

THE KING'S MALANGA

[King George Tupou I's Speech at the Opening of Parliament 1875.
Ko e Boobooi, Vol. 11, No. 6, 1875. English translation by
Viela Kinahoi.]

I extend my best wishes to the chiefs who have gathered from Tonga-tapu, Haabai, Ha'afuluhao and the two Niuas - the chiefs of long standing namely the Ha'asiulangapo, Ha'alamatuhifo, Ha'atatafu, Ha'avaea and Ha'alaimoana and those of more recent times the Ha'a Ma'afu, Ha'a Havea, the Ha'a Ngata Motua and the Ha'a Ngata Tubu and Kau Hala'uta, and to all the Chiefs who have gathered here today.

I think it fitting to give thanks to God for making it possible for us to meet here today; a day that we have looked forward to. I am also grateful because no epidemic (such as has befallen Fiji and other countries,) has occurred here. For if it had, then we wouldn't have been able to meet happily as we do now. When I heard of the epidemic that has befallen Fiji and the other countries from which ships come to Tonga, I set up regulations (as is done in civilized countries) for the inspection of ships and also laws concerning ships that may spread sickness. The secretary was away so I asked Mr Baker to write letters to those who represent me in Sydney in order that they would inform the authorities in Sydney that these laws have been established, and the authorities in Sydney have accepted this. For this, I am grateful. A letter was also sent to New Zealand and again they accepted, as did the British, and the German Consul in Samoa. Therefore I thank them for helping me to prevent the spread of these diseases. Thanks be to God for protecting us.

Since the meeting that we held at Vava'u, Fiji had become a part of Britain. It is true that we did hold certain parts of Fiji but it is quite a while now since I have given them up. Britain has taken Fiji and I am thankful that we were not involved with Britain over it. I also gather that Samoa has gained American influence. I am grateful then that Tonga is still free, that we are not controlled by the powerful nations, and that we are at peace with them. Tonga then is free to go forward and embrace further aspect of civilization, to go forward in understanding, in Christian development, and in Truth.

After the meeting at Vava'u I ordered a National Coat-of-Arms for our country. Copies have been sent to other countries so that they may be familiar with our Coat-of-Arms. I want these words to be printed on it;

"God and Tonga are my Inheritance" - that these words may become the motto of the Kings of Tonga forever. A Royal Flag for my use has been ordered and again I want it to be the flag for the Tu'i Tonga and the Tu'ikanokupolu forever.

Mr Baker on his return, brought with him a gift from the Government of New South Wales, a complete set of their laws. Once again I am grateful to them for this valuable gift which signifies our contact with this country. Twice we received letters from the Governor at Sydney, thus showing that the big powers are taking notice of a small country like ours. This then is something for us to be thankful about, for we are now a part of the family of Nations.

Since the last meeting that we held at Vava'u I have instructed that a duty should be applied in order to prevent people from taking alcoholic liquor. I am glad that there is not yet a building for the selling of liquor in the Kingdom and I hope that it will stay that way. For if there will be one then I am afraid it will be a means of leading the Tongan people astray. Yet Tonga should rejoice because of the increase of trade. For example the export for the last four months (copra, oil, and cotton) amounted to £59,000. Isn't everyone surprised to see the great numbers of boat arriving here. I am happy at the increase in the population for it indicates that a new era is dawning for our country. The laws refer to keeping homes and gardens clean. Housing for many people is improving, people have better food. The death rate is decreasing and the birthrate increasing. The period of change has come. The population is increasing at the yearly rate of one in a hundred and the blessings for Tonga will be even greater in the future.

A savings Bank has been set up and it is encouraging that not a shilling was used in its upkeep, and yet it is a money earner for the Tongan Government. Because the Trustees of the Saving Bank have requested me to truly establish the bank, I have established it by opening in my name, a Royal Bank Account. The Bank has begun operating and is proving very useful.

The church should be one of the things to make us thankful even though there are now two in the country. Yet I and my family belong to the Wesleyan Church. Instructions for the new church have been given, and it is established like the church in Sydney - a part of all the Wesleyan Churches of the world. It is true that our responsibilities will increase - yet whose church and responsibility is it but ours?

The Government buildings have been erected - offices, printing works, and the courts. A boat has been purchased, the "Taufa'ahau", and if it trades with Sydney it will save us expense. Although much has been done yet we owe nothing and we are free and not dependent on European countries.

A day has to be decided for the opening of the Parliament of Tonga and I think that this present meeting is the most important since the meeting of 1862 when the people were emancipated. Therefore I praise the Lord for allowing me to see all these changes taking place. One other thing that I am especially concerned about is my desire, while I still live, to see Tonga become a Nation. I feel that I am getting older and if the Lord desires it then I beg to finish the work that I have started. Since the country is now independent, I desire to see it become a Nation.

Now I will deal with the matters for which we have gathered here today. To open the Parliament of Tonga I have called you to meet here and discuss the changes that are to take place in the running of the Government, that is the establishment of the Constitution to be the foundation of Government and the basis for future law making. As you are aware, in this country no one rules but me; My wishes are Law; I alone choose those who enter the Parliament, I alone have the power to decide who will hold chiefly titles, and it is within my power to change them....Now it seems to me that this was suitable for the ~~Dark Ages, but a new age has come to Tonga, an age of enlightenment.~~ Thus I wish to give to Tonga a Constitution and I, and those who come after me will rule by the Constitution. The Constitution should be for Tonga an eternal Foundation stone. The establishment then of the Constitution will become a final testimony to the Independence of the Tongan people forever. It will be evidence of your Independence - and may it be the most valuable possession for the people of this country. It will be a means whereby the Tongans can boast of their independence like the people of Rome in days long ago and the British of today.

The Constitution states that the law will be the same for everyone - Tongans and Foreigners - that there will never be any tax or duty on anything for Foreigners that is not also applied to Tongans. I would like to comment also on the good relations between the Europeans and Tongans. Perhaps throughout the whole of the Pacific there are no better Europeans than the ones residing here.

The Constitution makes reference to the Parliament and the way it should operate. Chiefs will be summoned and they will hold their titles on a hereditary basis - their descendants to be their successors, and they will be called the Nobles of the land. I state in the Constitution that the people will choose their representatives to enter the Parliament and join in the discussion of the Laws. I state in the Constitution that Ministers will also be included to represent me and the Parliament in supervising the work of Government. A Premier will be responsible for all Government matters. There will be a Minister of Finance, a Minister of Lands. A Minister of Police will see that the people act according to the laws - they will find their responsibilities and Parliamentary procedures in the Constitution. If adhered to everything will be orderly. A Privy Council will be established to help me in dealing with weighty matters of Government. It is the work of the Council to finalize these matters. The Constitution states that the legal procedures will be re-structured. We know that the strength of the Nations lies in their Courts - if they are weak the nation is weak. That is why there is to be a supreme Court and a Chief Justice and Local Magistrates and a Police Court and with such an organization I expect peace and order. The people of Tonga can be truly proud of these courts.

Another section of the Constitution deals with the land, although I am aware that such matters are seldom included in the Constitutions of other Nations of the world. Do not forget that we are different from them, for not a piece of our land has been sold - it is kept safe - up to this present time. Thus in the Constitution I have vowed that not a piece of Tongan soil is to be sold now or in the future. Nevertheless there is a regulation that should be established, and it is in the Constitution. The regulation allows the leasing of the land by the Government and the Nobles are to have the land as their inheritance, then they and their descendants should possess it for ever. It is permissible for the nobles to lease their lands to Europeans and Tongans, according to the Constitution, and they will receive the revenue from the leases. In order to make the Constitution stable and orderly I have made a vow that I will no longer change titles or appoint chiefs but they will hold their titles and inheritance on a hereditary basis. It states in the Constitution that the inheritance is to be to legitimate heirs. (those of true

blood) Adopted children have no right to the titles, the inheritance, or anything else - only legitimate children have those rights. Any argument that may arise will be dealt with in the court, according to the Constitution. To Nobles who hold titles and control land - once the Constitution is passed - You and your legitimate heirs will hold the titles and land forever. I have made the Constitution in order to create the new positions.

I have been thinking of a way to increase Government revenue and it seems to me that it would not be wise to raise the taxes. For if we do that then the imports will decrease. From where then will the Tongan people obtain their clothing and goods? Not only that, but if we impose a heavy duty, who will pay for it but the Tongan people. Therefore let trading be free except for a duty on liquor and the goods that are taxed at present. To raise money then I think it reasonable to let the Government collect the lease money from the established towns - as a means of increasing revenue - and the Nobles collect their lease money from the villages.

If things are done in this way then Government revenue and Government activity will increase and the country will develop. Thus it will not be a burden to anyone. Licences will be established but not so as to be a burden to anyone, for there is nothing that satisfies me more than to see the increase of trade and goods from overseas.

Take note also that none of the Laws will be altered except those that are not in keeping with the Constitution. All the laws of our quarterly meetings - forget about them - they belong to another time. Leave the way clear for the new Parliament, when the Constitution is passed, so that they will see what amendments are necessary.

The other thing that I will deal with is this. Let no one ever think that these regulations that we have established for the church will be altered - although the Government will not be able to make any financial contribution to support the church as is done in Britain and other countries. We have done all that we can do.

The Primary Schools: It is not time for us to take control of them and the colleges. However a written instruction will be issued to the Parliament to increase the yearly Government contribution to support the schools.

There will also be another small matter in relation to the Primary Schools, but it will not be given until the Parliament is to meet. The Parliament will also receive a Lease Book which I have used for leasing my land and I want it to be a model for leasing procedures - the way I want it to be carried out.

Other instructions will be given to you, including a written instruction on dress and the gradual abandoning of the use of ngatu (tapa cloth) I do not mean to do away with it completely in case there will be difficulties and disease will break out. I want therefore to regulate the discarding of it in this way. It is to be discarded gradually and in this way no harm will come to anyone.

My speech will conclude with a reference to matters that concern me and my family. You are aware that I am not boastful. If I have achieved anything then it is because the Lord is with me. For I am nothing but dust that God has heaped together to build up Tonga. Glory be to Him. Throughout the years of my rule of this country none of you can say that I touched or grasped or took by force any of your possessions or depreciated anyone in order to exalt my children.

