

CREATING AN EFFICIENT GOVERNMENT: ST. JULIAN'S ADVICE 1855.

[St. Julian to Tupou I. Hawaii State Archives. Foreign Office and External Papers. Hawaiian Officials Abroad, December 1855.]

His Hawaiian Majesty's Commission
to the Independent States and Tribes
of Polynesia.

Sydney 26th June. 1855.

Sir

Following up my letter of the 25th April last I now proceed to submit a few suggestions in reference to the government, by your Majesty, of the islands over which you have been called upon to rule. In the first instance, however, I must repeat what I then stated -- that I have not the slightest desire to dictate. I tender advice because your Majesty has requested me so to do: because it is my earnest desire, as it is the desire of the Sovereign and Government of the Hawaiian Islands, that your Kingdom should be permanently independent: and because it is only by the establishment of a good and efficient Government that this permanent independence can be secured. It is for you, who as the Sovereign of the Tongese Nation must be best acquainted with its condition its wants and with its means, to determine what shall be done and what shall be left undone. I must beg of you, however, to consider well ere you decide, for upon the course which you may adopt now will, in all probability, depend the future welfare of your nation: - whether it is to remain permanently free and sovereign or to sink into a position of absolute dependence upon some other and more powerful state: whether it is to rise in the scale of social and commercial prosperity or to remain in a state of semi-barbarism and poverty: whether, in short, the Tongese name and Nation shall be perpetuated or shall be suffered to become extinct.

2. The numerous and fertile islands over which your Majesty holds sway cannot remain as they are. It is a maxim that has become so generally recognized as to amount to a fixed international law that the whole earth belongs to the whole human race. That is to say that no particular nation or community has a right to retain lands in a state of unproductiveness while there are other nations and communities seeking sustenance, and ready and willing, by their labour to raise articles of food and commerce not only for themselves but for others from the unproductive lands. It is upon this plea

that the tribes of the American and Australian continents have been held to have no retainable property in their lands and have been dispossessed White men, in whose hands these territories have become productive of immense wealth. Much injustice and crime has, in some parts of the world been committed under cover of this principle but, as in too many other cases, the evil is lost sight of when the benefits and the profits are calculated. Now it is true that this principle will not apply to the Tongese Islands. The land there is cultivated and food is raised not only for home consumption but for the supplies of shipping. There are also some exports of oil and other produce. But all this falls very far short of what might be done. Your Islands are capable of yielding a large export of cotton and other articles of commerce which, while they would increase the supplies and consequently the comforts of the people to whom they are sent, would bring wealth and increased supplies and increased comforts to the people who produced them. As this part of the world becomes more thickly peopled, and the importance of your islands as to geographical position and fertility becomes more apparent, their commercial value, also, will be known and appreciated. Unless their resources shall have been developed under the fostering care of a well organized and well administered Government the attention of the needy and the adventurous will be attracted to this profitable field for exertion. And in all such cases excuses are never wanting to carry out the designs which interest has planned. The only way, then, for your Majesty to secure the permanent nationality of your country is by the establishment of a Government upon such principles as are recognized as just and equitable by the great nations of the earth; and which shall not only be just and equitable but efficient. Of such a government as will aid, as rapidly as may be, the advancement of your people in civilization and the increase of the national wealth. Of such a government as will be capable of maintaining its political rights. With your Kingdom thus governed there can be no pretext whatever for any other power to attack its independence. On the contrary the great maritime countries will rather desire to maintain that independence in order that the Tongese Islands may remain a neutral state.

3. Your Majesty must remember that, in offering suggestions, for the organization of your government I labour under the disadvantage of having no tangible information as to the system which has hitherto been pursued. It is possible, therefore, that there may be a greater degree of efficiency than I at

present suppose and that some improvements which I may suggest have been already made. It is equally possible that I may suggest measures which would be inapplicable. For any errors of this kind into which I may fall from want of proper information I must crave your Majesty's indulgence.

4. Your Majesty's own position I understand to be this: that you are the lawful inheritor of the Sovereignty of your nation as the representative of the Royal Family; and that, in addition to such right of inheritance your rule has the confirmation, express or implied, of the nation itself. It is, I must tell your Majesty upon the latter foundation that all sovereignties are assumed to have been erected. The notion which once existed that Kings ruled by a divine right has long been discarded among all civilized nations. No one who did not wish to be deemed mad or laughed at would now contend that any individual or family, however exalted, could have any inherent rights which are inconsistent with the liberty and welfare of a whole people. It is upon one principle and one principle only that the rights and powers of every sovereign are maintained: that by the will of his people he has been raised up from among them for the preservation of social order: as their agent in all dealings with other nations and as the general guardian of their interests. He is assumed to have been chosen for the purpose of exercising in reference to the nation those functions which are exercised by a parent in reference to his children. If, as in most cases, the Sovereign has not been actually elected the choice of the nation is implied by their permitting him to rule. Upon the same principle the laws or usages which regulate the accession to the throne are assumed to have owed their origin to an exercise of the national will. And in all civilized countries the right of accession to the throne is carefully regulated by law to prevent the contests and anarchy which would otherwise naturally ensue upon the death of each sovereign. If, therefore, the accession to the sovereignty of the Tongese Islands has not already been regulated upon fixed principles so as to guard against all contests and confusion of the kind I have alluded to, this I respectfully submit, is a subject requiring your Majesty's immediate attention. Among the many advantages which must result from the rule of succession being thoroughly determined, is that the heir or heirs of the throne can be properly trained and prepared, under the guidance of the reigning sovereign, for the exercise of the high functions which are to devolve upon them.

5. The King may justly be and, in fact ought to be regarded as the head of his nation in every respect. Every branch of the government should be administered in his name and under his authority. But in the minute details of the government he ought not personally to interfere. There are three good reasons for this. In the first place it is the duty of the King to superintend every department of the government and to see that each is properly administered. This he can scarcely do if his time is occupied in attending to the duties of any one of them. Secondly the personal interference of the King in these details has a tendency to lower his position and influence. Thirdly in the event of the King falling into any error there would be less chance of redress to those who might suffer by it, than they would have in the case of a subject from whose acts or decisions they might appeal to the Sovereign's judgement. For these reasons the sovereigns of all the great nations invariably entrust the management of all matters of detail to their officers, reserving to themselves only the rights and powers of vigorous superintendence; so as to secure efficiency and to guard against injustice.

6. There are six functions, or rather duties, vested in every independent government. 1. Legislation or the duty of making the laws by which all the nation, from the sovereign himself to his meanest subject, should be bound. 2. The administration of Justice in strict accordance with the laws thus made. 3. The representation and the guardianship of the nation's interests in its relationship with other powers. 4. Military control for the defence of the nation from foreign aggression and for the suppression of internal anarchy. 5. The collection and expenditure of the public revenues and the administration of public properties. 6. A general Executive control for the purpose of promoting social improvement maintaining order and ^{securing} efficiency in the various departments of the state.

7. These six functions resolve themselves, practically, into three -- the Executive the Legislative and the Judicial; and the exercise of each of these functions should be kept as distinct as possible from the other. It is well proved by experience that by this means only can good and impartial government be secured.

8. The Executive functions embrace the third, fourth, fifth, and sixth of those mentioned in section 6 of this letter. In all these matters the

King should exercise an active superintendence but should leave the details to his Ministers and Deputies for the reason already stated. Already, I believe, a governor has been appointed to each of the principal islands or groups of the Kingdom and there are also, I presume, inferior officers at each to assist in carrying out the duties of the Government. If there are no such officers they ought to be appointed as well as a constabulary for the preservation of order and the detection and punishment of crime. But besides these officers and servants of the state who are to perform the various duties of the government throughout all parts of the National Domain the King should be assisted in the performance of his executive functions by Ministerial officers acting under his immediate control.

9. As your Majesty's Kingdom advances in civilization and increases in importance the work of the government will become greater and a greater amount of Ministerial aid will become necessary. But at present and for some time to come a very simple organization will suffice and will be found, I think to work the best. And I do not think that any plan more simple (to be at the same time productive of efficiency) could be devised than the one which I am about to suggest. It is this. To divide the Ministerial superintendence of every branch of the Executive Management of the Kingdom between four Officers acting under the immediate direction and surveillance of the King.

1. A Secretary General to be regarded as the chief of the Ministry. This Officer should correspond with all the Governors and heads of departments so as to watch over the internal affairs of the Kingdom and should, under the authority and order of the King, exercise a general supervision over every department of the state. He should also in like manner conduct all the correspondence of the Tongese Government with the governments of Foreign countries or with the representatives of the latter and should render advice and assistance to the King and government upon all matters in reference to which such advice and assistance might be necessary.
2. A Financial Secretary to superintend ministerially the collection and expenditure of the public revenues to keep the accounts of the State and to inspect and check the accounts of all subinordinate officers to whom the collection and expenditure of public funds might be in any way entrusted. He should also carry out all arrangements as to the leasing of land and it should be his especial duty to watch over the commercial progress of the Kingdom and to facilitate that progress by any means which might offer.

3. A Secretary of the Interior to superintend and inspect all Police arrangements, the making of roads and other internal improvements, the transmission of letters, the social and educational improvement of the people and all matters of internal control not coming properly within the superintendence of any other administrative officer. He should also be required to keep full accounts of the progressive increase or decrease of the population -- of births marriages and deaths -- and of every item of detailed information which might be useful to the government. 4. A Military Secretary to superintend and carry out under the immediate direction of the King all arrangements for securing the defence of the nation -- to keep registers of troops arms and munitions of war -- to make arrangements for military supplies of all kinds, to draw up all general orders commissions etc to conduct all correspondence relative to the national defences and generally to assist the King in this branch of the public service.

