

SECTION 6. THE BAKER REGIME

The Reverend Shirley Waldemar Baker's political influence in Tongan affairs extends over nearly thirty years. He arrived in Tonga in 1860 and as a young missionary he was adviser to King George Tupou I. We have already noted that he played a prominent part in the drawing up of codes of law and the Tongan Constitution. After 1880 the Rev. Baker severed his ties with the Wesleyan Mission and became Premier of Tonga. Baker's political activities, coupled with certain offensive money raising methods, had led to an official inquiry in 1879 by the New South Wales and Queensland Conference, the controlling body of the Wesleyan Mission in Tonga. The Conference decided that Baker should be recalled. He resigned, however, and went to live in New Zealand. When the King's son, Tevita 'Unga the Premier, died of an illness in New Zealand in 1880, Mr Baker brought the body back to Tonga for burial. After the funeral was over, King George, who was now without a Premier appointed Mr Baker to the vacant position. It is this period of Mr Baker's political career that is so stormy. Many would feel that he did his best work for Tonga as a missionary adviser to the King. When he became Premier, however, serious troubles began which led, ultimately, to his deportation by the British High Commissioner for the Western Pacific, Sir John Thurston.

Several of his policies brought Baker into conflict with European residents in Tonga, particularly British subjects. First of all was his pro-German attitude. The impression was created that he favoured Germany, and there is a certain amount of evidence that this was so. At a time of great colonial rivalry between England and Germany, this was a dangerous policy for an English man to pursue. Another aspect of his policy that caused discontent was the licence system. European traders found that virtually every commercial venture came within the scope of some Licensing Act or other. Some of these licence fees were very high, and others required exceedingly high bonds to be lodged, as much as \$1,000 in the case of a restaurant licence. His land policy, by which he reduced security of tenure to as little as three months, and his press laws which effectively banned all other newspapers but his own, caused a great deal of bitterness. The part Mr Baker played in the setting up of the Free Church was perhaps his greatest mistake. The persecutions that followed the setting up of the new church, and the attempt upon Baker's life, brought Sir Charles Mitchell to Tonga in 1887 to conduct an official British investigation. The troubles that continued after that investigation led to the visit of Sir John Thurston in 1890 which resulted in Baker's deportation. The disturbed state of Tonga during those years of persecution brought Tonga very close to annexation by Britain.

Mr Baker was a prolific law-maker. Some of these laws appear trifling or amusing to us today, but many others had a very deep significance for Tongan development. Basil Thomson was very critical of Baker's laws and in many cases with good cause. There are however some very significant laws which Basil Thomson has overlooked. This is particularly true in relation to the laws of inheritance. One of Baker's laws guaranteed that every man should have his lawful inheritance, a piece of land that was to be his own inalienable right. It was to be a possession that would pass down from generation to generation in that man's family.

This section of the documents traces the history of Mr Baker's political career from his appointment in 1880 as Premier to his deportation from Tonga in 1890. His earlier political

career, while still a missionary, has been dealt with in a previous section.

A. BAKER'S POSITION WITH KING AND PARLIAMENT

[133] OPPOSITION TO THE MISSIONARY INFLUENCE 1876.

[E.W. Parker and others to E. Layard Esq. Her Britannio Majesty's Consul, H.M.S. "Nymph". Nuku'alofa, 16th February, 1876.]

Sir

We the undersigned residents in Tonga beg to address you - in the first place to express to you the satisfaction we feel on the arrival of one of Her Majesty's vessels with a Consul on board, and also to beg that you will represent to His Excellency the Governor of Fiji our earnest desire that we should have a resident Consul in Tongatapu.

We should be very sorry to appear to dictate, but if we could have one who would make a stand against the overweening influence of the Missionaries which is rampant here, we feel sure that it would be better for the interests of the Europeans here and eventually for the natives themselves.

Of course there is neither time nor opportunity for us to communicate with the residents in Haapai or Vavau, but we well know that they would cordially co-operate with us in our request.

But in short if you would appoint a place and a day where you would meet us, we should feel much obliged.

If you will kindly give us a speedy answer we shall have time to collect our fellow residents.

We are
Sir
Your most obedient servants,
E. W. Parker.
& 21 others.

Note: This document does not include the names of the 21 other residents. It is marked "Copy", and was obtained from the Archives of the Western Pacific High Commission, Suva, Fiji.

[134.] THE EUROPENS RESIDENTS LETTER OF FAREWELL TO BAKER 1879

[For Private circulation only. Letters and Correspondence in re Tongan Affairs and Request of H.M. King George for Tonga to be made an Independent District. October 1879. Gibbs, Shalland, and Co. Sydney. 1880. p.9.]

Nuku'alofa, November 18, 1879.

Dear Sir, - We, the undersigned European residents in Tongatabu, hearing of your intended departure for the Colonies, avail ourselves of this fitting opportunity of cordially acknowledging the valuable assistance you have rendered us during your residence here.

We have all found a hearty welcome at your hospitable house. It has ever been your most anxious desire to promote trade and commerce; to advance civilization amongst all classes. Through your strenuous exertions Tongatabu has advanced to her present position in the scale of other nations, and that so many social and important reforms have been effected.

As a Minister of the Gospel, your labours have been beneficial and highly appreciated. As a gentleman, you have contributed to our happiness, adding cheerfulness to our domestic circles, and always most cordial welcomed. Your knowledge and experience of medicine has been invaluable, preventing disease, mitigating pain, saving valuable lives, and that cheerfully, without fee or other remuneration. Consequently, your leaving us is a loss we all deeply regret.

We wish you and your family health, happiness, and every success in returning to the Colonies, and should you again visit Tongatabu, it will afford us great pleasure in giving you a very hearty welcome.

We would also beg you to convey to Mrs Baker our sincere acknowledgment for her invariable kindness in time of sickness.

With our best wishes,
We are, dear Sir,
Yours sincerely,

To Rev. S.W. Baker:-) .