It is hard for me to say this but I want to be sure of it while I am still alive - Who is to succeed me? You all know that we agreed to allow Vuna to be my successor but the Lord has chosen to take him away and his judgment is Righteous. So I do not complain because it is his will alone. I said to myself that Ma'afu should be my successor according to our Tongan customs. This is his position. But I see that if changes will come about in this matter of the Royal succession then your position will also be changed. Therefore I want it to be a hereditary succession - for my position as well as yours too. If it is not so, then I can see that no regulation will stand not to mention the position in the British Government of Fiji. I don't think that Ma'afu has any ill-feeling towards Tonga that he would do anything that will result in disorder and therefore the loss of this country. So in the Constitution I have stated that 'Unga will be my successor and Ngu his legitimate son to take over from him. If by chance Ngu does not have any children then let the position pass to Ma'afu and his descendants. Again, if Ma'afu has no children then the Parliament

should choose a King according to the Constitution.

Members of Parliament, I have made known the desires of my heart. The well being of the country whether it is blessed or unfortunate depends on you.

May God be with you to guide and help you in the work that you have gathered here to carry out.

Viliami Tungi will be the speaker of the Parliament. 'Unga will bring the Constitutional Document and the other Instructions to be put before you. He will also answer any questions that may arise.

And so I declare this Parliament of Tonga open. You will hold your first meeting on Thursday of next week.

'Ofa atu.

[90]

TONGA FOR THE TONGANS

[King George Tupou I Speech to the Members of the Parliament on the last day of the Parliament of Tonga, 4th November 1875. Ko e Boobooi. Vol.2. No.6. 1875. English translation by Viela Kinahoi]

Greetings to you all. I thank the Lord that I am still alive for this day, an exceptional day for Tonga. ~~May it be like one of the laws that you have established.~~ Let this day, the 4th November, be a day of rejoicing and commemoration for the people of Tonga forever.

I am grateful to you, the representatives of this Parliament, because of your eagerness in the work to which you have been called to carry out. I am also thankful because of your glad acceptance of the Constitution - because the majority of you agreed that it should become the Law of the Land. And you who have disagreed, let the day soon come when you will realize that the Constitution established by the Parliament is the greatest possession of our country.

I am grateful to you for the commonsense shown in establishing the laws that will be useful for our country and this new era of ours, and for the departments that you have created and the new positions that have been established.

And now, here is the Constitution of Tonga, written on parchment, to be kept in the Parliament of Tonga, a document to commemorate and to testify to

the work that we are doing today. This day I have added my name to it and so it becomes the Law of Tonga. May you and your descendants, you the people of Tonga be blessed now and for ever while you follow the Constitution. May the day never dawn for Tonga when someone, or anyone, will alter the basic principles of the Constitution. Let it become the Foundation stone of our Country for ever. May the Lord desire it that way, and that he may help you all to observe it and act accordingly. I have added my name to the Register of Leases which has also been inscribed on parchment and added to the Constitution. It is to be the Register of Leases for the Government and the Nobility for all leasing of land.

I will now speak about the matters, referred to in the Constitution, to make sure that no confusion arises. According to the new Regulations, each will carry on his responsibilities to the 1st January 1876. If there is any delay in the Ministers Directions, then carry on until they are received, May you all do your best, according to the authority given to you and the position that you occupy.

Do not forget that we are all Tongans and we are working for Tonga to build up our little country so that we and our descendants, may possess Tonga forever. May each of you inscribe on your hearts:-

"Tonga for the Tongans." If Tonga will remain as it is now, I will not say that it is because of our intelligence or our knowledge or whatever it is that we can do, but only because we are with God. As I have said before I will say again, "Tonga is dedicated to God."

One other thing that is appropriate for a new era and that is to start anew. Whoever is in debt to the Law today - whatever it is that he has committed or whatever his debt on the 1st January 1876 I will set him free from his bondage to go to his island and to his home and to start anew and try to become a worthwhile citizen.

This concludes my speech and I declare the Parliament closed. You are to leave for your islands. My best wishes to the members of this Parliament. My best wishes to the chiefs and people who have gathered here. And if it is of any use to be blessed by an old man like me then I say:

"May you all, and Tonga, be blessed of the Lord."

REACTION OF MISSIONARY COLLEAGUES TO BAKER'S WORK 1876

[Minutes of Friendly Islands District Meeting begun in Sion Church, Nuku'alofa, Tonga. Dec. 11th 1876. Abbreviations have been extended eg. Wes. Meth. = Wesleyan Methodism. J.B.W.=J.B. Watkin etc.]

Ques 3. Are there any objections to any of our Ministers or Preachers on Trial in this District

Ans. Yes. Charge by Rev J Thomas against Chairman S.W. Baker, playing false to the Confidence reposed in him by Conference and the breaking of the laws of Wesleyan Methodism.

Charge by Chairman against Rev J Thomas "With breaking regulations of Wesleyan Methodist Church to Missionaries by taking part in party politics -

Charge by Rev J B Watkin against Chairman Rev S W Baker - "Intimate connections with political affairs of Tongan Govt.

I Playing false to the Confidence reposed in him by Conference and the breaking of the laws of Wesleyan Methodism.

(1) By meddling with the politics of Tonga in becoming virtually King in the administration of the Government affairs of Tonga -

(2) By overthrowing the former laws of Tonga and in becoming the author of the new and existing laws of Tonga.

(3) By causing the natural succession to the throne of Tonga according to Tongan custom to be overthrown by excluding Maafu of Fiji from his true position and causing it to be given to Ngu.

(4) By being the means whereby Mate Ki Tonga became Governor of Vavau -

(5) By giving and printing the existing laws of Tonga at the request of the King as Mr Baker himself stated in a Tongan paper -

(6) By being the author of the so called Kings malanga -

(7) By composing the King's reply to the Europeans - as printed in the Boobooi as told me by Mr Baker in my own house -

(8) By becoming interpreter between the German and Tongan Govts.

.....

IV. By sacrificing the spirituality of our work in Tonga for temporalities.

- (1) By general course of conduct that brings odium and disgrace upon the Missionaries, and their work and the cause of Christ -
- (2) By setting young Missionaries and Native Ministers a bad example in meddling with Politics, I claim it as a right to have to do with them -

V. His Conduct dangerous.

He acts upon his own responsibility in matters which should be laid before the District Meeting for Mutual consideration,

- (1) His position in the Government
- (2) Becoming interpreter
- (3) Sad lack of manliness in his policy
- (1) He should have left the Church in entering on Politics -
- (2) Commencement of King's house and writing letters in King's office
- (3) Promise to have no more to do with govt affairs -

VI. He does not manage the affairs of our District -

- (1) The first Quarterly Meeting proper of Vavau was a disgraceful failure through Mr Baker -
- (2) Not knowing till informed by Mr Moulton that it was his duty to be present at the first Quarterly Meeting of Vavau
- (3) Writing me that it was Faleono and not Mataika concerning which the request was made not to send a Catechist
- (4) Writing me that was the express wish of the District Meeting to act as he did in writing me concerning Utulau - (see his letter)
- (5) Not knowing about the position of Jone Taufu until told by Mr Watkin
- (6) Precipitating our new affairs thus the sad lack of harmony:
 - (1) Concerning the laws that were to be used in the Quarterly Meeting and those left out.
 - (2) Concerning the Jubilee ..
- (7) Denying in the District Meeting his arrangements in the Meeting in Vavau concerning the race he arranged between Mataika and Faleono
And also the double salary to teachers taking Schools -
- (8) Disregarding the request of Quarterly Meeting for a Catechist for faleono.

I. By meddling with the politics of Torga - see charge -

Mr Thomas states Capt Stevenson said, I told him that I was king of Tonga.

Captain Stevenson, in a written solemn declaration that I never told him I have it between them who is guilty of falsehood - I would advise Mr Thomas to ask

Stevenson, in a written solemn declaration that I never told him so - I
 it between them who is guilty of falsehood - I would advise Mr Thomas to
 King George who is King of Tonga. I was not aware the former laws were over-
 as to the author of the new and existing laws of Tonga, I am aware that
 I have advised King George with regard to many of the new laws, (not all) but
 King George and the Parliament, passed them and altered them as they pleased.

(3) By causing the natural succession to the throne of Tonga according to Tongan
 custom, to be overthrown by excluding Maafu of Fiji from his true position, and
 causing it to be given to Ngu - I should like to know who is Mr Thomas's
 authority? for in reference to the King's succession I have always maintained,
 it is with King George alone, and whoever be appoints as the rightful successor
 I appeal to King George's own statement in proof of the above and would refer
 Mr Thomas to the Committee for further information on this point, as they are
 in possession of a letter from King George himself -

(3) By being the means whereby Mate Ki Toga became Governor of Vavau - I don't
 think Mr Thomas dare tell King George this -

(4) By directing the appointment of the Agents in the Tongan Govt. Yes I have
 advised the Government to appoint many of their men - (so have other Missionaries)
 some they have appointed - others not. -

(5) By giving and printing the existing laws of Tonga at the request of the
 Tongan King, as Mr Baker himself stated in a Tongan paper. What I stated in a
 Tongan paper is quite correct. I printed (that is corrected) through the press
 the book of laws at the King's request. Seeing I have the use of the foot
 type of press - I thought it was the least I could do -

(6) By being the author of the so called King's speech -
 And who told Mr Thomas I was the author - there are some things in the speech I
 did not know until they were sent me to correct in the press. For further
 information I would advise him to ask the King on this subject.

(7) By composing the reply of the King to the Europeans, as printed in the
 Boobooi as told me by Mr Baker in my own house - Yes I helped Mr Cocker in
 framing that reply, and a good reply it is - I have always thought so, and as
 that was written when (more than three years ago) Mr Thomas was a probationer, it
 is certainly a piece of impertinence on his part, to bring a charge so many

years after - however I reply to it in order to prove Mr Thomas' in these charges -

(8) By becoming interpreter between the Tongan and German Governments. Yes, after various solicitations I acted as Interpreter to oblige King George as many of my predecessors have done, some before Mr Thomas was born. Knowing no Methodist law to the contrary -

IV. By sacrificing the spiritualities of our work in Tonga for temporalities -

(1) By a general course of conduct that brings odium and disgrace upon the Missionaries and their work and the cause of God. As no facts are here stated I must politely thank the brother for his mistaken opinion of me, and as the Lord blesses my work I will let him be judge.