10. The strict observance of three rules are imperatively necessary.

1st. All business transacted by the Government should be in writing. Thus there can be no mistake or dispute as to what has been said as the writing will, at all times speak for itself. 2nd. Every act of the Executive should be performed through the agency of one or other of the public Ministers; and each Minister should be held responsible for the proper fulfilment of all such duties as are entrusted to him. 3rd. Copies should be carefully preserved of all Executive Acts and correspondence and should be so arranged that they may be at any time referred to.

11. The Ministers as well as such officers as it may be found necessary to appoint for the purpose of performing the requisite duties of the Government should all hold office during the King's pleasure. That is to say: It should be the well understood right of the King to remove any or all of them from office whenever he saw fit to do so. It would be well, if competent men could be found, that these ministers should all be native born subjects of the King but if as is probable, it should be found necessary in the first instance to have the assistance of men of Foreign birth, it is most indispensably necessary that every person thus employed should be completely subject to the Tongese Crown and laws, quite as much so, in fact, as a Native.

12. The duties of Legislation, to which I must next refer are of the highest

importance and require the ^{most} strict attention. In the best governed countries of Europe this task is committed to a body of men chosen from the different ranks of the people for this especial duty. In Great Britain the Nobles assemble in one house and the elected representatives of the people in another, and every measure must be approved of by both these houses, as well as by the sovereign before it can become the law of the land. In all cases the assent of the Monarch is necessary. It is quite impossible for me without more definite information as to the state of your Majesty's dominions and the mental capacity of your people to offer any practical suggestions as to the construction of a Legislature. I should imagine, however, that it would be better to confine this duty to a single Council composed of the Ministers and a select number of the wisest and most intelligent of the Chiefs. If possible it would be well that there should be representatives in this Council from each of the groups under your Majesty's sway. The number of the Council I should think should not be great.

13. The King ought not to preside in the Legislature personally because his presence there might check the freedom of discussion and would certainly have a tendency to lower the dignity of his office. Another reason against him taking part in the actual deliberations of the Legislature is that, as all laws require his assent before they become valid, it is rather his duty to consider and revise these laws carefully, after they have passed the Legislature, than to take an active part in the preparation ^{of} them. But it is the duty of the King to watch over the work of the Legislature as over that of every other branch of the Government. And besides his review of the Council's acts there is another mode in which this is to be done. The Legislative Council should hold its sessions at least once in each year and its proceedings should be in each session opened and closed by the King in person with a written address at the opening as to what ought to be done and a similar address at the closing as to what has been done. And during each session whatever the King has to recommend or communicate may be either recommended or communicated by a written message or through one of his Ministers. These officers, too, acting under the immediate superintendence of the King, will, as members of the Council, not only be able to render all such information as the Council may require as to their several departments, but to make such proposals as may be necessary for the various branches of the public service.

14. Such fundamental principles should be laid down as would form what is termed a constitution and all subsequent legislation should be in strict accordance with these principles. In the first instance not much Legislation would be needed. But little probably, beyond the code of laws which your Majesty has already promulgated and which, although I have not yet been able to procure a translation of them so as to understand them properly I believe to be good laws. But with the rise of the Kingdom will arise an absolute need of Legislation upon many points with which it is now unnecessary to deal. The laws of a country should be plain and simple so that everyone may understand them. But they should at the same time, be such as to provide, as far as possible, for every case that may arise within the country, either between natives or between Foreigners.

15. In all the best governed states it is by the authority of the Legislature that taxes are levied and the public income expended. Experience has proved that the only way of ensuring the permanent independence and happiness of a Nation is to secure by this and similar means the liberty of its individual members. But it is a dangerous experiment to cast into the hands of any people, powers and duties for which they are unfitted. Such a people should be trained and prepared by degrees for the full exercise of constitutional liberty and the duties which invariably accompany it. Upon existing circumstances, therefore, of which I am not in a position to advise, must depend the extent of the concessions as the powers of Legislation and self Government which it would be proper in the first instance to make. It is for your Majesty to decide this question.

16. I now come to the third and last of the great functions of a Government—the administration of justice. There needs no argument to show how deeply important it is to every state that Justice should be well and impartially administered. A principle which should always be maintained most strictly in a sovereign state is that all persons who reside within its jurisdiction whether on the land or on the waters; whether native born subjects or foreigners; are wholly subject to its laws. None are exempt unless such persons as may have exemption, in some matters, expressly stipulated for by treaty, or as possess certain privileges by international law. But to maintain this principle of local jurisdiction without injustice there must be tribunals fitted to dispose of whatever questions may arise. There should

be a superior court, therefore, with Judges of a sufficient degree of intelligence to decide these questions. It would be better that one of these Judges should be a white man competent to deal with all such disputes, arising between white men, as require some knowledge of the white men's laws and usages for their adjudication. There should be two other Judges who should be native born subjects of the King, if men competent for this office can be found. This court should deal with all the most difficult cases occurring throughout the Kingdom. Its business should be conducted according to fixed rules which should be made public and a record should be kept of everything done. In order that the Judges of this court may be in a position to act with complete impartiality they should not be removable from office unless proved to be incompetent or to be guilty of some corrupt practices. In various parts of the Kingdom there should also be subordinate magistrates competent to deal with cases of less importance, but there should be an appeal from their decisions to the Supreme tribunal of the Kingdom. In all cases of great importance, either criminal or civil, questions of fact should be decided upon by juries; according to the practice of most civilized countries.

17. It should be the duty of the principal officers of police in the various districts to prosecute those guilty of crime within their several localities and to carry into effect all decrees of the courts. All prosecutions should be in the name of the King. All convictions and sentences should be reported to the Secretary General to be by the latter laid before the King for his approval. It should be the well understood right of the King, whenever he saw good cause, to remit a portion or the whole of the punishment, but he should not, in any other way interfere with the action of the tribunals.

18. For the assistance of the King in the exercise of his numerous and very important functions and for ^{general} consultation, as often as might be necessary, upon the affairs of the state, there should be an executive Council. Over all the deliberations of this council the King himself should preside and it should include the declared heir of the throne, the Chief Judge of the Kingdom and the four Ministers. Other members might be added if it was thought advisable. But none should be thus chosen but Chiefs of high standing and ability. And the number of the Council should not at any time be large: for two things are necessary, first that everything discussed in this Council should be calmly and maturely weighed; secondly that its deliberations

should (in most cases) be kept secret -- neither of these ends can be attained if there are many members. Of all that is done by the Executive Council as well as of all that is done by the Legislative council there should be a record in writing.

19. I will in another letter offer your Majesty some suggestions as to your relationship with Foreign powers, the raising and expenditure of public revenues, and the Military defence of your dominions.

With the highest respect and consideration

I have the honour to be

Sir

Your Majesty's very obedient humble servant

C. St. Julian.

H.H.M. Commissioner

His Majesty

The King of the Friendly Islands.

Copy of letter (No55/50)
from the Commissioner to
the King of the Friendly
Islands dated 27th. June 1855.

CRITICISMS OF TUPOU I'S PROGRESS IN DEVELOPING "CIVILIZED" GOVERNMENT 1857

[John Eggleston to Editor of the Sydney Morning Herald, Sydney, Jan., 11th 1857. St. Julian to Eggleston, 13th January 1857. Mitchell Library, Sydney AS60.]

Note: Following criticisms of King George by St. Julian in the Sydney Morning Herald, Eggleston, Secretary of the Wesleyan Missionary Society in Sydney, wrote this letter to the Editor. St. Julian was shown the letter and made reply, reemphasizing his criticisms.

Sydney, January, 11th 1857.

To the Editor of the S.M. Herald.

Sir,

I suppose that the Summary of News you prepare for transmission to England by the Mail Steamer is based on reliable authority and that you will be prepared to establish the positions if they are objected to. I must say that your paragraph respecting King George of Tonga is utterly opposed to all the information I have received from the Islands both from Wesleyan Missionaries and others who have visited King George's Dominions and I deeply regret that an article so damaging to one who has wrought so hard for the elevation of his people should be sent to England on your authority. There is one part of the paragraph correct that he still holds the office of Local Preacher but the other part I repudiate as a slander upon his Character until proof is adduced from a reliable source. Hoping that this may find a place in your issue of Tomorrow. I remain yours truly.

John Eggleston.

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S.M.H. Office, 13th January, 1858*

Dear Rev. Sir,

Mr Fairfax having kindly shown me your letter in reference to the Summary of Central Polynesia news in Saturdays Herald it was my intention to have called upon you but I have been unable to do so.

* This is obviously a mistake and should read Jan. 13th 1857.

That Summary was made up by myself from four letters two from permanent residents at Samoa one from a gentleman who has recently visited both Archipelagos and a fourth from a permanent resident at Vavau. The only part taken from the Letter was that which relates to the present resources of Vavau and advocates a total prohibition there of the sale of intoxicating liquors. With this I presume you do not find fault but with the proceeding paragraph. All that was said by the writers as to the probable designs of King George as to an anticipated disruption at his death of even his present sovereignty and as to the impolicy of allowing him to extend his power involved merely matters of opinions but as they represented opinions which have been held by unprejudiced lookers on and as I am myself unable to deny that they are apparently well founded it would have been manifestly unfair to have suppressed them. There are three statements as to matter of fact. First, as to the present inefficiency of King George's government except for the requirements of a barbaric people. Second, as to his resistance of improvements. Third, as to his still holding under the Wesleyan Missionaries the office of a local preacher - The first is a strong assertion but I am unable to deny its truth when I remember that the Tongese laws imperfect as they are, are administered by chiefs who divide among themselves by way of remuneration for their trouble the fines and labour of those whom they convict and when I remember too that they have proved powerless for the enforcement of some of the simplest Contracts known to civilised men. - That King George having brought his governmental System to its present condition has hitherto expressed the strongest disinclination to make such further improvements as would fit his state for the duties imposed on Civilised governments and justify its admission within the pale of internationality I am myself aware. - The allusion to his continuing to hold the office of Local Preacher was made as I understood it in the same spirit which has dictated a similar allusion to that fact by myself namely: That while a ruling prince is thus exclusively identified with one section of his people and to a certain extent made hostile to another section while he is made dependant upon those who in temporal things are supposed to be subject to himself it is impossible that he can rule satisfactorily. King George is much in advance of his tribe in intelligence and he is a good man in the widest sense of the term. By his intelligence and his goodness he has done much for the social advancement of his people but looking at his and their political state (the only aspect in which I now regard them) there is still very much to be desired. I should be glad as you well know to see King George not only recognised by all the great maritime powers and invested

with an extended rule if the conditions precedent of qualifying his government to fulfil international obligations were complied with. But ere this be he must give up his canoe progress feasting and Cava parties must have an organised government and an effective code of Laws impartiality administered must relieve the lower orders from the actions of Chiefdom must encourage industrial improvement must give up his local preachership and stand neutral between all sects and classes of his Subjects.

