

**HANDBOOK TO FIJI
AND CATALOGUE
OF THE EXHIBITS**

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Handbook to Fiji and Catalogue of the Exhibits by James E. Mason

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JAMES E. MASON

**HANDBOOK TO FIJI
AND CATALOGUE
OF THE EXHIBITS**

Colonial and Indian Exhibition,

1886.

HANDBOOK TO FIJI

AND

CATALOGUE OF THE EXHIBITS.

*ISSUED UNDER THE AUTHORITY OF THE
EXECUTIVE COMMISSIONER,*

THE HON. JAMES E. MASON, M.L.C.

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P R E F A C E.

THESE notes are intended to give an accurate though concise idea of the Colony of Fiji.

It is hoped they may be of interest and use to those intending to invest capital in one or other of the chief products of the tropics for which the Colony is eminently adapted, or to those who, tempted by the genial climate and productive soil, may elect to make their homes in a country which, though so far removed from England, is yet within a few days reach of the great and rising Australasian Colonies.

The calling of a tropical horticulturist or agriculturist is one of peculiar interest, and presents a field of profit and research without the ordinary monotony associated with farming in the extra-tropical portion of the empire.

JAMES E. MASON,
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COLONY OF FIJI.

GOVERNMENT AND LEGISLATION.

FIJI is a Crown Colony, the affairs of which are administered by a Governor and Executive Council. The laws are prepared by a Legislative Council, of which the Governor is President, composed of the Chief Justice and five other heads of departments as official members, and also of six unofficial members nominated by the Governor and appointed by the Queen for life.

On the institution of British authority in the Fiji Islands the Acts of the Parliament of New South Wales were, as far as applicable to the circumstances of the Colony, temporarily adopted as the laws of the Colony of Fiji; but in the Ordinance erecting a Supreme Court, it is provided that the law of England is to be taken wherever no other provision has been made by the local law, to be applied in a manner suitable to the circumstances of the Colony.

The fact of the Colony on its creation being practically without any system of legislation has enabled the Crown to initiate laws affecting the great interests of the Colony, which might not have been possible under other circumstances. In a subsequent chapter the very important matter of Land Titles will be treated, and it may be sufficient to mention here some of the other more important measures which have become law.

A system of registration of deeds, writings and documents prevails, by which, in addition to Land Titles, all deeds whatever may be registered for preservation. A mode of enforcing the execution of deeds has been provided, the idea being taken partly from the French and partly from the Scotch systems, by which it is not necessary to have recourse to the courts of law when the party bound by a deed has failed to perform his part thereof. The creditor or the party in whose favour the obligation was undertaken may obtain a warrant of execution from the Registrar General which has all the effect of a judgment of the proper court, and may be enforced by the Sheriff in the usual way. This throws the onus of having recourse to the courts of law upon the debtor, who may take out an injunction to stay the proceedings of the Sheriff. But to obtain this he must set forth good and sufficient reasons to satisfy the Court either that the obligation he undertook has been paid or satisfied, or that it ought not to be enforced for some special reason advanced. The much greater hold thus given to the creditor has an especial value in inducing credit companies and capitalists to be liberal in their advances to planters and others for the development of the Colony. In the same way it is not necessary to have recourse to the courts to enforce payment of bills of exchange. The extended protest of the Notary Public is registered, and a warrant of execution obtained from the Registrar General, which may be put in the hands of the Sheriff.

The cash credit system, which has done so much to develop the prosperity of Scotland, has also been introduced, under which a bank, upon the security of one or more guarantors, may advance money to a third person on an account to be operated on by him up to a definite amount, he and the guarantors being jointly and severally liable for the balance due at any time the bank may desire to bring the account to a close. Here again there is no necessity for an appeal to the Courts, but a warrant of execution may be obtained by the bank on the registration of the cash credit bond.

The bankruptcy Ordinance of the Colony has some new features. The most notable, perhaps, is that while all persons, whether traders or not, may apply to be made bankrupt (there is no separate system of insolvency), a non-trader can only do so if a writ of arrest is out

against him for payment of a debt of £50 or upwards, and the definite adjudication is not granted until the applicant has passed a public examination. If any suspicious dealings should be discovered, the adjudication would be refused, and the creditors left to their remedies, including imprisonment of the debtor. A trader may apply if he is in a state of pecuniary embarrassment; but where he does so of his own accord, the public examination must be passed before adjudication. Where the application is reasonable and proper, the system of the ordinance is to regard a dividend of 10s. in the pound as satisfactory, entitling the debtor to a first-class certificate without further trouble; but where a less dividend is paid, or is likely to be obtained, the discharge will, in the general case, be only qualified, and the debtor required to pay from his future earnings as much as will make up a dividend of 10s. in the pound to the creditors. As might have been expected, bankruptcies are few. The remedy of imprisonment for debt exists, and is employed for the recovery of small sums. The debtor may apply for his release on giving up his property, or by undertaking to pay the debt by instalments, with or without security, as the Court may allow.

By a law passed at a very early period of the existence of the Colony, the judgments of the Courts of the Australian Colonies may be enforced in Fiji; but these Colonies have, up to the present time, failed to give the same facilities to judgments of the Supreme Court of Fiji.