(2) By setting young Missionaries and Native Ministers bad example in meddling in politics, I claim it as a right to have to do with the same Mr Baker's motto is Tonga for Tonga - mine is Tonga for Britain - if this does not out herod Herod - here is a Brother carrying a charge against his Chairman for meddling in politics and yet winds up by saying, he does so himself, and claims the right of doing so, and not in politics in the way his Chairman does, by giving advice but in party politics - stating to his people at Vavau, as he admitted to me in my study on Saturday last - (1) That he hopes Britain would before long take Tonga, and that if he remained in Tonga he would work for it - (2) That he believed at King George's death Maafu would be put on the throne of Tonga by the British, and that then he would give Tonga to the British - (3) That he believed it was the will of God that England should take Tonga - I would refer the Brother to the Instructions to Missionaries. Whatever I have done or may not have done - I have not taken any part in party politics, nor have I been guilty of treason to the King all I have done has been by way of advice - and it has been with his Majesty to approve or disapprove as he may have seen fit -

V. His conduct dangerous. He acts upon his own responsibility in matters which should be laid before the District Meeting for mutual consideration -

(1) His position in Government as nothing is here defined. I leave it undefined
 (2) By becoming interpreter. Yes, and until the Committee says 'No' I don't see what regulation I have broken. (3) Sad lack of manliness in his policy
 (1) He should have left the Church in entering on Politics - Poor Brother. The

first time I have been charged with unmanliness - I have always been charged with the reverse. I was not aware there was anything effeminate in me - We live and learn -

(2) Commencement of King's house and writing letters in Kings offices - This to me is an enigma. What the Kings house has to do with my manliness I can't tell - nor did I think it unmanly to write letters in the Kings offices, though that certainly was some time ago - It strikes one I have not written a letter there during the 8 months Mr Thomas has had the honour of being Superintendent and the Kings house was commenced when he was still a probationer and second preacher - (3) Promise to have no more to do with Government affairs - I am not aware I ever made such a promise to Mr Thomas - for the first time I have..... since I have been Superintendent is now at this Meeting.

VI. He does not manage the affairs of our District. The first Quarterly Meeting of Vavau was a disgraceful failure through Mr Baker - Yes I believe it was Mr Thomas was in the Chair hence the disgraceful failure - My letter asking him to postpone it till my arrival was delayed through adverse winds - had there been fair winds it would have been received in time, but unfortunately there were not hence the first was a failure - the second a success. Mr Baker being in the Chair, hence it was not a disgraceful failure through Mr Baker but through foul winds (2) Not knowing until informed by Mr Moulton that it was his duty to be present at the first Quarterly Meeting at Vavau. The good Brother just charges me unlawful interference, and then I don't interfere enough - Yes Mr Moulton said to me that if I did not go to Vavau and hold the Quarterly Meeting, that if anything went wrong the Conf. would hold me responsible (3) Writing it was Faleono and not Mataika concerning which the request was made not to send a Catechist - Yes I may have made a mistake called Faleono Mataika, and Mataika, Faleono - I am sorry it is not the first time I have miscalled names. I called a cow the other day a bull; and a native corrected me the other day for calling a man a horse. I am sorry I am so remiss, I will try to mend. (4) Statement that it was the expressed wish of the District Meeting to act as he did in writing me concerning Utulau, see his letter. Yes in my letter of Feb 29/76 I told him we had no power to send Joeli into the work, and that I thought he would have remembered the remarks made at the District Meeting in which it was distinctly stated that we must not give Joeli any work until we heard from Conference - lest the Fiji Brethren might think we were trying to get our N M from them (5) Not knowing the position of Jone

Taufa was received into the Ministry when I was in the Colonies I believe - I thought he was only a Catechist, whereas he turned out to be a Native Minister on trial and as he had been guilty of a fearful crime cannot preach again till he has permission from Conference (6) Precipitating our new affairs thus the sad lack of harmony - (1) Concerning the laws that were to be used in Quarterly Meeting, and those left out. I don't know what the Brother means - my instructions were to hold a regular Methodist Quarterly Meeting - (2) Concerning the Jubilee - Yes I have heard that Mr Thomas forgot all about the Jubilee of Tonga until Mr Watkin reminded him of it and he then held his Jubilee Meeting some weeks after the time - and as to the Jubilee in Tonga it was a great success I was able to manage that it appears, although the Brother says I can't manage the affairs of the District, alas what a Methodist preacher is subject to. (7) Denying in the District Meeting his arrangements in the Meeting in Vavau concerning the race he arranged between Mataika and Faleono in their Misinales and Meetings - and also the double pay to the kau tauhi taking schools - My remarks referred not only I believe to Mataika and Faleono but other places as well. I said these places that contributed most would have first claim and as to the double pay. Yes, I don't remember my exact words but I intended to convey the idea that such would be the arrangement I should propose at District Meeting. I must apologise for the lightness of some of my remarks but the Brother is so wanting in common sense I can't help it - I don't feel annoyed for I have always considered the Brother as wanting in knowledge and common courtesy - certainly his present charge doesn't tend to remove that impression - Whatever may be the view of the District Meeting on the subject - I wish the matter to be referred to Conference seeing the Brother has already written the President - and hence consider it no longer a District affair but a Conference matter. In the first place I am not aware in what way I have played with the confidence of Conference. I am too much of a Methodist to play with the arrangements of Conference much less their confidence (2) And as to the breaking of the laws of Methodism - Mr Thomas does not advise one law I have broken much less laws - as regards politics that may be a matter of opinion - As regards the instructions to Missionaries in no single instance has he proved or can he prove I have taken part in party politics - see clause hence I deny the truth of the whole fabrication of heterogeneous ideas which he has huddled together and thought fit to bring as a grave charge against his Chairman - so far as regards my being false to Conference or breaking the laws of Methodism -

Charge against Rev James Thomas by Shirley W Baker -

(1) With breaking the Regulations of the Australian Wesleyan Methodist Church to Missionaries inasmuch as he has been guilty of taking part in party politics which is contrary to such regulations See clause. By using language to natives in Vavau which he himself admitted to me in my study on Dec 9th as follows -

1. That he hopes Great Britain will before long take Tonga, and that if he remains in Tonga he will work for it.

2. That he believes on King Georges death the British Government will put Maafu on the throne of Tonga and then he will give Tonga to Britain

3. That his motto is Tonga for Britain - As the utterance of such expressions as these are calculated to create sedition and treason against

King George and his Government hence his Majesty has intimated that should Mr Thomas remain in Tonga he should be compelled to request the Committee to

recall Mr Thomas. Thus on two grounds I feel compelled to bring this charge -

(1) As being directly contrary to the laws of Methodism as per Regulations to Missionaries (2) For the peace and credit of the District and of the Missionaries to prove to the Natives that Missionaries are not the agents of the British Government to acquire lands for Great Britain -

Resolution of District Meeting in reference to Chairman.

That this Meeting deprecates the conduct of Brother Baker in taking so active a part in the preparation of The Constitution of Tonga, and in virtually passing it through the Parliament and also deprecates his intimate connection with Government inasmuch in general and detail, and believes that this is opposed to the Instructions to Missionaries calculated to produce discord amongst the Brethren and to injure the work of God. This Meeting would therefore respectfully request a deliverance from Conference on the subject by approving or otherwise the conduct of the Chairman -

Resolution of District Meeting in reference to Rev Thomas.

That this meeting is of opinion that Brother Thomas was guilty of a grave indiscretion in making such statements but scarcely considers that it amounted to a violation of our laws against interfering in politics.

Ruling of Chairman - The Chairman rules that the case having been closed and the Meeting having passed on to other business - That the Meeting has no right on the day after to open the case again to take fresh evidence -

CRITICISMS OF THE 1875 CONSTITUTION & ITS AMMENDMENT

[Basil Thomson, Diversions of a Prime Minister, Edinburg 1894. Reprinted 1968 by Dawsons of Pall Mall. pp.223-224.]

"This code (1862) was considerably altered, - I reject the word "amended" advisedly, - and in 1875 a complete penal code, far too elaborate for the Tongans, yet infinitely better than the pretentious laws that afterwards repealed it, was passed by the native Parliament. From 1875 to 1888 Mr Baker tried his 'prentice hand at legislation. He altered the Constitution four times, and drafted and passed laws and ordinances whenever the fit took him, until the body of law had become so confused and conflicting that not even a Blackstone could have cut a path through its thorny labyrinths. Some of these laws were not even read to the Parliament that passed them: more than a few were enacted in English, and never translated into Tongan. Of these, some were printed in the 'Gazette' in English; others had not even this courtesy extended to them. The fatal ease of legislatiob bred in the Premier's mind a kind of disease - , Legislatitis - until every idea that flitted through his facile imagination was crystallised into an ordinance, and the cause of every passing annoyance was made penal by enactment. Some one remarked that the wild duck were becoming scarce: an ordinance was passed to preserve them. A ship-of-war was disappoint-
ed in not finding coal: a statute converted Nukualofa into a coaling station for foreign ships. Some urchins shouted "Sail ho!" on the beach near the Premier's office: to cry "Sail ho!" became forthwith a penal offence. Many of these enactments were extremely unpopular; but the wily Premier knew how to let the fury of the mob beat upon other heads than his, and generally caused his laws to be promulgated the day after he sailed for one of his frequent holidays to New Zealand. By the time he returned the people had become accustomed to them.

[93]

THE AMENDMENTS OF THE CONSTITUTION DURING THE 1880's

[Basil Thomson, Diversions of a Prime Minister, Edinburg 1894. Reprinted 1968 by Dawsons of Pall Mall. pp.226-229.]

"At the beginning of 1888 the confusion in the laws had become such a scandal that Mr Baker determined to codify them. He lacked either the courage or the energy to submit his code to Parliament, and he therefore passed an Act empowering him to "revise" the code of laws and print them in Tongan and English - surely the widest power ever conferred upon an individual in the history of representative government. At the end of two years he had written the English version and about half the Tongan. I have it on the authority of the pundits -

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native and European - that the Tongan version was so full of errors as to be quite unintelligible; but it is possible that in his anxiety to retain his position as legal adviser to the magistrates, he intentionally made their path thorny and difficult.

The English version is entitled to rank high among the curiosities of literature. If compositors turned loose with all the known founts of capitals can alone make a code, then the work was a monument to jurists; but, since the lavishness of printer's art only brings into greater prominence confusion in arrangement, gross contradictions, and vital omissions, the Ministry were justified in not feeling proud of a production for the revision of which they had to pay a bill of fifty guineas to a solicitor in Auckland. But regarded merely as a literary "sport", it was well worth the money. In the "Act relative to Murder" we read:-

Section 11. - Should any one poison any water with evil intent to cause the death of another or others and should the same die he shall be considered guilty of murder and punished accordingly but should the same be known before the death of any one it shall be considered manslaughter of the first degree.

In honestly trying to understand this section, the mind reels backward as in an attempt to realise eternity. Did the reverend jurist mean that if the poisoned person dies he shall be considered guilty of murder, but that if he (the unfortunate victim) be known before the death of some one else, it (ie. the poison, the water, or the death) shall be considered manslaughter? And if not this, what did he mean?