Charles St. Julian.

[16]

DESECRATIONS OF THE SABBATH AND DIABOLICAL MARRIAGES 1860

[Tonga Circuit Report, 1860. Friendly Islands District Minute Book. Archives of the Free Wesleyan Church, Nuku'alofa.]

The present year has been one of unprecedented trial and anxiety.... Our anxieties have been many and varied both in their character and origin -- Popery is one source -- Popery is not only displayed in Tongatapu as the 'Mystery of Iniquity' but also as the 'man of sin', 'The Mother of Harlots'. When it was first introduced here it promised to the heathen chiefs their Harems, wives, and concubines many. And this as part and parcel of the lotu baptism alone being insisted upon -- It has this year revived the nearly forgotten heathen games of Tonga -- Pitching, -- Topping, -- Lancing, -- Dancing etc. with which it desecrates God's Holy sabbath and disturbs the peaceable inhabitants by its midnight revels -- The only heathen game prohibited being the night dance which was performed naked -- that is the only Tapu game.

Marriage by or with heretics (Protestants) it now ignores. A chief in Hihifo committed adultery the other sabbath evening. And on the day following one of the Priests married him, a married man (whose lawful and virtuous wife was at home and ignorant of what was transpiring) to the guilty woman, the only condition being that he and the woman should become papists, which they did.

This is not an isolated case. Three such cases have taken place within this month. These things, Sabbath desecration, and diabolical marriages are done in direct opposition to the laws of the land and persisted in, in defiance of the lawful authorities, under the pretext that they are essential parts of its mysterious system, therefore the suppression of them by the Government, the Priests maintain would be a breach of the 2nd Clause of the French Treaty and that France will punish any breach of that Treaty. This is the first cause of our anxiety. Will not God visit for these things. Our God shall hold them in derision. The weapons of our warfare are not carnal but mighty through God. Pray for us.

....

Our work in Tongatapu is not however without its bright side its encouraging features. God is with us. And the shout of a king is in our camp. Of the converts of last year few comparatively have fallen away in this we rejoice.

Popery in Tongatapu is like a blighted tree its many seductions and menaces backed as they are by the influence of the French Vessels of War,-- makes no converts save in cases of unlawful marriages --in this we rejoice.

....

Spared through another year of happy anxious toil, in which we have been sustained by the power from on high in answer to the prayers of our Fathers and Brethren -- we give ourselves afresh to God, and by His help to our work, rejoicing that unto us who are less than the least of his saints, is this grace given that we should preach among the Gentiles the unsearchable riches of the Gospel --

" Happy if with our latest breath

We may but gasp his name
Preach him to all and cry in death

Behold, behold the Lamb."

CRITICISMS OF THE FIRST PARLIAMENTS 1859-1862

[Friendly Islands District Minute Book (1850 - 1862) Free Wesleyan Church Archives, Nuku'alofa.]

(i) Tonga Circuit Report 1860. - "The infantile Parliament"

"The sale of intoxicating liquors and ardent spirits by the trading vessels and which are retailed secretly by the persons ashore, is another serious anxiety to us. This presents a great temptation to the natives - we have had to mourn over three or four of our chiefs and senior Local Preachers, who have made shipwreck of their faith this year through this snare of the evil one. The dangers to our people from this cause is greatly accelerated by the manner in which the infantine Parliament of these Islands is conducted. The majority of the male population is brought together on these occasions, and evil results. We believe that His Majesty King George will soon alter the present arrangement, and thus save his people from this very serious evil."

(ii) Haabai Circuit Report 1861. - "A withering and most pernicious influence"

"There are however many influences still existing arising from the manners and customs of the people, among whom we labour, which being opposed to the "spread of Scriptural Holiness throughout the land" causes us no little anxiety, and among these particularly are the injurious affects we feel and anticipate through the annual assembly of the Chiefs and people of all the Islands, at Tonga, Haabai OR Vavau, should these meetings be continued - The effects of such immense gatherings under circumstances the most exciting, and for purposes of purely a worldly character is acting prejudicially on the piety of many who have but lately started in their career of Holiness and on the Church at large a withering and most pernicious influence, so that not less than one hundred who had but just surrendered themselves to God and to his Church, and of whom we were hopeful, date from that period their downfall in piety and religion and have no longer a place amongst us - But for this our returns would have shown an increase of even more than that number over the past."

(iii) Tonga Circuit Report 1861 - "Voyaging, feasting, and idleness"

"And again the native Parliament which is to hold here its fourth sessions next May 1863 (sic) by its voyaging feasting and idleness, dissipates the minds of many, to their spiritual loss if not ruin."

(iv) Vavau Circuit Report 1862. - "The Disorders of the time of Meeting"

"The past year has been very unfavourable from various causes to the temporal and spiritual prosperity of this circuit, and has presented great obstacles to the advancement of our people in personal piety or the enlargement of the Church. The death of the Kings son with its consequences have been felt throughout the District and not lightly in this group, but especially has the native parliamentary meeting held in Tongatabu last June told severely on our Societies. The preparations for several months preceding it - the evils connected with voyaging - the disorders of the time of the Meeting, with the results arising from the Political change in the civil relations of the Chiefs and people then enacted - have been causes of stumbling or spiritual declensions to many, and of actual backsliding and renunciation of Christian profession and practice to not a few."

(v) The Australian Society's View 1862. - The Beginning of greater things
 [Report of the Australasian Wesleyan Methodist Missionary Society
 April 2 1862, Sydney 1862 (Received for the year 1861) p.27-28.]

"A Native Annual Parliament has been established by the King, to which he invites all the leading chiefs from the various groups of islands, that they may afford to him their views on various subjects connected with the government of their lands. Hitherto these large gatherings have been very expensive to his people, and have been a means of much spiritual dissipation and loss. They will doubtless, however, be an ultimate benefit. When the excitement has passed away, and they are relieved of much of the unnecessary outlay, the Government of the land may gradually become less arbitrary in its character, and a regular Parliament may be established, having authority to give laws to the land, and this will greatly tend to prevent confusion and strife, when in the order of Divine Providence their present wise and powerful sovereign shall be removed to his eternal reward. Hitherto many evils have attended these large assemblies of the people, and there has been much waste and extravagance. At the last held at Vava'u 80,700 yams, 2,534 pigs, 130 turtles, and other things, were provided for the occasion."

CONCERN OVER MARRIAGE LAWS 1861

[Davis to Eggleston. September 6th 1861. Mitchell Libray , Sydney.]

Have seen King George today on his arrival from Tonga. Held conversation about the marriage question. It appears that he has published to his people , that the individual violating the marriage contract shall be put away , and after three years be allowed to marry again. Is not such administration a violation of Scripture?

He has heard from Captains of vessels, that a similar law to the above exists in England and the Colony; or rather, that in the former it is five years, and in the latter . four ; and as Tonga is but semi-civilized they have reduced it to three.

Will you ascertain the exact state of the English and Colonial law on the point, and write me per first vessel.

[79]

PRINTING OF THE NEW CODE OF LAWS 1862

[Friendly Islands District Minute Book. Printing Office Report, 1862.]

The work of the printing office was necessarily suspended for three months in the middle of the year ----- the leading workman having claimed the priveledge of visiting Tongatapu at the time of the annual Parliament. Since then we have been mainly occupied in passing through the Press folding and stitching etc the King's New Code of Laws, His Majesty having obtained the sanction of the Chairman for this purpose.

[80]

THE ECONOMIC EFFECT OF THE NEW LAWS 1862.

[Whewell to Eggleston , 23rd June 1862. Mitchell Library Sydney.]

There are many things on my mind of which I wish to write but in the bustle of the 'Fakataha fakabuleanga' -- gathering together of the Kingdom-- I fear I shall fail to do as I wish.

First of all I would say -- We are grieved at not seeing you here, this year as a Deputation from the Conference. We are, or ought to be, the best

judges of the necessities of this district as it is.

The Islanders are now in the most eventful crisis of their history. The doings of this Parliament will affect our work in the most fundamental organizations, and institutions --- Our Native Agencies in a way you little anticipate. King George is not a Local Preacher, Leader, or even a Member now. Our Native Agencies have heretofore been free from all Government work, and all taxes, --- for their works sake. They are now to be on a level with others in everything --- many will leave the work unless we can pay them a small salary. Without this they cannot pay their taxes. It would be easy to pay this if it were likely that the contributions would now be equal to years gone by, but this is not probable because the amount of direct taxation --- 12/- per man annually -- beside ground rent is more than the people can afford -- more than they can do. And further King George's promise -- to support Seven Missionaries -- was given to the winds in their Fakataha in Haabai in 1860. We were not informed of that decision until long after it was passed. Now we have only ticket contributions to fall back upon. And if the people be so heavily taxed we shall have little oil to send up to the Committee year by year. This will be fearfully true so far as the Tonga Circuit is concerned. The meaning of all this change is easily explained. Many of our head chiefs are worldly as the New Zealanders.

They have long looked with an envious eye on the shipments of Mission oil and Europeans have not been wanting to tell them what a fine revenue for them this will make.

