's account of events after this conference has been lost; a letter written in 1889 cannot be accepted as reliable evidence because it was written after he had been dismissed from the service of the Provisional government as a result of a clash with Thurston. See R.A. Derrick, 'The Swanston Papers', Transactions of the Fiji Society, 1946, III, 94-106.
\item Goodenough, 'Private Journal' II, 22 November 1873, and 'Private Journal' II, 5 January 1874.
\end{footnotes}
so faithfully made with regard to the collection of the revenue...have not been kept.\textsuperscript{18}

The letter concluded with a warning that the amount of the revenue overdue would be made a charge upon Ma'afu's private estate, which presumably meant that the government was prepared to sue for its recovery. Thurston's influence can readily be perceived in this letter; convinced himself that the commissioners were trying to destroy the government and that they were trying to bulldoze the chiefs into an ill-considered decision with which Ma'afu agreed, he was determined that Ma'afu would either be removed or agree to support the government. Once the decision of 6 March had been made it was relatively simple, in the face of Ma'afu's professed opposition, to persuade the chiefs that his continued tenure of the governorship of Lau would be unwise. On 19 March, before the decision on cession was reversed, an Order in Council was approved, which deprived Ma'afu of his offices as Viceroy and Governor of Lau on the grounds of 'constant treachery', 'official malversation', and 'incessant intrigue and spoliation'.\textsuperscript{19} Nor did the renewal of the offer of cession alter matters, because Thurston had made it quite clear that the government was to be carried on in the name of the king and that he would not accept any interference in the administration, particularly of Fijian affairs.

The European community was opposed to the deposition of Ma'afu, and their fears that he would fight Cakobau if Britain refused the offer of cession were not unjustified. Layard, Swanston, and Hennings all expressed

\textsuperscript{18} Clerk of the Executive Council to Ma'afu, 10 February 1874 - F1/2(2), 154.

\textsuperscript{19} Thurston to the Foreign Consuls (circular), 28 March 1874 - F1/25, 74/43; Thurston to the King of Tonga, 4 May 1874 - \textit{ibid.}, 74/54; Brower to Thurston, 31 March 1874 - F1/11, 74/43\textsuperscript{1}/2.
these fears, stating that Thurston was being most unwise even though he made it clear that the government had no wish to interfere with Ma'afu's non-official position. He was determined to preserve the unity of Fiji, and the chiefs themselves were unsure of Ma'afu, whom they regarded as a foreigner, and who was known to have harboured designs of becoming paramount chief of the whole of Fiji. Tevita Uluilakeba, the Tui Nayau, was a man over whom Ma'afu had had no difficulty in gaining an ascendancy, but Thurston, anxious only to minimize Ma'afu's influence decided that Ratu Tevita would make a satisfactory governor if he were provided with effective assistance.

Here Thurston miscalculated. Ma'afu's power in Lau was such that more than an Order in Council from Bau was needed to alter it. Friend, the government agent, replied at the beginning of April to a letter from Clarkson, dated 18 February, in which Ma'afu was reported to have given orders that the taxes of the province were to be paid; orders had since arrived (brought, significantly, in the Tui Cakau's launch) that the taxes were to be withheld indefinitely; and the Tui Nayau had gone to Tonga. Allowing the time necessary for these letters to reach Levuka, Thurston's appointment of C.W. Drury as Special Commissioner for Lau would coincide with his realization

20 W. Hennings to Swanston, 2 April 1874 - Swanston Letters 1857-79, folio 6, 1874 Political; Swanston, 'Journal' March 1874; Layard to Derby, 15 April 1874 - F4/F0 Letterbook 1874-76; W. Hennings to Thurston, 1 April 1874 - F1/10, 74/846; Layard to Dupuis, 29 May 1874 - F4/Letterbook 1874-76.

21 Friend to Clarkson (private), 6 February 1874 - F1/28, 74/218; Friend to Clarkson and Friend to Thurston, 2 April 1874 - F1/10, 74/439 and 446. Ma'afu's first instructions had presumably been given as a result of the Cabinet's warning of 10 February, and the countermand as a result of the March conference. The fact that Friend did not receive Clarkson's letter until six weeks later, four weeks after Clarkson had resigned, gives some idea of the irregularity of communication between Levuka and Lau.
that affairs in the eastern part of Fiji were not going as he would have wished.  

Before Drury could reach Lau, Ma'afu himself appeared at Lakeba and made it clear that there was no government in Lau save that of himself in connexion with the commodore and the consul. Drury must however have been more forceful than Friend because he eventually managed to extract some taxes and reported that the province had assumed a relatively ordered appearance during the month of July.

This appearance may have been largely illusory, because Gore Martin reported from Macuata at the beginning of August that Ritova remained obdurate, refused to have anything to do with the government, and was in constant touch with the Tui Cakau and Ma'afu. At the end of the month Drury reported that the Tui Cakau had arrived at Lomaloma, Ma'afu's headquarters on Vanua Balavu, with a force of five hundred men, and that he proposed to stay there until the question of annexation had been finally decided. He stated that the general opinion was that if the cession were refused, Ma'afu, the Tui Cakau, and Ritova would join together and fight Bau, though with the aim of breaking up the government rather than of conquering it. A month later he altered his opinion, saying that the chiefs would ignore the government.

22 Drury to Thurston, 9 May 1874, refers to a letter of 5 May notifying Drury of his appointment - Fl/10, 74/575.

23 Friend to Thurston, 9 May 1874 - ibid., 74/605.

24 Drury to Ryder, 30 June 1874 - ibid., 74/734; Drury to Thurston, 30 June 1874 - ibid., 74/735; G. Reid (the Tui Nayau's secretary) to Thurston, 12 July 1874 - ibid., 74/751; Drury to Ryder, 25 July 1874 - ibid., 74/816.
and fight only if an attempt were made to coerce them. 25

Thurston’s misjudgement in this instance is most difficult to reconcile with his experience of the previous couple of years which had shown that however efficient provincial administration was in theory, it could accomplish nothing without the support of the great chiefs. Ratu Kini, the Tui Nadroga, had not been a particularly willing adherent of the Cakobau government, but Thurston, realizing that control of the whole of south-western Viti Levu depended upon his support, had taken steps to ensure it. Yet he imagined it would be possible to do without the support of Ma'afu whose influence was considerably greater than that of Ratu Kini.

Admittedly the Tui Lau was an exceedingly difficult person to deal with; he would make promises while in Levuka or Bau which he had no intention of keeping, and Thurston was not, by temperament, the kind of person to enjoy the subtleties of diplomatic feint and counter-feint which would have been necessary to preserve Ma'afu's allegiance. But the precipitateness of his action indicates that he did not properly understand all that was involved in Ma'afu's deposition. He had stated many times between November 1873 and October 1874 that he desired above all to preserve the unity of Fijian society. If Britain refused the offer of cession, and it was not unreasonable to take precautions against such an eventuality in the light of Britain's cavalier treatment of previous offers and enquiries, then it was imperative that there be a governmental structure capable of carrying on. Thurston either did not understand, or under pressure of circumstance forgot, that Ma'afu's removal from the viceroyalty was tantamount

25 Drury to Thurston, 26 August 1874 - Fl/10, 74/900; Drury to Thurston, 21 September - ibid., 74/976.
to the limiting of the government sphere of influence to Lomaiviti and Kadavu. Ritova and the Tui Cakau would never have supported Cakobau against Ma'afu, Bua could never have sustained a position in opposition to its neighbours, and for Thurston to have imagined that he could control Lau in opposition to Ma'afu was absurd. His appointment of the Tui Nayau to fill Ma'afu's place as governor of Lau showed an unusual insensitivity to the workings of Fijian society, a fact borne out by Ratu Tevita's refusal to function when he found that he had been appointed over Ma'afu.²⁶ The Tui Cakau's professed intention of remaining in Lomaloma until after a decision had been made on annexation was a definite indication that Cakaudrove and Lau would act together in the event of Britain's refusing to annex Fiji, and it is reasonable to assume that this would not have been to cooperate with Bau - the chiefs were thinking in terms of the matanitu which had existed before 1871 as if the Cakobau government had never existed. Thurston could hardly have failed more completely in this respect, and it was only the interim nature of his government which preserved it from manifest opposition before October 1874.

The tribes of the interior of Viti Levu were not so compliant; one of the results of the negotiations of March 1874 and of the commissioners' refusal to recognize Thurston's position as sole minister of Cakobau was that an impression gained currency in the mountains that the government had collapsed and that once again the only law was that of each man unto himself. Harding, in reporting the circulation of this rumour, said that no amount of explanation from him could persuade the kai colo otherwise; he suggested

²⁶ Drury to Thurston, 15 June 1874 - Fl/10, 74/822.
that a chief of rank, who understood the implications of the negotiations should be sent to accompany him on a quick tour of the mountains. Swanston, who had never forgiven Harding for what he regarded as the betrayal of Fitzgerald during the Ba campaign, was sceptical, but Thurston a month later informed Layard that Harding's worst fears had been justified and implied that the commissioners were at least in part responsible for a situation that was fraught with danger.27

Although the immediate cause of the opposition was the rumour that the government no longer existed, the form that it took was caused by a continuation of antagonisms which had been exacerbated by the 1873 campaign. Harding became convinced that nothing short of a decisive defeat would prevent the mountain tribes and possibly some of the coastal tribes from uniting in violent opposition; when the Nadawarau did attack Harding and his force at Nagusunikalou in the valley of the Wainimala river on 9 May 1874, the battle was marked by a persistence unequalled in the history of the Cakobau government and possibly in that of the whole of Fiji.

However, as the commissioners had forbidden British subjects from serving the Fiji government under arms, it was necessary first to convince them of the seriousness of the situation; eventually they agreed that Harding should lead an expeditionary force consisting of three Europeans and 217 Fijians, most of whom came from Tai Levu, Bau and Rewa, with smaller contingents from Ovalau and Bau. It was even agreed that Lieutenant Suckling

27 Harding to Thurston, 31 March 1874, with a minute by Swanston attached, and Thurston to Layard, 21 May 1874, enclosed in Swanston to Thurston, 3 November 1874 (FL/41, 74/89), which is attached to a translation of Roko Tui Ra to Swanston, 28 November 1874 - FL/41, 74/101.

The Roko Tui Bau was sent to Assist Harding - Thurston to Layard, 16 April 1874, FL/23, 74/50.
The difficulties with Ma'afu and with the kai colo, although precipitated by the activities of the commissioners, stemmed from further back in the history of the Cakobau government, and so did the problems of reducing the expenditure of the administration, and of dealing with the large numbers of labourers whose term of service had expired but whose employers did not have the funds necessary to return them to their homes. The disturbed state of the country in 1873 had prevented Thurston and his colleagues from making any real progress, but 1874, compared with 1873, was a year of tranquility, and the more cooperative attitude of the settlers also made the job easier. Goodenough and Layard had both demanded that the expenses of the government be reduced, implying that the late régime had been guilty of gross extravagance; this was unfair because the demands of the Ba campaign, and the necessity of paying interest on debentures and withdrawing treasury notes, left the administration no money with which to be extravagant. The loans had been floated in the first place on the assumption that Fiji's was an expanding economy, and as long as this appeared

28 E.L.C. Layard to Harding, 3 April 1874 - F4/Letterbook 1873-75; Layard to Thurston, 16 April 1874 - ibid.; Layard to Suckling, 20 April 1874 - ibid.; Harding to Thurston, 24 April 1874, enclosing declaration of Layard requesting British subjects to assist him - F1/10, 74/508; Harding to Thurston, 30 May 1874 - ibid., 74/710 [this letter contains a detailed account of the campaign, which exhibited some unusual features]; Thurston to Layard, 21 April 1874 - F1/23, 74/53.
to be the case settlers agreed that a loan was necessary and proper. With the economic collapse following the fall in the price of cotton they changed their minds; plantations were no longer a paying proposition and they refused to pay the taxes to which they had agreed in more affluent days. A system of indirect taxation was introduced but the Hedemann affair of September 1873 showed that this could also be circumvented. Unfortunately loans had been contracted, not only the capital of which had to be repaid, but also the interest, and settlers began to complain that taxes were never spent on 'reproductive works'. Thurston was in a cleft stick and it is to his credit that he was able to hold the situation in check. Had he not had the Ba campaign to finance he would have been able to show a much more favourable financial position to the commissioners, who, because they worked on the assumption that Britain would accept the offer of cession, were able to insist upon retrenchments which would have been unrealistic in a permanent government. Economic recovery required money, as Gordon found out when he arrived in the colony, but the Ad interim government, concerned only with maintaining order and reducing the debt, could ignore this.

In the field of provincial organization it could also adopt a short-term view. One of the main criticisms of the Cakobau government had been against what was regarded as an unnecessary proliferation of officers; the difficulty of communication within the group necessitated its division into a fairly large number of administrative units (though no more than those of the colonial government), but as he gained more experience Thurston realized that the administration was not as coordinated as would have been desirable. In an effort to streamline it, therefore, he had appointed, towards the end of 1873, six commissioners - three for Viti Levu, two for Vanua Levu, and one for Lomaiviti - whose task it was generally to supervise
and coordinate the work of the provincial secretaries. The Foreign Conference decided that the secretaries could be dispensed with altogether, and that the state of the finances demanded a general reduction in the salaries of all government officials.

The problem of time expired labourers, however, required more constructive action. The Cakobau government, aware of Britain's concern with the iniquities of the labour traffic, had made the most strenuous efforts, often in the face of complete lack of cooperation from the British consul, to regulate the conditions of service within Fiji and to control the transport of labourers to and from their own islands. It met with considerable opposition, particularly when it removed men from the service of indigent planters who could not pay them, but it was determined that imported labourers would be treated fairly. A letter from Henry Bentley, the Comptroller-General of Labour, complaining about the difficulties caused by the enterprises of J.C. Smith and the Hennings brothers demonstrates that it also met with opposition from the few men of capital in the group in 1874, who showed themselves prepared to exploit the weakness of the government's authority to its fullest extent. It was small wonder that Thurston desired first to protect the Fijians and then to consider the

29 The commissioners were H.M. Fraser (East Viti Levu), James Harding (North Viti Levu), H.C. Thurston (South Viti Levu), J.P. Gore Martin (Bua and Macuata), P. Brougham (Cakaudrove), and N. Chalmers (Central). Chalmers was also appointed deputy controller of labour and in December 1873 took over from Swanston as Controller-General - Fl/t16; Thurston to Chalmers, 29 December 1873 - Fl/43(4), 37; copies of outwards correspondence of N. Chalmers and H. Bentley, November 1873 - August 1875 - Fl/t23.

30 The salaries of European officers were reduced by one fifth and those of Fijians by two fifths - Thurston to H.C. Thurston, 28 March 1874, Fl/125. The secretaries' services were dispensed with on 1 April 1874 - Macnamara to Forbes, 14 April 1874, Fl/t27.
interests of the European settlers. In July 1874 Bently reported that there were 285 men registered in the name of Hennings, whose term of service had expired but whom he could not locate; the men had been transferred to the service of other planters and neither the Hennings nor Smith was prepared to supply information about them. The Hennings were German subjects so the only authority in the group who could force them to comply with the controller's request was the German consul; unfortunately his name was F.W. Hennings.\footnote{\text{Bentley to Thurston, 25 July 1874 - Fl/10, 74/783.}} Smith was a British subject but Layard admitted that any regulations under which he was competent to act were quite useless within Fiji.