In the "Act relative to Assault and Battery" there is the following remarkable passage:-

Section 13. - Whoever shall strike or assault or throw anything at one's father or one's mother as stated in this Act such person's penalty for any such offence shall be doubled.

A Tongan who wished to strike his enemy had first to ascertain whether he had children. These are only two out of the many claims put forth by the late Premier in this wonderful book to a high place among the unconscious humourists of literature.

Following the general policy of complicating the administrative machinery of the tiny State, the law established a vast number of unnecessary law courts. There were (1) the Judicial Committee of the Privy Council; (2) the Supreme Court; (3) the three District Courts; (4) the Police Courts. There were thus three

appeals against a decision of the police court, and each appeal brought in fees. Even in criminal cases the unfortunate defendant was mulcted in fees which had to be worked off in the form of additions to his term of imprisonment.

Besides these courts there were - the Probate Court, the Divorce Court, the Admiralty Court, the Lands Court, and Courts-Martial, for none of which was any form of procedure laid down. In the case of disputed wills I found the practice to be for one claimant to seize the property, and for the other to prosecute him for larceny. In one case an unfortunate widow was convicted at the suit of her stepson of stealing her late husband's house in which she was living.

We condemned this code on its first hearing. No amount of amendment could make it work. The Tongan version was unintelligible; the English was ridiculous. Nothing less than a new code would meet the necessities of the case. I confess that at first I recoiled from the toil of drafting a code, translating it into Tongan, taking it through Parliament, and passing both volumes through the press with compositors ignorant of the language they were setting up. The work must be done in odd hours, snatched from arduous administrative duties, in a period of less than six months. I succeeded, and a consideration of a difficulties against which I had to contend should soften the harsher criticisms that may be passed upon my code in the future. I worked upon the Indian Penal Code and the existing law of Tonga, using the plan of the former, and simplifying the latter as far as the constitution would let me. ~~Working far into the night,~~ I made my rough draft in English, and then with the help of a little shorthand writer, Pauli by name, I turned the draft into halting Tongan. This version went sheet by sheet to Tukuaho for conversion into elegant Tongan, and then came back to me for careful revision, lest the sense should have suffered in the process of decoration.

My principal difficulty lay in the Constitution. Though the king readily consented to the abrogation of the laws, he had an almost superstitious dread of tampering with the Constitution. This attitude had its advantages when we wanted to silence our opponents of the Radical party in the House. We had only to point to the Constitution, which "Tubou did not wish to alter," as a reason for re-enacting an old statute, and the opposition collapsed; but we were well aware that the pretentious document beginning, "Seeing it appears to be the Will of God for man to be free," with its complicated machinery, designed to deceive strangers into the belief that Tonga was a State growing in importance and prosperity, was utterly unsuited to the Tongans.

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CONSTITUTION OF TONGA, 1875

[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. Feb. 1967. pp.577-605.]

PART 1

DECLARATION OF RIGHTS

SEEING it appears to be the Will of God for man to be free, as He has made of one blood all nations of men, therefore shall the people of Tonga be for ever free, and all people who reside or may reside in this kingdom. And the lives and bodies and time of all people shall be free to possess and acquire property, all doing as they like with the fruit of their hands, and using their own property as they may seem fit.

2. No one shall be obliged to work as a servant to another excepting he is willing to do so, saving in breaches of the law: and any slave running away from any country to Tonga [if he is not running away from the law of any land in consequence of being a murderer, thief, or guilty of any crime or debt] shall at once be free on putting foot on Tongan soil; for no one shall ever continue to be a slave under the protection of the Flag of Tonga.

3. Any one wishing to bring people from different islands to work for him, it shall be lawful for him to agree with them for how many years' service they shall work for him; and an exact copy of the agreement and contract made between him and them shall be lodged in the Government Offices, stating the amount of payment they shall receive, the time they shall work for him, and promising to take them back to their own land. And the Government will see such contract carried out on behalf of those who may engage and those who may be engaged. And any such persons coming shall be subject to the law of the land, and shall pay taxes and duties the same as all people residing in this kingdom. But it shall not be lawful for any one to make any contracts with any Chinese to come and work for him, lest the disease of leprosy be brought to Tonga the same as exists in the Sandwich Islands. But it is not by this intended to prevent any Chinese coming to Tonga, but to prevent them coming as labourers the same as is done in many places. But any Chinaman wishing to reside in Tonga must first produce a doctor's certificate that he is free from such disease: then it shall be lawful for him to reside in Tonga.

4. There shall be but one law in Tonga, one for the Chiefs, and commoners, and Europeans and Tongese. No laws shall be enacted for any special class to the detriment of another class; but one law equally the same for all persons residing in this land.

5. All men are free to perform their worship and to worship God as they may deem fit in accordance with the dictates of their own consciences and to assemble to perform their worship in such places as they may appoint to do so. But it shall not be lawful for them to construe this privilege [liberty] to commit evil and licentious acts under the name of worship; acts which are not in accordance with the law and peace of the land.

6. The Sabbath Day shall be sacred in Tonga for ever and it shall not be lawful to work, or artifice, or play games, or trade on the Sabbath. And any agreement made or document witnessed on this day shall be counted void, and will not be protected by the Government.

7. It shall be lawful for all people to speak, write, and print their minds and opinions, and no law shall be enacted to forbid this for ever. There shall be freedom of speech and newspapers (Press) for ever. But this does not nullify the law relative to libel, and the law for the protection of His Majesty and the Royal Family.

8. All people shall have the right of writing to or petitioning the King or Legislative Assembly, and assemble and consult concerning things which appear to them necessary to petition to the King or Legislative Assembly for the purpose of making enactments or repealing, so long as they meet peaceably without arms and without disorder.

9. The law of the writ of Habeas Corpus is the right of all people, and it shall never be suspended for ever excepting in cases of war or rebellion in the land, and then it shall be lawful for the King, with the consent of the Legislative Assembly to suspend it.

10. No one shall be imprisoned or punished because of any offence he may have committed until he has been judged according to law, in the presence of a court having jurisdiction for the same.

11. No one shall be judged or commanded to appear before any court, or punished for not appearing, unless he has previously received a written indictment. (Except in cases of impeachment or for small offences within the jurisdiction of the police magistrate, or for contempt of court whilst the court is sitting.) The written indictment shall clearly explain what is charged against him, and he is to be judged. And when being judged the witnesses against him shall be brought face to face and he shall hear their evidence, and it shall be lawful for him or his counsel to question (cross-examine) them and to bring in any witnesses of his own, and to plead or explain himself or through his counsel, because of what he may be charged. But any one who shall be indicted for any great crime such as treason, rebellion against the King, theft, bribery, perjury, forgery or embezzlement, or of a crime of the like nature shall be tried by jury. This law shall be inviolable for ever. And all debts shall be tried by jury, but it shall be with the Legislative Assembly to determine what shall be the amount of debt that shall be tried by jury.

12. No one shall be judged twice for any offence for which he has already been judged, whether he was acquitted or convicted, except in cases where the guilty persons shall confess after having been acquitted by the court, and then only when there is sufficient evidence to prove the truth of the same.

13. No one shall be judged for any thing else but what appears in the writ or warrant that for which he was brought - to be judged.

14. No one shall be compelled to witness against himself, (in any criminal case) nor shall his life, property or liberty be taken away but according to law.

15. It shall not be lawful for any judge, or for any jurymen to sit in any case which concerns his relative either as plaintiff, defendant or witness. It is not lawful for any judge to sit in any case which concern himself. It shall not be lawful for any judge or jurymen to receive any present or money or any thing else from any one who is about to be judged, or from any one of his friends.

but for all judges and jurymen to be entirely free, and in no case whatever to be an interested party or accomplice in their duties.

16. It shall not be lawful for any one to enter forcibly the house or premises of another, or to seek any thing or to take any thing the property of another, excepting by the command of the judges according to law. But should there be any one who shall lose any property or other things and know that it is hidden in any place, house or premises, it shall be lawful for him to make affidavit in the presence of the judges that he thinks that it is hidden in that place. He shall describe particularly the nature of the property so hidden and the place that he thinks that it is so hidden, and the judges shall issue a search-warrant to the police to seek the property according to the affidavit so made.

17. The King conducts his Government on behalf of all the people, not for the purpose of enriching or benefitting any one man, or any one family, or any one class, but on behalf of all the people without partiality, but for the good and benefit of all the people of his kingdom.

18. All the people have the right to expect that the Government will protect their life, liberty and property, and therefore it is right for all the people to assist and pay taxes to the Government according to law. And if at the same time there shall be war in the land, and the Government shall take the property of any one or any thing from any one, the Government shall pay to whom it belongs that which is right. And if the Legislative Assembly shall decree to take from any one or any number of persons their premises or a part of their premises, or their houses for the purpose of making Government roads or other work of benefit to the Government, the Government shall pay that which is right; such payment shall be made according to the directions of four arbitrators, two to be chosen by the Government, and two by the person or persons to whom belong the premises or houses. And these four shall choose another to be their chairman, and what they shall agree to shall be considered the lawful payment.

19. It shall not be lawful to increase or decrease the taxes or duties but with the consent of the Legislative Assembly. Nor shall any money be paid out of the Government Treasury, or debts contracted with the Government, but as shall be arranged by the Legislative Assembly, excepting in cases of war or rebellion or fearful epidemic or a like calamity. And in such case it shall be done with the consent of the Cabinet, and the King shall call together at once the Legislative Assembly, and the Treasurer shall give the reason why that money was expended, and the amount.

20. It shall not be lawful to enact any retrospective laws.

21. All the military shall be obedient to the laws of the land. Whether they belong to the Guards, the Artillery, or to the Militia (see 23rd clause) and should any of them break the laws of the land, they shall be judged in the courts of the land the same as any one else. And it shall not be lawful for any officer to quarter any soldier to the premises of any one for them to provide for him, except in time of war, and then only as shall be enacted by the Legislative Assembly.

22. Any one who shall have arrived at the age of 21 years and pays taxes, the same being one of the land, or one who has taken the Oath of Allegiance and can read and write, and from the time of the Constitution becoming law has not been

guilty of any great crime such as treason, murder, theft, bribery, perjury, forgery and embezzlement or a like crime (these depriving a man of his liberty as a subject, preventing him from joining in the government of the land, according to the 25th clause of this Constitution) it shall be lawful for him to vote for representatives to the Legislative Assembly, such election being made by ballot. And on the day appointed to vote for representatives to the Legislative Assembly he shall be free from summons because of debt, but this law does not refer to the issue of warrants because of crimes in accordance with the 25th clause of this Constitution.