They are now for trying it. The result on our balance sheet will be anything but agreeable.

I fear Tonguese gratitude and a Tonga man's sense of obligation is as evanescent as the morning cloud, or early dew.

Then again our church property. We hold it on the most flimsy and uncertain tenure -- the will of a man. I do not think we shall lose it while King George lives. But King George is getting old -- He is not the man he was in many respects. For some years he has been getting more worldly wise - and worldly minded, and since the death of Vuna he has ceased to meet in class At his funeral an old heathenish practice was revived, the Tukuofu - presenting native property to the dead - which is divide among the surviving relatives. Our church useage and the printed laws of the land prohibit this. But the Fakataha last year had revived and legalized this practice as a family institution.

MISSIONARY RESPONSE TO THE NEW LAWS 1862(i) Tonga Circuit Report 1862. - "The Magna Carta of Tonga"

"The year 1862 is to be immortalized in the annals of the future of Tonga as the year of Jubilee to the people, and the 4th day of June is to be kept for ever a day of public rejoicing, as the date of the signing of Magna Carta of Tonga. King George has long been known and styled "the Alfred of the Friendly Islands"; and truly his great desire seems to be, to give his people a code of just laws and establish among them, a wise and popular administration - This is one glorious and happy consequence of a faithful acception of our holy divine Christianity. - To God only wise be the glory and the praise. High hopes are entertained by the King and the people in reference to the decisions and doings of the Parliament held in May and June last. - That these hopes may issue in substantial and lasting good is the sincere wish of every right feeling heart."

(ii) Haabai Circuit Report 1862. - "Abolition of the Annual Festival"

"The year has been characterized by more than ordinary events to the Church and to the world. The enemy has scattered tares among the wheat, and rallied his forces to do battle against the Lord and his annointed..... Whole-some restraint from the indulgence of heathenism customs, and habits, have been removed and an attempt made to return to practices we had hoped were. (sic)

These circumstances have called forth earnest prayers to God, and faithful protests have been made against practices antagonistic to the Spirit of Christianity. The influence of ignorant and ungodly chiefs have in some cases been exercised prejudicially to the interests of our cause, and in not a few instances, uncontrolled by a higher power. - has it proved detrimental to spiritual improvement. Strong drink has been imported in large quantities by various vessels much to the detriment of our work, and the end of it in some instances has been most injurious - a passion for tatooing with other heathenish practices, and a desecration of God's Holy Day has followed causing us much anxiety and grief.

The annual festival which for past years has prevailed but which we rejoice is now abolished, has been productive of much irregularity and mischief - the several islands have been drained for the time of men, women, and children and old and young of both sexes have been allowed indiscriminately to amingle

exercising an influence the most demoralizing and pernicious. These circumstances have had their natural and legitimate result. Sin to a greater extent has been indulged in, into which some of our weaker people have fallen, so that our numbers are considerably below the returns of the previous year."

(iii) The New Laws optimistically received - "The Assurance of Perfect Freedom"
[Friendly Islands District. Vava'u Circuit Report. 1862]

"The newly printed Laws inspire us with hope for the prosperity of true religion and for the peace and establishment in the faith of our people. They are in favour of Christian morality, and if carried out, will put effective checks on improper marriages and illicit sale of intoxicating drinks. Their tendency is towards the enforcement of the sanctity of the Christian Sabbath and the promotion of Educational efforts - they hold out the assurance of perfect freedom from the arbitrary and oppressive rule of the chiefs. And though the changes contemplated are not unattended by danger, we are persuaded that all things shall work together for the good of the Native Churches. Since the enforcement of the Liquor and Marriages Acts - drunkenness which had become common has been almost unknown, and the Roman Catholic Priests though anxious to do so have not dared to violate the Law concerning unlawful marriages, so that the depraved and licentious dispositions of the worst are restrained, and sobriety and morality publicly encouraged. The things which have happened have fallen out rather to the furtherance of the Gospel."

(iv) Friendly Islands District Report 1862 - "A Great Evil."

"This year will be memorable in the Church History of Tonga, as the year of sifting and testing of the principles and piety of the Church. Often have we had, during the year (like the son of Pethuel, to weep between the porch and the altar, and say, "Spare thy people O Lord, and give not thine heritage to reproach, that the heathen should rule over them." Of many who did run well, we have now to say. "O foolish Galations, who have bewitched you that ye should not (continue to) obey the truth" - We have to report a very serious decrease, as our schedule will show - The occasion of this decrease is principally the "Great Fakataha" - the immense labour, expense and anxiety of preparing for it (for a whole year) with the feasting and dissipation in connection with its sitting. - The objects and designs of this great national movement were good and laudable, but its influence and associations have been destructive

of the piety and spirituality of many of our people. - The Tonga people are impulsive and passionate to a proverb; nor is human nature more immaculate here, or the restraints of education and example so strong as in civilized Society. The moral influence therefore of this parliament has been what we feared it would be, a great evil to the "lotu" people, a temporary one we hope, but an evil, and one which we cannot but deedly deprecate."

- (v) A More Cautious Comment From The Missionaries. - "An entire revolution"
[Friendly Islands District. Tonga Circuit Report 1863]

"The transition state through which the Islands have lately been passing, effecting an entire revolution in things of a political character, putting into the hands of our chiefs, wealth to which they have hitherto been strangers and releasing the people from a state of semi-barbarian servitude to one of almost unrestrained liberty - taking away guards which had hitherto been regarded as wholesome and beneficial - has in some instances had an injurious tendency by introducing our people into scenes of danger and temptation heretofore unanticipated and unknown. These circumstances called forth more than usual care and watchfulness on the part of our Missionaries....."

AN ATTORNEY-GENERALS REACTION 1863

[The Report of the Australasian Wesleyan - Methodist Missionary Society for the year ended April 1863, Sydney 1863. p.33]

"King George has long been studying the political relations of the people and how to afford them all the civil privileges which accord with the maintenance of good government. Slavery was abolished by him several years ago. He has for few years convened an Annual Parliament, in which the leading Chiefs of all the Groups have been invited to afford him their united counsels and has gradually prepared them for a scheme of Government which was passed into law at their last Session of Parliament. Your Committee need not enter into an explanation of that Code of Laws, as a translation was published in the January number of the Notices. The Attorney - General of a neighbouring Colony was so pleased with it, that he at once handed over a subscription to the funds of the Society, and declared his intention to solicit subscriptions from his friends for a Society, that had so far elevated a people recently sunk in barbarism. Your Committee would not overlook the fact that this transition state has its evils and strong temptations. The Parliamentary Meetings have been on so constly a scale as to cause much waste and extravagance. Nearly five thousand strangers had to be provided for during the last Parliament. Henceforth these Meetings are not to be so dissipating or expensive, the Chiefs not being permitted to bring retainers with them.

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THE CODE AS THE ACHIEVEMENT OF THE WESLEYAN MISSIONARIES.

[Wesleyan Missionary Magazine, 1863, page 750]

"The Friendly Islands demand a little notice at our hands. A very remarkable instance of the collateral results of Missions has been there furnished us during the year. This extraordinary code is a model of jurisprudence.... In plain straight forward speech, it annouces its meaning, which nobody can misunderstand. It is not faultless of course. You do not expect the first Code of laws of any nation to be absolutely without blemish. That is not very common, even in British legislation... I claim for Christianity first and foremost, a tribute of recognition and of thankfulness; and I claim for your earnest, loving, and unostentatious pioneering Missionaries of the Friendly Islands the tribute that is due to heroes, and the recognition of the sublime greatness which shall outlive the lapse of time."

EVALUATIONS OF THE 1862 CODE.(i) "the olive branch of peace"

[Journal of the Rev. S. W. Baker, in Baker, Beatrice Shirley, Memoirs of the Rev. Dr. Shirley Waldemar Baker D.M., LL.D. Missionary and Prime Minister. Dunedin, Christchurch, Wellington. 1927. p. 7.]

June 4th 1862.

"When we reached the temporary platform, we saw a mighty congregation that had come to show their allegiance and respect to King George, and to unite in the great parliament which he had called. Some four or five thousand natives sitting together in solemn silence, under the spreading branches of the banyon (ovava) tree in whose cool shades sits in solemn majesty King George of Tonga. Yes; majestic in appearance as well as in power. What power, but that of Gospel Grace, could have changed that man's heart? Many are the victims that have fallen beneath the herculean blow of his war-club. A few years hence, his was the glory to imbrue his hands in the blood of fellow-men; but see him now waving the olive branch of peace. After a hymn that echoed through the mighty throng I preached to them from the book of Acts, ii, 2-4."

(ii) "Cursed be those who try to bind you up again in the bonds of slavery"

[Speech of King George Tupou I from the Journal of the Rev. S. W. Baker in Baker, Beatrice Shirley, Memoirs of the Rev. Dr. Shirley Waldemar Baker, M.D.; LL.D., Missionary and Prime Minister. Dunedin, Christchurch, Wellington. 1927.] pp. 7-8 "The King's Speech

Palace, June 4, 1863: - Today, the first anniversary, the first year of the freedom of Tonga, is passed. It is true we are a small government, a small nation, but I am thankful there are no slaves in the government. Thanks to the great God that I am alive to-day to see it a success. If I never accomplish anything else, I am grateful I have been able to give to the Tongan people their freedom from slavery. This freedom I give you all, will become the law of the government for ever and ever, and it will not be possible for anyone to make slaves of you all again. And cursed be those who try to bind you up again in the bonds of slavery."

(iii) "this grand advance of Christian principle and social order"
 [Thomas West. Ten years in South-Central Polynesia: Being
 reminiscences of a personal mission to the Friendly Islands
 and their independencies. London 1865.]

In commemoration of this grand advance of Christian principle and social order, it was also enacted that, "as it was on the fourth of June, in the year one thousand eight hundred and sixty-two, that civil liberty came to Tonga, when that day shall arrive in each year, all and every land in the kingdom of Tonga shall keep it as a festival, in memory of the liberty of Tonga; and it shall be so for ever and ever."