Fortunately the Fijian regulations were effective in most cases and Layard praised the work of the government saying that a genuine attempt was made to carry the principles laid down by the regulations into practice:

\begin{quote}
I should find myself in a very awkward position at present were it not for its acts, and from its records alone can I gain information to enable me successfully to perform my duties...\footnote{\text{Layard to Derby (confidential), 13 May 1874 - F4/FO Letterbook 1874-76; Layard to Nettleton, 26 April 1874, complains of the incompetence of March in dealing with the labour traffic - F4/Unofficial Letterbook 1874-76.}}
\end{quote}

Another tribute to the success of the government in this respect was the fact that men were returning to their homes for the purpose of fetching their families with the intention of settling in Fiji. This raised a problem because the Fijian regulations made it illegal to employ men who had not been recruited in the proper fashion. The regulations were designed to prevent any kind of kidnapping but they also made it technically impossible for such men to be employed.\footnote{\text{Ibid., 29 April 1874.}}
This was the least of the problems concerning 'Polynesian' labourers; there were large numbers of men, employed by planters who had become insolvent, for whom adequate remuneration for their services and a passage to their homes was required. Layard devised a plan whereby the men, who had become experienced plantation hands, would be re-engaged to planters whose financial position was sound, for £8.0.0. or £8.10.0. for a year's service. The money would be paid to Layard himself who hoped he would be able to persuade merchants in Sydney to supply him with trade goods at the lowest possible figures remunerative to themselves, that owners of trading vessels would ship the goods to Fiji free of charge, and that the government would waive customs duties. This would enable him to return the men home with a reasonable amount of trade if the British government would make available £1,000 or so from which to finance passages and upon which to rely in emergencies.  

The Colonial Office was, not unreasonably, somewhat sceptical of the plan, though Hercules Robinson was authorized to disburse limited sums in cases of absolute necessity. It is doubtful if Layard would have found sufficient planters of proven financial position with whom to hire the men.

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34 Layard to Derby, 5 June 1874 - F4/Letterbook 1874-76; Layard to Wolfin and Company, Sydney, 9 June 1874 - F4/Letterbook 1873-75; Layard and Bentley to the residents of Nadroga, 28 June 1874 - F1/t25, 74/99.

35 Robinson to Layard, 15 October 1874 - FMS/2.
and the scheme does not seem to have been put into operation. The government itself was in no position financially to assist the scheme, which, although imaginative, was not sufficiently in sympathy with the situation to be hopeful of success. All the government could do was to prevent abuses from occurring and return as many men as possible to their homes; the only legislation passed by the Legislative Council of the Ad interim government (and technically, therefore, Act no 40 of Cakobau Rex) was the Polynesian Labourers' Protection Act, 1874. This made sums due as wages to imported labourers the first charge on any real or personal estate of persons who had contracted such debts.

Had there been a sufficient number of vessels returning to the islands most of the difficulties might have been eliminated, but unfortunately there were frequently men ready to return to islands for which there was no ship available, and occasionally a vessel without any men. But in spite of these troubles the cooperation of everyone concerned in the amelioration of this problem was in singular contrast to the lack of cooperation which seemed to characterize every other field of endeavour of the Ad interim government.

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36 Layard continued to press Robinson for assistance in this matter after cession, but, apart from the services of the Dido in returning men to the New Hebrides, Carnarvon would not authorize advances exceeding £500. Layard to Robinson, 30 March 1874 - Fl/t16, 75/36; Robinson to Layard, 16 March 1875, enclosing Carnarvon to Robinson (telegraphic), 2 March 1875 - Fl/t21, 75/17. The cost of returning these men remained an obligation of the colonial government, at least until 1878 - see Legge, op. cit., 265-6.

37 Cakobau assented to the bill on 25 May 1874.

38 See for instance Bentley to T.H. Prichard (deputy controller, Cakaudrove), 25 August 1874 - Fl/t25, 74/119; Bentley to Andrews, 1 October 1874 - ibid., 74/140; Bentley to Fraser, 25 September 1874 - ibid., 74/141.
The perennial problem of collecting taxes continued unchanged, though the government could hardly have expected any substantial improvement until the economy itself had received a boost. Indeed it is surprising that its officers managed to collect any coin at all in 1874, but Forbes in Kadavu appears to have been reasonably successful, gathering considerably more than half the amount due in 1873, mainly in coin, and continuing to send in smaller amounts until his services were dispensed with in March 1874. This, however, was not the typical pattern, and in most provinces difficulty was experienced in getting anything out of the Fijians at all until the Ad interim government had been in operation some months, after which the most capable of the provincial officers began sending in small amounts. The total, however, never approached the fifty per cent which Forbes collected on Kadavu.

Within the limits of its intention to maintain the status quo, however, the financial policy of the Ad interim government must be considered a success; the proceeds of native taxation, together with the increased customs and shipping dues, the decreased expenditure on administration, and Thurston's very close supervision, brought the accounts out on the right side of the ledger. A statement issued at the end of September 1874 showed

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39 Forbes to Swanston (Return of taxes), 31 December 1873 - Fiji Supreme Court/Office of the secretary and warden, Kadavu; Whalley to Forbes, 30 January 1874 and Macnamara to Forbes, 4 March 1874 - Fl/t27.

40 Chalmers to Whalley, 4 March 1874 - Fl/10, 74/352; Garnett to H.C. Thurston, 13 April 1874 - Fl/t25; H.C. Thurston to Thurston, 17 April 1874 - Fl/10, 74/512.

41 Payn to Ryder, 29 September 1874 - Fl/10, 74/1015; Prichard to Thurston, 1 October 1874 - ibid., 74/1008; Drury to Ryder, 8 October 1874 - ibid., 74/1007.
that from a revenue of £17,261 only £15,357 had been spent. This was a satisfactory state of affairs with which to greet the arrival of Sir Hercules Robinson, the governor of New South Wales, in September 1874.

DISRAELI, who had taken office the previous February, was no more inclined to annex Fiji than Gladstone, and in any case, the conditions which Goodenough and Layard had accepted in their eagerness to bring down the Fiji government, were unacceptable to Her Majesty's Government, and R.G.W. Herbert, the Permanent Under-Secretary, advised against annexation. Lord Carnarvon, the new Secretary of State, concerned about the disturbances in Fiji and the iniquities of the labour traffic, and aware that British influence and interference had created a special situation, determined upon one more approach. Accordingly, Robinson was instructed to reinvestigate, and to accept an unconditional offer of cession if such were made. He arrived in Fiji on 25 September and without much difficulty managed to persuade Cakobau that the conditions attached to the offer of cession could prove an obstacle to the good government of Fiji. Cakobau agreed to waive them on 28 September, when Robinson sent the draft for a deed of cession. Cakobau discussed this with his chiefs and signed it two days later. The Pearl, and the Dido, with

42 Statement of revenue and expenditure, 1 April 1874 - 30 September 1874 - FMS/2, 1/12.

43 Report on the offer of the cession of the Fiji Islands to the British Crown. Appendix 2, Thurston to Goodenough and Layard, 11 April 1874 - [C1011], 1874, PP, XLV.

44 Carnarvon to Robinson (telegraphic), 10 August 1874 - CO537/115. See also [C1114] 1875, PP, LII.

45 For a full discussion of the action of the British government see Drus, op. cit., 105-109, and Legge, op. cit., 130-137.
Cakobau on board, then set off to seek the consent of the other chiefs and to bring them to Levuka, where the formal signature of the instrument of cession was performed on 10 October 1874, and Fiji became a colony of the British Crown. 46

Because Great Britain had not assumed that the Fijian chiefs would make a satisfactory offer of cession, it had not arranged for the immediate establishment of the permanent institutions of colonial government. Robinson, therefore, set up a temporary administration to maintain order until the Colonial Office could determine upon policy and appoint a permanent head of government. He decided, as there was no one in Fiji suitable to act as governor, and as it would have been impossible for any effectual supervision to have been exercised from Whitehall, that it would be best if he retained control of the government himself; the regular monthly steamer connexion between Sydney and Fiji would enable him to keep in sufficiently close contact with Layard, whom he appointed Administrator of the government, 47 to maintain an effective general supervision. Not wanting to initiate policies, but desiring to leave his permanent successor a completely free hand, he merely

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46 A copy of the Deed of Cession is printed in Derrick, op. cit., 251-253 and Legge, op. cit., 284-286. See also 'Ai Vola Tukutuku, an address by Cakobau to the chiefs of Fiji, telling them of cession' - F1/Misc., 4; Robinson to Carnarvon (no 1), 3 October 1874, and (no 3), 11 October 1874 - FCSO.

47 Layard was piqued at not being left in charge in Fiji, and, indeed, had hoped to remain permanently. He wanted to refuse to work with Thurston, then pompously informed Derby that the realization that he was the only sufficiently independent person to fill the post of Administrator, coupled with the persuasions of Robinson and Goodenough, imposed upon his personal feelings for the public good. However, the rôle he played in the Provisional government was no more prominent than that he played in the interim period, when he had no executive function at all. Layard to Derby (political no 14), 19 November 1874 - F4/FO Letterbook, 1874-76.
altered the machinery of the Ad interim government in terms of economy and Colonial Office practice, and left it to function much as it had before cession.

A small executive council was appointed, consisting of Layard as Administrator and Vice-President, Thurston as Colonial Secretary, Thomas Horton, the manager of the Fiji Bank, as Treasurer, Swanston as Secretary for Native Affairs, and J.G.L. Innes, the Attorney-General of New South Wales, as legal adviser. The question of a legislative council was ignored for the time being, and the laws of New South Wales were taken over as the laws of Fiji; a central court was established in Levuka, presided over by one European and one Fijian judge, and four stipendiary magistrates were appointed throughout the group for the trial of European and mixed cases. The armed constabulary was reduced to two hundred picked men in charge of Lieutenant Olive of H.M. Marines, whose services were lent for the purpose by Commodore Goodenough.

The Fijian administration followed even more closely the pre-cession pattern; the group was divided into twelve provinces presided over by a roko and a Fijian stipendiary magistrate, with eighty-two subdivisions each in charge of a buli. Only the system of native taxation was changed

48 'Fiji Government Gazette', 14 October 1874; Thurston to Robinson, 6 October 1874 - F1/23, 74/58.

49 They were Horace Emberson for Lau, Alexander Eastgate for North Viti Levu, H.C. Thurston for South Viti Levu, and J.P. Gore Martin for Cakaudrove - F1/t25, passim.

50 The word buli derives from a Fijian verb meaning 'to make' or 'to create' and its use in this context implies that the persons concerned were chiefs, not because of any intrinsic right within the structure of Fijian society, but because their office had been created by the administration.
completely; Goodenough and Layard had referred to both injustices and iniquities in the pre-cession system of collecting a uniform amount of 20/- from each man and 4/- from each woman; Langham, the head of the Wesleyan mission and a man strongly opposed to the Cakobau government, supported their views. Swanston's impressing upon all officers in his department that the scrupulously fair administration of the tax regulations produced the best results, a fact borne out by the experience of the most able members of his staff, indicates that there was another side to the story, but Robinson, determined that there should be no grounds upon which the Fijians could complain of unfair treatment, decided to change the system.  

Women were exempted entirely and each man was made liable to contribute twenty days' labour upon public works, a service which could be commuted for a money payment which varied, according to the circumstances of his district, from 10/- to 5/-. All native taxes in arrears at the date of cession were remitted, and all Fijians removed from their homes as defaulting taxpayers, were liberated.  

The retention of the most capable of the pre-cession administrative officers minimized the effect even of these differences. Robinson found, as Gordon was to find after him, that Thurston's ability and experience made him indispensable:

[Thurston] is certainly the fittest person in Fiji to act as Colonial Secretary - he is intimately acquainted with the

51 Chalmers to Swanston, 30 September 1872 - F1/41, 754; Swanston (circular) to all secretaries and wardens, 30 October 1872 - F1/43(2), 54; 'Memorandum of general instructions from the Secretary for Native Affairs to the European Stipendiary Magistrates', 22 October 1874 - F1/43(5), 74-6.

52 Robinson to Carnarvon (no 7), 16 October 1874 - FCSO [This was printed, together with its enclosures, in [C1114], 1875, PP, LII.]
circumstances and requirements of the group; he is a good Fijian scholar and he served as acting consul here for some time to the entire satisfaction of the Foreign Office.\textsuperscript{53}

Robinson's trust in Thurston, as well as indicating his lack of faith in the vituperations of the European settler community, shows that he was satisfied with the general principles under which the government had worked. Thurston demanded hard work and obedience from his subordinates as a prerequisite to any kind of progress; since taking office in 1872 he had gathered together a number of competent officers whose abilities had been tried during the difficult days of the Cakobau administration, and whose opinions, particularly with regard to the treatment of the Fijians, accorded with his own. Robinson was content to leave the temporary administration in their hands.

Men such as Wilkinson and Carew had been provincial officers since the earliest days of Thurston's term of office; they both spoke Fijian fluently and were in sympathy with the problems facing the Fijians as a result of the increasing European population. Carew's acquaintance with the people of the interior of Viti Levu, acquired as a result of his post as secretary for Naitasiri under the Cakobau government, was of particular importance, because of their continued resistance to authority. During the interim period he had been asked to report upon the possibility of appointing some sort of a resident commissioner to supervise their gradual absorption into neighbouring but less inaccessible districts, but his recommendations were never acted upon. In October 1874, Swanston requested Layard to appoint Carew government resident for the interior, but the Administrator replied

\textsuperscript{53} Robinson to Carnarvon (no 7), 16 October 1874 - FCSO.
that he could not take such a step without Robinson's authority.\textsuperscript{54} Carew did however arrange a formal meeting of the kai colo chiefs with members of the government, which took place at Navuso on 21 January 1875, and would undoubtedly have had the most beneficial effects upon the loyalty of the mountaineers to the new régime, had it not been for the measles epidemic the germs of which the government party took with it from Levuka.\textsuperscript{55} The full effects of the disease following so quickly upon their acceptance of Christianity and submission to the coastal government, seemed, to the mountaineers, to be retributive justice for deserting their old gods; they reverted to paganism, refused to have anything to do with the government, and provoked yet another campaign before finally submitting in the following year after what Gordon called 'the Little War'.\textsuperscript{56} But Carew cannot be blamed for the measles epidemic, and the considerable ability which he had shown in reconciling the kai colo to the advantages of Christianity and civilization

\textsuperscript{54} Carew to Thurston, 18 June 1874, and Swanston to Layard, 30 October 1874, enclosed in 'Papers relating to Mr. Carew's mission of conciliation of the Colo tribes, 22 January 1875' - F1/10, 75/119.

\textsuperscript{55} For a full account of the measles epidemic which swept Fiji in the early months of 1875, killing an estimated 30,000 to 40,000 people, see various letters to the Colonial Secretary - F1/10, 75/1-400 passim; Layard to Robinson, 25 February 1875, and 3 March 1875 - F1/t20, 75/22 and 27; R.A. Derrick, '1875 : Fiji's Darkest Hour - An account of the measles epidemic of 1875' - Transactions of the Fiji Society 1955, VI, 3-16.

\textsuperscript{56} See Stanmore, 'Fiji Records' II, chapters 1 and 2, and 'Letters and Notes Written During the Disturbances in the Highlands (known as the "Devil Country") of Viti Levu, Fiji'.

were to be employed again.  

Wilkinson and Gore Martin both served on Vanua Levu, the former as secretary for Bua and then as Native Commissioner, and the latter as a member of the Armed Constabulary and then as Commissioner for Bua and Macuata. Both were energetic in endeavouring to settle the complicated disputes caused by division of authority among the chiefs, and both agreed with Thurston that it was more important to preserve the rights of the Fijians, particularly with regard to land, than to look after European interests. For this reason they were unpopular with the settler community, but their knowledge of Fijian society in general and the details of the position on Vanua Levu in particular made their services invaluable to the Provisional government, and also to Gordon when he arrived.

G.G. Whalley had served as a most capable under-secretary first in the Ministry of Native Affairs and then in the Chief Secretary's department, and would no doubt have continued to serve the government had he not been drowned in October 1874, while crossing from Ovalau to Batiki in an open boat.

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57 Robinson to Layard, 11 December 1874; enclosure, Swanston to Robinson, 10 November 1874 with its sub-enclosure, Carew to Swanston, 29 October 1874 - Fl/t21, 74/17. See also Layard to Chapman, 27 January 1875 - Fl/24(2), 75/3; Fiji Argus, 29 January 1875.

58 This post involved dealing with specifically native problems wherever they occurred, but in fact Wilkinson spent most of his time on Vanua Levu.

59 See, for example, Gore Martin to Thurston, 8 October 1874, and 17 October 1874 - Fl/10, 74/29 and 76; Gore Martin to Swanston (private), 19 November 1874 - Fl/41, 74/56; Wilkinson to Swanston, 21 December 1874 - Fl/43(5), 252; Swanston to Wilkinson, 21 December 1874 - Fl/t18, A10.