(Signed)

JOSHUA COCKER

T. HEINERMEYNE.

MARCUS, FREDERICK
HAMILTON

T. KOHNKIE

RUDOIPH WINTER,

JAMES P. NEILL,

PETER JACOBSEN,

C.O. HAMMELL,

D. BIERK.

W. TRESKOW, Manager of the
firm of Messrs. Godeffroy.

CRAMER WALTER, Manager of
the firm of Messrs. Ruge

W. LOMBARD, "Madona,"

FREDERICK LANGDALE,

T. KELLY,

GENGE BISSET,

N. RICHIEIMANN,

W.D. BARNARD

N. NIELSON

JOHIN PURSLEY

B.L. COCKER.

HENRY PERCIVAL,

BAZLEY LEGER,

TH. RAHU,

DUNCAN WILKIE,

[135] GOVERNMENT INTERPRETER FOR THE GERMANS

[For Private Circulation only, Resume of Enquiry in re Tongan Mission Affairs, October 1879. Mr A.P. Maudslay, H.B.M. Vice-Consul v. Rev. S.W. Baker. Printed by Wilsons & Horton, "Herald" Office, Auckland, 1879. p.24.]

THE REV. S.W. BAKER'S DEFENCE.

Mr Baker placed on the table the following documents:

King's Palace,
October 24th, 1879.

I, King George, state as follows:-

1. Mr Baker had nothing whatever to do in the obtaining, by the kingdom of Germany, the lease of the coaling station in Vavau. Before Mr Baker knew about this matter, Uga and I had decided about it; and, therefore, he did not persuade us, or have anything to do with it, in any one thing.
2. With reference to the letter to the Emperor of Germany to bring a secretary, Mr Baker did not speak about it, or express his opinion, or influence me; it was my own wish.
3. And to say that we are desirous for Mr Baker's removal; are not our eyes filled with tears at our anticipated separation from him? It is our wish that he should remain in Tonga for ever.

I

(Signed) JIOAJI TUBOU.

I hereby certify that the above is a correct translation of the letter signed by His Majesty, which I read over in his presence, and which he declared to be his statement and his signature.

J.B, WATKIN.

Ko Faji,
'Okatoba 24th, 1879.

I, Wiliame Tugi, state and declare as follows:

1. His Majesty the King requested Mr Baker, and I also requested Mr Baker, to interpret for the Government on board the German man-of-war 'Hertha,' when the treaty was being made. Mr Baker and I went.
2. When the clause in the treaty, referring to the coaling station in Vavau, was come to, the two representatives stated that we shall say nothing about this, for it has been decided by Uga.
3. And when I went on shore, His Majesty informed me it was true; I have said that they should have Lotuma.
4. And, therefore, I state that I and Mr Baker are clear in this matter, this which refers to the lease of the coaling station in Vavau (Haafuluhao).

(Signed) WILLIAM TUGI.

I hereby certify that the above is a correct translation of the letter signed by William Tugi, which I read over in his presence, and which he declared to be his statement and his signature.

J.B. WATKIN.

[136] ALL THE RIGHTS AND PRIVILEGES OF A NATIVE TONGAN

[Tongan Government Gazette. Vol.2, No.7. November 24, 1880]

An Act

To grant letters of Denization to foreigners without oath of allegiance.

Section 1. The short title of this Act shall be the "The Foreigners Denization Act"

Section 2. It shall be competent for His Majesty to confer upon any alien who is now resident abroad, or temporarily resident in this Kingdom, Letters Patent of Denization, conferring upon such alien, without any oath of allegiance, all the rights and privileges of a Tongan native.

Section 3. Such letters Patent of Denization shall be given only to those who accept office of trust under His Majesty.

[137] I CALL MYSELF A TONGAN

[For Private Circulation only. Resume of Enquiry in re Tongan Mission Affairs. October 1879. Mr A.P. Maudslay, H.B.M. Vice-Consul v. Rev. S.W. Baker. Printed by Wilsons & Horton, "Herald" Office. Auckland, 1879. p.13.]

[Translation of speech of Rev. S.W. Baker, made at Mua, 1st September, 1879]

You have heard, I suppose, the reason why the "John Wesley" is coming, and the chief's and the people here assembled are perhaps aware that Mr Chapman is coming on account of a letter written by the Consul, who is in Nukualofa, to the elders of the Church in Britain, to the effect that Tonga is in a bad state through my work; but who can say that any one's love for Tonga is equal to mine. I call myself a Tongan,

There are six things about which I have been charged:

1. That I am a secret representative of Germany; I punished some of the preachers for enquiring about some of the debt of the Missionary collections; Tonga dislikes me; I am anxious to bring a German to be Secretary; that I touched the money or the Government; The chiefs know that no one can say I have got one little penny from it. These are the things that will be investigated when the "John Wesley" arrives here. I am not the least pained about it, for I am quite sure that I am innocent. Therefore, I tell you the chiefs and elders of the Church, if there are some who will take my part and help me at the investigation it will be good. If you leave me to die for the sake of Tonga, I will do so for I love Tonga. If you

leave me as a sacrifice for Tobou and Tonga I will submit. I will not shirk it for my love is earnest for Tonga. If I go away from Tonga I will not forget it. If I go away and there is any speech or discussion about Tonga, in Sydney, I shall rush to it and take part, so that Tabou and Tonga may escape. I tell unto you, the chiefs taking part in this meeting, you look out well for we are a land-loving people. Oh! that I could live always at the front of Tobou's house to perpetually help him when a difficulty arises, - and perhaps Tonga may be lost like Fiji. This is a newspaper that was printed in Fiji, these are the words in it:- "A short time is left and then Britain will have Tonga;" also one thing that was told His Majesty from Fiji was to bring an Englishman to be Secretary in Tonga, but it is good that Tobou did not consent.

I tell unto you the elders of the Church now in assembly, you must pray for Tonga. Be brave, because of Tobou and Tonga to stand fast for ever."

[138] KING GEORGE APPOINTS BAKER PREMIER 1880.

[Tonga Government Gazette, No. 1. Vol. 2. September 1880]

King's Palace
July 31, 1880.