The inauguration of the new constitution took place at Nukualofa. Great preparations had been making for many months previously. Forty-nine large canoes conveyed the chiefs and representatives from Haabai, Vavau, Niua Focou, Niua Tobutapu, Samoa, and Fiji, to the metropolis of Tonga. There the three or four thousand visitors so assembled, were treated daily with a princely liberality during nearly two months. The king gave a state breakfast and dinner every day to a select number of the chiefs, whom he invited in due rotation. These repasts were laid out in the best European style. There were all the appurtenances of a lordly table; - cutlery, silver forks and spoons, epergnes, cruets, liqueur-stands, champagne and claret glasses, &c. It was indeed something new, and not a little amusing, to see the chiefs at the king's table, seated on splendid chairs, dressed in suits of Europeans black cloth, and with white neckties, who, an hour before, or after, might have been seen parading the beach, in the primitive simplicity of native dresses and bare limbs.

For the general mass of the visitors, profuse provision was made by the various districts of Tongatabu, the distribution of the same commencing each day about six o'clock A.M., amidst much ceremony, at the Strangers' House, in the centre of Nukualofa. These supplies consisted generally of immense pigs, roasted whole; turkeys, geese, ducks, fowls, and fish of all kinds. These were accompanied by large quantities of yams, sweet potatoes, bread-fruit, puddings, bananas and fruits of various descriptions. To give an idea of the quantity of provisions consumed, during this feast "of weeks," it was computed, by an eye-witness that one hundred and fifty thousand yams, and nine thousand pigs, were consumed, and the consumption of other provisions was in proportion. Several hundred turtles were distributed in the course of one day.

The most interesting spectacle was, perhaps, when Queen Charlotte herself presided over a distribution of presents to the numerous visitors from

distant islands. All the females on the island walked past the queen, in procession, two abreast, making obeisance, and depositing the presents brought. These consisted of native dresses, curiously wrought; mats, some of extensive size for large buildings, and smaller ones of exquisite fineness for wearing round the body; bales, or rolls, of native cloth, of enormous dimensions, from forty to one hundred yards in length, printed or scrolled in a most tasteful manner; also fans, combs, baskets, and personal ornaments, with a variety of other articles. It is impossible to describe minutely, or to give a complete list of what was collected. At the termination of the procession, two enormous masses of presents, each the size of a tolerable wheat-stack, lay on either side of the queen, after which the whole was distributed, by her directions, to the strangers present in Tonga on the auspicious occasion.

But the religious element of this wonderful scene was the most impressive of all. Nearly all the old Missionaries of the island, - indeed, all but one, - were removed by death, or to other lands; but the younger race were men of the same spirit; and with great joy and exultation they looked upon the scene which the labours, and prayers, and anxieties of their predecessors had brought about.

Under the spreading branches of the banyan trees sat some four or five thousand natives from Tonga, Fiji, and Samoa, on Whit-Sunday, 1862, assembled for public worship. Foremost among them all, sat King George in solemn majesty, - yes, majestic in appearance, as well as in power. Around him were seated old chiefs and warriors who had shared with him the dangers and fortunes of many a battle. The eyes of some of these were now dim; and their once powerful frames were bending down under the weight of years to seek the friendly support of a staff. But, whether they were old or young, one could not mistake the meaning of those gleaming eyes, and shining faces. They were radiant with Christian joy, love, and hope.

It would be impossible to describe the deep feeling manifested when the service was commenced, by the entire audience singing the hymn beginning, -

"Jesus shall reign where'er the sun
Doth his successive journeys run;
His kingdom stretch from shore to shore,
Till suns shall rise and set no more."

And the conclusion of the hymn, prayer was offered up by an old Hihifo friend of mine, Tevita Ahomee. "If ever man prayed," says one of the Missionaries, "he

prayed; for, like Jacob, he prevailed, Thank God, the Tonguese can pray, though it may be, as one from Samoa says, 'They pray like steam!' Many were the 'Amen's' that echoed through the mighty throng, and it seemed as though branch after branch of the spreading banyan trees caught up the glorious sounds." A suitable sermon, from one of the Missionaries, was followed by several discourses, or orations, from native ministers: the whole proceedings of the memorable occasion being very fitly completed by a sermon, preached by a converted cannibal Fijian, who was himself the first-fruits of Tonguese zeal and love for Christ. When he, in return, told the assembly, in their own tongue, of the wonderful works of God, in his native islands of Fiji, the crowning glory was added to the services of the day.

A more hallowed and noble triumph, of Gospel truth, Tonga had never witnessed, than when the social and political advancement of its population was thus acknowledged, by king, chiefs, and commoners, to be the sole result of that enlightenment and saving grace, which the religion of Jesus Christ had imparted, and before which heathenism and tyranny had fallen to rise no more.

(iv) "nothing would content them but a formal Liberation"
 [Thomson, Basil. *Diversion of a Prime Minister*. Edinburgh.
 1894. p.222.]

"The Tongans had reached a stage of development midway between the patriarchal and feudal systems. Their chiefs had the blood of the founder of the family in its purest form, and were the earthly incarnation of their deified ancestors. Each chief had hereditary retainers who followed him to battle, and obeyed him in time of peace; but the constant wars during the latter half of the eighteenth century had created a lower class of servants than these - the tu'a, children of prisoners of war. These, together with the illegitimate children of the chief's father or grandfather (his cousins, in fact, for a chief bred servants for his descendants), were in the nature of serfs, leading, however, an easier life than such a designation would imply. The missionaries had perhaps read of Peter the Great and Wilberforce, and they too panted to win the grateful admiration of posterity. To their heated fancy the people appeared as slaves, because they yielded service without fixed wages, and nothing would content them but a formal liberation. They did not stop to reflect that these "serfs" were fed and clothed by their chief, and that as members of his household they enjoyed privileges which men of their low rank could not hope for in other societies. If they were contented, they ought to be taught a noble discontent, and to pine for the Anglo-Saxon fetish, freedom. King George, as he hoped to be saved, must "liberate the serfs."

In 1862 he yielded, and signed a brand-new Constitution, drawn up by the missionaries, after a model devised for the King of Hawaii by a Mr St Julian. On the 4th of June 1862 there was a solemn meeting of the newly constituted Parliament. In the intervals of feasting the code was passed, and at the end of two months the legislators dispersed, leaving the land as bare as if a swarm of locusts had passed over it. The missionary historian waxes emotional as he tells of how they contrived to eat 150,000 large yams and 9000 hogs, besides other provisions, and of how they feasted daily at a board spread in European fashion, clad in decent black broadcloth and white chokers, to the glory of God and the triumph of missionary statecraft."

THE TEXT OF THE 1862 CODE

[Latukeyu, Sione: Church and State in Tonga: The influence of the Wesleyan Methodist Missionaries on the Political Development of Tonga, 1826-1875. Thesis submitted for the degree of Doctor of Philosophy in the Australian National University February 1967. pp. 564-575.]

THE 1862 CODE OF LAWS

(Translated by the Rev. R. Amos)

I. - The law concerning the King

1. The King is the root of all government in the land, and it is with him to appoint those who shall govern in his kingdom.
2. But should the King intend any weighty matter to be done in his land, it shall be with him to assemble the Chiefs and Governors to take counsel with him upon it.
3. And whatsoever things are written in these laws, it shall not be lawful for the King to act contrary thereto, but to act according to them as well as his people.
4. The King is the Supreme Judge, and any case which the judges cannot settle shall be brought to the King, and the King's decision shall be final.

II. - The law concerning the land

It shall in no wise be lawful for a chief or people in this kingdom of Tonga to sell a piece of land to a foreign people - it is verily, verily forbidden for ever and ever; and should any one break this law he shall work as a convict all the days of his life until he die, and his progeny shall be expelled from the land.

III. - The law concerning the Judges

1. It is the province of the King to Commission judges in his kingdom.
2. This is the duty of the judges - when any one is accused of a crime, and is brought before the court, it is the duty of the judge to hear the statement of the accuser and also of the accused; and after the crime is proved against the accused the judge shall sentence him to punishment according to what is written in these laws. A short admonition to the judges on their duty - show no partiality in judging criminals; be he chief or gentleman, judge according to the laws; for it is unjust to make a difference in judging chiefs and common people.
3. It is forbidden to the judges to take a bribe from a person about to be judged, and should any judge do so he shall lose his office and give up the bribe to the Government.
4. The judges shall put no one on his trial until they have received certain information.
5. On the days of judgement, when the judges are set, there shall be brought into their presence the accused, accuser, and witnesses, and then shall the judge state the offence with which the prisoner is charged.
6. The judge shall then ask the accused if he be guilty of the charge, and if he plead guilty the judge shall at once pass sentence; but if he plead not guilty then witnesses shall be called to prove the charge; and it shall be lawful for the accused to call witnesses to prove his innocence if he be able to do so.

7. It shall be lawful for the accused to examine the witnesses against him, but the questions shall be put through the judge, that there be no confusion or dispute in the presence of the judges, and if any act otherwise the officers of the court shall silence him.

8. And in case of any great crime, as murder, house burning, canoe burning, and such like, when it has been judged by the judges, and the punishment is determined, it shall not be executed immediately, but the King and the judges shall consult, and if the King wish to lessen the penalty he may, but he cannot increase it.

IV. - The law concerning witnesses

If any one shall accuse another, or bear witness against another, and it shall afterwards be found that the accusation, or the witness was false, the punishment due to the accused, had the crime been proved, shall fall upon the false accuser and false witness: and if any one shall be unjustly put to hard labour in consequence of the false accusation or false witness, the judges shall make the false accuser and false witness pay back to the accused the amount of labour done for the Government.