60 Memorandum by Thurston, 21 October 1874 - Fl/10, 75/395.
Outstanding among the officers of the Cakobau government who did not fit in to the Provisional administration, was R.S. Swanston, the former Minister of Native Affairs and a man who had shown considerable intelligence and initiative in dealing with the complexities of Fijian society, particularly during the Ba campaign of 1873. Swanston had been at variance with Thurston ever since the dismissal of Fitzgerald from his command of the military forces on the Ba river. During the period of the commission he had shown himself more amenable to the views of Goodenough and Layard - Gordon thought this was one of the factors which influenced them against Thurston - than to Thurston's conviction that the government had to be defended against what constituted an unwarranted attack. Writing in 1889, Swanston alleged that Thurston had asked him to join in the attempt to carry on the government after the withdrawal of the offer of cession on 6 March, but there is no other evidence to support his contention, the truth of which seems unlikely in the face of Thurston's extreme distrust of the aims of the commissioners.

But even Goodenough referred to the 'swash-buckler manner', which made Swanston difficult to work with and which eventually caused his downfall. During the interim period, native affairs were supervised from the Chief Secretary's office because of the need for absolute economy, but in October 1874 Robinson reappointed Swanston secretary. However his antipathy towards Thurston and his incomplete understanding of the changes in the administrative

61 See Layard to Gordon, 15 September 1875, quoted in Stanmore, op. cit., I, 223.

62 Gordon to Carnarvon (no 39), 20 August 1875 - FCSO. See also 'Fiji Records' I, 331, in which Gordon characterizes Swanston as a wind-bag that needed puncturing.

63 Goodenough to Carnarvon (confidential), 17 April 1874, enclosing 'Notes on some residents in Fiji' - CO83/5.
structure implied by the establishment of a colonial system caused him to assert the independence of his department from any sort of control by the Colonial Secretary or even by the Executive Council. During the Cakobau government the departments had indeed been on an equal standing, though the Chief Secretary had acted as a coordinator, a power which in Thurston's case was increased by his influence with the king, but the fact that the administration had lived almost from day to day, and from situation to situation, meant that the head of a department had frequently to act independently if he was going to act at all. Under the Provisional government this was no longer the case and when Swanston tried to assert the principle that he was responsible only to the Governor with whom he claimed the right to communicate directly, his dismissal was inevitable:

As a member of the Executive Council of Fiji and the independent head of a department, I act in Council on an equality with my colleagues.... And I act independently of the Executive in reference to the duties of my department...and in this I am accountable alone to H.E. the Governor and not to the Executive of Fiji.64

The action which caused his dismissal, though not the first in which he had acted independently of, and in opposition to, the Executive Council, was his freeing of prisoners under sentence of the Supreme Court in December 1874.65 He was asked to attend no further meetings of the Executive Council on 22 December and was suspended from office on 11 January 1875; Robinson's confirmation of his suspension was communicated to him on 1 March. Gordon, when he came to review the evidence, agreed that his dismissal was necessary,

64 Swanston to Thurston, 4 January 1875 - F1/10, 75/11.

65 Swanston to Robinson, 31 December 1874 - F1/43(5), 74/114. See also a copy of this letter, together with a memorandum by Thurston, enclosed in Swanston to Thurston, 1 January 1875 - F1/10, 75/10.
though he admitted that his abilities qualified him for further employment in a minor capacity. 66

PERMANENT policies and institutions were not the concern of the Provisional government so it is not surprising that many features of the Cakobau government were preserved during the provisional period. But once Gordon arrived in Fiji this was no longer the case and the influence of the Cakobau government becomes clear as the new governor set up a permanent administration.

Gordon had ample time, before he left London, and before he left Sydney, to discuss Fiji with both Carnarvon and Robinson, but he did not attempt to initiate policy until he had assessed the situation for himself. He arrived in Fiji late in June 1875 but took advantage of the opportunity afforded by the absence of an attorney-general and a treasurer (which made the establishment of a legislative council impossible) to delay formally assuming the administration of the government until 1 September 1875. 67

And when he did assume formal control, the main structure of the provisional administration was retained, which served to emphasize the continuity of government over the period spanned by the Cakobau régime, the two temporary administrations, and the colonial government. Gordon's approach to the problem of the colonial government's relations with the Fijians - a problem

66 Thurston to Swanston, 22 December 1874 - 11 January 1875, and 1 March 1875 - Fl/13(5), 74/237, 75/16 and 134; Gordon to Carnarvon, (no 39), 20 August 1875 - FCSO.

67 Gordon to Carnarvon (no 17), 25 June 1875 - FCSO.
he regarded as the most important with which his administration would have to deal - also emphasized this continuity. 68

The status of native peoples was a subject upon which Gordon held very definite opinions. He was very much aware of the pitfalls to be encountered in attempting too quickly to assimilate them to a European mode of thinking and conception of society:

Something - perhaps much, perhaps little - is done for the natives; nothing is left to be done by him or in his own way.

He was determined, therefore, to preserve the Fijian structure of society and to work through its own system of authority:

...to seize...the spirit in which native institutions have been framed, and endeavour so to work them as to develop to the utmost possible extent the latent capacities of the people for the management of their own affairs.... 69

A conception of the role of a colonial governor so unusual within the context of contemporary theory and practice, was bound not to find many adherents, and Gordon discovered that there were few who understood his theories and fewer still who were sympathetic; Thurston, however, was one such a man. Gordon immediately perceived not only that Thurston's action in the past was in accord with his own opinions, but that his ability was outstanding among the Europeans in Fiji. He determined to make him his chief adviser in the Executive Council, a fact which alone is enough to establish the importance of the Cakobau government as a precursor of the colonial. Thurston had been in effective control of government in Fiji.


69 Stanmore, 'Fiji Records' I, 197-198.
since May 1872, and the opinions which he held then, particularly with regard to the Fijians themselves, had not changed in the intervening period; the early years of the colonial government thus saw the putting into practice of many of the principles for which he had incurred the almost hysterical hatred of a large section of the European community, during the years immediately preceding cession.

Gordon did have reservations of his own. Although he considered that Goodenough had been led to judge Thurston too harshly, and although he realized that Thurston had prevented the European settlers from treating the Fijians as an inferior race to be oppressed and exploited, he was doubtful about Thurston's motives. And he also questioned his honesty. Writing to Carnarvon in September 1875, and possibly wanting to justify his not having confirmed Thurston in the position of Colonial Secretary,70 Gordon suggested that Thurston had refused to allow the Fijians to be exploited because such a policy would have provoked dangerous resistance, rather than from any higher motive.71 Had Gordon been able to read some of Thurston's

70 Thurston himself did not think it advisable, because of the attitude of the settlers, that he should be the sole means of communication between the governor and the country and A.E. Havelock was appointed to act as Colonial Secretary which he did until 5 July 1876 when A.P. Maudslay took over until 23 December 1876. Thurston signed his first letter as 'Acting Colonial Secretary' on 27 December though the date of his appointment is given in the Blue Book for 1877 as 1 January 1877, the date when W. MacGregor was gazetted Acting Receiver-General to replace Thurston. Thurston was gazetted Colonial Secretary from 1 January 1878.

71 Gordon to Carnarvon, 22 September 1875, quoted in Stanmore, op. cit., I, 271. This statement should be compared with another, made somewhat earlier:

...I sincerely believe that not only as a question of policy but of right, Mr Thurston objected to be the tool of such a system.
correspondence with Captain Hope, he would have realized the injustice of even these strictures. Thurston's respect for the intellectual capacity of the Fijian people and for the validity of their own social values was matched by his contempt for the activities of the European community which he characterized as the 'scuffling of kites and crows'. As early as October 1872 he declared

I am Fijian now in interest, and wish well to the country and to the natives....72

He worked unceasingly to protect them from the importunity of the commissioners, and in April 1874, when the question of cession had been settled to the satisfaction of the Fijian chiefs, he wrote 'I have won the victory for the Fijians'. This could hardly represent a clearer statement of his attitude.73

But in spite of these imagined shortcomings in its leader, Gordon held the Cakobau government in higher regard than was common and was prepared to acknowledge what it had accomplished as a foundation upon which to build the colonial administration:

[It] committed some faults, and fell into grave errors, but it is due to it to say that it was a much better government than might have been anticipated, or than is generally supposed.74

Its financial arrangements had failed, not because they were hopelessly unrealistic, but because the depressed state of the economy following the collapse of the cotton bubble had proved a more severe problem than its limited resources could manage. The generous policy adopted by the colonial government towards its liabilities although in part dictated by reasons of

72 Stanmore, op. cit., I, 163.
73 See in particular, Thurston to Hope, 11 October 1872, and 16 October 1874 - Hope, 'Letter Journals', III.
74 Stanmore, op. cit., I, 194.
self-interest, does indicate that the Colonial Office recognized this fact. Thurston submitted a memorandum to Robinson on the subject and his recommendations were used as a basis for making a final settlement.

First there were the debentures and the certificates of indebtedness which the government had been forced, when the treasury ran dry, to issue to meet ordinary expenses, such as salaries and commercial accounts; then there were the treasury notes, which the Fiji Banking and Commercial Company had bought up at par when it opened in Levuka in December 1873, and which formed a first claim upon the government; and there were also various other pecuniary claims which would require close investigation before being allowed. The claims totalled £109,000, of which £70,000 was represented by debentures and accrued interest, and of which £82,000 was claimed by the Bank of New Zealand, as the successor of the Fiji Bank. Robinson and Gordon agreed that no claims should be admitted as of right, but they recommended generous terms: debenture holders were to be repaid the amount actually advanced, with simple interest at the rate of five per cent per annum; arrears of salaries were to be paid in full; other debts were also to be paid in full, without interest, after full inquiry had been made into the justice of such claims.

Gordon very quickly found that even ignoring the liabilities of the Cakobau government, the new colony was incapable of being self-supporting;

75 Memorandum (undated) from Thurston to Robinson - FMS/2, 1/12.
76 Robinson to Carnarvon (no 12), 20 October 1874, and Gordon to Carnarvon (no 1), 4 March 1875 - FCSO.
in 1875 the expenditure amounted to £42,000 whereas the revenue was only £16,000. 77 Gordon did manage to balance the budget once during his governorship, and certainly left the finances of the colony in a far better state than he found them, but the Cakobau government had also managed to live within its income, from the beginning of Thurston's ministry until the outbreak of the Ba rebellion forced it once more into debt. 78

During the first years of the colonial government it was necessary to budget for a deficit, and a Grant in Aid of £100,000 was made available for the purpose; a loan of £150,000 was later raised to meet the liabilities of the Cakobau government and to provide for the development Gordon considered essential to the future welfare of the colony. Gordon fought a battle with the Colonial Office over this question during the whole period of his governorship:

...is it intended that Fiji should be regarded merely as a position to be held or as a colony to be developed; and in the latter case are its affairs to be administered with an exclusive view of affording protection to the white settlers... or are the good government, prosperity, and advance in civilization of the natives to be regarded as objects...of serious attention? 79

The Cakobau government's whole object in raising loans in Australia and New Zealand had been development, and Gordon agreed that the colonial

77 Memorandum by Havelock, 17 November 1875 - Fl/Misc., 27; Gordon to Carnarvon (no 95), 7 June 1876 - FCSO.

78 It should be noted, with reference to the Ba campaign, that in 1876, Gordon, in using the Fijian police force in conjunction with provincial levies, under the leadership of a couple of European officers, only one of whom had had military experience, adopted a course of action identical with that which brought such contumely upon the name of Thurston in 1873 and 1874. See Stanmore, 'Letters and Notes...1876', and Chapman, op. cit., 184-191.

79 Gordon to Carnarvon (no 150) 26 September 1876 - FCSO.
government would have to endeavour to attract capital from the Australasian colonies, something which might not be easy as long as the effects of the collapse of the cotton market were remembered by investors interested in the Pacific. This was a consideration which undoubtedly weighed with Gordon when the question of how the creditors of the Cakobau government would be treated, was raised.

The Cakobau government also failed to deal with the problem of land tenure, but it failed, in this respect as well as in respect of its financial policies, because of circumstances beyond its control. Any solution to the problem of land in Fiji in 1870 would have antagonized either the settler community or the Fijians themselves; the uncertainty as to its status (mainly a result of Great Britain's vacillation) which plagued the entire course of the Cakobau government meant that it could not afford deliberately to alienate anybody. The records of the Royal Commission to Quiet Land Titles were later used by the Land Titles Commission of the colonial government, but their main significance is that they indicate the Cakobau government's desire to settle the land question if possible. The colonial government was not faced with the problem of pandering to settler opinion; in solving its financial difficulties it had been able to rely on Great Britain for the necessary loans, and in solving the land question it was able to ignore the susceptibilities of the settlers in a way which would have been impossible for its predecessor. It was controlled only by the conditions which were found to have been imposed by a supposedly unconditional deed of cession - they were, however, conditions which suited Gordon's purpose for the future of the Fijian people, and a policy was adopted which evoked from the settlers a hatred for Gordon quite as vehement as anything they had felt for Thurston in 1873.
These were the failures of the Cakobau government; the rest of its achievement was more positive. In the field of native taxation, and indeed in its whole attitude to the Fijian people, it laid a foundation upon which the colonial government could build. One of Gordon's most trenchant criticisms was of the system of native taxation - he found it difficult to believe that revenue was the main object contemplated in imposing the poll tax, and thought that the government was more interested in providing the planters with a steady supply of labour from among the defaulters. 80 This was quite unfair. Swanston's and Thurston's exhortations to the provincial tax collectors indicate that the government was interested in revenue; Swanston's insistence on scrupulous justice (as being the most effective way to ensure a reasonable collection), and Thurston's intention of preserving the Fijian people from exploitation by the settlers, are proof enough that they were not mainly concerned with supplying the planters with labour. In any case the demand for Melanesians was much greater than that for Fijians who were considered not to work well. The government was acutely aware of the difficulties arising from moving men from their own districts and in 1873 the matter received considerable thought. The system of assessment by area rather than by individual, coupled with the plan for establishing a series of government plantations, embodied the basic principles of the system which Gordon eventually put into operation in 1876 - assessment by district or village rather than by individual, and a produce rather than a monetary tax. The fact that the Cakobau government did not have a chance to set its system properly in motion does not alter its understanding of the

80 Gordon to Carnarvon (no 22), 16 February 1876 - FCSO.
problem or its sympathy with the Fijian point of view.

The person mainly responsible for this attitude was Thurston, whose achievements, better than anything else, exemplify the main significance of the Cakobau government, which was the part it played in initiating the institutions of permanent government in Fiji; unlike the various attempts which had been made before 1871, it did attempt to govern the whole group, and the experience which its officers gained in dealing with administrative problems was its most important legacy to the colonial régime. Fiji in 1875 was little altered from Fiji in 1871, and Gordon, although he brought an able team of administrators with him, would not have been so successful had he not been able to rely on the judgement of men such as Wilkinson, Carew, and Thurston. Perhaps the most elegant testimony to the right of the last of the pre-cession governments to be regarded as the precursor of the colonial government is the later career of Thurston himself; in 1878 he became Colonial Secretary, after having been Gordon's principal adviser on the executive from the beginning of the colonial régime, and in 1888 he became Governor of Fiji. From then until his death in 1897 he was responsible for administering policies which had in many cases been initiated by Gordon, but the guiding principles of which had been derived from his own experience as Chief Secretary of the Cakobau government.
APPENDIX I

THE CONSTITUTION ACT, 1871

The constitution was printed by the Government Printer, D.W.L. Murray (see Fl/Misc., 15, and Brower to Fish, 9 September 1871 - USCL), and published, somewhat inaccurately, in the Fiji Times, 30 March 1872. The following version has been taken from the official government print.
CONSTITUTION ACT OF THE KINGDOM OF FIJI

WHEREAS, it is expedient for the Good Government of the White and Native Population of the Fiji Group of Islands to Establish a Constitution and Legislative House of Representatives therein: and whereas, Delegates from amongst the White Residents have been called together for that purpose: Be it, therefore, Enacted by the King and the Delegates in Council now Assembled, as follows:

I That from and after the 1st day of October, 1871, all laws existing, or supposed to exist, are hereby repealed.