23. It shall be lawful for the military (that is Guards and Artillery) though they may not pay taxes, if they have arrived at the age of 21 years and if they can read and write, and if they have not been guilty since the passing of the Constitution of any great crime as mentioned in the 25th clause, for them to vote for representatives to the Legislative Assembly: and when the day of election shall arrive, the Commanding Officer shall so arrange for them to have time to go and ballot. During the time of peace it shall not be lawful to press any one to join the military excepting for the purpose of completing the number of the Guards if they cannot be completed from those who are willing to join: such being the case the number required to complete the Guards shall be divided out to the different lands according to the number of the population, and it shall be arranged thus:- All the unmarried men of the land shall draw lots, and those to whom the lot falls being equal to the number of those apportioned to that land, they shall join the Guards for a period of seven years; and it shall be with the King and Legislative Assembly to determine how many. But if there should be any disturbance in the land it shall be lawful for the King to call all those capable of bearing arms to join the Militia and to make laws for their government: and when peace shall be proclaimed the Militia shall be dispersed, and the military of the land shall consist only of the Guards and Artillery. (See clause 22 relative to the military.)

24. Any one who shall have arrived at age, and shall be able to write and read, and since the passing of the Constitution shall not have been guilty of any great crime such as treason, murder, theft, bribery, perjury, forgery, and embezzlement or any like crime, in accordance with the 25th clause, and has paid his taxes, and is not heavily in debt so that if judged it would appear that he would not be able to pay his debts, it shall be lawful for him to enter the Legislative Assembly if chosen by any electorate as a member according to law. But any one holding a position of trust or payment in the Government, it shall not be lawful for him to enter, excepting members of the Ministry. And any judges receiving payment, - either one of the high judges or police magistrates, it shall not be lawful for him to enter the Legislative Assembly. This law has reference also to all Governors whilst they hold the position of Governor.

25. It shall not be lawful for any one who has committed a great crime such as treason, murder, theft, bribery, perjury, forgery, embezzlement or a like crime if such has been done since the passing of the Constitution, for him to hold any position in the Government of Tonga, whether one of payment or honour, or to vote for representatives to the Legislative Assembly if he has not received pardon from the King and it is expressly declared in his pardon that he can again hold his position in the kingdom, his liberty as a subject and lawful (sic) to vote for representatives to the Legislative Assembly according to the 22nd clause.

26. It shall not be lawful for any one holding a position in the Government

whether one of payment or otherwise, to hold any position or receive any payment from another Government, without first obtaining permission from the King and Legislative Assembly. And it shall not be lawful for any one holding a position of payment from the Government to trade or work for any one else.

27. All men who have arrived at the age of 16 years shall pay taxes whether they have plantations or not. And all foreigners or strangers who shall come and reside in this land, whether as traders, or carpenters or artificers, whether they have premises and plantations or not, after they have resided six full months in the land shall pay taxes the same as all other people, notwithstanding they may have trading licenses or may pay for leases or not.

28. Any one who shall be really poor, whether arising from sickness or old age, if he cannot really pay taxes, whether a Tonga-man or foreigner, shall appear before one of the high judges on a day appointed by the Government, and it shall be lawful for them to give him dispensation to be free from paying taxes; but it shall not be lawful for them to free any one holding a lease of land, as such cannot come under the class of paupers.

29. Although it is hereby appointed that all men who have arrived at the age of 16 years shall pay taxes, yet it shall not be lawful for them to become the heir of any inheritance or any name until they have arrived at the age of 21 years. But the Royal family shall be considered to have arrived at the age of maturity at 18 years.

30. All the people of the land who shall have arrived at the age of 21 years and pay taxes, can write and read, and have not been guilty of any great crime as explained in the 25th clause of this Constitution shall be liable to serve on juries; and once every year the names of all those who are liable to serve shall be printed. Any one who neglects to take his turn shall be punished as shall be enacted by the Legislative Assembly. But members of the Legislature, Missionaries, assistant missionaries, teachers, schoolmasters, collegians, Institution lads, servants of the Government, clerks of the Bank, military officers, the Guards and Artillery-men, and all officials of the Government shall be free from this law.

31. Any foreigner or stranger from any one of the great nations who shall be guilty of any great crime as expressed in the 25th clause of this Constitution, or who shall owe a large amount, (it is with the Legislative Assembly to enact what shall be the amount of debt which shall be judged by jury) shall be judged by jury, six being foreigners resident in the land who pay taxes, and six Tonga jurymen whose names stand on the jury list of the place where the court is held.

32. That any nation which has recognised Tonga as a kingdom, it shall be lawful for the people from that nation after they have resided in Tonga for the space of two years to take the Oath of Allegiance. Such persons shall have the same privileges as the native born subjects of Tonga. And for the benefit of strangers residing in Tonga after the 1st January eighteen hundred and seventy-six, any law which may be enacted by the Government shall be printed both in Tongese and English. And if in the arrangement of any foreigner it shall appear that there is a difference of meaning between the law published in English from that published in Tongese, the case shall be judged according to the English version of the law, which shall be held to be the meaning of the law. And should any foreigner be judged and there shall be no Tonga law to meet the

case, he shall be judged according to the British law which shall be held to be the law of Tonga in such cases, until a law has been passed by the King and Legislative Assembly to meet the same.

PART II

FORM OF GOVERNMENT

THE form of Government for this kingdom is divided into three divisions:- 1st, the King, Privy Council, Cabinet. (The Ministers.) 2nd, the Legislative Assembly, 3rd, Judicial. These three shall always be distinct, and it shall not be lawful for any judge to be a member of the Legislative Assembly.

34. The form of Government for this kingdom is that of a Constitutional Government under His Majesty, King George Tubou, his heirs and successors.

35. The Crown and Throne of this kingdom is possessed by His Majesty, King George Tubou; and it is hereby confirmed that it shall be possessed by him, and to him who was begotten by him David Uga, and to him who was begotten by him Wellington Gu, and to them who shall be begotten by him in marriage; and if there shall be no heirs by marriage of Wellington Gu it shall descend according to the law of descent. This is the law of descent:- It is lawful only for those born in marriage to succeed. The succession shall be to the senior male child, and the heirs of his body: but if he should have no descendants, to the second male child and the heirs of his body, and so on until all the male line shall be ended. Should there be no male child it shall succeed to the first female child, and the heirs of her body; and if she should have no descendants it shall descend to the second female child and the heirs of her body until the female line is ended. And if there should be none of this line, lawful descendants, by marriage to succeed to the Crown of the King of Tonga, it shall descend to Henry Maafu and his lawful heirs, those that shall be begotten from his body by marriage, and to their heirs that shall be begotten by them: and if there shall be no lawful heir the King shall appoint his heir if the House of Nobles are agreeable to it. (The representatives of the people have no voice in the same.) And the same shall be declared heir to the Crown publicly during the King's life. Should there be no heir or successor appointed to the Crown; one who has been publicly proclaimed the Premier shall call together, and in his absence the Cabinet, the Nobles of the Legislative Assembly; (the representatives of the people having no voice in the same) and when they meet the House of Nobles shall choose by ballot some one of the Chiefs that they are agreeable to succeed as King. And he shall succeed as the commencement (new sturps) for a new Royal family, and he and his heirs from his body born in marriage shall possess the Crown according to law. And in the event of there being none to succeed according to this law, the Premier shall again call together, and in his absence the Cabinet, the Nobles of the Legislative Assembly in accordance with this law, and they shall choose a King, one to succeed to the Throne, the beginning (or sturps) of a new Royal family, and so on again according to this law for ever.

36. It shall not be lawful for any member of the Royal family, - any one likely to succeed to the Crown, - to marry any person without the consent of the King. And if any one should thus marry it shall not be considered a legal marriage, and it shall be lawful for the King to forfeit the right of such a one for on no account to succeed to the Crown of Tonga, or his heirs. And if he shall thus do

it shall succeed to the next one in succession to him, and he shall be considered the heir, and the offender shall be considered as dead.

37. After this Constitution shall become law His Majesty shall take this Oath on a day appointed, and it will also be taken by those who shall succeed in the succession to the Crown:- 'I solemnly swear in the presence of Almighty God to keep in its integrity the Constitution of Tonga, and to govern in conformity with the laws thereof.'

38. No one shall ever succeed to the Crown of Tonga who has been judged and found guilty of any infamous crime, or who is insane, or an idiot.

39. The King is the Commander-in-Chief of the forces on the land and sea. It is with him to appoint the officers, and to make arrangements for the training and governing of the forces as he shall think best for the benefit of the land; and it shall not be lawful to make war without the consent of the Legislative Assembly.

40. It shall be lawful for the King, with the consent of the Privy Council, to grant pardons to all who have broken the law after conviction, saving those who have been convicted according to the 55th clause, - cases of impeachment. For such it shall not be lawful for him to grant any pardon.

41. The King, by the consent of the Privy Council, convenes a Legislative Assembly, and they shall always assemble in the principal town of the Kingdom, - Nukualofa. It shall not be lawful to meet in any other place except in case of war. And if the King shall be displeased with the Legislative Assembly it shall be lawful for him to dissolve the Assembly, and to command for new representatives to be chosen for them to enter the Legislative Assembly. But it shall not be lawful for him to dismiss any one of the Nobles of the Legislative Assembly except in cases of treason, and then only in accordance with the 48th clause. But it shall not be lawful for the kingdom to remain without a Legislative Assembly for a longer time than two years; and if anything extraordinary shall arise in the land, the Legislative Assembly shall be called together at once to consult about it.

42. It is with the King to make treaties with foreign nations; but it shall not be lawful for him to make treaties contrary to the laws of the kingdom, or to alter the duties without the consent of the Legislative Assembly. But it is with the King to appoint his representatives to other nations according to the law of nations.

43. It is the prerogative of the King to receive and acknowledge public ministers, and to send word to the Legislative Assembly, by writing, things concerning the kingdom, and also concerning matters that he wishes to bring under their notice to consult about.

44. The person of the King is sacred. He governs the land, but his Ministers are responsible. All laws that have passed the Legislative Assembly must have His Majesty's signature before they become law.

45. Should the King die before his heir is 18 years of age, a Prince Regent shall be appointed according to the 46th clause.

46. Should the King wish to voyage from the land, it shall be lawful for him to appoint a Prince Regent who shall administer the affairs of the kingdom during his absence. And if the King should die whilst his heir is under age, - that is, not arrived at the age of 18 years, - and has not left a will as to whom he wished to be Prince Regent whilst his heir was yet young, the Premier or the Cabinet shall call together at once a Legislative Assembly (the representatives of the people having no voice in it) and they shall choose by ballot who shall be Prince Regent; and the one whom they choose shall administer the affairs of the kingdom in the name of the King until the years of the Prince, the heir, shall be complete.