V. - The law concerning Governors or Rulers

The Governors to whom this law applies are - those whom the King has commissioned to govern a territory and its people, and it shall be the duty of such Governors to make known these laws to the people whom they govern, and if any Governor fail in this he shall be fined thirty dollars, and if he neglect his government, or the national works appointed by the King, or Government, he shall lose his office.

VI. - The law concerning Officers (ie. Police.)

1. The duty of officers is - when an offence is reported to the judges it is their duty to bring the offender to the court on the proper day.
2. And in the presence of the judges it is the duty of officers to see that no confusion arise among the prisoners and witnesses, and should any arise it is their duty to silence it.
3. And after judgement is given; and the guilty are sentenced to fines of money or labour, it is the duty of officers to see that payment be made on the proper day, or that labour be well and duly performed. It is the province of the King to pay the officers.

A And because this land now pays tribute the prisoners shall work for the Government every day, and one officer shall be stationed where prisoners are at work, and see that the work commences at sunrise, as ordered by the King or Government, and lasts diligently until sunset. Also to watch the capital each day, to inspect its streets, to tell of some of the convicts for the purpose of levelling and sweeping the streets, and to appoint two of themselves to watch the capital during the night, and this shall be done from sunset until sunrise, the two so watching to be free from duty on the following day.

VII. - The law concerning Marriage

1. Marriage is a covenant made between man and woman, to dwell together as one, until the death of one of the parties; marriage is both a religious and a civil compact.

*the

2. The parties eligible for marriage must be sixteen years of age, nor is it lawful for any one to marry under that age; and should any one break this law he shall be fined ten dollars.
3. It shall not be lawful to have more than one wife, or husband, but each one shall live with the person to whom he or she is married; and whoever shall break this law shall be kept to hard labour for the space of three years, and shall put away the person to whom he or she was last married.
4. And besides, it shall not be lawful for any one to interfere to prevent a marriage, if the man and woman wish to be married; and let no one forbid it, except for a great and just reason; and any who break this law shall be fined ten dollars.
5. And when parties are married their parents shall have no further jurisdiction over them, but they are at liberty to do as they please; nor let any friend interfere with their affairs; and if any break this law they shall be fined five dollars.
6. Because the present usage at marriages is bad and impoverishing, if any friends wish to make a present to parties going to marry, it shall belong to the man and woman, it shall not be again distributed; and if any break this law he shall be fined twenty dollars.
7. The Wesleyan Missionaries and the priests of the Pope's religion are the persons to celebrate marriage, severally to the people of their own religion; and if a Wesleyan marry a Papist, or a Papist a Wesleyan, man or woman, the marriage shall not be one-sided, but the ceremony shall be performed by the ministers of both churches; and whoever shall break this law shall be fined ten dollars and the marriage shall be invalid.
8. The ministers shall please themselves whether they call the banns of marriage for three Sabbaths in their places of worship or not, each one according to the usage in his own*shall be lawful if the parties bring a certificate from the Judges appointed by the King to the minister, to certify to him that there is no civil obstacle in the way of their marriage. But should any Judge give a certificate unjustly to man or woman whom he knows cannot lawfully marry, he deceives the minister celebrating the marriage, and shall himself be fined in the penalty of one hundred dollars.
9. All the marriages celebrated in the Wesleyan and Papal churches by their ministers shall be valid, and the King and chiefs will protect them if they be according to these laws; but if any marriage take place illegally it shall be void.
10. And in the matter of divorce. It is not lawful for them to separate except for adultery; and in case of separation the innocent shall be at liberty to marry, but the guilty shall not marry again until after the space of three years, when they may marry. In divorce observe the following things:-
11. Know that the separation of man and wife is a very difficult thing, for it was God who instituted marriage. And let them who wish a divorce be judged by the Governors and Judges to see if it be right that they should separate; and the minister shall divorce them in the church before the people, in the same way that they were married,
12. If any one wish to marry without calling of banns he must first make it known to the Rulers of Judges, and if he be free to marry he shall receive a certificate

* church

from the Rulers or Judges to make known to the minister his condition: and if he obtain no such certificate, and a marriage take place without one, that man shall pay a fine of one hundred dollars.

13. No one shall be able to cast off causelessly either wife or husband, and whoever does so shall be judged, and fined a hundred dollars.

14. When a marriage is celebrated the man shall make it known to the Scribe, that it may be registered; and if he delay it more than three weeks, he shall be fined one dollar. And this law shall also apply to divorces, which must be reported to the scribe that he may register the day of their separation.

VIII. - The law concerning adultery

When a case of adultery is judged and proved, the offender shall pay to the injured party the sum of fifty dollars, and shall work for Government a whole year, and whether it be man or woman the punishment shall be the same.

IX. - The law concerning fornication

When a case of fornication is judged and proved, the culprits shall be put to hard labour for two months, and if two offences three months, and so on: if a child be born in consequence of fornication, the father shall be bound to maintain it for the space of thirteen years, which maintenance shall be two shillings a week paid to the mother of the child.

X. - The law concerning murder

Those who kill others from malice shall be hung.

XI. - The law concerning manslaughter

The meaning of manslaughter is this - if any one meet his death through another, but the other did not intend to kill him, and after it is judged and found that the offender really had no hatred towards the deceased, nor intended to kill him, but that it was purely an accident, he shall escape; but if it shall transpire in the examination that the parties had differed, or wrestled, or fought, or cudgelled, or done anything which caused death, the criminal shall be put to hard labour for two years.

XII. - The law concerning abortion

If a woman shall purposely injure herself, or take drugs, or do anything to procure abortion, when it is judged and proved, she shall work as a convict all her life.

XIII. - The law concerning house burning and canoe burning

If any one shall set fire to a house or canoe, intending to destroy it, when found out, judged and proved, he shall make good all damages, and if life be lost through the fire he shall be hung.

XIV. - The law concerning robbery

If any one shall steal anything from another's farm, or elsewhere, he

he shall pay the owner the value of it, and work for the Government according to the magnitude of his crime.

XV. - The law concerning Sabbath breaking

It is not lawful to work on the Sabbath day - either to build houses, or canoes, or to farm, or go fishing, or such like; but there are things that may be done on the Sabbath, such providing for sickness, or accidents. And whoever breaks this law shall be fined eight dollars, and for the second offence sixteen dollars.

XVI. - The law concerning fighting and quarrelling

If any are determined to fight, let them go into the bush and fight it out, but it is expressly forbidden to fight in a public road, or green; and whoever commenced the quarrel shall be fined six dollars: but if both be to blame both shall be fined.

XVII. - The law concerning destroying canoes

If any one shall break or injure a canoe belonging to another, the Judges shall make him pay to the owner the value of the canoe, and he shall work for Government according to the offence.

XVIII. - The law concerning destroying fences

If any one destroy another's fence he shall make it good again, and work for Government according to the nature of the offence. If the animal of any one destroy a good fence, the owner of such animal shall make the fence good again; and if the owner neglect to keep the animal at home, and he destroy fences again, the animal shall be forfeit to the King.

XIX. - The law concerning voyages

If a chief make a voyage, and he and his crew do evil in any land, on his return he shall be judged, and punished as his crimes deserve. It shall not be lawful for voyagers to bring back any inhabitants of other lands against their will, but when the King of the land grants permission they may let them come; and if any one bring a person by force the captain of the canoe shall be fined ten dollars. And this shall be the usage of voyagers - if a vessel sail the vessel shall have papers from the Rulers, and then it is lawful to go; but if a vessel sail without papers it shall be seized, as it is a runaway, and be fined thirty dollars.

XX. - The law concerning all destructive animals

If an animal is known to destroy the crops of another person, it shall be made known (sic) to the owner of the animal, that he may keep him fenced in, or tied; and if he neglect it, and the animal commit further depredation, the Judges shall order the owner of the animal to pay an adequate sum to the injured party, and the destructive animal shall be forfeit to the King; but if the animal went through a rotten fence, then the payment shall be for the first damage only, nor shall the animal be forfeit according to this law.

XXI. - The law concerning lost property

If one lose a thing and another find it, and the finder know to whom it belongs but does not restore it, he shall be treated as a thief, and judged; but if the owner cannot be found it shall be the finder's; and if the owner be found, the owner shall pay to the finder one-third of the value of the property so found, as a reward.

XXII. - The law concerning turning King's evidence

Should any conspire to commit a great crime, as murder, or some great evil; and after the conspiracy is arranged, if one should repent, and reveal the conspiracy, the King shall pardon him, but the other parties concerned shall be punished as though the crime intended had actually been committed.

XXIII. - The law concerning indecent assault

If judged, and proved, he shall pay to the woman thirty dollars, and work for Government ten months.

XXIV. - The law concerning rebellion

Should any chief or people stir up strife, or instigate rebellion, that chief or people shall be banished from the land; nor shall it be lawful to return, but it shall be at the pleasure of the King whether they return, or be exiled until death.

XXV. - The law concerning sleeping

If a man enter a woman's sleeping apartment he shall work for Government three weeks, if a man and woman (unmarried) sleep under the same coverlet they shall weboth work a fortnight.

XXVI. - The law concerning calling canoes

It is not lawful for people to call canoes for no reason, but one cause can justify it, which is that his own canoe is in danger, and if in such case the canoe does not come it shall be fined fifty dollars.

XXVII. - The law concerning public roads

The roads shall be cleaned after two months, and within a fortnight, and shall be inspected on the third week, and the people and Rulers shall attend to this, if the Rulers do not attend to it, the fine is four dollars, and the fine for not cleaning the roads is to be one shilling for five fathoms.

XXVIII. - The law concerning funerals

It is not lawful for all persons to conduct them, but undertakers only; and if there be no undertaker in the place, then any person may conduct them, and the friends of the deceased shall properly pay the undertaker, which if they do not, the judges shall order them to pay him five dollars, which shall be paid to whoever undertakes the funeral.

XXIX. - The law concerning slander and evil speaking

If anyone shall speak evil of the King, or Ruling Chiefs, or Judges, or Missionaries, or anyone else, and it be judged and proved, he shall be fined ten dollars.