II God hath endowed all men with certain inalienable rights; among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

III All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.

IV All men may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of that right, and no law shall be enacted to restrain the liberty of speech, or of the Press, except such law as may be necessary for the protection of his Majesty the King and the Royal Family.

V All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the King or Legislative Assembly for redress of grievances.

VI The privilege of the writ of Habeas Corpus belongs to all men, and shall not be suspended, unless by the King in Council when in cases of rebellion or invasion the public safety shall require its suspension.

VII No person shall be subject to punishment for any offence except on due and legal conviction thereof, in a Court having jurisdiction of the case.

VIII No person shall be held to answer for any crime or offence (except in cases of impeachment, or for offences within the jurisdiction of a Police or District Justice, or in summary proceedings for contempt), unless upon indictment, fully and plainly describing such crime or offence; and he shall have the right to meet the witnesses who are produced against him face to face; to produce witnesses and proofs in his own favour; and by himself or his counsel, at his election to examine the witnesses produced by himself, and cross-examine those produced against him, and to be fully heard in his defence.
IX No person shall be required to answer again for an offence, of which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

X No person shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty, or property without due process of law.

XI No person shall sit as judge or juror in any case in which his relative is interested either as plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.

XII Involuntary servitude, except for crime, is forever prohibited in this Kingdom; whenever a slave shall enter the Kingdom of Fiji he shall be free.

XIII Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and effects; and no warrants shall issue but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

XIV The King conducts his Government for the common good; and not for the profit, honor, or private interest of any one man, family, or class or men among his subjects.

XV Each member of society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to law; and, therefore, he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent when necessary; but no part of the property of any individual shall be taken from him, or applied to public uses, without his own consent, or the enactment of the Legislative Assembly, except the same shall be necessary for the military operation of the Kingdom in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefore.

XVI No subsidy, duty, or tax of any description shall be established or levied, without the consent of the Legislative Assembly; nor shall any money be drawn from the public Treasury without such consent, except when between the Sessions of the Legislative Assembly, the emergencies of war, invasion, rebellion, pestilence, or other public disaster shall arise, and then not without the concurrence of all the Cabinet, and the Minister of Finance shall render a detailed account of such expenditure to the Legislative Assembly, which, in case of war, invasion, or rebellion, shall be assembled without delay.

XVII No Retrospective Laws shall ever be enacted.

XVIII The Military shall always be subject to the laws of the land, and no soldier shall, in time of peace, be quartered in any house, without
the consent of the owner; nor in time of war, but in a manner to be
prescribed by the Legislative Assembly.

XIX Every Elector shall be privileged from arrest, on election days,
during his attendance at election, and in going to and returning therefrom,
except in cases of treason felony, or breach of the peace.

XX No Elector shall be so obliged to perform military duty on the
day of election as to prevent his voting, except in time of war, or public
danger.

XXI The Supreme Power of the Kingdom, in its exercise is divided into
the Executive, Legislative and Judicial; these shall always be preserved
distinct; and no Judge of a Court of Record shall ever be a member of the
Legislative Assembly.

XXII The Government of the Kingdom of Fiji is that of a Constitutional
Monarchy under His Majesty Cakobau, His Heirs and Successors.

XXIII The successor shall be the person whom the King in Council shall
appoint as such during his (the King's) life; but should there be no such
appointment or proclamation then the succession shall be chosen by the
Chiefs, by ballot, in Council assembled.

XXIV It shall not be lawful for any member of the Royal Family of Fiji
who may by law succeed to the Throne, to contract Marriage without the consent
of the Reigning Sovereign. Every Marriage so contracted shall be void, and
the person so contracting a Marriage, may, by the Proclamation of the Reigning
Sovereign, be declared to have forfeited his right to the Throne; and after
such Proclamation, the Right of Succession shall vest in the next Heir as
though such offender were Dead.

XXV No person shall ever sit upon the Throne who has been convicted
of any infamous crime, or who is insane, or an idiot.

XXVI His Majesty Cakobau will, and his Successors upon coming to the
Throne shall, take the following Oath: I solemnly swear, in the presence
of Almighty God, to maintain the Constitution of the Kingdom whole and
inviolate, and to govern in conformity herewith.

XXVII The King is the Commander-in-Chief of the Army and Navy, and of
all other Military Forces of the Kingdom by sea and land; and has full
power by himself, or by any officer or officers he may appoint, to train and
govern such Forces as he may judge best for the defence and safety of the
Kingdom. But he shall never proclaim war without the consent of the
Legislative Assembly.

XXVIII The King, by and with the advice of his Privy Council, has the
power to grant reprieves and pardons after conviction, for all offences,
except in cases of impeachment.

XXIX The King, by and with the advice of his Privy Council, convenes
the Legislative Assembly at the seat of Government, or at a different place,
if that should become dangerous from an enemy or any dangerous disorder; and in case of disagreement between his Majesty and the Legislative Assembly, he adjourns, prorogues, or dissolves it, but not beyond the next ordinary Session. Under any great Emergency, he may convene the Legislative Assembly to extraordinary Sessions.

XXX The King has the power to make Treaties. Treaties involving changes in the Tariff or in any law of the Kingdom, shall be referred for approval to the Legislative Assembly. The King appoints public Ministers, who shall be commissioned, accredited and instructed agreeably to the usage and law of Nations.

XXXI It is the King's Prerogative to receive and acknowledge Public Ministers, to inform the Legislative Assembly by Royal Message, from time to time, of the state of the Kingdom, and to recommend to its consideration such measures as he shall judge necessary and expedient.

XXXII The Person of the King is inviolable and sacred. His Ministers are responsible. To the King belongs the Executive power. All laws that have passed the Legislative Assembly, shall require his Majesty's signature in order to their validity.

XXXIII Whenever, upon the Decease of the Reigning Sovereign, the Heir shall be less than eighteen years of age, the Royal Power shall be exercised by a Regent, or Council of Regency, as hereinafter provided.

XXXIV It shall be lawful for the King, by and with the advice of his Ministers, at any time when he may be about to absent himself from the Kingdom, to appoint a Regent, or Council of Regency, who shall administer the Government during the Minority of any Heir to the Throne; and should a Sovereign decease, leaving a Minor Heir, and having made no last Will and Testament, the Cabinet Council at the time of such decease shall be a Council of Regency, until the Legislative Assembly, which shall be called immediately may be assembled; and the Legislative Assembly immediately that it is assembled shall proceed to choose by ballot, a Regent, who shall administer the Government in the name of the King, and exercise all the Powers which are Constitutionally vested in the King, until he shall have attained the age of Eighteen Years, which age is declared to be the Legal Majority of such Sovereign.

XXXV The King is Sovereign of all the Chiefs and of all the People. The Kingdom is his.

XXXVI All titles of Honor, Orders, and other Distinctions, emanate from the King.

XXXVII The King, by and with the advice of his Ministers, Coins Money, and regulates the currency by law.

XXXVIII The King, in Council, in case of Invasion or Rebellion, can place the whole Kingdom, or any part of it, under Martial Law.

XXXIX The National Ensign shall not be changed, except by Act of the Legislature.
XL The King's Private Lands and other Property are inviolable.

XLI The King, without the consent of the Cabinet, cannot be sued or held to account in any Court or Tribunal of the Realm.

XLII It is hereby enacted that the Kingdom of Fiji shall be subdivided into Provinces, to be ruled by Native Governors, who shall be members of the King's Privy Council. The Laws of the Kingdom being duly Administered through such Governors, with the advice and assistance of the Magistrates in their respective provinces; who shall be ex-officio members of such Governor's Provincial Council.

XLIII There shall be a Privy Council for advising the King in all matters for the good of the estate wherein their advice may be sought, which Council shall be called the King's Privy Council, and consist of the Governors and one Chief from each District, also the members of the Cabinet, who shall be ex-officio members of such Privy Council, all of whom shall hold office during the King's pleasure. Such Council shall assemble at Levuka whenever the House of Assembly is in Session, and at such other times as the King may appoint. Such Privy Council shall receive all Bills passed by the Legislative Assembly, and shall have power to suggest new clauses thereto, or such amendments thereof as they may deem fit: and return to the Legislative Assembly for consideration and approval any Bill so amended; and also prepare and submit through the King's Cabinet to the Legislative Assembly any Bill or resolution the Council may consider necessary for the purposes of good Government.

XLIV The King's Cabinet shall consist of the Chief secretary, the Minister of Trade and Commerce, the Minister of Lands and Works, the Minister of Finance, the Minister of Native Affairs; and these shall be his Majesty's special advisers in the Executive affairs of the Kingdom; all of whom shall hold seats in the Legislative Assembly. They shall be appointed and commissioned by the King, and hold office during his Majesty's pleasure, subject to impeachment or retirement on political grounds. No act of the King shall have any effect unless it be countersigned by a Minister, who by that signature makes himself responsible.

XLV Each member of the King's Cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks.

XLVI The Minister of Finance shall present to the Legislative Assembly, in the name of the Government, on the first day of the meeting of the Legislature, the Financial Budget in the Fijian and English languages.

XLVII The Legislative power of this Kingdom is vested in the King and the Legislative Assembly.

XLVIII The Legislative body shall assemble annually in the month of May, and at such other time as the King may judge necessary, for the purpose of seeking the welfare of the nation. This Body shall be styled The Legislative Assembly of the Kingdom of Fiji, and shall exist and continue for the term of three years from the day of the first meeting thereof, and no longer, subject, nevertheless, to be sooner dissolved by the King.
XLIX Every member of the Legislative Assembly shall take the following Oath: I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution of the Kingdom of Fiji and conscientiously and impartially discharge my duties as a member of this Assembly.

L The Legislative Assembly has full power and authority to amend the Constitution as hereinafter provided; and from time to time to make all manner of wholesome laws, not repugnant to the provisions of the Constitution.

LI The King shall signify his approval of any Bill, or Resolution which shall have passed the Legislative Assembly, by signing the same previous to the final rising of the House. But if he shall object to the passing of such Bill or Resolution, he will return it to the Legislative Assembly, who shall Enter the fact of such return on its Journal, and such Bill or Resolution shall not be brought forward thereafter during the same session.

LII The Legislative Assembly shall be the judge of the Qualifications of its own Members, and one-third shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the Assembly may provide.

LIII The Legislative Assembly shall choose its own Officers, and determine the Rules of its own proceedings.

LV The Legislative Assembly shall have authority to punish by imprisonment (not exceeding thirty days) every person, not a member, who shall be guilty of disrespect to the Assembly, by any disorderly or contemptuous behaviour in its presence; or who, during the time of its sitting, shall publish any false report of its proceedings, or insulting comments upon the same; or who shall threaten harm to the body or estate of any of its members, for anything said or done in the Assembly; or who shall assault any of them therefore, or who shall assault or arrest any witness or other person ordered to attend the Assembly, in his way, going or returning; or who shall rescue any person arrested by order of the Assembly.

LV The Legislative Assembly may Punish its own Members for disorderly behaviour.

LVI The Legislative Assembly shall keep a Journal of its Proceedings; and the 'yeas' and 'nays' of the members, on any question, shall, at the desire of any one member of the Assembly, be entered on the journal.

LVII The members of the Legislative Assembly shall, in all cases, except treason, felony, or breach of the peace, be Privileged from Arrest during their attendance at the Sessions of the Legislature, and in going to and returning from the same; and they shall not be held to answer for any speech or debate made in the Assembly or any other Court or place whatsoever.

LVIII The Representation of the People shall be based upon the principle of equality, and shall be regulated and apportioned by the Legislative Assembly. The Representatives shall not be less in number than Twenty nor more than Forty, who shall be elected triennially.
LIX No person shall be eligible for a Representative of the People who is insane or an idiot; nor unless he be a male subject of the Kingdom who shall have arrived at the full age of Twenty-one years, and shall have been domiciled in the Kingdom for at least six months.

LX Every male subject of the Kingdom, who shall have paid his taxes, who shall have attained the age of Twenty-one years, and shall have been domiciled in the Kingdom for six months immediately preceding the election; and shall have caused his name to be entered on the list of voters for his District as may be provided by law, shall be entitled to One Vote for the Representative or Representatives of that District. Provided, however, that no insane or idiotic person, nor any person who shall have been convicted of any infamous crime within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote.

LXI It shall be lawful for any member to resign his seat in the Legislative Assembly by writing under his hand addressed to the Speaker, and from the time when the same shall have been received by the Speaker, the seat shall become vacant.

LXII No Omission or failure to Elect a member or members in or for any electoral province, nor the vacating the seat or avoiding the election of any such member or members, shall be deemed or taken to make the Legislative Assembly incomplete or to invalidate any proceedings thereof or to prevent such Assembly from meeting and despatching business so long as there shall be a quorum present.

LXIII The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such Inferior Courts as the Legislative Assembly may from time to time establish.

LXIV The Supreme Court shall consist of a Chief Justice, and not less than two Associated Justices, one of whom shall be a Native. Two Justices, one being a Native, may hold the Court. The Justices of the Supreme Court shall hold their offices during good behaviour, subject to removal upon impeachment, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Provided, however, that any Judge of the Supreme Court, or any other Court of Record, may be removed from office on a resolution passed by two-thirds of the Legislative Assembly, for good cause, shown to the satisfaction of the King. The Judge against whom the Legislative Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislative Assembly shall act thereon. He shall be heard before the Legislative Assembly.

LXV The Judicial Power shall be divided among the Supreme Court and the several Inferior Courts of the Kingdom, in such manner as the Legislative Assembly may from time to time prescribe, and the tenure of office in the Inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

LXVI The Judicial Power shall extend to all cases in Law and Equity, arising under the Constitution and Laws of this Kingdom, and Treaties made, or which shall be made under their authority, to all cases affecting
Public Ministers and Consuls, and to all cases of Admiralty and Maritime Jurisdiction.

LXVII The Chief Justice of the Supreme Court shall be Chancellor of the Kingdom; and exercise such jurisdiction in equity or other cases as the law may confer upon him; his decisions [sic] being subject, however, to the revision of the Supreme Court on appeal. Should the Chief Justice ever be impeached, some person specially commissioned by the King shall be President of the Court of Impeachment during such trial.

LXVIII The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

LXIX The King, his Cabinet, and the Legislative Assembly, shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

LXX The King in Council appoints the Justices of the Supreme Court, and all other Judges of Courts of Record. Their salaries are fixed by law.

LXXI No Judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

LXXII No person shall ever hold any Office of honor, trust, or profit under the Government of the Kingdom of Fiji, who shall, in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor, unless he shall have been pardoned by the King in Council, and restored to his Civil Rights, and by the express terms of his pardon, declared to be appointable to offices of trust, honor, and profit.

LXXIII No officer of this Government shall hold any office, or receive any salary from any other Government or Power whatever.

LXXIV The Legislative Assembly votes the Appropriation annually, after due consideration of the revenue and expenditure for the preceding year, and the estimates of the revenue and expenditure of the succeeding year, which shall be submitted to them by the Minister of Finance.

LXXV The enacting style in making and passing all Acts and Laws shall be, 'Be it enacted by the King and the Legislative Assembly of the Kingdom of Fiji'.

LXXVI To Avoid Improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

LXXVII This Constitution shall be in force from the First Day of October in the year One thousand eight hundred and seventy-one.

LXXVIII Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its journal, with the 'yeas' and 'nays', taken thereon, and
referred to the next session of the Legislative Assembly, which proposed amendment, or amendments, shall be published for three months previous to the next election of Representatives; and if in the next session of the Legislative Assembly such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislative Assembly, and be approved by the King, such amendment or amendments shall become part of the Constitution of this country.

Assented to this 18th day of August, 1871.

CAKOB AU R.
The constitution was printed by the Government Printer, D.W.L. Murray - but was never published in Fiji. St Julian sent it to New South Wales where it appeared in the Sydney Morning Herald of 4 November 1873 (see above chapter 9, page 238). The following version has been taken from the official government print, which was enclosed in Layard to Granville, 12 February 1874 - FO58/142.
CONSTITUTION OF THE KINGDOM OF FIJI

1. God hath endowed all men with certain inalienable rights; among which are life, liberty, and the right of acquiring possessing and protecting property, and of pursuing and obtaining safety and happiness.