His Majesty King George has been pleased to make this day the following appointments: -

To be Premier of His Majesty's Government and Member of His Majesty's Privy Council:
Rev. Shirley W. Baker,

To be His Majesty's Minister of Foreign Affairs and Minister of Lands:
Rev. Shirley W. Baker,

By His Majesty's Command. W.C. Tupou Malohi, A.D.C.

[139] THE BRITISH AGENT COMMENTS 1880.

[Blyth to British High Commissioner for the Western Pacific, 3rd July, 1880.
Archives of the Western Pacific High Commission, Suva.]

..... The address from the throne consisted for the most part, of a panegyric on the Rev. Mr, Baker (written probably by himself) concluding with the intimation that it was His Majesty's pleasure that one who had made Tonga all it is, had given it a Constitution, a flag, and good laws, should represent him in the present Parliament as Prime Minister.

The attention of members would be directed to the proposed independence of the Tongan church. His Majesty said that his feelings on this point were so strong that this independence was the condition on which he should continue to subscribe to the faith.

Another matter that would be presented for their consideration was the "Treaty made with Queen Victoria" which should be ratified if approved. The Parliament was a very short one,

and appears to have been summoned solely to confirm Mr. Baker's appointment and to hurry through certain measures prepared by that gentleman.

..... The feeling of the people may be expressed in one sentence - 'it is the King's wish '. The feeling of the King is that he cannot govern his country -- white-man fashion -- according to the Constitution and the "Tauataina" (i.e. freedom) which he does not understand, without some white man's assistance, and Mr. Baker, by misrepresenting your Excellency's intentions, and insinuating that annexation must sooner or later follow, has succeeded in persuading His Majesty that he himself is the only disinterested person available in his extremity.

[140] BAKER REWARDED WITH POST OF PREMIER 1880

[Tonga Government Gazette. Vol.2, No.6. Nov. 10th 1880]

HIS MAJESTY KING GEORGE'S SPEECH AT THE OPENING OF THE LEGISLATIVE ASSEMBLY.

My Salutations to the Speaker, the Nobles and the representatives of the people who meet with us today in our Parliament. This is the second meeting of the Parliament which has been held since the granting of the Constitution Act of Tonga and when I remember that Assembly and look upon this Assembly I am astonished at the number of Chiefs who are not here today.

The first thing I shall refer to is the calamity which has fallen upon the land to the man - David. You know that he went to New Zealand with Mr Baker to seek health but the Lord has been pleased that he should die in the land of a stranger. Truly this is a heavy blow which has fallen upon my house but, nevertheless, the Lord reigns, and it is with him what shall happens and his will has been done. But it is for me to say Lord thy will be done, for Jehovah gave, Jehovah has taken away, but blessed be the name of Jehovah.

But I stand here today to thank Mr Baker for what he has accomplished in bringing David to be buried in the land of his ancestors. Thanks to Mr Baker and his love: And I am also thankful to the Captain of the German Man-of-War and the Emperor of Germany because of David being brought in a Gorman vessel of war, and also for the respect which he has shown to him - a proof of our being a nation. I will write to Germany to express my thanks.

In the course of last year I made a treaty with the Queen of Great Britain. The said Treaty will be laid before you, I expect it will during the present year.

There was also a letter I wrote to the Ministers in Sydney, who govern the Church to which most of us belong for our church here to become an independent church like the church in Sydney. I have just received a reply to it and in the said reply it appears it is referred to the Great Conference which will meet next year in Adelaide. But my mind is the same, for the Church of Tonga to be an independent Church; and the words I uttered, I still utter, - I and my family will not again contribute to the Foreign missions until Tonga is a Church.

And with respect to your Parliament, there are many things which I will commend to be laid before you. And as regards my mind, you know it is my wish for Tonga to enjoy perfect liberty forever, but since the doing away of serfdomship many of the high chiefs have been made poor. And it is my desire that they should have something, and therefore I ask for you to consider whether it cannot be arranged for them to have a small honorium from the government to help them, and if you can accomplish this I will be pleased, but don't forget also the attendants of the King.

Then there is another thing I wish to refer to here - Mr Baker again visiting Tonga. I am greatly pleased - for who helped us to make the laws and other arrangements of the Government and what we have accomplished, but Mr Baker. Even this Parliament meeting is his work. I have asked him to help me, and while he is resting from his ministerial work, I trust he will help me; and although he may reside in New Zealand, there are many things he will be able to do of service to me, and I have asked him to represent me in your Parliament meeting, and inform you as to my wishes, and I trust your Parliament meeting will be a good and successful one.

[141] BAKER'S INFLUENCE OVER THE KING 1883.

[Her Majesty's Vice-Consul Symonds to His Excellency G.W. Des Voeux, Acting Consul General. 6th November, 1883. Archives of the Western Pacific High Commission, Suva, Fiji.]

.....

An English medical man of high standing, named Buckland now on a visit to Tonga has stated to me that he is of the opinion that King George is suffering from incipient softening of the brain, that he is quite incapable of governing or of forming an opinion for himself, and that he could be easily persuaded to any course or action by any interested person, but it is also his opinion that owing to a very strong constitution King George may be expected to live for many years.

That the opinion of Dr. Buckland may be relied on is proved by the copy of his testimonials that I have now the honour to enclose for Your Excellency's information, and to this opinion I would most particularly desire to call attention while taking into consideration the recent acts of the Premier.

On 23rd October the Rev. J. E. Moulton, the Chairman of the Wesleyan church of Tonga left for Haapai to attend the annual district meeting and on Sunday last he returned. The vessel had no sooner anchored than the wildest rumours were spread of the extraordinary action taken by Mr. Baker, in the cause of the King and Government, in bringing a long series of charges against Mr. Moulton and great and deep indignation was felt and expressed by both Chiefs and people when it became known that a letter signed by the King and four Government officials asking for Mr. Moulton's removal from Tonga had been laid before the meeting, for that gentleman is deservedly very popular.