XXX. - The law concerning foreigners

Any foreigner wishing to dwell in this kingdom must obey the laws of the land, and be judged as the people of the land, and if any here injure them, they shall be judged, and punished as they deserve. And the foreigners shall pay to the King an annual rent for their premises, according to the size of the allotment on which they live, whether large or small, and the Judges shall collect this rent from foreigners annually. It shall not be lawful for any foreigner to come and dwell in the land ignoring the King, or Governor.

XXXI. - The law concerning cocoa nut trees

If any one wish to cut down a cocoa nut tree he must first plant three cocoa nuts, and then cut down the tree, but should he cut down the tree and neglect to plant the nuts, he shall be fined five dollars.

XXXII. - The law concerning parents who neglect their children's education

Whoever shall neglect to send their children to the schools shall be fined ten dollars.

XXXIII. - The law concerning impudent persons

Whoever shall commit depredation, or nuisance, upon the dwelling of another, and gets beaten for it, the person inflicting the punishment shall be held justified.

XXXIV. - The law concerning tribute

1. All laws formerly (sic) printed in the code of laws of Tonga relating to serfdom are repealed, and the following is the law of Tonga instituted by the King and Chiefs of Tonga, in the Parliament House at Nuku'alofa, in Tongatabu, on the fourth day of June, in the year of our Lord one thousand eight hundred and sixty-two (1862).
2. All chiefs and people are to all intents and purposes set at liberty from serfdom, and all vassalage, from the institution of this law; and it shall not be lawful for any chief or person, to seize, or take by force, or beg authoritatively, in Tonga fashion, any thing from any one.
3. Every one has the entire control over every thing that is his.
4. All chiefs and people shall pay tribute (or taxes) to the Government; and the King shall pay the salaries of all Governors, Rulers, Judges, Officers, (Police) and other persons in Government employ. The tribute for the first year shall be three dollars each person. This tax is right; and after the proclamation of this law no people will provision canoes, or support voyagers gratis, because if a canoe go on the business of the King or Governor, it will be pro-

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visioned at Government expense and all national works will be paid for by the State. And if other voyages be undertaken, the voyagers must look to their own friends to provide for them, but it shall not be lawful for the Rulers to order any one in the land to which they go, to wait upon them as vassals; or to appoint any work to be done by any one for himself, or the state, except clearing his own frontage on the public roads.

5. The rent to be paid by the people to their lawful chiefs (or landlords) shall be two shillings a year each person.
6. And the chiefs shall allot portions of land to the people as they may need, which shall be their farm, and as long as the people pay their tribute, and their rent to the chief, it shall not be lawful for any chief to dispossess them, or any other person.
7. And the King affectionately recommends that the size of the farms be increased according to the number of the family.
8. And these are the persons who shall pay tribute - all males of sixteen years of age and upwards.

XXXV. - The Decree of a Festival

And it was on the fourth of June, in the year one thousand eight hundred and sixty-two, that civil liberty came to Tonga, when that day shall arrive in each year, all and every land in this kingdom of Tonga shall keep it as a festival, in memory of the liberty of Tonga, and it shall be so for ever and ever.

XXXVI. - The law concerning Judges, Rulers, and Officers

1. If any Governor, Judge, Ruler or Officer be drunk, the King shall immediately depose him, and stop his salary.
2. The King shall pay from the State Treasury the salaries of the Governors, Judges, Rulers and Officers, and shall pay them quarterly.
3. Criminals shall work for, and pay fines to the State as they have done, and the money shall go to the Government.
4. Fines may be levied for these offences - cursing, drunkenness, and light offences: but adulterers, fornicators, and all such as violate weighty laws, shall be put to hard labour upon the roads, and works appointed by the King or Governor to be done.
5. And fines shall be paid in money, according to the week or month to which the sentence of the criminal refers.
6. And to add to the salutary effect of their sentence, the convicts working for Government shall provision themselves, no food will be provided by the Government.

XXXVII. - The law concerning Spiritous Liquors

1. It shall be lawful to sell spirits by license from the King, but not otherwise.
2. The price of the annual license shall be 100 dollars.
3. And these are the regulations for sellers of spirits:-
 - (1) He shall sell nothing else, but spirits only. If he wish to carry on other

No Registrar for Niua

No Registrar for Niua

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business besides, he must have two licenses, one for spirits, and another for general trade.

- (2) On no account whatever, must they sell on the Sabbath.
- (3) They may sell from sunrise, until 10 o'clock p.m.
- (4) On no account must they sell to one who is drunk.
- (5) It is forbidden to mix drugs with the spirits.
- (6) If any licensed person persist in breaking these laws, his license shall be revoked, and not renewed hereafter.
- (7) If any one sell without a license, he shall pay the penalty of 200 dollars.
- (8) The payment shall first be brought to the King, or Governor, and then the license shall be given to the applicant.

4. All spirits landed shall pay duty, and the party landing them shall pay the duty.

5. Brandy, Rum, Gin and that kind, shall pay two dollars a gallon duty - all kinds of Wine, one dollar a gallon. This law relates to all foreign liquors.

6. For all spirits made in Tonga, the duty shall be a dollar a gallon - all Tonga wines shall be free.

7. He that breaks these laws shall be fined 100 dollars, or to be sentenced to six months hard labour.

8. Every one found drunk in the road, or on the green, or in another person's premises, shall be fined five dollars.

XXXVIII. - The law concerning the Scribe (or Registrar)

The King has, with the chiefs, appointed three Registrars to be the Scribes of the kingdom - one at Tongatabu, one at Haabai, and one at Vavau; and it is their duty to write the affairs of the Kingdom - births, marriages, divorces and deaths.

1. If after three weeks the birth of a child be not registered, the parent of the child shall be fined one dollar.

2. And if a person marry, but do not register his marriage, he shall be fined one dollar.

3. And if parties be divorced and do not register the divorce, they shall be fined one dollar each.

4. And if a funeral take place, and the death be not registered, he to whom the dead properly belonged shall be fined one dollar, as it is not lawful to bury any one whose death is not registered. These laws are made that the King and Chiefs may know if the land is prospering, or otherwise and to prevent confusion.

5. It is also the work of the Scribes to collect the tribute, and to make known the pleasure of the King or Governor. When the time fixed for making the tribute, (by the King, or Governor) is expired, and there be some who have not paid up, it shall be lawful for the Scribe to sell by auction as much of their property as will pay the tribute.

XXXIX. - The law concerning fire-arms and ammunition

It is not lawful for any one in this kingdom to land arms or ammunition, be he Tonga man or foreigner, without the knowledge of the King or Governor; and if the Government do not wish to purchase them, they may be landed, but he who lands them shall pay duty - for a musket or rifle, two dollars, and for a cannon, ten dollars. For large shot, four dollars a bag, and for loose powder, one shilling a pound.

XL. - The law concerning the division of lands

When the land is divided among the people, if there be a part that is not used by the people, as farms, or in any way, it shall be resumed by the Government. And when any one dies, leaving his land to no one in particular, it shall be claimed by the State.

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D. THE CONSTITUTION OF 1875

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THE CONSTITUTION AS THE BOOK OF FREEDOM 1875
 [Ko e Bo'obo'oi. 1st March 1875. Vol.2. No.1. p.2. - Column 3.
 English Translation by Viela Kinahoi.]

A letter from those Europeans who talked about 'Tonga Fie'ilo' *(1) in the previous editions of the Bo'obo'oi is printed in this edition. 'Tonga Fie'ilo' has been treated very badly by many people, and for what reason we do not know.

We thank him for raising the topic for us to discuss in this newspaper. The letter refers to the relationship between the Europeans and the Tongans and also the method whereby a foreigner may become a citizen of this country.

It is true that after that letter was written, and the Government's reply given to the Europeans, some of the laws in the British Government concerning aliens have changed and we will talk about that some other time - What we want to discuss in this edition are the words, 'If there will be a day when Tubou will give his people a Constitution' because some will wonder what the Constitution is. Some may be like the man who, when he heard of it, thought it was a great celebration, feasting on pork. That is why we want to talk about it so that it will be understood. Thus the question that we will answer: 'What is the Constitution?'

Perhaps it is best to begin by asking 'What is the Bible? Is it not the book which explains our spiritual freedom, the things that we should do and the things that we should not, the relationships between man and man, the King on his Throne and the subjects in his Kingdom, in particular the way the church should be governed, and what is to be done in the Church. If a preacher is judged because of his sermon, from which book is he judged? Is it not from the Bible - to see if his sermon is scriptural? Also if anyone from the church is to be judged - from what Book is he judged? His attitudes and his work are considered to see if they measure up to Biblical standards.

Therefore what is the Constitution but the Book of Freedom and the method by which the country is Governed. The Constitution explains the way a King is appointed and who has the right to rule; What the King has authority to do, and what he does not have the authority to do in the governing the country; What those in leading positions have the authority to do and what they are not authorized to do; The nature of the Courts and what the Judges can do and what they have not the power to do; The nature of man's freedom and what may result in the loss of his freedom, and so on. Is this the way people at present consider it? It is not.

We say that the country is free, but free in what way?

Free and

still under control, free but still required to do service for others *(2) Whose freedom is this? Who cannot give evidence of these things? -

With due respect, to the Chiefs who have to deal with so many different things, like this newspaper, the Bo'obo'oi *(3).