2. All men are free to worship God according to the dictates of their own conscience; but this sacred privilege hereby secured shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.

3. All men may freely speak write and publish their sentiments on all subjects, being responsible for the abuse of that right.

4. All men shall have the right in an orderly and peaceable manner to assemble, without arms, to consult upon the common good, and to petition the King or National Assembly for redress or grievances.

5. The privilege of the writ of Habeas Corpus belongs to all men and shall not be suspended except in districts under martial law; or unless by the King in Council, when the public safety shall require its suspension.

6. No person shall be subject to punishment for any offence except on due and legal conviction thereof, in a Court having jurisdiction of the case.

7. No person shall be held to answer for any crime or offence (except in cases of impeachment, or for offences within the jurisdiction of Provincial or Magisterial Courts or in summary proceedings for contempt) unless upon indictment fully and plainly describing such crime or offence; and he shall have the right to meet the witnesses who are produced against him face to face, to produce witnesses and proofs in his own favour, and by himself or his counsel at his election to examine the witnesses produced by himself and cross-examine those produced against him, and to be fully heard in his defence.

8. No person shall be required to answer again for an offence of which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

9. No person shall be compelled in any criminal case to be a witness against himself; nor be deprived of life liberty or property without due process of law.

10. No person shall sit as judge or juror in any case in which his relative is interested either as a plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.
11. Involuntary servitude, except for crime, is forever prohibited in this Kingdom. Whenever a slave shall enter the Kingdom of Fiji he shall be free.

12. Every person has the right to be secure from all searches and seizures of his person, his house papers and effects, except due course of law; and no search warrant shall issue but on probable cause supported by oath or affirmation, and describing the place to be searched and the person or things to be seized.

13. The King conducts His Government for the common good; and not for the profit, honor or private interest of any one man, family, or class of men, among his subjects.

14. Each member of society has a right to be protected by it in the enjoyment of his life, liberty and property, according to law; and therefore he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent, when necessary; but no part of the property of any individual shall be taken from him or applied to public uses without his own consent, or the enactment of the National Assembly, except the same shall be necessary for the military operations of the Kingdom, in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

15. The Constitution Act of Fiji of the 18th of August 1871 shall be and the same is hereby repealed; but all laws passed thereunder; and in conformity therewith, and now in legal force and operation, shall continue and remain in such force and operation until altered or repealed by the Legislative Power of the Kingdom, as hereinafter provided; such laws and parts of laws only excepted as are repugnant to this Constitution. All laws and parts of laws which have been enacted before the coming into operation of this Constitution, or that may hereafter be enacted, which are or shall be contrary to such Constitution, shall be null and void. All persons holding public office in this Kingdom, or in the public service thereof, at the time this Constitution shall come into operation, shall, except in cases where any such office may have been actually abolished by this Constitution, hold and exercise the powers to them granted, unless and until other persons be duly appointed in their stead.

16. All contracts and arrangements lawfully made and entered into by and between the King, or His Government, or any person duly authorised by His Majesty, or His said Government, in that behalf, and any person or persons whomsoever, under or in virtue of the provisions of the said Constitution Act of 1871, or of any Act passed thereunder, shall be of the same full force and validity, in every respect, as if the said last mentioned Constitution Act were in full operation.

17. The Government of the Kingdom of Fiji is that of a Constitutional Monarchy, under His Majesty King Cakobau, and His Successors.

18. The Successor to the Throne shall be the person whom the King in
Privy Council may nominate, as such, during His (the King's) life; but should there be no such nomination then the Successor shall be chosen by the Native members of the Privy Council, by ballot, in Council assembled.

19. It shall not be lawful for any Nominee to the Throne to contract marriage without the consent of the Reigning Sovereign. Every marriage so contracted shall be void; and the person so contracting a marriage may, by the proclamation of the Reigning Sovereign be declared to have forfeited his right to the Throne; and after such proclamation a second nomination may be made by the King in Privy Council.

20. Whenever upon the decease of the Reigning Sovereign the Nominee to the Throne shall be less than eighteen years of age, or shall be absent from the Kingdom, the Royal power shall be exercised by a Regent or Council of Regency, as hereinafter provided.

21. It shall be lawful for the King by and with the advice of his Privy Council, at any time when He may be about to absent Himself from the Kingdom, to appoint a Regent or Council of Regency, who shall administer the Government in His Majesty's name during such absence; and should the Sovereign die during the minority or absence from the Kingdom of His Nominee to the Throne, the King's Ministers at the time of such decease shall be a Council of Regency, until the Privy Council - which shall be summoned immediately - may be assembled; and the Privy Council immediately that it is assembled shall proceed to choose, by ballot, a Regent, who shall administer the Government in the name of the King, and exercise all the powers which are Constitutionally vested in the King until His Majesty shall have returned to the Kingdom or attained the age of eighteen years (which age is hereby declared to be the legal majority of such Sovereign) as the case may be.

22. No person shall sit upon the Throne who has been convicted of any infamous crime, or who is insane, or an idiot.

23. His Majesty King Cakobau will and His Successors upon coming to the Throne shall take the following oath: 'I solemnly swear in the presence of Almighty God to maintain the Constitution of the Kingdom whole and inviolate and to govern in conformity therewith.'

24. The King is Sovereign of all the Chiefs and of all the people. The Kingdom is His.

25. All titles of Honor Orders and other distinctions emanate from the King.

26. The King by and with the advice of His Ministers coins money and regulates the currency by law.

27. The King has the Supreme Command of all Military powers of the Kingdom, by sea and land, and has full power by Himself or by any officer or officers He may appoint, to train and govern such forces as He may judge best for the defence and safety of the Kingdom. But He shall never proclaim war without the consent of the Privy Council.

28. The Military forces of the Kingdom shall never be reduced below
the strength of twelve hundred officers and men, in actual service, supplied in the proportion of not less than one hundred officers and men from each province, for the period of five years continued service. They shall be under the Ministerial control of the principal Secretary of State and appropriation shall be taken annually for the support of such service, both on shore and afloat.

29. Should the circumstances of War or Rebellion require it, the King, by and with the advice of the Privy Council, can immediately cause the enrollment of the whole or any portion of the male Native-born population, and the naturalised subjects of the Kingdom, between the ages of sixteen and forty-seven years, for military service during the continuation of such war or rebellion; who when so called out for service shall be subject to martial law, and to all the articles of war in force for the Government of His Majesty's forces, whether on land or sea.

30. The King in Council, in case of Invasion or Rebellion, can place the whole Kingdom or any part of it under Martial law.

31. The National Ensign shall not be changed except by Act of the National Assembly.

32. The King's Private Lands and other Property are Inviolable.

33. The King cannot, without the consent of His Ministers, be sued or held to account in any Court or Tribunal of the Realm.

34. The King by and with the advice of His Privy Council has the power to grant reprieves and pardons, after conviction, for all offences; except in the case of impeachment.

35. The King by and with the advice of his Privy Council convenes the National Assembly, and adjourns or prorogues such Assembly. Under any great Emergency He may convene the National Assembly to extraordinary Session.

36. The King has power to make treaties. Treaties involving changes in the tariff, or in any law of the Kingdom, shall however be referred for approval to the National Assembly. The King appoints His Foreign Representatives, who shall be commissioned accredited and instructed agreeably to the usage and law of Nations.

37. It is the King's Prerogative to receive and acknowledge public Ministers; to inform the National Assembly by Royal Message from time to time of the state of the Kingdom; and to recommend to its consideration such measures as he shall judge necessary and expedient.

38. The Person of the King is inviolable and sacred. His Ministers are responsible.

39. Neither the death or absence of the King, the accession to the Throne of a new Sovereign, or the appointment of a Regent or Council of Regency, shall in any way effect the administration of the laws, or the authority status duties rights powers or privileges of any person holding any public office in this Kingdom, or in the Public Service thereof.
The Supreme Power of the Kingdom shall, in its exercise, be divided into three branches or functions - the Executive, Legislative, and Judicial - and save as is next hereinafter excepted these three functions shall always be kept distinct. Such exceptions shall be:

1st The right and prerogative of the King, notwithstanding His position as Supreme Head of the Executive power, to veto any act of the National Assembly.

2nd The King's right and prerogative to mitigate punishment or grant absolute pardon to offenders (except in cases of impeachment) after confession or the trial conviction and sentence of any such offenders.

3rd The power of the National Assembly to impeach any Public Officer of the Kingdom for official malfeasance.

4th The power of the Judicial Committee of the Privy Council, notwithstanding the administrative character of such Council, and notwithstanding that any of the members of such Committee may be also members of the National Assembly, to hear and determine impeachments, from such Assembly, of any Public Officers of the Kingdom.

5th The right of the Elections and Qualifications Committee of the National Assembly to adjudicate, conclusively, on all questions as to the validity of any election of any member of such Assembly - or the qualification or disqualification of any such member.

6th The power of the National Assembly (which is hereby granted) to punish any of its members, for disorderly behaviour, by imprisonment for not more than thirty days, or by fine not more than one hundred and fifty dollars; and to punish any person, not a member, for any contempt, or for disorderly behaviour in its presence, or who, during its sitting, shall publish any false report of its proceedings, or insulting comments upon the same, or who shall threaten harm to the body or estate of any of its members for anything said or done in the Assembly, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the Assembly in his way going or returning, or who shall rescue any person arrested by order of the Assembly.

7th The participation by the Privy Council, as hereinafter provided, in any legislation for the revision or amendment of this Constitution.

8th The adjudication by Military Tribunals, and under Martial Law, in all cases of a purely military character - and in all places or districts which by reason of War or Rebellion have been placed under such Martial Law - so far as such Military Tribunals and their authority have been, or hereafter may be created, regulated, or recognised by Statute.

9th The nomination by the King to the National Assembly, or the Privy
Council of State, of any Minister of the Crown, Judge, Governor, Warden, Justice of the Peace, or other public functionary as hereinafter provided. Provided however that no Judge of the Supreme Court, or of any Court of Record shall be appointed a Minister of the Crown, or Member of the King's Cabinet, or be eligible for election as a Representative of Foreign Residents in the National Assembly.

41. There shall be not more than three principal Executive Functionaries, or Secretaries of State, herein styled Ministers of the Crown. They may bear respectively any such other and separate Departmental designations as the King, by and with the advice of the Privy Council, may from time to time order and direct. The divisions of duties and responsibilities between such Ministers of the Crown shall also be such as in like manner, shall from time to time, be directed; and any one of such Ministers may act for or perform the duties of any other such Minister or Ministers (or of the other such Minister if there shall be but two of them) during the illness or temporary absence of any such Minister or Ministers. Each such Minister shall keep an office at the Seat of Government, and shall be accountable for the official conduct of his deputies and clerks, and for the management of such portion of the Executive business of the State as may be placed under his superintendence. No public act or order of the King shall have any effect unless it be countersigned by a Minister of the Crown, who by such countersignature shall make himself responsible for such act or order. The Ministers of the Crown shall each be appointed and commissioned by the King, and shall hold office during His Majesty's pleasure, subject to removal on impeachment. The Ministers of the Crown shall be members of the Privy Council of State; and in their collective capacity either alone or in conjunction with any such other person or persons as His Majesty, may with the advice of such Ministers, appoint, and who shall also be members of the said Privy Council, shall be styled the King's Cabinet, shall not together be more than seven in number. Provided also that any public officer, other than a Minister of the Crown who may be appointed a member of the King's Cabinet, shall not by reason of any such appointment be relieved in any way whatever from official accountability to the Ministerial head of the Executive Department to which he may be attached, or from any other accountability or responsibility attaching by law to his office; and that no such public officer shall be entitled to any additional salary, by reason of his appointment as a member of the King's Cabinet. And provided further that no person, other than a Public Officer, who shall be appointed a member of the King's Cabinet, shall by reason of any such appointment have any control over any Executive Department or office of the Kingdom, or any official responsibility for the working of the same, or be entitled to any salary.

42. There shall be a Privy Council for advising the King in all matters for the good of the State, which Council shall be called the King's Privy Council of State, and shall consist of the Governors and Lieutenant-Governors of and from the several Provinces of the Kingdom; also the Ministers of the Crown and other members of the King's Cabinet, and the President of the National Assembly; all of whom shall be Members of the said Council ex officio; and of such other persons as may be appointed, by Letters Patent, to be Members of such Council, and who shall hold office
during the King's pleasure. Any ten members of the Privy Council, of whom not less than six shall be a Native-born subject of the Kingdom, shall form a quorum of such Council. The King shall appoint two Vice-Presidents to such Council, one of whom shall be a Native-born or Naturalised subject of the Kingdom, and either of such Vice-Presidents shall, in His Majesty's absence, preside over such Council. The Constitution and power of such Council may be further defined and prescribed by Statute.

43. The Legislative power of the Kingdom shall be vested in the King and the National Assembly.

44. The National Assembly shall consist of not more than Thirty-six Members, and shall be constituted and composed as follows, namely - Of Twelve Native-born subjects of His Majesty, appointed by the King on the several nominations of the several Governors of the Provinces; each such Governor, nominating with the advice of the Native Chiefs of his Province, one such person to be so appointed; the said persons so nominated and appointed to hold office, respectively, as Members of the said Assembly, for five years from the date of the first meeting of the said Assembly under this Constitution, unless such Assembly shall be sooner dissolved as hereinafter provided. Of Eight Representatives of the Foreign Residents of the Kingdom, elected by and from such Residents as hereinafter provided, and holding office as such Representatives, respectively, for five years from the date of such first meeting of such Assembly as aforesaid, unless such Assembly shall be sooner dissolved. Of the Ministers of the Crown and other Members of the King's Cabinet, holding office, respectively, as Members of the said Assembly, so long as they shall retain their respective offices as such Ministers and Members of such Cabinet. Of Eight Native-born or naturalised subjects of His Majesty appointed by the King, by Letters Patent, by and with the advice of the Privy Council, to be Members of such Assembly, and holding office, respectively, as such Members, during good behaviour. And of the President of the said Assembly, appointed by the King, by Letters Patent, by and with the advice of the Privy Council, and holding office as such President during good behaviour. Provided that no Representative of Foreign Residents shall be a Member of the King's Cabinet; or hold or exercise any office place or employment of profit or emolument, or receive any pecuniary allowance, under or from the Government of this Kingdom, beyond such allowance (if any) as may be awarded by law for service as a Member of the said Assembly; and that on the appointment of any such Representative to and his acceptance of any such office place or employment, or of any such allowance (other than is hereinbefore excepted) his seat in the said Assembly shall be declared vacant, and another Representative shall be elected in his stead. Provided also that any Member so nominated and appointed or elected for three years, or until the dissolution of such Assembly, as aforesaid, shall if legally qualified be eligible for reappointment or re-election. Any Member of the National Assembly not being a Minister of the Crown or a Member of the King's Cabinet shall be at liberty to resign his seat, at any time, by writing under his hand addressed to the President; and from the time when the same shall be received by the President the seat shall become vacant.

45. The Seat of Government of the Kingdom of Fiji may be moved from one Island of the Fijian Archipelago to any other Island of the said
Archipelago, and to any place on such Island, as may be considered expedient, on a resolution of the National Assembly, approved by the King,

46. The National Assembly may be summoned to meet at the Seat of Government, or at any such other place as the King may, from time to time, direct and appoint.

47. The National Assembly shall meet biennially in the month of October, on such day as may be notified by the King, and at such other times as His Majesty may judge necessary, for the purpose of seeking the welfare of the nation. Twelve members of such Assembly exclusive of the President (or in his absence any member who may be chosen by the members to preside in his stead) shall form a quorum; and no act vote or proceeding of such Assembly shall be invalid by reason of there being, at the time of such vote or proceeding, any vacancy or vacancies in such Assembly.

48. The National Assembly shall have power to pass all acts and laws, not repugnant to the Constitution of this Kingdom; but no such law shall have any validity unless and until the same shall have been assented to by the King, nor shall any ex-post facto law be ever enacted.