47. The King is the Sovereign of all the Chiefs and all the people. The kingdom is his.

48. It is the King's prerogative to give all titles of honour, and to appoint and give all distinctions of honour. But it shall not be lawful for him to take away the name of any one who has an hereditary name, such as Chiefs of the divisions of the land, and Nobles of the Legislative Assembly, those to whom the lands belong, and the hereditary name of the Legislative Assembly according to the 41st clause of this Constitution, except in cases of treason. And if any one shall be judged and found guilty of treason it is with the King to say who of that tribe shall succeed to the name and inheritance of the guilty party.

49. It is the prerogative of the King, with the advice of his Cabinet, to arrange as to what money shall be legal tender in this kingdom, and to make arrangements for the coining of currency money of this land which shall be impressed with the King's head upon it. But until other arrangements shall be made by the Legislative Assembly, the following shall be the legal currency in this kingdom: all English money and French money, except 1 franc pieces, all United States money, quarter dollars, half dollars, and all gold.

50. Should there be civil war in this land, or war between this land and another it shall be lawful for the King to proclaim martial law for any part of the land or for the whole of the land.

51. The Flag of Tonga, the flag of King George, shall not be changed for ever, and shall always be the flag of this kingdom. And the present Royal Ensign, shall be the ensign of the Royal family of Tonga for ever.

52. Inheritances of the King and the property of the King is his, to do with it as he pleases. The Government shall not touch it, nor shall it be liable for any Government debt. But all houses built for him by the Government and any inheritance which may be given to him as King shall descend to his successors as the property and inheritance of the Royal line.

53. It shall not be lawful to judge the King in any court for a debt, without the consent of the Cabinet.

PRIVY COUNCIL

54. The King shall appoint a Privy Council to assist him in his work in great and important affairs. The Privy Council shall be composed of the Cabinet in accordance with the 55th clause, and the Governors in accordance with the 58th clause, and the Chief Justice. And if any thing shall arise in the land, or any great dispute because of any debt, or concerning any inheritance, if such has been judged in the Supreme Court it shall be lawful to appeal to the Privy Council to re-judge

the same, and such shall be the final court. But it shall not be lawful for the Privy Council to re-judge any criminal case; only civil cases and the like.

CABINET

55. The Cabinet of the King or his Ministers shall be the Premier, Treasurer, Minister of Lands and Minister of Police. It is the prerogative of the King to appoint the Ministers. They shall hold their position during the pleasure of the King. It shall be lawful to impeach the Ministers by the Legislative Assembly if their administration and work is not according to law. The Ministers shall enter the Legislative Assembly as Nobles of the Legislative Assembly; and any order which may be passed by the King and Privy Council shall not have any effect in the land until the signature of the Minister to whose department of work such order concerns is attached. And if such order shall be wrong he alone shall be responsible.

(1) It is with the Premier to appoint Bule Kolos, (Mayors) and to make arrangements for the cleaning and inspection of Government roads; to make new roads; to take care of the Legislative House, prisons, and all houses of the Government; and to take care of and govern the vessels of the Government. It is with him to provide for the military, and for the houses of the military; to provide for the various courts; to see to the work of the Registrars (those whose duty it is to register births, marriages and deaths); and also to appoint all Police Magistrates. He also has charge of the Great Seal of the Government and to all the working of the Government which does not belong to any other particular Minister. He also represents the Government to other nations (Minister of Foreign affairs); and transacts all business in connection with the same.

(2) It is with the Treasurer to see that the taxes are collected as arranged by the Legislative Assembly; to collect the duties and payment for licenses; to receive from the Premier fines from the courts; from the Minister of Land payment for leases, and to pay all the debts or expenses of the Government as enacted by the Legislative Assembly.

(3) It is with the Minister of Lands to take care of all Government premises and town sites; to make all town roads; to arrange for the proper position of the houses in the town; and to make arrangements for the leasing of lands to foreigners with the consent of the King and Privy Council; and to see that the Government leases are complied with in accordance with the Constitution as enacted by the King and Legislative Assembly.

(4) It is with the Minister of Police to see that the land resides in peace, and to prevent all disturbance; to see that the police report all breaches of the law; and that the laws of the land are carried out as it shall be enacted by the King and Legislative Assembly; to govern all the police; to prosecute in the Supreme and Circuit Courts, or those persons who have been committed from the Police Courts; to see punished all prisoners as sentenced by the judges, and that every thing is carried out as far as concerns the laws of the land.

(5) Each Minister shall draw up a report once every year, explaining to the King the nature of the work of his department; such report shall be sent by the King to the Legislative Assembly when it assembles, and if the Legislative Assembly shall wish to know any thing concerning the department of any Minister, he shall answer the question made by the Legislative Assembly and explain every thing in connection with his department.

56. Each member of the Cabinet shall have an office in Nukualofa, the principal town in the kingdom; and it shall be with him to see how all the servants in his department perform their duties. And the Government shall build or rent offices suitable for the carrying out of the work of each Minister.

57. When the Legislative Assembly shall meet, the Minister of Finance (Treasurer) shall report on behalf of the Cabinet, the first week of their meeting, all monies which have been received and expended during that year, or since the last meeting of the Assembly, and the nature of the receipts and expenditure.

58. The King shall appoint, with the consent of the Cabinet, Governors to Haabai, Vavau, Niuafou, and Niuatobutabu, but because of the King residing in Tonga and also the Premier no Governor shall be appointed to Tong (sic) Tabu, (because of their [sic] being no work to do). And it shall not be lawful for the Governors to enter the Legislative Assembly; but they shall be members of the Privy Council whilst they hold the office of Governor, and they shall be Governors only during the pleasure of the King.

59. It shall not be lawful for any Governor to enact any laws; but his work is to see that the land where he resides complies with the laws. They shall be changed every seven years. If their administration be wrong it shall be lawful to impeach them by the Legislative Assembly in accordance with the 58th clause which has reference to the Ministers.

LEGISLATIVE ASSEMBLY

60. It is with the King and Legislative Assembly to enact all laws; and the Nobles and representatives of the people shall sit in one House. And when the Legislative Assembly shall agree upon any thing, the same having been read and voted for by the majority three times, it shall be presented to the King for his pleasure; and if he approves of the same and fixes his name to it, it shall at once become law. Voting shall be considered either by the raising of hands or standing up in division, the same as is done in the Legislature in Sydney, or by ballot according to the various clauses of this Constitution, or by speech, - 'aye' or 'no' as is the manner of Legislative Assemblies.

61. The Legislative Assembly shall be called the Legislative Assembly of the kingdom of Tonga.

62. The Legislative Assembly shall meet every second year in the second week of June, or before that time if the King shall wish it; and if any important affair transpire in the land it shall be lawful to command the Legislative Assembly to meet to consult about the same.

63. The Legislative Assembly shall be composed of the Ministers in accordance with the 55th clause, and the Nobles and representatives of the people.

(1) Ministers. - It shall be lawful for the King to choose his Ministers from Nobles, or from the representatives of the people, or from persons outside. And if so they shall enter the Legislative Assembly in accordance with the 55th clause.

(2) NOBLES. - After the Constitution shall be passed the King shall appoint twenty Nobles who shall be members of the Legislative Assembly; such Chiefs shall become the Nobles of Tonga and their heirs for ever in accordance with the 48th clause; and they shall be appointed as follows: - Tonga Tabu, 9; Haabai, 5;

Vavau, 4; Niuatobutabu, 1; and Niuafouu, 1.

(3) REPRESENTATIVES OF THE PEOPLE. - The land shall choose twenty representatives of the people who shall be appointed as follows:- Tonga Tabu, 9; Haabai, 5; Vavau, 4; Niuatobutabu, 1; and Niuafouu, 1.

64. The following Oath shall be taken by the members of the Privy Council:-
 'I solemnly swear in the presence of God I will be truly obedient to His Majesty King George Tubou the rightful King of Tonga; and I will keep righteously and perfectly the Constitution of the Government of Tonga; and I will assist to the end of my power and ability in all things in connection with the Privy Council'
 The following Oath shall be taken by Ministers 'I solemnly swear in the presence of God I will be truly obedient to His Majesty King George Tubou the rightful King of Tonga; and I will keep the Constitution of the Government of Tonga, and perform my work in my department to the end of my ability for the benefit of the King and this Kingdom.'
 The following Oath shall be taken by the Nobles and representatives of the people:- 'I solemnly swear in the presence of God that I will be truly obedient to His Majesty King George Tubou the rightful King of Tonga and I will keep righteously and perfectly the Constitution of the Government of Tonga, and perform truly and righteously the duties and work of the Legislative Assembly.' The members of the Privy Council shall sign their Oaths and read them in the presence of the King; members of the Ministry shall sign their names to the Oath and read the same in the presence of the King; the Nobles and representatives of the people shall sign their names to the Oath and read the same in the presence of the Legislative Assembly.

65. The King shall appoint the Chair of the Assembly from one of the Chiefs of the Legislative Assembly; but all other officers shall be appointed by the Legislative Assembly. They shall make also all rules in connection with their meetings in accordance with the usage of other Legislatures.

66. No one shall succeed to the position of Noble until he shall have completed the 21st year of his age; and no one shall succeed to that position, or enter the Legislative Assembly, who is insane or an idiot, or who has been guilty of a great crime as is stated in the 25th clause. It shall not be lawful for the King to increase the number of Nobles to more than twenty, saving at the petition of the representatives of the people; and that repeated twice or two years between each petition for him so to do, and it shall then be lawful to increase their number by the King according to the petition.

67. The representatives of the people shall be chosen by ballot. It shall not be lawful for any one to enter the Legislative Assembly who is insane or an idiot; only those who are free in the law according to the 24th and 25th clauses. The mode of ballot shall be as follows:- The names of the candidates who have been nominated, shall be printed, those who are desirous to enter the Legislative Assembly, from which the voters shall choose (those are entitled to vote according to the 22nd clause), and they shall cross out the names of those whom they are not willing to vote for, and leave those names to stand they wish to vote for, and then sign their name to the paper. Such papers shall be collected by the scribe (Registrar) who shall be appointed by the Premier for the purpose; and he shall see whose right it is to enter the Legislative Assembly; and he shall announce on the day of election who has been elected, and report the same at once to the Chair of the Assembly. He shall also collect all the ballot papers, and such ballot papers shall be preserved in the Government offices for the space of seven years.