The names attached to the petition are I believe those of King George, the Crown Prince, the

Chief Justice, the Minister of Police and Mr. Baker's clerk, and Your Excellency will perceive that much importance cannot be attached to these, when you remember that one is suffering from incipient softening of the brain, another the Prince, is a young Chief of expensive tastes who annually spends at least three times the amount of his salary, and whose only hope of succeeding his grand father is through Mr. Baker, while the Chief Justice I have already reported to Y.E. as having received instructions from Mr. Baker before certain trials came on; the remaining names being those of Mr Baker's colleague and his clerk, further comment is unnecessary.

As far as I can learn the principal charges against Mr. Moulton, which are very numerous, were trivial in the extreme, but hearing that some of them related indirectly to me since they were based on work done at my request I asked Mr. Moulton to allow me to see them. The 2nd charge reflects but little credit upon the Tongan Government and would seem to convey an insult to the British Government second only to that given by the convictions of the petitioners at Haapai. That the removal of a missionary should be asked for because he, at the request of Her Majesty's representative translated a petition to Her Majesty and that he should be held responsible for the sentiments contained therein, appears to me a request too absurd to require any comment.

[142] THE PREMIER'S ROLE IN PARLIAMENT: REPRESENTING THE KING'S MIND.

[Tonga Government Gazette. Vol. 2. No. 12. October 25th, 1882.]

(His Majesty's Speech at the opening of Parliament, 1882.)

..... It has been arranged in this Parliament meeting that it should be deliberated concerning the hereditary lands of the Chiefs, but there is some thing which I want to speak about, because of the tracing of inheritances which is being done, and the commencement to seize the tax lands of the people by the chiefs; But when I have said that the hereditary lands of the Chiefs should be determined , it did not mean that the Chiefs should seize the tax lands of the people or to divide the lands afresh, or to give it to other persons, or for the Chiefs to please themselves concerning the same -- for the day that the Chiefs shall be allowed to please themselves concerning their hereditary lands, that day will Tonga most certainly be lost -- because if any Chief should be vexed with his people, he should eject them and lease their land to foreigners and Tongans would become strangers in this land; but this is my mind concerning the same:

(1) For it to be defined what shall be termed the hereditary lands of the Chiefs to be kept for hereditary titles for them to receive the payment of same, for as the people are now free from compulsory work for the Chiefs, it is right for the Chiefs to receive some payment for their lands.

(2) For the tax lands of the people to be protected.

(3) Seeing that some have no lands, and the lands of others are small, and others have two or three plantations, it is right to adjust these, so that any man who pays taxes for him to have his tax land, and for any one who prepares his land, for him to be able to bequeath it to his children, and in defining each one of the hereditary lands of the Chiefs, I would again remind you of my words --"Those lands which you now hold, those you shall hold." For if

we commence to trace hereditary lands a great deal of ill feeling will arise, and therefore an ordinance will be brought by the Premier --- a statement of my mind regarding this, and I trust that it will be pleasing to you and the people of our land.

.....

My mind is greatly pleased with the Law in reference to the hereditary lands because it is apparent from the regulations you have made in the said law, you truly love the people of this land; and it is clear to me, that it will good for Tonga, that there will be neither a poor man nor a pauper in this Kingdom; that if anyone be poor, it will be his own wish to be poor through his own laziness in not using the opportunities which have been given to him.

I congratulate you, Chiefs, on your being willing to grant the request made by the Premier to allow the tax lands of the people to be hereditary. In your down so the people will thank you, not only so, but you yourselves will rejoice in your seeing the people comfortably settled. I trust that you and them will be blessed.

[143] MAKER OF THE CONSTITUTION 1879.

[For Private Circulation only. Resume of Enquiry in re Tongan Mission Affairs, October 1879. Mr A.P. Maudslay, H.B.M. Vice Consul v. Rev. S.W. Baker. Printed by Wilsons & Horton, "Herald" Office, Auckland, 1879. p.24.]

Extract from the Tonga Government Gazette (by authority).
Nukualofa, August 22nd, 1877.

In the press, and will shortly be ready – ‘The Constitution of Tonga,’ translated into English. Thirty pages. demy 8vo. Constitution granted by His Majesty George Tubou, by the Grace of God, King of Tonga, on the fourth day of November, 1875.

(POSTSCRIPT.)

This Constitution was originally compiled at the request of His Majesty King George, by the Rev. Shirley W. Baker, and 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 Tonguese into English.

WELLINGTON T, GU,
Aide-de-Camp.

[144] BAKER'S COMMENTS ON HIS RELATIONSHIP TO KING AND COUNTRY 1879

[For Private Circulation only. Resume of Enquiry in re Tongan Mission Affairs. October 1879, Mr A. P. Maudslay, H.B.M. Vice-Consul v. Rev. S.W. Baker. Printed by Wilsons & Horton, "Herald" Office, Auckland, 1879. p.44.]

That I have great influence with the Tonga Government I do not deny; that designed their flag I admit; that, at the King's request, I compiled the original draft of the Constitution I admit.

That, at his request, I assisted him in reference to the laws I admit. That I corrected the proof copies of the law I admit.

That, at his request, I planned the present system of Police Courts and Debtor's Courts, and system of Registration, I admit.

That, as long back as 1862, I drew out the charter of their liberty, I admit.

That I was the editor of the Boobooui, and also of the Tongan Times, I admit; that I have tried to raise them to be a nation and a people I admit.

When the Rev. B. Chapman was in the chair of our District Meeting in 1874, I said I had two objects before me - to make Tonga a Church and a nation.

But that I have used my influence to compel or to enforce, or to interfere, I deny. I have given my opinion, but I have never pressed my views either on the King or on chiefs.

[145] SIR CHARLES MITCHELLS OPINION 1887

[Report by Sir C. Mitchell, High Commissioner for the Western Pacific, in connection with the Recent Disturbances in, and the Affairs of Tonga. Presented to both Houses of Parliament by Command of Her Majesty, July, 1887. Printed by Samuel E. Lees, Sydney, 1887. Paragraph 10, p.2.]

Note. Sir Charles conducted a very demanding interview with Tubou, soon after his arrival to conduct an enquiry into disturbances in Tonga. There were 50 prepared questions ranging over a variety of subjects. The following is Sir Charles Mitchell's estimate of King George.