49. No subsidy duty or tax of any description, shall be established or levied without the consent of the National Assembly, nor shall any money be drawn from the public Treasury without such consent, except when, between the sessions of the said Assembly, the emergencies of war invasion rebellion pestilence or other public disaster or exigency, affecting the safety of the country and people, or the maintenance of Fijian nationality, shall necessitate an expenditure; and then not without the concurrence of all the Cabinet, and the Minister of the Crown having the superintendence of the Public Finances of the Kingdom, herein styled the Minister of Finance, shall render a detailed account of such expenditure to the National Assembly (which in case of war or invasion shall be assembled without delay, and such statement of such extraordinary expenditure shall be laid on the table of the National Assembly within thirty days after its first day of meeting).

50. Every member of the National Assembly shall be required to make and subscribe the following oath: 'I most solemnly swear in the presence of Almighty God that I will faithfully support the Constitution and maintain the National independance of the Kingdom of Fiji, and the Royal authority of the Sovereign thereof, and conscientiously and impartially discharge my duties as a member [or President] of the National Assembly of the said Kingdom.'

51. If the King shall object to any Bill or Resolution which shall have been passed by the National Assembly, He may either veto the same or return it to the said Assembly; with a message suggesting any amendment or amendments of such Bill or Resolution; and such Assembly may either amend or partly amend such Bill or Resolution, either as suggested or otherwise; and if His Majesty shall still object to such Bill or Resolution He will again return it to the said Assembly: and the fact of such veto or return, as the case may be, shall be entered in the journal of such Assembly; and such Bill or Resolution shall not (except on special message from the King) be brought forward thereafter during the same session.
52. The National Assembly shall choose its own Officers (the President excepted) and shall determine the Rules of its own proceedings.

53. The National Assembly shall keep a Journal of its Proceedings; and the 'yeas' and 'nays' of the members on any question shall, at the desire of any one member of the Assembly, be entered on the journal.

54. The members of the National Assembly shall in all cases except treason, felony or breach of the peace, be privileged from Arrest during their attendance at the Sessions of the Legislature, and in going to or returning from the same, and they shall not be held to answer for any speech or debate made in the Assembly, in any Court or other place whatsoever.

55. Every Foreign resident in this Kingdom - being a male and not less than twenty-one years of age - who shall have resided in such Kingdom not less than one year before the time of any Election of Representatives in the National Assembly of the said Kingdom of the Foreign residents therein, and who shall not be disqualified as hereinafter prescribed, and who shall make and subscribe a Declaration, in writing, as hereinafter required, shall be an Elector, and shall be entitled as such to join in the nomination of and to vote for any other such Foreign resident, or any number of other such Foreign residents duly qualified as hereinafter mentioned not greater than the whole number of Representatives to be chosen, at any election of such Representatives of Foreign residents aforesaid. And any such Foreign resident who shall have resided in the said Kingdom for not less than two years before the time of any such Election as aforesaid, and who shall be possessed of an absolute estate in fee simple, in lands within the said Kingdom, of the annual value of not less than two hundred and fifty dollars, may be himself nominated and elected as such Representative. And the term 'Foreign Resident' shall, for the purposes of this Constitution, be held to mean any resident in this Kingdom of Foreign birth, other than an Aboriginal Native of any Polynesian Island. Provided that no insane or idiotic person, nor any person who shall have been convicted of any infamous crime within this Kingdom, shall have or exercised the rights and privileges of an elector as herein defined, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to his electoral rights. The declaration [sic] to be made and subscribed by every such elector, and the making and subscribing of which shall be an absolute condition precedent to the exercise of any electoral right, shall be in the following terms: - 'I hereby solemnly and sincerely declare that I have resided within the Kingdom of Fiji for one year, and that I will faithfully support the Constitution and Laws of the said Kingdom so long as I shall reside therein.'

56. The Eight Representatives in the National Assembly of the Foreign residents in this Kingdom shall, severally and collectively, represent, and be elected by and from, the whole of such Foreign residents; and every election of such Representatives, or any of such Representatives, shall be conducted throughout the whole Kingdom simultaneously, or as nearly so as may be found practicable. Any two electors may, in writing, nominate for such election as such Representative or Representatives, any other elector or electors not greater in number than the whole number of such Representatives to be chosen. The voting shall be by ballot and until provision shall have been made by Statute for the conduct of elections of the said Representatives,
regulations for the conduct of the same shall be made by the King in Council; who shall also appoint Returning-Officers, and a person or persons to receive and examine the nominations declarations and voting papers, and ascertain the result of any election, and give a casting vote or votes when the numbers of votes for two or more candidates are equal, and publicly notify, and certify to His Majesty, who has or have been chosen. Provided that in the event of any person so elected a Representative, as aforesaid, refusing or neglecting to take the oath herein required to be taken by Members of the said National Assembly, within fourteen days after the next meeting after the election of such person shall have been publicly notified, his seat shall become vacant, and another person shall be elected in his stead; and if at any such election as aforesaid a representative, or a sufficient number of representatives, shall not be returned, or if after a second election shall have been had in consequence of a person elected as aforesaid having been found not to be duly qualified as hereinafter required or having refused or neglected to take such oath in due time, then a Representative or Representatives shall be appointed by the King; and such representative or representatives shall have the same status, powers and privileges as if he or they had been elected as aforesaid.

57. The King shall have power to dissolve the National Assembly whenever there may be a disagreement or difference of opinion between Himself or His special advisers and such Assembly, and to order a General Election of representatives of Foreign residents in and for the said Assembly, and to appoint twelve native-born or naturalised subjects of the Kingdom to be members of the said Assembly for three years or otherwise as aforesaid. In any such case, or when three years shall have elapsed since the date of the last General Election, an order for such General Election shall be made by Proclamation; and thereafter every such member so before nominated for three years or otherwise, and every such representative, shall cease to be a member of such National Assembly, but unless disqualified shall subject to the requirements and liabilities herein prescribed be eligible, as aforesaid, for re-appointment or re-election. Provided that the members of the said Assembly appointed members thereof during good behaviour, as aforesaid [sic], and the President thereof, shall not be ousted from office by reason of any such dissolution of such Assembly, but shall - as shall also the Members of the King's Cabinet for the time being - resume or enter upon their several functions as such President and Members, respectively, in the next Assembly; and so on after any such further dissolution or dissolutions, respectively, unless such Members respectively shall become disqualified, or shall resign their seats, or if Members of the King's Cabinet shall resign or be removed from their respective offices as such Members of such Cabinet.

58. Any member of the National Assembly who shall be proved not to be duly qualified, as herein required, at the time of his Election, or to have ceased to be so qualified at any subsequent to such Election, or who shall become a member of, or take part in, any combination for the subversion or forcible resistance of the King's authority, or against the National Independence of His Kingdom, shall, on proof thereof to the satisfaction of the committee for elections and qualifications of such Assembly, be unseated; and shall be disqualified from again holding a seat in such Assembly, and from voting for the election of any representative of Foreign residents; unless and until he shall be pardoned and restored to his political privileges by His
Majesty, with the advice of His Privy Council. Provided that such unseating and disqualification, as aforesaid, shall not bar any prosecution at law for any indictable offence of any person so unseated, and disqualified, if such person shall by any officer authorised to prosecute for the Crown be deemed liable to and to deserve such prosecution for the Crown.

59. Within seven days after the first sitting of the National Assembly under this Constitution, and within the like time after the first sitting of the said Assembly subsequent to any such general election as in the last preceding section is mentioned, the President of such Assembly shall, by warrant under his hand, appoint six members of such Assembly to constitute, with such President himself as ex-officio chairman, the Committee of Elections and Qualifications of such Assembly. Any five members of such committee shall form a quorum thereof. Such committee shall hear deliberate and finally determine upon all questions as to the election or qualification of any elected member of the Assembly, or the presumed disqualification of any Member thereof under the provisions of this Constitution; but before entering upon such inquiry each member of the committee shall, as to each such case, make oath that he will hear and determine the same truly and impartially, according to the evidence, without fear favour or affection. The committee thus appointed shall hold office until the next General Election, subject to the liability of any member thereof to be removed from such office at any time by resolution of the National Assembly, adopted on the votes of a majority of not less than sixteen members of such Assembly. Any vacancy occurring in such committee shall be filled by appointment, in manner aforesaid, within fourteen days after the same shall have occurred, and every appointment to such committee shall be made known to the Assembly at the first meeting of the same after the making of such appointment.

60. The King shall, by Letters Patent under his hand and the great seal of the Kingdom, appoint eight members of the Privy Council to be and constitute the Judicial Committee thereof, all of whom shall hold office as members of such Committee during good behaviour. Of such eight members four shall be Native-born and four naturalized or domiciled subjects of the Kingdom; but no Minister of the Crown or member of the Cabinet shall be qualified to be or remain a member of such committee. Such committee shall be a tribunal, with the Chief Justice of the Supreme Court as President thereof, having authority to hear and determine all impeachments made by the National Assembly, as Grand Inquest to the Kingdom, of any public officer of the said Kingdom, for official mal-feasance [sic]; but previous to the trial of every impeachment the members of the said tribunal shall be respectively sworn truly and impartially to try and determine the charge in question, according to evidence and law. The judgment of such tribunal shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor trust or profit in the Kingdom, or under the Government thereof; but any person convicted by and before such Tribunal shall be, nevertheless, liable to indictment trial and judgment according to the laws of the land. If any member of such Judicial committee shall be himself impeached, or shall be absent from the Kingdom, or be prevented from attendance by illness, or be disqualified as hereinafter mentioned, when any impeachment is to be tried, the King shall by and with the advice of the Privy Council (which if not sitting shall be summoned for that purpose) appoint some other person to be a member for the time being
of such committee. Provided that no member of the National Assembly, who may also be a member of the said Judicial committee of the Privy Council, shall move, or second, vote for, or against, or take any part in the discussion of, any motion or proposition for impeachment in the said Assembly. Provided also that any member of the said committee may be declared disqualified, as regards the trial of any particular impeachment, for any cause which would be a disqualification in the case of a juror in any Court of Justice, on challenge for such cause either by the person prosecuting on behalf of the Assembly, or by the person proposed to be impeached, and the proof of such cause to the satisfaction of the Privy Council; but no member of the committee shall be permitted to withdraw, or be excused from sitting, because of his having been so challenged. The decision of the Judicial committee of the Privy Council shall be final and conclusive.

61. The Kingdom of Fiji shall, as at present, be divided into Provinces. Any two or more Provinces may, for Governmental purposes, be at any time united, or the boundaries of such Provinces may at any time be re-adjusted, or further sub-divisions made for Governmental purposes in and of any such Provinces, by His Majesty, with the advice of his Privy Council.

62. His Majesty shall place over and in charge of each of such Provinces, respectively, a Governor, who shall bear any title that His Majesty by and with the advice of His Privy Council may confer, but there shall be no more than twelve such Governors or administrators of the Government in such Provinces; and any further sub-division made for Governmental purposes shall be subordinate to the Province to which it is attached; and no officer in Governmental charge of any such further sub-division shall have any higher official rank than that of Lieutenant-Governor, or such other rank equivalent thereto as His Majesty may, by and with the advice aforesaid confer.

63. No person but a Native-born or Naturalised Subject of the Kingdom shall be eligible for appointment to the office of Governor or Lieutenant-Governor or administrator (under any designation) of the Government of any Province, or Governmental subdivision, as aforesaid; and such appointments held by such officers shall always be held during His Majesty's pleasure.

64. The said Governors or Administrators of the Government and Lieutenant-Governors shall superintend the administration of the laws in their respective Provinces, and Sub-Governmental Districts, in such manner as now is or hereinafter may be, by law, provided and required.

65. There shall be a Provincial Council in each of the said Provinces, for the advice and assistance of the Governor or administrator of the Government thereof, of which Council the Magistrates of the Province shall be ex-officio members. The constitution and powers of such Councils shall be subject to further definition by law; and power may also be given, by law, for such minor sub-divisions of Provinces, by the Governors in Council thereof, as may be found necessary for the internal good government of such Provinces.

66. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior Courts as the National Assembly may from time to time establish.
67. The Supreme Court shall consist of a Chief Justice and not less than two associated Justices, one of whom shall be a Native-born subject of the Kingdom. Two Justices, one being a Native-born subject of the Kingdom, may at any time hold the Court. The Justices of the Supreme Court shall hold their offices during good behaviour, subject to removal upon impeachment, and shall respectively, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. Provided however that any Judge of the Supreme Court or any other Court of Record may be removed from office on a resolution passed by two-thirds of the National Assembly, for good cause shown to the satisfaction of the King. The Judge against whom the National Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the National Assembly shall act thereon. He shall also be heard before the National Assembly ere the motion for his removal is put to the vote.

68. The Judicial Power shall be divided among the Supreme Court and the several Inferior Courts of the Kingdom in such manner as the National Assembly may from time to time prescribe, and the tenure of office in the Inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

69. The Judicial Power shall extend to all cases in Law and Equity arising under the Constitution and Laws of this Kingdom, and Treaties made or which shall be made under their authority: to all cases and questions of or under International Law and comity; and to all cases of Admiralty and Maritime Jurisdiction.

70. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom, and shall exercise such jurisdiction, in equity or otherwise, as the law may confer upon him; his judicial decisions being subject however to the revision of the Supreme Court on appeal.

71. The decision of the Supreme Court when made by a majority of the Justices thereof shall be final and conclusive upon all parties.

72. The King, His Cabinet, and the National Assembly, shall have authority to require the opinions of the Justices of the Supreme Court upon important questions of law, and upon solemn occasions.

73. The King in Council appoints the Justices of the Supreme Court and all other Judges of Courts of Record. Their salaries are fixed by law.

74. No Judge or Magistrate, except by express consent of the parties concerned, can sit alone on an appeal or new trial in any case on which he may have given a previous judgment.

75. In all cases for adjudication by the Supreme Court in which both parties are Foreigners, the court may be held without the presence of any Judge thereof who is a Native-born subject of the Kingdom. Any single Judge of the Supreme Court may also be empowered by law to exercise in certain cases the power thereof. A single Judge may also sit for the trial of causes, or pleas of the Crown, or in Chambers, subject always to appeal to the Court.
76. No person shall ever hold any office of honor trust or profit under the Government of the Kingdom of Fiji who shall, in due course of law, have been convicted of theft bribery perjury forgery embezzlement or other high crime or misdemeanor; unless he shall have been pardoned by the King in Council, and restored to his Civil Rights, and by the express terms of his pardon declared to be appointable to offices of trust honor and profit.

77. No officer of this Government shall hold any office or receive any salary from any other Government or Power whatever.

78. The National Assembly votes the Appropriation, biennially, after due consideration of the revenue and expenditure for the two preceding years, and the estimates of the revenue and expenditure for the two succeeding years, which shall be submitted to them by the Minister of Finance.

79. The enacting style in making and passing all Acts and Laws shall be 'Be it enacted by the King and the National Assembly of the Kingdom of Fiji.'

80. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one subject, and that shall be expressed in its title. The Laws may however be codified, or Acts may be passed for the consolidation of laws having analagous objects, Provided that each subject of such Code or Act shall be treated in a separate Part Chapter or Division, the nature and objects of which shall be plainly indicated in the title or heading of the same.

81. This National Constitution and Fundamental Law may be amended to the following extent only, and in the following manner, that is to say. Subject to the limitations hereinafter contained such National Constitution may be revised and amended, by the National Assembly, at any time within twelve months from the day of the first meeting of such Assembly, under this Constitution; provided that such Constitution, in its revised and amended form, be adopted by a majority of members at a meeting of the said Assembly where at least twenty members thereof, of whom not less than ten shall be Native-born subjects of the Kingdom, shall vote upon the question as to such adoption. Also that such amendments shall then be submitted, in like manner, at a meeting of the Privy Council, called for the express purpose of considering such revised and amended Constitution, at which meeting not less than fifteen members of such Council, of whom not less than eight shall be Native-born subjects of the Kingdom, shall vote on the said question; and that such Constitution, so amended revised and adopted, shall be submitted to the King for His assent. And such revised and amended Constitution, if assented to by His Majesty, shall in such case and from thenceforth be and be styled the Constitution of the Kingdom of Fiji, and shall only be further amendable after any proposed amendment of the same shall, subsequently to its first adoption, as such, by the National Assembly as hereinbefore provided, have been published for at least three months in the Government Gazette of the Kingdom; and have been again adopted by the said Assembly in like manner and by like majority, after full considerations of such objections (if any) as may have been raised by petition to such Assembly against such proposed amendment; and having been so proposed published adopted and finally agreed to by the said Assembly, shall be, as hereinbefore provided, submitted to
and approved by the Privy Council, and assented to by the King. Provided that in the following respects this National Constitution and Fundamental Law of the Kingdom of Fiji shall be permanent and unchangeable, and that any proclamation act or resolution of or in the name of His Majesty, or of or by the National Assembly, or of or by the Privy Council, or of or by either of all these powers, shall be as absolutely null and void and shall be so regarded by all Courts Judges and Magistrates of the Kingdom, as if the same had not been issued passed or agreed to -

1st That the Sovereignty and National Independence of the Kingdom of Fiji shall be maintained, under any circumstances whatever, unless the said Kingdom shall be invaded conquered and deprived of its Independence Sovereignty and Nationality by absolute force of arms, by or under the authority of a more powerful Sovereign State.