68. It shall not be lawful for any one who is insane or an idiot to vote in the election for representatives of the people to the Legislative Assembly, only those who are free in the law according to the 22nd clause.
69. If any one shall use threatenings or shall use bribery for the purpose of getting people to vote for him, and he should become elected to enter the Legislative Assembly, such a one shall be unseated by the Legislative Assembly when the same shall be reported to them and when judged it shall be found to be correct.
70. with reference to all laws in connection with the King, Royal Family, and Nobles of the Legislative Assembly, the whole of the Legislative Assembly (that is both Houses) shall first vote together in accordance with the 60th clause, after which it shall be lawful only for the Nobles of the House to vote; and if they shall be willing to the same after it has been read and passed three times by a majority of the Nobles, it shall be taken to the King at once for his pleasure; and if the majority of Nobles are not willing, the same shall be dropped, although it may have passed the majority of the whole of the Legislative Assembly, and if also it is not approved of by the King it shall not become law in accordance with the 60th clause of this Constitution.
71. If the Legislative Assembly shall agree and pass any law in accordance with the 60th and 70th clauses of this Constitution it shall be taken to the King, and if he does not approve of the same it shall not be lawful for the Legislative Assembly again to discuss the same in that session.
72. It shall be lawful for the Legislative Assembly to judge the conduct of its members; and although all members of the Legislative Assembly may not be present it shall be lawful for the Legislative Assembly to discuss and pass laws should one-third of the members of the Legislative Assembly be present, or ten members. But if there are less they shall adjourn from that day to another day until one-third of the House shall be present, or ten members. ~~But when they meet again if there still be less than one-third of the House or ten members present, it shall be lawful for them to command the presence of all the Nobles and all the representatives of the people; and if they do not attend it shall be lawful for them to declare their punishment for such disobedience.~~
73. If any one shall speak or act disrespectfully in the presence of the Legislative Assembly, it shall be lawful for them to imprison the same for thirty days; and if, while the House is in session, any one shall write libellous articles on the Legislative Assembly, (false reports) or threaten any of its members or his property, or shall rescue any one that has been commanded by the Legislative Assembly to appear before them, it shall be also lawful for them to imprison the same for thirty days.
74. Should any one of the Nobles act unbecoming his position either whilst the House is sitting or not, it shall be lawful for the Nobles to judge the same. (But it shall not be lawful for the representatives of the people to take part in such judgment). And it shall be lawful for them to depose him from his position as a Noble; and should such be the case it shall be with the King to appoint one in his stead from his tribe to the Legislative Assembly. But it shall not be lawful to take from him his name or his inheritance excepting for treason.
75. The Legislative Assembly shall keep a journal of its proceedings, and the 'ayes' and 'noes' of the Legislative on any question shall, at the desire of one-fifth of those present, be entered in the journal of the Assembly.

76. The Nobles and representatives of the people shall be free from arrest whilst the Assembly is sitting, excepting in cases as enumerated in the 25th clause. And no member of the Legislative Assembly shall be liable to judgment for any thing said in the Legislative Assembly.

77. It shall be lawful for the Nobles and also the representatives of the people to impeach any one of the Ministers or Governors or Judges for mal-administration [or misconduct], and when the same shall be judged and shall be proved to be true, the Legislative Assembly shall have power to depose the same from his position, but it shall be with the Courts to punish the same according to law should he be brought before them.

78. If any one of the representatives of the people should wish to resign his position in the Legislative Assembly it shall be lawful for him to send in his resignation to the Speaker, and after sending the same his connection shall end with the Legislative Assembly.

79. Should any one of the representatives of the people resign or die, the Speaker shall immediately command that electorate which he represented to elect one in his place. But the Legislative Assembly shall not in consequence adjourn although their number may not be complete but they shall go on with their proceedings.

80. All the representatives of the people shall be chosen every five years, but it shall be lawful for the King to dissolve the Legislative Assembly of the representatives of the people although their five years may not have expired should he so wish to do, and to command the electorates to choose again representatives to the Legislative Assembly according to law.

81. It shall be with the Legislative Assembly to arrange the amount of taxes which shall be paid by the people, and also the amount of duties; also the amount of payment which shall be made for licenses; and it shall be with them and them only to pass the estimates of the expenditure and work of the Government in accordance with the 19th clause. And when the Legislative Assembly shall meet it shall be with the Minister of Finance to report the amount of revenue received in the two years preceding the meeting of the Assembly, and also the amount of money paid in the expenditure of the Government. And it shall be with the Legislative Assembly to determine the amount of estimates for the expenditure of Government for the two succeeding years. Whatever may be the amount which they may determine for the expenditure and support of the Government the Ministers shall distinctly carry out such estimates made by the Legislative Assembly.

82. It shall be lawful for the Legislative Assembly to consult with regard to any amendments of the Constitution should such amendments not interfere with the laws of liberty [Declaration of Rights], the laws with reference to foreigners, the succession to the throne, and the inheritances and titles of the Nobles and Chiefs of the land. And any clause of the Constitution which the Legislative Assembly may wish to amend shall, after it has passed three times, be left over until they meet again in the next Assembly to be held after two years. And if they still approve of it and it shall be passed again three times, it shall be lawful to take it to the King, and if it receives his consent such amendment shall become part of the Constitution.

83. The enacting style in making all laws shall be, - 'Be it enacted by the King and Legislative Assembly.'

84. To avoid confusion in the making of laws, every law shall embrace but one object, and that shall be expressed by its title.

85. The present laws of the land shall still be in force until altered by the Legislative Assembly, excepting in such cases where they are contrary to the spirit of this Constitution. And any law which may be passed contrary to the spirit of this Constitution shall not become law or be put in force.

JUDICIAL

86. The Judicial power of the kingdom shall be vested in the Supreme Court, Circuit Courts and Police Courts.

87. The Supreme Court shall consist of the Chief Justice and two associated justices, any two of whom may hold a court. And should the Chief Justice not be there the senior associated justice shall preside. All three justices have equal powers and rights.

88. It is with the King with the consent of the Cabinet to appoint justices to the Supreme Court. And the justices of the Supreme Court shall hold their offices during good behaviour, and shall receive their salaries from the Government as may be arranged by the King and Legislative Assembly. And whilst they hold their position, although it may be lawful for the Legislative Assembly to increase their salaries, it shall not be lawful to diminish them. But should it appear to the Legislative Assembly that the conduct and adjudication of any one of the judges is altogether wrong and inconsistent, it shall be lawful for the Legislative Assembly to impeach and judge such an one according to the 77th clause.

89. It is with the justices of the Supreme Court to arrange the manner of holding the lower courts, and also to draw out all forms, and make rules for all the business of the same.

90. Should any case of impeachment be tried by the Legislative Assembly of any one of the Governors, or Ministers or Justices, the Chief Justice shall preside in the Legislative Assembly whilst the case is being heard. But should at any time the Chief Justice be impeached by the Legislative Assembly, the King shall appoint some one to preside during such trial.

91. Should the Supreme Court be held and the three judges be agreed in any case, or any two of them, such decision shall be final. And it shall not be lawful to grant a new hearing, if such was a trial for crime in accordance with the 25th clause. But should it be a cause for debt or dispute about any inheritance it shall be lawful to appeal to the Privy Council in accordance with the 54th clause.

92. The powers of the Supreme Court shall extend to all cases in Law and Equity arising under the Constitution and laws of this kingdom, and treaties made or which shall be made; and to all cases affecting Public Ministers and Consuls, and all cases of Admiralty and maritime jurisdiction.

93. It shall be lawful for the King, or the Cabinet, or the Legislative Assembly to require the opinions of the Justices of the Supreme Court on important questions of law and difficult cases.

94. It shall not be lawful for any Justice or magistrate to sit alone on any trial or appeal in any case on which he may have given a previous judgment.

95. The Chief Justice and Associated Justices shall take the following Oath:-
 'I swear in the presence of God that I will be obedient to King George Tubou the lawful King of Tonga, and that I will perform righteously and truly with impartiality my work as a Justice in accordance with the Constitution and laws of this land.' The Justice shall sign and read this Oath in the presence of the Cabinet.
96. It is with the Legislative Assembly to decide what shall be the court fees in the various courts; but in case any trial shall take place where the Minister of Police is prosecutor no fees shall be paid. A copy of all cases judged in the Supreme Court shall be kept in the Record office of that court.
97. It shall not be lawful for any Justice or Police Magistrate to receive a portion of any fine or fines which may be paid by persons because of breaches of the law; or for the Government to portion out prisoners to work for any Justice, or magistrate, or police, or juror, or any other person as payment for work done by them.
98. It is with the Legislative Assembly to regulate the mode of summoning and empannelling jurors, or what fees they shall have.
99. It is for one of the Justices to hold the Circuit Courts, and it is with the King and Legislative Assembly to arrange how many Circuit Courts shall be held in this kingdom.
100. All cases tried before the Supreme Court and Circuit Court shall be by jury, and any one prosecuted for the committing of any crime as stated in the 25th clause, or any case which has been committed for trial from the police court shall be tried by a jury of twelve and this law shall not be repealed for ever.
101. It is the duty of jurors in all criminal cases to pronounce whether the person accused is guilty or not guilty according to the evidence produced, [and the evidence alohe]. In civil cases they award payment or compensation as the case may be, and according to the merits of each case.
102. It is the duty of the Justice or magistrate in criminal or civil cases to direct the jury as to the principles [sic] of the law bearing upon each case as it is tried and thus to assist them in their deliberations as to what conclusion it is right for them to come to. It is also with the Justice or magistrate to decide all questions of law, or as to the admisability [sic] of evidence which may arise during a trial.
103. It shall be lawful for the Circuit Courts to judge all criminal and civil cases, but not to judge both kinds of causes on the same day. Different days shall be appointed to hold the Criminal Sessions, and also different days to hold the Civil Sessions.
104. Should any case be tried in a Circuit Court, and the plaintiff or defendant not be satisfied with the decision of that court it shall be lawful for him to appeal to the Supreme Court. And if it shall appear to that court the decision of the Circuit Court was wrong it shall be lawful for them to reverse the judgment.
105. The Chief Justice shall report once every year to the King with regard to the administration of justice and the state of morals, and as to what improvements or changes in the law it appears to him ought to be made. When the Legislative Assembly meets, the King shall lay this report before the Assembly in the same manner as the reports of the Ministers.

106. It is with the King and Legislative Assembly to regulate how many police courts shall be held in this kingdom, and how often. And it shall be with the Legislative Assembly to regulate the powers of the Police Magistrates in criminal and civil cases, and also the amount of debt he can judge, and what cases are to be committed to trial to the Circuit Courts. Criminal and Civil cases shall be held at different times as stated in clause 103, which has reference to the Circuit Courts.