10. On the afternoon of Tuesday I went, by appointment, to the Palace, accompanied by the Chief Judicial Commissioner and by the Secretary to the High Commissioner. The King's manner to me was courteous, and his replies straightforward and unhesitating. I may here remark that I saw no indication either on this occasion or on that of any of the many subsequent interviews I had with the King, of his mental incapacity, or of his being under Mr Baker's control. On the contrary, his mind appeared to me to be clear, his manner decisive, and his whole bearing that of a man of strong will and independent character.

[146] BAKER'S CONCERN OVER KING GEORGE'S INDEPENDENT DECISIONS

[Appendix. Report of Sir C. Mitchell etc, etc. London 1887. p.145]

THE REV. S. BAKER TO THE KING OF TONGA.

(Translation.)

Tubou,

PARDON me, but there is something which I wish to speak to your Majesty about, and I write you because, from what the Consul says, I shall be held responsible for these things, and it will end in my being commanded to return to Papalagi.

As the land does not still listen ("fakaogo") to me, therefore they will command me to return.

I am grieved in Otuhouma being commanded to be brought here, and especially about his being beaten; if Otuhouma is brought to stay here it is wrong, but if he be brought for your Majesty to speak to him and then for him to go, it is well.

It has been ordered that every Wesleyan, man and woman, shall stay in their own place that order is a good one, and if kept will be well, but if broken, as in the case of Otuhouma, it will be bad. My wish is that Otuhouma should come here for your Majesty to speak to him and then for him to go to Utulau, and if not this thing will cause trouble, and the world will say your orders are variable, and we shall be ashamed and disconcerted, and not only so, but I see plainly if our affairs go on thus, England is certain to command me to go and leave Tonga to itself. I could earnestly wish that in all the regulations that are made that we should consult each other, for these things need not be inquired of from you but from me, and I could earnestly wish that you would not listen to the foolish people who come, for if things go on as they are it is certain I will go.

My love,

(Signed)

S.W. BAKER.

[147] THE PREMIER AND THE TONGAN COURTS 1890

[Basil Thomson, Diversion of a Prime Minister, Edinburgh 1894. pp.224-226.
Reprinted by Dawsons of Pall Mall, London 1968.]

The confused state of the law had a remarkable effect upon the magistrates. The only written law within their reach had been so often altered and repealed that they had come to rely for their decisions not upon the written law, but upon the verbal directions of the Prime Minister. I myself came at last to admit the advantages of this system, since, when I declined to give them advice upon cases sub judice, much of my time was occupied in appeasing consular representatives for illegalities practised by the courts upon the subjects of foreign Powers. If I had attempted to right the wrongs of Tongans suffered at the hands of their own magistrates, I should have had time for nothing else. The stumbling-block of the magistrates was the subtlety of their reasoning. Not long before my arrival three men

were indicted for stealing a pig. It transpired in the evidence that two of them had agreed to keep watch while the third committed the theft. "This," - said his worship, "was no ordinary theft; it was conspiracy". He found that his law-book defined conspiracy as a synonym for talisone (treason) and the punishment provided for talisone was twenty years' penal servitude. These criminals were said to be languishing in prison when the general amnesty that followed Mr Baker's fall set them at liberty.

The pliancy of the police magistrates made them, in the hands of a Free Church Government, ready instruments of persecution. The courts took their bias from the attitude of the Executive. Every law that could be made to bear hardly upon the Wesleyans was strained to their discomfort. By an abuse of the land laws they were deprived of their holdings. In places where the minister was the only Wesleyan, he was charged with neglecting to keep the church lands weeded - each enclosure being treated as a separate cause of offence - and imprisoned in default of paying the enormous fines imposed upon him. For all these abuses Mr Baker has, with some injustice, been made personally responsible. He, it is true, gave the bias to the courts, but, once started on their devastating way, the magistrates in their crass stupidity went to lengths he would have repudiated had he dared.

B. EUROPEAN DISCONTENT

[148] MR PAYN AND THE TAPA CLOTH

(i) "that this sentence of outlawry ought to be reversed"

[P. Payn to H.B.M. Consul E. March. Tongataboo, Friendly Islands, October 1870.
From the original held in the National Archives of Fiji, Suva. F4/12-9(a).]

Sir,

I hereby make a formal and respectful appeal to you as a British Consul, begging your protection as a British subject. For the trifling offence of a horse accidentally spoiling a piece of native cloth which I at once offered to buy at the full and fair price, I was summoned to the court here, and directly I arrived I found the judges had already passed sentence on me, and that I was to pay two dollars. Being condemned when (absent) and thinking that this the sum was small the offence was smaller, I perhaps too hastily told them that I would not pay, and we had no resident consul would leave it till the first man-of-war arrived here. A man-of-war being a sore subject with the Chiefs here, and calling on my country having touched their pride, they at once lost all control over their tempers and told us that neither my father, my brothers or myself need bring any cases forward for them try again, they then called on to go out and the chief judge began to beat the table with passion while an officer came round to be that me flourishing a stick. I really believe he would have struck me had I not turned myself around and looked hard at him, he stopped, and then thinking I could go out without having the appearance of being driven I went.

As sometimes the King is willing to hear cases after the judges have decided them I tried to obtain an interview but failed, and the next thing I heard was that all our family was "tabued" natives were forbidden to sell anything even food to any of us, thus punishing people for my offence even had I been more in the wrong than I was. My brother being in a native town at the time tried to buy food but the people said they had orders to refuse every thing even shelter and this proves what I say.

I could lengthen out this letter with many little things which go well for my case, but as we hear you may be here very soon, they will be heard where you try it and I will not trouble you with a longer letter than necessary.

This "taboo" lasted during three days completely stopping our agents and our drays from doing any business. We had five tons of cotton lying at our agents house eighteen miles from our works and this we were ordered to clear away in two days!!

An impossibility. All our agents were ordered to bring us our trade and drays and to leave us under penalty of a heavy fine.