2nd That the Sovereign rights of jurisdiction over all persons and things in the said Kingdom be never in any way abandoned, except in so far as the same may be modified or regulated by any treaty or convention with any Foreign power, made on a footing of International equality, and with full recognition of the Sovereignty of this Kingdom.

3rd That the guarantees of personal freedom, liberty of conscience, and of the rights of property, herein contained, shall in no way be infringed upon.

4th That no National engagement or lawful contract, of the kind mentioned in the sixteenth section of this Constitution, shall be repudiated.

5th That the Sovereignty of the King shall never be declared absolute.

6th That, except as regards the position of the King himself, or that of any officer person or persons in the actual service of a Foreign State, or actually on board any ship of war or any tender or boat belonging to the same, and entitled to ex-territorial rights or privileges either by International law or by treaty, all persons within the Kingdom shall, at all times, be fully subject and amenable to the laws thereof.

7th That there shall be no fusion of the Executive Legislative and Judicial powers and functions, or of the powers and functions of any one of these branches of the Supreme Power of the Kingdom with those of any other such branch of such Supreme Power, beyond such as has in this Constitution been expressly authorised.

8th That the free and full exercise and operation of the Legislative and Judicial Powers shall never be interfered with in any way, except in so far as either of the same may be temporarily affected by the existence of war or rebellion, and the necessary Proclamation and enforcement of Martial Law in any part of the Kingdom where such war or rebellion may exist, and during the continuance of such war or rebellion.
9th That the responsibility of Ministers of the Crown, herein imposed, shall never be taken away.

10th That the power of impeaching any Public Officer, herein secured, shall never be taken away.

11th That the prohibition against the enactment of any ex-post facto law shall never be removed.

12th That no power of amending this Constitution, except in the manner herein prescribed, shall ever be granted to or assumed or exercised by the King, the National Assembly, or the Privy Council of this Kingdom.
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MANUSCRIPT SOURCES

1. The Cakobau Government

By far the most important source material for this study, without which it
would have been impossible to have gone beyond previous writers on the
subject, were the records of the Cakobau government, housed in the Central
Archives of Fiji and the Western Pacific High Commission. An inventory of
these records is in the process of being drawn up, but because it is not
yet finished I have thought it necessary to describe them in some detail.

When the colonial government was established in 1875 the records of the
Cakobau government, together with those of the temporary administrations
described in chapter 10, passed into the custody of the Colonial Secretary.
Some of these were absorbed into the records of his own department, and
others were transferred to such other departments as might, from time to
time, have required them. For example, the records of the Royal Commission
to Quiet Land Titles were used by the Land Claims Commission and passed into
the records of the Lands Department. The dearth of postal and customs records
suggests that these were transferred to the appropriate departments and have
since disappeared, together with the early colonial records of those departments.

They are, therefore, in three parts: the main group, transferred to the
Central Archives in 1955 from the Colonial Secretary's department; a small
group of miscellaneous papers, associated with the main group, but having
lost their archival provenance; records transferred to the Archives from the
various departments of the colonial administration, as they have been discovered.
(These have been given a temporary registration number until the question
of the permanent housing of the records of the department concerned can be
dealt with.) The records as a whole have been given the registration number
F1; those in the main group fall into sets numbered from F1/1 to F1/54; the
miscellaneous papers are numbered from F1/Misc., 1 to F1/Misc., 37; the
records transferred from other departments are numbered from F1/t1 to F1/t41.

A short description of the most important items follows:

F1/6  Votes and Proceedings of the second and third sessions of
      the Legislative Assembly. For the Votes and Proceedings
      of the first session, see below 3.

F1/10  This is the largest and most important item, comprising the
      inwards correspondence of the Chief Secretary's department.
      It consists of despatches, letters, memoranda, and
      inter-departmental minutes addressed to the Chief Secretary
or a member of his staff, from other members of the Cabinet, consular representatives of various foreign governments, business firms in Fiji and in the Australasian colonies, and private individuals in Fiji and abroad. 30 May 1871 - 31 August 1875.

F1/11
Chief Secretary's Office; naval and consular correspondence, inwards. This set consists of letters and despatches addressed by the Chief Secretary or members of his staff, concerning the conduct of the administration, and frequently in answer to letters contained in set 10. These letterbooks, together with those from the other departments, are the only records to have suffered from the ravages of age and the local climatic conditions. Typescript copies have been made by the Fiji Archives, wherever this has been possible, and these have been consulted, rather than the letterbooks themselves, which are no longer fit for handling. 9 September 1871 - 2 September 1875.

F1/23
Chief Secretary's Office (Ministry of Foreign Relations); copies of outwards correspondence, general. Manuscript copies of despatches, letters, memoranda, of the king, the Minister for Trade and Commerce and Foreign Relations (until July 1871, when the Chief Secretary took over control of foreign relations), the Chief Secretary, or members of his staff, addressed to government officials, business firms, and private individuals in countries overseas, naval officers commanding British warships, the consul-general in Sydney, and Woods and Clarkson when they were in Australia and New Zealand. 8 June 1871 - 6 October 1874.

F1/27 & F1/28
Ministry of Finance: inwards correspondence, general, and copies of outwards correspondence, general. The records of the Ministry of Finance contain some of the few important gaps in the whole body of the Cakobau records. S.C. Burt acted as minister until the Cabinet was properly organized on 25 August 1871, when F.W. Hennings was appointed. He resigned on 4 January 1872, and during this whole period no proper file of outwards letters was kept, so that it is impossible to follow the day to day working of the department during the crucial period of its establishment. The inwards files are similarly defective until Clarkson took over under the Woods-Thurston Ministry in May 1872 (see chapter 5, footnote 4, 107). August 1871 - December 1873, and 2 February 1872 - 20 September 1873.

F1/31, F1/32, & F1/33
Ministry of Interior Affairs (Ministry of Lands and Works, and Naval and Military Affairs); inwards correspondence, general, and copies of outwards correspondence, general. June 1871 - December 1873, 9 June 1871 - July 1871, and 14 April 1873 - 24 December 1873.

F1/41 & F1/43
Ministry of Native Affairs; inwards correspondence, general, and copies of outwards correspondence, general. June 1871 - August 1875, and 8 April 1872 - 24 August 1875.
2. **Records of H.B.M. Consul for Fiji and Tonga - Fiji, 1863-76**

The consulate was established by Pritchard in 1858, but the records for the first four years, apart from the Deed Books, were destroyed in a fire in 1862, just before the investigating commission arrived from New South Wales. When the consulate was closed in 1875 Layard handed the records to Gordon but retained in his own possession those referring to the labour traffic. He was asked to return them, but they have disappeared. Some of the records Gordon retained at Government House, but others were incorporated in those of the various departments of the colonial government; almost all of the inwards correspondence has disappeared, apart from what Im Thurn removed, which is now included in FMS/2 (see below 3). The records have been given the registration number F4.

The main items are the letterbooks which were used between 1863 and 1876:

i. Copies of outwards letters, general -
   a. 30 January 1863 - 30 December 1865
   b. 4 January 1866 - 27 August 1869
   c. 11 March 1872 - 13 March 1874

ii. Copies of outwards correspondence addressed to various Fijian chiefs and to King George of Tonga -
   a. 6 September 1865 - 27 March 1869
   There is included in this volume a register of the sale and mortgage of British ships, 29 April 1870 - 10 December 1872.

iii. Copies of letters addressed to persons other than officials -
   a. 15 March 1874 - 9 May 1876

iv. Copies of despatches transmitted to the Foreign Office -
   a. 13 July 1872 - 23 February 1874
   b. 15 March 1874 - 4 April 1876

v. Two bundles of miscellaneous documents -
   a. Miscellaneous papers, 1862-70
   b. Miscellaneous papers on Fiji-Tonga relations, 1863-69

3. **Miscellaneous manuscripts, Fiji**

FMS/2 - Papers returned to the Fiji government by the widow of Sir Everard im Thurn, Governor of Fiji, 1904-10, and transferred from the Secretariat to the Central Archives.

   a. Fiji Consulate papers - papers removed from the records of H.B.M. Consul for Fiji and Tonga, consisting of correspondence referring to the government and cession of Fiji.
b. Miscellaneous - the most important item is a volume containing the Votes and Proceedings of the first session of the Legislative Assembly of the Cakobau government, November - December 1871.

c. Further Consulate papers - correspondence from Thurston referring to the constitution of 1873, the *Ad interim* government, and the cession of Fiji.

FMS/6 - Portion of a diary kept by Nathaniel Turner while managing a plantation near Labasa, Vanua Levu, which belonged to W.M. Moore. ca 1870-71. The diary is not very extensive, but it does give some information about the day to day running of a plantation, and provides useful collaborative material in conjunction with other diaries, such as those of G.H.W. Markham of Nadi, and J. McIntosh of Ba.

Unnumbered MS - J.B. Thurston, 'Journal of a voyage from Ovalau, Fiji, to the New Hebrides in search of voluntary emigrants'. 4 May 1871 - 3 August 1871. Thurston wrote a particularly full account of this voyage, presumably because there was little else to do, and it gives a good picture of the way recruiting was carried out by responsible men. He also made numerous sketches of items of botanical interest and of some of the places where labourers were recruited.

4. Records of the Colonial Secretary's Office, Fiji. (FCSO)

Apart from the volume of despatches from the governor to the secretary of state, and vice versa, the main items are the post-cession equivalents of sets 10 and 13 in the records of the Cakobau government. The relevant volumes of state despatches are as follows:

- Secretary of State to Governor, 1875-77
- Governor to Secretary of State, 1874-77

5. Manuscripts in the Fiji Museum

There is a small collection of manuscript material relating to the Cakobau government, and to the period before cession in general. The following items were useful:

- FM3/1 Original of the 'Loan Act, 1871', signed by Cakobau
- FM3/9 Original of the 'Electoral Act, 1871', signed by Cakobau
- FM5/11 'Constitution Act of the Kingdom of Fiji', 1871. This is an original, in English and Fijian, each page of which is signed by Cakobau.
- FM8 Swanston letters, 1865-79. A small collection of letters written to Swanston, the most interesting of which belong to early 1872 when the reorganization of the ministry was
being arranged, and when various settlers tried to persuade Swanston to take over control of the department of Native Affairs.

FM36/48

'An account of the Fiji Islands, together with contemporary accounts of the murder of Baker and the murder of Messrs Burt and Underwood of Nadroga, by George Boyne who visited Fiji in 1865 and stayed for four years'.

FM37/1

The Swanston Journals. The most important item in the Museum, and, had they survived complete, one of the most important non-official sources of information about the pre-cession period. There is, however, a gap for the period 1866-74, when Swanston was Ma'afu's secretary in Lau and later Minister for Native Affairs in the Cakobau government. The volumes that have survived are as follows:

I 1857-66 - begun in British Columbia but containing details of early attempts to raise sheep on the island of Nananu-i-cake in the province of Ra.

II 1853-54 and 1874-75 - further reference to British Columbia, but also covering the period of the discussions leading to the offer of cession of March 1874.

III - VI 1875-85 - covering the period of his work as Stipendiary Magistrate, Kadavu, of his service at the consulate in Samoa, of his later wanderings in the Pacific, and of his retirement in Fiji.

FM42/64-65 David Cargill papers.

FM47/72-76 Tripp papers.

FM64/1 'Diary of Richard Philp - notes of a voyage to Fiji and two months residence there - 19 August 1872 - 13 December 1872'. (See chapter 5, footnote 2, 106.)

6. Manuscripts in the Mitchell Library, Sydney

Fiji Miscellaneous Papers, 1872-1905. (A472.) A large bound volume containing clippings and pamphlets, among which were the following:

Memorandum of Association of the Polynesia Company.

'Fiji Government Gazette', 5 June 1871, I, 1, announcing the reasons for inauguration of government.

'Fiji Government Gazette', 29 May 1872, I, 28, reporting the opening of the second session of the Legislative Assembly.

'The Regulations for Common Gaols, Kingdom of Fiji', 24 August 1872.

'Forms for transfer of 'Polynesian' labourers.

Historical Records of Fiji, 1862-1910. (Two volumes, A1487-8.)

a. Manuscripts

Correspondence between the Hon. the Minister for Lands and Works and H.B. Majesty's Colonial Authorities. Laid on the Table on 28 May 1872.
Signed copy of the Cemetery Act, 1871.
Printed extract from the Executive Department Amendment Act, no 35, Department of Native Affairs - prescribed articles.
Instructions to naval officers re line of conduct to be adopted to the so-called Government of Fiji.
'Fiji Government Gazette', 26 August 1874, II, 143 - statement of revenue and expenditure for the month of July 1874.

b. Miscellaneous

Various printed bills of exchange of F. & W. Hennings and Company.
Fiji Government Treasury notes - one dollar, five dollars, ten dollars, twenty-five dollars, fifty dollars.
Fiji Government Debentures.
Certificates of indebtedness.

Papers transferred from the Attorney-General's Department II - correspondence relating to recognition of proposed Corporation of Fiji Settlers, May 1870. (A1537^.)

Goodenough Papers, (MSS889.) When Commodore Goodenough's widow published the journals covering the period of her late husband's command of the Australian Station in 1876, she omitted any material that was at all political, and the result was a dry and uninteresting narrative. The journals themselves, however, were recently rediscovered and have been deposited in the library, together with journals and other volumes referring to an earlier period. They provide a much fuller account of the events leading to the cession of Fiji, from Goodenough's own point of view, than do the despatches and letters written to the British government. There are eleven volumes altogether:

1 Journals of HMS Calcutta, May - July 1854
   Royal William, July - September 1854
   Calcutta, September 1854 - January 1855
   Hastings, February 1855
   Raleigh, September 1856
2 HMS Victoria - Captain's Orderbook
3 Personal Diary, begun October 1859
4 June 1860
5 Commonplace book, November 1872
6 Private Journal I, June 1873 - November 1873
   II, November 1873
   III, January 1874
   IV, April 1874
   V, April 1875
   VI, August 1876
H.J. Hoare, 'My Journal of H.M. Ships Dido, Clio, and Pearl, off the West Coast of Africa, Australia, New Zealand and the Fiji Islands, between the 20th of April 1871 and the 16th of June 1874. (Two volumes, A1761-2.)

Lang Papers IX, contains a long letter (twenty-three pages) from Thurston to Lang, 23 October 1870, giving an account of the political events in Fiji since Thurston took over the consulate from Jones in 1865.

G.H.W. Markham, Diaries, 1869-74 (A1462), and 1876-78 (B221).

7. **Note on mission records in Sydney and Suva**

The records of the Cakobau government revealed that its contact with the Methodist mission was minimal, and because the records of the mission relating to Fiji, housed in the Mitchell Library, are of such a volume, I considered it would not be worthwhile going through them more than cursorily. The letters and reports of Langham, the Chairman of the Fiji Conference, contain very little reference to the government, and although tension between the two organizations did exist - both thought the other deprived it of some of its rightful revenue, and the mission objected to the influence that the officers of the government wielded with the chiefs - its extent will not be known in detail until a systematic study of mission activity in Fiji is made. The Fiji records of the mission have recently been transferred to the archives in Suva, and although they are in a chaotic condition, they probably contain a clear picture of the reaction of the missionaries, both to the efforts of the Cakobau government, and to the considerable political experiment which preceded it.