107. Should any one of the Legislative Assembly lay an accusation against any one of the Cabinet, or Governors, or Justices for the purpose of his being impeached by the Legislative Assembly, the impeached officer shall have a written accusation of the same seven clear days before it shall be lawful to try the same. Such trial shall be held in the same way as all trials are to be held, as stated in the 11th clause. After all witnesses shall be heard the accused shall retire whilst the Assembly deliberates; and when the Legislative Assembly shall have arrived at a decision he shall be brought before them and the decision of the Legislative Assembly announced to him. If found guilty it shall be lawful to remove him from his position; but if acquitted it shall not be lawful to impeach him again on the same grounds in accordance with clause 12.

108. Causes which warrant impeachment are those as stated in clause 107, breach of the laws or the regulations of the Legislative Assembly, maladministration, incompetency, destroying and embezzling the property of the Government, or the performance of acts which may lead to difficulties between this country and another.

THE LANDS

109. It is hereby solemnly declared by this Constitution that it shall not be lawful for ever for any one of this country, whether he be the King or any one of the Chiefs or any one of the people of this land to sell one part of a foot of the ground of the kingdom of Tonga, but only to lease it in accordance with this Constitution. And this declaration shall be a most solemn covenant binding on the King and Chiefs of this kingdom, for themselves and their successors for ever.

110. It is hereby declared by the Constitution, that the Government shall hold and possess the sites of all towns in this kingdom at present inhabited; and it shall be with the Minister of Lands to hold in trust and govern the sites of all such towns on behalf of the Government, in accordance with the 3rd paragraph of clause 55 of the Constitution Act.

111. It shall be with the Cabinet to fix what shall be the payment for the various leases in the different towns as they may seem fit; but it shall not be lawful to lease any ground in any town to any one for a period of upwards of 21 years, saving for Church purposes, - the two denominations which are now here, the Wesleyan and the Roman Catholic, according to the 117th clause:- and also to the King for his premises in Nuku'alofa, Lifuka and Neiafu, which shall be leased for a period of 99 years. But should there be premises of any great Chief of any town whose was the town according to former custom; and such land was the inheritance of his forefathers - it shall be lawful for that Chief to have a lease of that land, and his heirs after him, for a period of 99 years - and they shall pay to the Government, whether such premises be large or small, the sum of one dollar per annum on account of such lease.

112. And if any one shall lease any premises in any town from the Government it shall be lawful for him to re-lease such premises or any portion of such premises to others should he so wish to do and it shall be with those who thus release such premises to pay to the Government according to the original lease.

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113. It shall be with the Minister of Lands to define the boundaries of all towns now inhabited and such shall be possessed by the Government. Such boundaries shall be printed in the GOVERNMENT GAZETTE and after being proclaimed it will be tabu to enlarge the sites of the towns owned by the Government. And should any high Chief feel aggrieved at the boundaries of the towns thus proclaimed by the Minister, it shall be lawful for him to appeal to have it adjudicated, according to the 123rd clause of this Constitution.

114. The deeds, as have been prepared and approved of by His Majesty King George are hereby proclaimed the model deeds of the Government of Tonga, according to which all future deeds of leases, either for the Government or the Chiefs, shall be made. Those deeds of leases to which His Majesty has affixed his royal signature, such model deeds, together with the Constitution, shall be preserved in the office of the Government at Nukualofa.

115. This Constitution does not affect any leases which have been made by the Government or any leases which they have positively promised shall be made, whether leases of land in the interior or in town; such leases will be protected by the Government. But this arrangement does not include any new lease which may be made after the Constitution becomes law.

116. No more leases shall be granted [beyond those which have already been made] of any town sites in any town either to the Wesleyan Church or to the Roman Catholic Church, or for the premises of a teacher, should there not be more persons, including both men and women of such Church, those who have arrived at the age of 16 years, [leaving out the children] equal to the number of twenty in such town. And no more leases of sites for school-houses, or the premises for school masters will be granted should there not be in such town children to the number of thirty, constant attendants at the school of such Church.

117. It shall be lawful for the two Churches, - the Wesleyan Church, and the Roman Catholic Church, - to have leases of their premises, in accordance with clause 111, for the term of 99 years. But it shall not be lawful for them to use those premises for any other purpose than that of religion, or to re-lease to any one else for them to use or reside therein; and shall such be the case, and when tried found to be true, the leases of such premises shall revert to the Government.

118. It shall not be lawful for the Government to lease to any white resident, or to any one and his family, any town site greater than 5 acres; and it shall not be lawful for the Government to grant permission to any Chief to lease to any White resident or white residents in company any land in the interior upwards of 1000 acres added together.

119. All the beach frontage of this kingdom belongs to the Government from 50 feet of high water mark. But it shall be lawful for the Government to lease a portion of any beach frontage for the purpose of erecting a store, jetty or wharf; and it shall be with the Minister of Lands to grant such lease with the consent of the Cabinet.

120. The deed of any lease granted by the Government to any white resident shall be made out in the English language.

121. Should the King or Cabinet be willing to grant any lease and such lease be made, the Minister of Lands shall sign his name to such lease in the name of the King, and affix the seal of the Government: and such deed shall be witnessed by

the Premier and Treasurer, and an exact copy of it shall be kept in the office of the Minister of Lands, and such registry shall be preserved for ever.

122. It shall be with the Cabinet to arrange what shall be the charge for registering deeds in the office of the Government [The office of Minister of Lands]. The leases made by Chiefs, and all sub-leases shall not be considered to be in force until such shall have been registered, and the deed first registered will be the one protected by the Government.

123. Should any dispute arise between the Government and any Chief because of any town site [or site of a town], or between one Chief and another because of any lands, it shall be lawful for them to petition to the Government to have it adjudicated. The manner of adjudication shall be as follows: The Minister of Lands shall choose four arbitrators, and those who are appealing for adjudication shall also choose four arbitrators, and the Minister of Lands shall appoint either one of the justices or one of the police magistrates to provide over such Court of Arbitration, and all parties shall abide by the decision to which that court may come. But should either the petitioner (or petitioners) or the respondent (or respondents) be not satisfied with such decision, it shall be lawful for him to appeal to the Supreme Court; and if he be not satisfied with the decision of the Supreme Court it shall be lawful for him to appeal to the Privy Council, and whatever the King and Privy Council shall decide upon shall be final.

124. After the Constitution has come in force the King shall appoint and cause to be printed in the GAZETTE and BOOBOOI the names of those Chiefs that held titles which shall be hereditary together with their lands from father to son, - that is the Nobles who shall enter the Legislative Assembly according to the 63rd clause, and those also who may not enter the Legislative Assembly but who shall hold hereditary titles and land.

125. This is the law of inheritance: It is lawful for those only born in marriage to inherit. The law of inheritance shall be to the senior male child and the heirs of his body; but if he should have no descendants then to the second male child and the heirs of his body; and so on until all the male line is ended. Should there be no male child, the inheritance shall succeed to the first female child and the heirs of her body; and if she should have no descendants, then to the second female child and the heirs of her body, and so on until the female line is ended. It shall then revert to the eldest brother of him who was the inheritance, commencing with the first and his heirs in succession, to the last and their heirs in accordance with this law of inheritance. And if the brothers shall have no descendants it shall descend to the eldest sister and the female line, as it had previously done to the male line. And if these should have no descendants, and there should be no legally begotten heir (in marriage) shall revert to the Government in accordance with 127th clause.

But in case a female shall succeed to the inheritance of any one of the Nobles, and should take this place, it shall be lawful for her to appoint the male heir that succeeds to her in accordance with this law of inheritance to represent her in the Legislative Assembly, or she may consult her relatives as to whom shall represent her, (until such time as she may have a son and he becomes of age). Should this be so arranged, such representative shall receive one third of all monies received because of the inheritances belonging to such title. But should a party be appointed unfit for such a position, it shall be lawful for the King and Legislative Assembly to command her to choose another representative. This regulation has also reference to the

hereditary inheritances of all Chiefs who hold hereditary titles and lands. And should at any time any Chief refuse to take his legitimate title, it shall be lawful for that particular tribe to consult and appoint some one to that position; but should they appoint a person unfit for such a position, it shall be lawful for the King and Privy Council to command to seek a substitute.

126. Should there be any inheritances which are not still owned by any one, - a Chief to whom properly belongs a town or district of land, such land shall revert to the Government, and it shall be lawful for the Government to lease such lands in accordance with the 127th clause, and the Government shall be at liberty to use such monies for the benefit of the Government.

127. Should it occur there are no legitimate heirs to any portion of land, [hereditary titles] such lands shall also revert to the Government, and the Government may possess it in accordance with the 126th clause.

But should his Majesty desire to appoint any one to such lands and titles, it shall be lawful for his Majesty so to appoint; and any one so appointed shall become possessors of said title and lands, and his heirs.

128. It shall be lawful for the Chiefs to whom belong the various districts of land, to lease any such land to the Tongese for the various terms of 21, 50, and 99 years, as they may so arrange. But should any Tongese not be willing to lease the lands (they have hitherto held) from their Chief, they shall pay to their Chief to whom belongs that district of land; as shall be directed by the Cabinet. But after the space of two years it shall be lawful for the said Chief to command for said lands to be given up to him, and to lease the said lands to any one who may be desirous of so doing; or to allow the said Tongese the use of the same lands for another space of two years, in accordance with this regulation, and to continue to do so as long as he be so willing.

129. It is with the Legislative Assembly to regulate what shall be the payment per acre to be made by the Tongese for their garden lands, and whatever shall be decided upon by the Legislative Assembly such regulation shall be binding upon all the Chiefs until the space of 21 years it shall then be lawful for the Chiefs to make what agreements they like with the people.

130. It shall not be lawful for any Chief to lease any premises to any white resident without having first obtained the permission of the Cabinet. This clause is not made to prevent the leasing of land to white residents, but to prevent any Chief acting foolishly in leasing the whole of his land to white residents, and driving the Tongese into the sea.

131. Should any one lease any premises, whether town sites or country sites, either from the Government or Chiefs, it shall be lawful for him, should he be so desirous, to bequeath such sites by will, in accordance with the 125th clause.

132. This Constitution became the law of Tonga on the 4th day of November, 1875.

GEORGE TUBOU, King

POSTSCRIPT

This Constitution was originally compiled, at the request of His Majesty King George, by the Rev. Shirley W. Baker; afterwards amended and completed by His Majesty himself, together with certain alterations made by the Legislative Assembly, 1875.

By his Majesty's request the Rev. S.W. Baker translated this Constitution from Tongese into English.

WELLINGTON. T. GU.

Aide-de-Camp.

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