My father with some difficulty got this arranged but then the king days he and brother may go on trading. I must buy nothing and must leave the country in six month!!! And it is against this that I appeal begging you most respectfully to in intimate at once to these

people, that this sentence of outlawry ought to be reversed till tried by some more competent Court than they have here. For even were I to admit that I was grossly wrong in the first instance for not paying. It is no offence commensurate with the sentence even had they passed that sentence, on me, when I was present which they did not.

I am, Sir,

Your obedient servant.

(Signed) P. Payn.

(ii) "before adopting extraordinary measures. . . you will communicate with me."

[H.B.M. Consul Edward March to King George Tupou I. Ovalau, October 24th 1870.

From a copy in the National Archives of Fiji, Suva. F4/12-9(c).]

I have lately received a letter from Mr Payn of Tongatabu complaining that he has been unjustly dealt with by your government in the matter of a fine of two dollars for injuring a piece of native cloth, and that his declining to pay the fine has resulted in his being ordered to leave the country within a month.

Without entering upon the merits or demerits of the case, I would express a hope that before adopting extraordinary measures in the matter, you will communicate with me on the subject, and you may rest assured that my hearty cooperation will be accorded to you on all occasions in support of Law and Order.

I regret that no opportunity has been afforded me of making your acquaintance, but I hope soon to have that pleasure at Tonga when we can talk over matters of mutual interest.

I have etc.

(Signed) Edward March.

(iii) "mocked the judges . . ."

[Tupou Haabai, Secretary of the Tonga Government to H.B.M. Consul E. March, Tonga, Friendly Islands, February 13th 1871, F4/12-9(a).

From a copy in the National Archives of Fiji, Suva.]

Dear Sir,

Having certain intelligence that the Mssrs Payn (who it appears are not content to await your arrival in Tonga) have lately been soliciting signatures to a Petition addressed to the Earl of Belmore Governor of New South Wales, asking his Lordship to interfere in the matter of Philip Payne, and which said Petition I have reason to believe goes on to Sydney in this vessel, I think it right to place before you the facts of the case of Mosese Hihifo v Payne as disclosed by the Books kept by the Judges Clerk.

It appears that Philip Payne was trading for Cotton in one town of Hihifo on or about the 24th August 1870, when one of his Horses broke adrift and after leaving the Highway passed through private property crossed a grass plot on which was spread out to dry some 80 stripes of Tappa value from 12 to 20 dollars. The weight of the horse caused its feet to

penetrate the Tappa thereby doing damage to the same, which damage was increased by the said Philip persuing the horse and turning the same while in the middle of the Tappa, this case being brought by Mosese the owner of the Tappa before the Bi Monthly Sessions in this town held on the 7th Sept. The Judges decided that Philip Payne should pay the owner of the Tappa the sum of \$2 as compensation for the damage. Philip Payne not only refused to pay this amount but mocked the judges and upon their informing him that if he was not willing to obey the Laws of Tonga he had better seeks a country whose Laws he could obey, he said he would have the case tried by a man-of-war, and mockingly asked them if they could send him from the country whereupon the Judges referred the matter to the King who decided to stop all the family of Paynes from Trading with the natives - as soon as I heard of this I went and represented to H.M. how unjust it was to punish the whole family for the fault of one member of same. H.M. said he had probably been unjust in this respect, and the following day removed the tabu from all save Philip, but said he must leave the country in 6 months.

This is the account of the affair put in its most favourable light as regards my countrymen.

Hoping you will soon pay us a visit.

I am etc.

Tupou Haabai.

[149] EUROPEAN RESIDENTS COMPLAIN TO THE GOVERNOR OF N.S.W. 1871.

[Hanslip and others to His Excellency the Rt. Hon. Earl Belmore, Governor of N.S.W. February 1871. Copy. Archives of the Western Pacific High Commission, Fiji.]

We the undersigned British subjects residing in the Friendly Islands humbly and respectfully beg to address Your Excellency and to petition you to be pleased to enquire into the manner Europeans are treated and to what they are subject in these Islands.

More especially we most earnestly beg you to institute an inquiry into the case of Mr. Philip Payn, a most quiet, respectable, and unoffending settler lately expelled from these Islands under circumstances described below.

For the protection of the undersigned we would also respectfully ask you to define a limit to the arbitrary authority of a Government which to say the least is, and only can be semi-civilized.

We would also humbly beg your excellency to decide whether after holding out fallacious inducements to Europeans to come here, and after having granted leases of land these natives may with impunity take upon themselves for slight offence to order British subjects (with considerable property in these islands) to leave.

Most of the undersigned have been resident in these islands for some years for the purpose of trading, planting, etc under the protection (lately but nominal) of H.B.M. Consul in Fiji, and have had to submit to much that has been hard and grievous to bear, owing to the

irregular communication between the two groups.

We venture now to address Your Excellency on a matter so vitally affecting our prospects here, as does the case of Mr. Payn, in preference to again writing to Mr. March who has been applied to without result, owing probably to the difficulties of communication above mentioned or to a great press of business in Fiji.

Mr. Philip Payn's horse ¹ last being startled swerved on to and somewhat damaged a piece of Native Cloth, Mr. Payn was summons for trial and upon arrival at the court was ordered to pay a certain sum, thinking it too much and being annoyed at the case having been decided before he came, he foolishly and wrongly perhaps, refused to pay adding, that the case should be retried by the first Man of War.

The King was enraged at this and at once put a tabu on the whole family, the unconcerned members of which were stopped trading, and the natives forbidden to sell them anything, even food, and the concerned was ordered to leave the country in six months.

The fine was subsequently offered and refused, Mr. Payn is the owner of cattle, and in partnership with his brother in a trading establishment, and coffee plantations.

We respectfully beg to subscribe ourselves;
Your Excellency's
Most Humble and Obedient Servants,

R. Hanslip
Thomas Gardner
L Hartshorne
Thomas Trood
Charles W. Anderson
W. G. Whitesides
Henry Percival
John Thomas
James Macgraw
Rudolf Winter
John Pursley
Joseph B. Nye
F. Jones

John Olding
E.W.Parker
Samuel Parker
Samuel Parker
Herbert Boys
William G. Young
James H. Young
John Saunderson

If honoured with a reply we beg the same to be sent to Messrs Payn Bros., Tongatabu.