The most important papers in the Mitchell Library, of which there are over three hundred items, are as follows:

**Methodist Church of Australasia - Department of Overseas Missions (M.O.M.)**

- Minutes of the Mission Board, 1865-1934
- Letterbooks - Feejee Islands, 1856-59
  - John Eggleston, 1862-64
  - Stephen Rabone, 1864-72
- Letterbooks received Fiji: Rotuma, Ovalau, Bau and Miscellaneous, 1855-79
  - James Calvert, 1855-63, 1872-79
  - Joseph Waterhouse, 1855-78
  - Frederick Langham, 1862-79
  - Lorimer Fison, 1873-77
- Fiji Letters, 1855-1903
- Thomas Baker, Diary 1860-66

There is also a separate item which was of some interest - L. Fison, Press-copy book, 1867-73. (B591.)
8. **Miscellaneous manuscripts, New Zealand**

i. **Auckland Institute and Museum Library**

B.F. Clark, *Lobgook of HMS Esk*, 1863-67
Coleman Phillips, address to the New Zealand Institute on the prospects of the Pacific Islands, *Transactions of the New Zealand Institute*, 1876, IX.

ii. **National Archives, Wellington**

Great Britain, Royal Navy - Australian Station, records of the Commander in Chief. When the Commander in Chief struck his flag in 1913, the records were divided into three parts: some were transferred to the Australian Commonwealth Navy Board; some of the older records, and some concerned with political matters were sent to the Admiralty; the rest were transferred to the control of the senior British naval officer in the area, the Commander in Chief, New Zealand. These records have been microfilmed, and are available in the Mitchell Library, Sydney, and in the Australian National Library, Canberra. The following volumes have been referred to:

- XXVIII Fiji, 1865-78
- XX Fiji, 1862-72 (printed papers)
- XXXI Fiji, 1873-75 (printed papers)

iii. **Turnbull Library, Wellington**

MSS2 C.W. Hope, 'Letter Journals', 1865-68. The collection consists of four volumes, together with various appended documents and photographs. Volume III consists almost entirely of Thurston's correspondence with Hope between 1867 and 1874, and provides an invaluable clue to Thurston's real opinions and purposes when he became Chief Secretary of the Cakobau government in May 1872.

G11 J.B. Williams, manuscript on the history of Fiji, 1843-57.

The library of the Polynesian Society, which is housed in the Turnbull Library, contains some photographic and other illustrative material of pre-cession and early post-cession Fiji.

iv. **Hocken Library, Dunedin**

Uncatalogued MSS 105 - Walter Sinclair Carew papers. The most important letters in the collection are those from Gordon to Carew, discussing various aspects of native policy in the early days of the colonial administration:

- 105 Diary, 1889
- 105a Diary, 1876
- 105b-d Correspondence - about two hundred items, mainly addressed to Carew by Gordon, Des Voeux, and Swanston between 1874 and 1898.
9. Records in the National Archives, Washington

Despatches from the United States consuls in Laucaula, to the Secretary of State, Washington, 1844-90. (USCL.) Microfilm copies are available in the Fiji Archives, and in the Australian National Library, Canberra.

Reel 5, 15 January 1870 - 30 December 1876, contains copies of all the legislation of the first session of the Legislative Assembly of the Cakobau government, most of that of the second, and a collection of 'Government Gazettes' and other public notices, which Brower enclosed with his despatches.

II

OFFICIAL PRINTED PAPERS

1. Great Britain

British Parliamentary papers have been used only sparingly, because the despatches and enclosures, which were usually available elsewhere, were frequently printed incomplete, without any indication as to the nature and extent of excisions. The following have been cited:

Correspondence relative to the Fiji Islands, 1862. [2995], PP, 1862 XXXVI.

Correspondence and documents relating to the Fiji Islands in so far as the same relate to their annexation to the Colonial Empire of this country, or otherwise affording protection to British subjects resident in those islands, 1871. (H.C. 435), PP, 1871 XLVII.

Letter addressed to Commodore Goodenough, R.N., and E.L. Layard, Esq., H.M. Consul in Fiji, instructing them to report on various questions connected with the Fiji Islands. [C983], PP, 1874 XLV.

Report of Commodore Goodenough, and Mr Consul Layard on the offer of the cession of the Fiji Islands to the British Crown. (In continuation of [C983] of 1874.) [C1011], PP, 1874 XLV.

Correspondence respecting the cession of Fiji and the provisional arrangements made for administering the government. (In continuation of [C1011] of 1874.) [C1114], PP, 1875 LII.

Colonial Office Confidential: Australian no 36.
2. **United States of America**

United States Senate Reports, 2nd session, 53rd congress, 1893-94, II - 'Hawaiian Islands'.

United States Government - Department of State, 'Memorandum on Fiji Land Claims', 1902.

3. **Hawaii**

Statute Laws of His Majesty Kamehameha III, (two volumes, 1846 and 1847).


4. **Fiji**

Constitution Act of the Kingdom of Fiji, 1871. (See Appendix I.)

Constitution of the Kingdom of Fiji, 1873. (See Appendix II.)

III

PRIVATE PRINTED PAPERS


'Letters and Notes Written During the Disturbance in the Highlands (known as the "Devil Country") of Viti Levu, Fiji, 1876'. Two volumes, Edinburgh, 1879.

Gordon had these records of his governorship of Fiji printed for private circulation, stating that they were to be regarded as if they were in manuscript.
The Fijian newspapers were an unusually useful source of information, because, during the main period with which this study has been concerned, there were nearly always two papers being published, so that all points of view were aired. The Fiji Times became increasingly antagonistic towards the government from the middle of 1872, but the Fiji Gazette and Central Polynesian, and later the Fiji Gazette, always put the opposite point of view; this was important when an attempt was made to form a balanced impression of settler opinion.

1. The first newspaper published in Fiji was the Fiji Weekly News and Planters' Journal, 8 August - 21 November 1868.
   Publisher: Thomas Johnson, Church Street, Levuka.
   Weekly on Saturdays.
   Only thirteen issues appeared, of which the Fiji Archives possesses nos 1, 3, 4, 5, 6, 8, 9, 10, and 13. The Mitchell Library, Sydney, possesses nos 1, 3, 4, 6, 8, 10, and 11.

2. The Fiji Times, 4 September 1869 -
   Publisher: G.L. Griffiths, Beach Street, Levuka.
   Weekly on Saturdays from 4 September 1869 until 27 August 1870. Twice weekly, on Wednesdays and Saturdays from 3 September 1870.
   The Fiji Archives possesses a complete set, and the Victorian Public Library a reasonably complete set for the precession period.

3. The Fiji Gazette and Central Polynesian, 1 January 1871 - 5 October 1872.
   Publisher: D.W.L. Murray, King Street, Levuka.
   Weekly on Wednesdays (until 1 November 1871) and then on Saturdays.
   Murray acted as the Government Printer, and printed the 'Fiji Government Gazettes'. The Fiji Archives possesses copies (on microfilm from the National Archives, Washington) from 1 October 1871 to 30 December 1871, and 20 January 1872. A copy of the last issue (5 October 1872) is included in the first file of the Fiji Gazette, see below, 4.

4. The Fiji Gazette, 12 October 1872 - 1 April 1874.
   Publisher: W. Cook, King Street, Levuka.
   Weekly on Saturdays until 1 November 1873, twice weekly, on Wednesdays and Saturdays from 15 November 1873.
Murray's printing plant was purchased by the Cakobau government in October 1872, and Cook was appointed Government Printer. The 'Government Gazettes' were then published in the paper, as well as being printed separately. The Fiji Archives possesses a complete set.


Publisher: W. Cook, King Street, Levuka.
Weekly on Fridays.
Cook leased the plant of the late government from the Ad interim government. The Fiji Archives possesses files until the end of 1876, and from 23 June 1876 until 26 October 1877, together with one or two issues for 1883.

V

CONTEMPORARY PUBLISHED WORKS

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Location, Year</th>
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<tbody>
<tr>
<td>ARTHUR, William</td>
<td>What is Fiji the Sovereignty of which is offered to Her Majesty?</td>
<td>London, 1859</td>
</tr>
<tr>
<td>BRENCLELY, J.L.</td>
<td>Jottings during the Cruise of HMS Curacoa among the South Sea Islands in 1865.</td>
<td>London, 1873</td>
</tr>
<tr>
<td>BRITTON, H.</td>
<td>Fiji in 1870: being letters of The Argus special correspondent, with a complete map and gazetteer of the Fijian Archipelago.</td>
<td>Melbourne, 1870</td>
</tr>
<tr>
<td>BULU, Joel</td>
<td>Joel Bulu: the autobiography of a native minister in the South Seas.</td>
<td>London, 1871</td>
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<tr>
<td>&quot;CERES&quot;</td>
<td>The Fiji Islands (with maps) commercially considered as a field for emigration.</td>
<td>Melbourne, 1869</td>
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<tr>
<td>COOPER, H. Stonehewer</td>
<td>Fiji; its resources and prospects. With map.</td>
<td>London, 1879</td>
</tr>
<tr>
<td>DIAPEA, William</td>
<td>Cannibal Jack; the true autobiography of a white man in the South Seas. (Printed from the manuscript in the possession of James Hadfield, with a foreword by H. de Vere Stacpole.)</td>
<td>London, 1928</td>
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<th>Name</th>
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<tbody>
<tr>
<td>DILLON, Peter</td>
<td>Voyage aux îles de la mer du Sud en 1827 et 1828 et relation de la découverte de la sort de La Pérouse. Paris, 1830.</td>
</tr>
<tr>
<td>ERSKINE, E.J.</td>
<td>Journal of a cruise among the Islands of the Western Pacific, including the Feejees and others inhabited by the Polynesian Negro races, in Her Majesty's Ship Havannah. London, 1853.</td>
</tr>
<tr>
<td>FORBES, A.L.</td>
<td>Two years in Fiji. London, 1875.</td>
</tr>
<tr>
<td>GARDENHIRE, W.</td>
<td>Fiji and the Fijians and travels among the cannibals. San Francisco, 1871.</td>
</tr>
<tr>
<td>GIRAUD, J.</td>
<td>La colonisation anglo-saxonne aux îles Fidji. Paris, 1874. (This was also published in Société de Géographie, Paris Bulletin, Série 6, VII, 148-167.)</td>
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<tr>
<td>GOODENOUGH, V.H. (ed.)</td>
<td>Journal of Commodore Goodenough during his last command as Senior Officer on the Australian Station, 1873-75. London, 1876.</td>
</tr>
<tr>
<td>LAWRY, W.</td>
<td>Friendly and Feejee Islands: a missionary visit to various stations in the South Seas in the year MDCCCLXVII. With an appendix containing notices of the political constitution, population, productions, manners, customs, and mythology of the people, and of the state of religion among them. (ed., E. Hoole.) London, 1850.</td>
</tr>
<tr>
<td></td>
<td>A second missionary visit to the Friendly and Feejee Islands in the year MDCCCL. London, 1851.</td>
</tr>
<tr>
<td>LUCAS, T.P.</td>
<td>Cries from Fiji. Being a review of the social, political, and religious relations of the Fijians; a consideration of the policy of the English government, the prospects of the white settlers, the labour traffic, and the position and duties of England to the Islands of the Pacific. Melbourne, 1884.</td>
</tr>
</tbody>
</table>
Fiji Today: a commercial and agricultural retrospect and prospect. Sydney, 1886.

MEADE, H.

A ride through the disturbed districts of New Zealand together with some account of the South Sea Islands. London, 1871.

MOSS, F.J.

A Month in Fiji (Being letters to the Otago Daily Times, September 1868). Melbourne, 1868. (The pamphlet is signed 'A recent visitor', but Moss admitted authorship.)

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PALMER, G.

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PECHEY, W.C.

Fiji cotton culture and Planters' guide to the islands. London, 1870.

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'Remonstrance against the unlawful withholding of the company lands at Fiji'. Melbourne, 1878.

'The claims and remonstrance of the Polynesia Company of Melbourne examined and refuted'. Levuka, 1878.

PRITCHARD, W.T.


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Fiji and the Fijians
I The Islands and their inhabitants, by Thomas Williams.

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ST JULIAN, C.A.

The International Status of Fiji and the political rights, liabilities, duties and privileges of British subjects and other foreigners residing in the Fijian Archipelago. Sydney, 1872.

SEEMANN, B.

Viti: an account of a Government mission to the Viti or Fijian Islands in the years 1860-61. Cambridge, 1862.

SHORT, Robert

The Slave trade in the Pacific. A statement on the introduction of Polynesian labour into Queensland, and the operation of the Polynesian Labourers' Act,
prepared at the request of the select committee of the Legislative Assembly of Queensland and suppressed by them. With introductory observations. London, 1870.

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Thomas, Julian

Cannibals and Convicts; notes of personal experiences in the Western Pacific. London, 1886.

U[Dal], R.

Colonization of the Fiji Islands. London, 1871.

Wernon, R.

James Calvert; or From Dark to Dawn in Fiji. London, 1890.

"Vindex"

Fiji: its political aspects from 1870-1873. Levuka, 1873.

Waterhouse, Joseph

The King and People of Fiji: containing a life of Thakombau; with notices of the Fijians, their manners, customs and superstition, previous to the great religious reformation in 1854. London, 1860.

Wilkies, Charles

Narrative of the United States exploring expedition. During the years 1838, 1839, 1840, 1841, 1842. (Five volumes and an atlas.) London, 1845.

VI

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The Hill Tribes of Fiji. A record of forty years' intimate connection with the tribes of the mountainous interior of Fiji, with a description of their habits in peace & war, methods of living, characteristics mental & physical, from the days of cannibalism to the present time. London, 1922.

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<th>Author(s)</th>
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<tbody>
<tr>
<td>CAPELL, A. and</td>
<td>'Local divisions and movements in Fiji', <em>Oceania</em> XI and XII. (1940-42).</td>
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<tr>
<td>LESTER, R.H.</td>
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<tr>
<td>CUMPSTON, I.M.</td>
<td>'Sir Arthur Gordon and the introduction of Indians into the Pacific: the West Indian system in Fiji', <em>Pacific Historical Review</em> XXV, 4. (1956).</td>
</tr>
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<td>DERRICK, R.A.</td>
<td>'The early days of Levuka', <em>Transactions of the Fiji Society of Science and Industry</em> II. (1941).</td>
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<tr>
<td></td>
<td>'Fijian reaction to trade and industry in the early days', <em>ibid.</em> III. (Presidential address, 1945).</td>
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<td>'The Swanston Papers', <em>ibid.</em> (1946).</td>
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'History of Government in Fiji'. (Two volumes, 1941.) Microfilm copy of an unpublished typescript, in the Australian National University Library.

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The Hawaiian Kingdom, 1854-1874: twenty critical years. Honolulu, 1953.

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'Sir Arthur Gordon's administration in Fiji: a study in native policy'. (Ph.D., Wisconsin, 1936.)

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'King Cakobau's government; or an experiment in government in Fiji: 1871-1874'. (M.A., New Zealand, 1938.)

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'The British annexation of the Fiji Islands in 1874'. (M.A., Columbia, 1938.)

MILLINGTON, J.

'The career of John Thurston, Governor of Fiji, 1888 to 1897'. (M.A., London University, 1947.)

NAYACAKALOU, R.R.

'Fijian leadership in a situation of change'. (Ph.D., London University, 1963.)

MCNALLY, T.J.

'Land policy in Fiji since cession'. (M.A., New Zealand, 1954.)

WILKINS, F.E.

'Labour problems in Fiji, 1860-1940'. (B. Litt., Oxford, 1953.)
ADDENDUM

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The records of the Foreign Office and of the Colonial Office have been microfilmed as part of a joint copying scheme by Australasian libraries, and are available at the Australian National Library.

CO83/1-4 Fiji - Inter-departmental correspondence.
CO83/5 Original correspondence, Governor of Fiji.
CO201 Original correspondence, Governors of New South Wales.
FO58 Original correspondence from Pacific Islands Consuls and related inter-departmental correspondence.