With respect to His Majesty, so much of the Governmental work which is not fitting for a King, is carried out by the King. The Governors are doing a great deal of work that is quite unsuited to their position. In other parts of the world the work of Governors is not like that, and the same is true of the judges. One of the things that is thus compounded, yes, we will speak the truth, is that no one in the whole structure of the society is free from interfering in other peoples responsibilities. And it is true - most of the Chiefs do not really know what they should do, as though they are groping in the dark. Why is it? Because there is no Constitution to divide responsibilities and show each the work he should do in his particular position, to show how free the country is, and the nature of our freedom, or what would cause the loss of our freedom. And so the Constitution is the document to limit the King's power to rule, the testament of our freedom to the people of the country, and a testament as to how they should be ruled. Any law discussed by the Parliament will be rejected if it is not in keeping with the Constitution. If we have the Constitution, let us say 'the country is truly free' and, if not, let us compound things, freedom and responsibilities, just like the Bo'obo'oi (a collection of various ingredients mixed together as in a Tongan Pudding)

In the days to come we will print the Constitution of Hawaii for this country to see, for it is the Constitution that knowledgeable people in our country refer to as the document that will be most useful for these countries as an example in so many ways.

- (1) - presumably a pen name used by a contributor to the Bo'obo'oi. He had asked "respectfully" when the Constitution of Hawaii would be printed for people to read.
- (2) - "Tau'ataina ka e kei fei'umu pe" - free but still required to serve the chiefs, in the preparation of food.
- (3) - Bo'obo'oi - a Tongan pudding. The suggestion is that several ingredients have been mixed together. In Political matters it conveys the idea of a mixed confused state.

TUPOU REQUESTS A CONSTITUTION 1875

[Boobooi, Vol.2, No.6, Sept. 1875. The Constitution is printed in full in Tongan in this issue. The following document is Baker's explanation for printing the Constitution. English translation by Viela Kinahoi]

People of Tonga,

It is fitting that we should present some introductory remarks in this newspaper on the question: "Why publish the Constitution of Tonga?" We write this letter in order to prevent any misunderstanding and rumour.

From time to time during the last two years Tupou said to me: "Mr Baker, please translate for me the basic laws of your country (and of other countries) which are known as "The Constitution." And if there is anything that you think is useful for Tonga or that we can accomplish, then write it down for me to consider. I am attempting to establish laws here in Tonga, as is done in other countries, so that Tonga will truly become a Nation."

I agreed to do as he asked and this is the document that I gave to the King and which he requested should be published in the Boobooi in order to make it known to the people, to be a basis for the thinking of the leaders during the Parliament that we are looking forward to in September.

I ask you, friends, to look at this document as a whole before you pass judgement, for I know that there will be discussion and debate. I did not look to the interests of any particular group. We are impartial, only considering those things that are useful to Tonga. May the leaders of our country come to agreement so that these laws may be printed. Let us join in unity so that our country will remain stable and well ordered. I know that many things will appear strange to some of you, but I beg you to let the Love for Tonga create unity. Thus our descendants will give praise, and be thankful, because of our endeavours and our love for our country. We believe that the only reason for his Majesty's request was his love for Tonga, to keep Tonga for the Tongans: And we know that this was the only reason for our agreeing to the request. May this country too accept it in the same spirit.

'Ofa atu,
Mr Baker.

TAXATION AND PARLIAMENTARY REPRESENTATION

[Ko e Boobooi. Vol.2. No.1. March 1st 1875. Translation by Viela Kinahoi.]

This is a Letter that was written by some European to King George.

November, 25th 1873.

To His Majesty King George Tubou, King of the Friendly Islands.

Sir,

We, the undersigned, are residents of Tongatapu. We write this letter with a request to you.

Since the last Quarterly meeting many taxes have been placed upon us. In Civilised Nations it is well known that no tax is to be levied on any people if they do not have Parliamentary Representation. Thus we ask you to allow us (by means of a Letter signed by Your Majesty,) to choose two representatives to the Parliament and the Quarterly meetings.

These representatives will suggest rules to regulate or to prohibit these taxes, and to protect the interests of those whom they represent. And because we know that this is done in so many countries, and your desire to be just is well known, and because of your striving to follow the procedures of the more advanced Governments we hope that our request will be accepted.

We are, your servants,

Mr Young and 22 other Europeans.

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The Reply [Ko e Boobooi. Vol.2, No.1. March 1st 1875.
Cocker to the 22 European Petitioners.]

Government Office.

November, 25th 1873.

To Mr Young and the other 22 Europeans who signed this Letter.

Gentlemen,

His Majesty has requested me to reply to the letter that Mr yYoung, Mr Crook, and Mr Hudson brought, with your request to elect two representatives to enter the Parliament.

His Majesty says that your request amounts to a pledge of loyalty to the

Flag of Tonga. There is no civilised country in the world which will allow anyone but a true citizen or a naturalized person to enter the Parliament or participate in the election of Representatives to the Parliament.

As yet none of the Europeans who reside here in Tonga have taken this oath of naturalization - so they are not citizens of this country. Although some of those who signed their names have agreed to take these oaths, Tonga is not yet a Nation, so these oaths would not be valid.

It is true that His Majesty is aware of the respect that British warships and those of other nations have paid to the Flag of Tonga, as is done in the Free Nations, but the Treaties with Britain are yet to be completed and ratified. Therefore His Majesty is not permitted to accept the Oath of Naturalization by British subjects or people from other countries at this present time.

Some will say that British subjects enter the Parliament in Fiji. But His Majesty says that the Government of Fiji differs greatly from Tonga. For Cakobau and the Chiefs of Fiji have sold their country to the Europeans, but not an inch of Tongan soil has been sold to a European. So he says that the Oath of Naturalization and the matters that concern that Oath, as in civilised Nations, has not been violated in anyway.

And that which you were certain of in your letter "Everyone knows that tax and duty is not imposed on people in civilised countries if they do not have a representative.

His Majesty says this is incorrect and there is no basis or evidence from the Civilised Nations for this. Duty is applied to all people in civilised nations and yet they do not have representatives to the Parliament. Duties are levied on foreigners in certain nations, and yet they do not have representatives except the Consuls who represent the nations to which they belong.

And His Majesty states that it appears in the books that were given to him as gifts from the Government of New South Wales that many aliens from different nations reside there, - French, Germans, Americans and people from other different countries. And they compose almost $1/25$ of the population. But the friends who have put their names to this letter comprise only $1/409$ of the people of Tongatapu.

Even though you were so sure about it in your letter, it appears that although the Aliens are in great number in New South Wales, that Government has not yet allowed these people to submit a representative to the Parliament, and if this 'great number of people', "the 23" put forward two representatives then

no Parliament in the world would be large enough for all the representatives.

And to prove the inaccuracy of your letter His Majesty says that he remembers the incident where, some years ago, one of the States in Australia levied a heavy tax on one group of Aliens who made up 1/10 of the population of that State, and yet this civilised country did not allow them to elect a representative

And one other thing His Majesty says is that 'If those who signed their names were citizens of the country they would not be allowed to elect two to represent them in the Parliament. If the Civilised countries did have such provisions for representatives of that kind, those countries would be in disorder. No Parliament in the world has provisions for representation of every class of people, shopkeepers, workers, the various trades, and other groups.

And concerning one section of your letter - that the work of the representatives is to see to various matters that the members of Parliament will discuss. If these are to be representatives then His Majesty says 'that you should desire the election of representatives from every twenty three who reside throughout the length and breadth of the land. Tongans are taxed in exactly the same way as those friends, yet they are prohibited from the election of those two representatives. It appears from your letter that your request is not based on economic considerations for some whose names are included are employees of others, and some have not been here for very long. And so if there is a European who has been taxed - you agreed to let him join. And if that is the reason then His Majesty says "Let us never see the day when Tongans and Europeans will contend with each other". And may the time soon come when His Majesty will give the Constitution to his people, for he - hopes that in the near future it will be granted. To His Majesty, everyone is equal whether they are people who were born here or by means of the Oath of Naturalization - they will still be the same in every way.

And His Majesty states that he was surprised when he inquired in the Government office to find that not one of those who signed this letter had paid his tax. This is something unheard of in any country of the world or in the history of the Nations; that a group of people who had given no help to the Government were begging permission to be part of the Government. You made your request on the basis that you pay taxes. And thus, even if it were permitted in many countries to accept your request, your letter would be of no avail since you yourselves have not fulfilled the requirement.

His Majesty says that even though you are certain that your lives and properties are insured by the Government, and you have made use of this Govern-

ment's regulations, of the Magistrates, and the Police, and the public roads, at no charge to you, yet your contribution to the Government is less than that from the most needy Tongan in the land. So his Majesty says that the Europeans should not complain for they bear the same tax as Tongans, and who would say that their wealth is the same? As you know the Government cannot operate if there is no help, and if the Government operates well! For whose benefit is it?

Therefore the Europeans should agree to help the Government. His Majesty is thankful to see the comment in the letter 'Because we know your desire to be just' because he is aware that many of the names in the letter are those who not long ago wrote to Sydney for a warship to come to make a judgement against him and his Government. Thus he is thankful, for he knows that they have changed their minds and how trust and respect him.

In conclusion His Majesty says that although he will not be able to accept your request, he promises that an alien would not even receive in Britain the blessing and protection received by all people from all nations who reside in His Majesty's Kingdom.

Another thing: No duty has been exercised and he hopes that no duty or tax will ever be levied on aliens that is not levied on the people of Tonga. Nor shall there be any preferential duty, for he will treat all ships in the same way. ~~And to all the people who reside here in Tonga -~~ Even though they cannot enter the Parliament because they are aliens, His Majesty says when the time comes for Tonga to become a Nation in the Family of Nations, he will be very glad to accept the oaths of Europeans with good reputation who wish to take the vows of naturalization. But it is up to His Majesty to accept or to refuse. And if he refuses the reasons will not be given.

His Majesty is grateful to those Europeans who have helped in the economic development of this country and he is happy because he knows that some who were very poor when they came, today are worth thousands of pounds.

His Majesty says that there is no other country in the world in which the aliens property is increasing so greatly, or a place in which they are more peaceful in their residence, for they can set sail or travel day or night in every part of His Majesty's Kingdom without fear, for there is no place here in Tonga in which they are prohibited to live, or in which their goods are prohibited.

I am, under orders of the King,

Your Servant,

Mr Cocker.