¹ There is a blank space in the copy obviously left for the insertion of the exact day in question.

[150] PARKER BROTHERS AND THEIR SHEEP 1871

[E.W. Parker to E. March Esq. H.B.M. Consul, Eua, 20th August 1871.
From an original in the National Archives of Fiji, Suva.]

Dear Sir,

From what Mr Young told us we are all anxiously expecting you here with the "Blanche" and certainly I am not the one that would be least glad to see you.

The natives killed nearly four hundred of our sheep in four months and most of them those with which I intended to supply the Fiji Market. My brother and self do not hesitate in saying that the highest authorities here have been the root or it and in this way. When I came back from Fiji I got the better of them in some unjust decisions and not suspecting the mischief would go so far I feel sure they winked at any wrong done us if not it is hardly likely that Government officials would cook and eat sheep with the Government prisoners as their own courts have convicted them of doing. The loss I speak of occurred from Nov/70 to Feb/71 when we last counted but we will know the full extent of our losses in a week or two.

However since I complained to the King whatever he might have winked at before they have done all they could to find out and sift the affair up to the time I write about seventy parties are convicted on about one hundred and ten sheep. But the judges say themselves all the people on the island have eaten mutton. I intend to send in a demand for all our losses at 20/- per head and then we will see if justice here stands a practical test.

I have known for years they destroyed sheep but had no absolute proof till lately so we held our tongues and waited. At the trial it came out that they used to cut their throats and wantonly push them over the precipice into the sea by tens at a time.

I would give anything to go to Fiji myself this time and see you in person more especially as I could get a passage back in the "Blanche" but my brother having at present bad health I cannot.

A man-of-war passed last week and thinking she had come with you I went over to Tonga but it was the "Hamelin" come to look after the French Missions. Tho. this was not what I hoped it was the next best thing for I enjoyed myself immensely with the officers on board and ashore. They will shortly be at Livuka and I am sure you will like them all. This reminds me that I take the great liberty of sending a parcel and letter to a Monisieur Blarly to your address and if you would very kindly allow it to remain till the "Hamelin" arrives I should take it as a great favour. I wish the French priests here were a little less long suffering. I should enjoy to see them remind King George that France had still one or two men-of-war left.

However the "Hamelin" did a good deal of good and the missionaries were much pleased at her visit. She left for Wallis Island, Samoa, Fiji and Caledonia. Please allow me to congratulate you on your marriage and remember me most kindly to Mrs March. When I had the pleasure of last seeing her she said she would like to see Tonga.

Trusting she is of the same mind and that the "Blanche" may soon be here.

I remain dear Sir,
Yours truly,
(Signed) E.W. Parker.

[151] A GERMAN TRADER'S MISTRESS AND CHILIAN MONEY

[Deputy Commissioner and Vice Consul James Blyth to the High Commissioner,
Western Pacific High Commission
MSS copy. Archives of the Western Pacific High Commission, Suva, Fiji.]

Next day (12th May 1880) the "Nantilus"¹ sailed at 9 a.m. for Vavau, having on board the Governor of that Province (Gu) and Mr Baker as interpreter (?) to make enquiry into certain charges against the former. It is reported that those charges are mainly two.

- (1) One German complains that the Governor caused a Tongan woman, complainants mistress, to be dragged from his house, tarred, and shaved; and
- (2) the German traders generally complain that the Governor of Vavau prohibited the people from taking Chilian money and that thereby they have suffered loss. In regard to the second charge there are at least extenuating circumstances. The Governor was collecting the money due in payment of the second instalment for the purchase of the schooner "Tupou Malohi", which was to be paid in English Coin, and on his application to the German firm to "change" it, they told him that they must charge (it is said) 25% discount. He, therefore, brought the money be changed here, and made Chilian coin "tapu". I may remind your Excellency that by Tongan act of Parliament, Chilian money is not legal tender.

[152] THE QUARREL OVER BRITISH SUBJECTS AND THE TONGAN LAW 1882

[Tonga Government Gazette, Vol.2, No.II, October 11th 1882]

Premier's Office,
Nuku'alofa, Tonga.
July 3rd 1882.

To His Excellency,
Sir Arthur Gordon, G.C.M.G.
High Commissioner. W.P. etc etc.

Your Excellency

I am requested by His Majesty, King George, to present His Majesty's request to your Excellency, and to ask your Excellency, as a personal favour to His Majesty, to be so kind as to give His Majesty a written interpretation of at the Second Clause marked (b) in Article 3 of the Treaty, referring to the Municipal Laws of Tonga. In order to bring the matter more prominently under to your Excellency's consideration and opinion, the following questions: -

¹ German Man-of-war.

1. Whether the Tongan Government are not authorized by the said Municipal Clause in the said Treaty, to enforce the payment of all taxes due by British subjects according to Tongan law as such taxes cannot be said to be cognizable as such under British Law, as they are taxes imposed by the Tongan Government on persons residing in Tonga.
2. Whether the Tongan Government are not authorized by the said Clause, and for the same reasons in enforcing the payment of all licences and in also in enforcing the payment of any fine or fines which may be inflicted by the proper Tongan Courts of justice for the violation of any licence law or laws.
3. Whether the Tongan Government are not also authorized by the said Clause, and for the same reasons, in enforcing the payment of any arrears of rent or rents for Tongan lands leased to British Subjects.
4. Whether the Tongan Government are not also authorized by the said clause, and for the same reasons, in enforcing the law relative to the tariff, and imposing lines in consequence of violation of the tariff laws.
5. Whether the Tongan Government are not also authorized, by the said clause in carrying out the municipal law of Tonga, in imposing damages for destruction done by sheep, horses, cattle and other animals owned by British subjects.
6. Whether the Tongan Government are not also authorized by the said Municipal Clause, in enforcing the Tongan law relative to sly grog selling, and the selling of intoxicating spirits and drinks to natives.

I have the honour to be
Your Excellency's most humble and obedient Servant
Shirley W Baker
Premier.

* * * * *

Nuku'alofa.
4th July 1882.