For the purpose of encouraging all kinds of lawful enterprises, the partnership law has been codified, and various improvements introduced which have not yet been adopted in England. The partnership, for example, may sue and be sued in its own name, as if it were a person, and foreign companies may sue or be sued in the same manner on the name of their resident manager or other officer being registered. A plantation may be carried on in partnership, and the real as well as personal estate be held in the partnership name. There may be not only unlimited partnerships and limited companies, but the Continental system of having limited partners in private partnerships has also been introduced. By this means a plantation or other business may be carried on by an individual or by two or more partners, they being liable to the full extent of their means, while friends who may have confidence in them may go in as partners to a definite amount, drawing whatever proportion of profit may be stipulated, but not being liable beyond the original amount contributed by them. Creditors are notified of the nature of such partnerships by the registration of a summary of the articles of partnership and the disclosing of the sums advanced in this manner, but not the names of the limited partners which, contrary to the Continental system, may be kept secret.

Much of the early legislation was necessarily taken up with the subject of labourers, Fijians and imported Polynesian and coolies. Full details of the system at work will be found in another chapter; but it will readily be admitted that the difficulties of adjusting a legislative system which will ensure the protection and encouragement of the various classes of labourers named, with the demands of the white settlers, is no easy task, and must require much careful watching and improvement from time to time.

The Ordinances providing for a Supreme Court, for civil and criminal procedure, and the appointment of Stipendiary Magistrates, embrace many improvements which it would occupy too much space to enumerate. Suffice it to say that pleadings are brief, and that cases are heard within a very short period after the service of the Writ of Summons. Both facts and law are determined by the Court. An appeal is allowed to the Privy Council when the value in dispute is £500 or upwards. In criminal cases the accused is permitted to make his own statement or answer questions put to him by the presiding Judge. In the trial of native cases the Judge has the assistance of Assessors, and this system is also adopted when whites are accused of doing injury to natives. In other criminal cases trials are by jury. A cheap and speedy system is in operation for the recovery of debts up to £50, these cases being taken in the different districts by the Stipendiary Magistrates acting as Commissioners of the Supreme Court, which revise the decisions before execution is granted in cases above £10 in value.

A law has been passed providing for the government of towns by means of a Warden and Town Board, and bye-laws have been framed under the powers of the Ordinance for the conduct of the municipal business of Suva and Levuka, the chief towns. An education law has been passed, under which flourishing public schools have been established in Suva and

Levuka. The public health has been duly provided for by means of local authorities in the different districts.

Altogether it may be fairly said that during the years of British administration the laws which have been already passed, and the codifying Ordinances of various parts of the law which are now before the legislature, place the legislation of the Colony in a position which might afford a model to many older and richer countries.

HISTORY.

The Fijian Archipelago was discovered on the 5th of March, 1643, by Abel Jansen Tasman, the famous Dutch navigator. So far as can be conjectured, for the track shown upon the chart does not agree with the day's navigation as recorded in the log, Tasman entered the group from the eastward somewhere between the 16th and 17th degrees of south latitude, and not finding anchorage, worked his way northward among the islands and reefs lying off the coasts of Tavuni and Vanua Levu. After many risks of shipwreck, he cleared the islands by way of Undu Point and Thikombia, naming the group, so far as then discovered, "PAINS WILLEMS EYLANDER." Captain Cook, more than one hundred years after, lay-to one night off Vatoa or Turtle Island. Captain Bligh, upon his memorable voyage in the launch of the *Bowaty*, sighted a part of the group in 1789, and subsequently (in 1792), while commanding the *Providence*, made further observations, some of them remarkably accurate. Captain Wilson, in the Mission ship *Duff*, is said to have followed Tasman's course; but, less fortunate than his predecessor, he struck (September 18th, 1797) on the outlying reefs of Nukubasanga, very near to the scene of Earl Pembroke's disaster in the *Albatross* (October 21st, 1879).

The early history of the contact between Fijians and Europeans is involved in obscurity, and though it is not improbable that some of the seventeenth-century navigators who sailed from the west coast of South America, and were never heard of, visited the group, nothing definite was known of the islands or its people until the beginning of this century, when an occurrence happened which brought them under the notice of the Governor of New South Wales. The Rev. Thomas Williams ("Fiji and the Fijians") thus describes the event.

"About the year 1804 a number of convicts escaped from New South Wales and settled among the islands. Most of these desperadoes lived either at Mbau or Rewa, the chiefs of which allowed them whatever they chose to demand, receiving in return their aid in carrying on war. The new settlers made themselves dreaded by the natives, who were awed by the murderous effects of their firearms. The hostile chiefs seeing their bravest warriors fall in battle without an apparent cause, believed their enemies to be more than human, against whom no force of theirs availed, whose victory was always sure, while their progress invariably spread terror and death. No thought of improving and consolidating the power thus won seems to have been entertained by the whites. Had such a desire possessed them, the absolute government of the entire group lay within their reach; but their ambition never rose beyond a life of indulgence and an unrestrained gratification of the vilest passions. Some of them were men of the most desperate wickedness, being regarded as monsters even by the ferocious cannibals with whom they associated. These lawless men were twenty-seven in number on their arrival, but in a few years the greater part had ended their career, having fallen in the native wars, or in deadly combat among themselves. A Swede, named Savage, who had some redeeming traits in his character, and was acknowledged as head man by the whites, was drowned and eaten by the natives of Weilea in 1818. In 1824 only two, and 1840 but one of his companions survived. This last was an Irishman named Connor, who stood in the same relation to the King of Rewa as Savage had done to the King of Mbau. His influence among the natives was so great, that all his desires, some of which were of the most inhuman kind, were gratified. The King of Rewa would always avenge, and often in the most cruel manner, the real or fancied wrongs of this man. If he desired the death of any native, the chief would send for the doomed man and direct him to make and heat an oven, into which, when red-hot,