Sir,

1. I am directed by his Excellency the High Commissioner to acknowledge the receipt of your letter of yesterday's date, in which you inform His Excellency that it is the wish of His Majesty, the King of Tonga, to obtain from His Excellency a written explanation of certain portions of the third article of the treaty of 1879.

2. The High Commissioner will readily, comply with His Majesty's request, although he fears that it may happen in this case, as it has not unfrequently done in others, that an elaborate commentary may prove to be even more susceptible of misapprehension than the

simple language of the article itself. Which was very carefully prepared, and appears to His Excellency to be perfectly clear and precise.

3. Clause (b) of article 3 provides that "If any subject of His Majesty in Tonga, is charged with any offence against the Municipal law of Tonga, not cognizable as such under British law, he shall be amenable to the jurisdiction of the Tongan Courts, the proceedings of which shall be conducted in Public and the records of which shall be public and accessible." This clause it will be observed, only places British subjects under the jurisdiction of the Tongan Courts in respect to offences committed by them, not cognizable by the British law, or, in other words, in criminal and police cases only; and clause by (d) the jurisdiction of the High Commissioners Court is maintained unimpaired as regards all civil suit to be brought against British subjects.

4. The difficulty which seems to be felt by the Tongan Government, and some European residents in the group is that of distinguishing accurately between criminal and civil cases. Broadly stated, the distinction may be said to be this: When the object of the prosecution is to punish, by the infliction of a penalty, for an offence against the law a criminal prosecution must be instituted. When the object is to obtain some right wrongfully withheld, to recover debts, or to obtain damages for any injury the prosecutor may have received, through the act or negligence of the defendant, a civil suit is necessary.

5. In some cases, however a difficulty may arise as to the enforcement of the penalties incurred in a criminal case brought before the Tongan Courts; if the penalty adjudged be imprisonment, it can at once be inflicted; is the penalty be a fine, with the alternative of imprisonment in default of payment, that alternative can be enforced if payment of the fine be not made; but, if the penalty be a fine only, and the party liable refuses to pay, it becomes a debt due to the Tongan Government, and as such must be sued for civilly in the High Commissioners Court. It would not in such a suit be necessary to re-open the merits of the original case itself. It would be treated simply as a case of debt, and the production of the record of the Tongan Court, showing the penalty had been inflicted would, with proof that it had not been paid be sufficient to show that the person sued was a debtor to the Tongan Government.

7. I am now directed by his Excellency to answer in order the questions asked in your letter.

(1) The Tongan Government is clearly authorized to require the payment of taxes by foreign residents in Tonga according to Tongan law. His Excellency is not aware that the penalty, imposed by the law for non-payment of taxes is. If it be imprisonment, that can undoubtedly be at once carried out by order of the Tongan Courts. If it be a money penalty only, it must be sued for as before explained if payment is refused. The tax itself, if the party refuses payment should also be sued for in the High Commissioners Court as a debt due to the Tongan Government in the manner already described.

(2) The Tongan Government is indoubtedly entitled to require the payment, by British subjects, of all licence duties imposed by law, and that of all penalties legally inflicted. Any such penalties if unpaid, become a debt to the Tongan Government, and can be at once

recovered before the High Commissioners Court, on proof of the debt in the manner before shown.

(3) Unpaid rent is a debt, and a suit for its recovery is clearly a civil suit, which must, therefore, be brought in the High Commissioners Court only.

(4) The question would appear to be answered already by anticipation, in the replies given to the questions (1) and (2).

(5) This question, as put, does not admit of a perfectly simple answer. An action for damages is clearly a civil suit and as such, can only be brought before the High Commissioners Court. But the infliction of a wilful damage to property is in itself an offence, usually punishable by a fine or imprisonment, and consequently cognizable by the Tongan Courts. An illustration will perhaps best explain this distinction. "If a man stabs, or otherwise injures another mans horse, or cuts down a tree belonging to him, he is guilty of malicious injury to the property, and offence to property, an offence punishable under the criminal law. If on the other hand, through his going to sleep or absenting himself, a horse or other animal committed to a mans charge, but belonging to another, falls over a precipice or otherwise injures itself, he is liable for an action for damages, for the loss and injury the owner of the beast has sustained through his act of negligence. This is a civil suit, which on only be brought in the High Commissioners Court. I should add that a criminal prosecution for malicious injury does not, according to English law, prevent the party aggrieved from bringing a civil action in respect of any loss or injury he has sustained thereby.

(6) Subject to the explanations already given as to the mode of recovering unpaid penalties, it admits of no doubt that the Tongan Government is fully justified in enforcing the observance of these laws, on foreign residents.

I have the honour to be

Sir

Your obedient servant.

(Signed) GERALD BROWNE

[153] HANSLIP'S CASE: A DANGER TO PEACE AND GOOD ORDER 1882

[Printed Proclamation by the British High Commissioner, Sir Arthur Gordon, Nuku'alofa, Tongatapu, 5th July 1882. Free Wesleyan Church Archives, Nuku'alofa. English translation by Fusi Watkin and Nigel Statham.]

I was asked by the king and the Premier of Tonga to make out an order for the deportation of R. Hanslip for causing unrest in the West Pacific. The Crown Prince and the Minister of Police also acted as witness to it before the assistant Commissioner Mr Simon; they also signed a letter they had written to support their charge.

And so it has fallen to me to show clearly from the evidence Hanslip's causing trouble in the Tonga Islands in accordance with the Royal ordinances brought into force by the Privy Council on 13th of August 1877.

The first charge against Hanslip was that he had incited the people of Mu'a to revolt and had encouraged them to write a letter to the Queen requesting that one of her subjects living in Tonga to serve King George Tupou, be removed from this country.

With regard to this first charge mentioned above, the inciting of the people of a kingdom to revolt, is a very serious matter, and if it were to become evident to me that anyone should have done such a thing I would definitely regard this as the causing of a disturbance here in the West Pacific: as stated in the ordinance I have already referred to.

There is not one scrap of evidence in those letters supporting this charge that Hanslip bears malice towards the King and the Constitution of Tonga. What does appear is that he is bitterly apposed to the regime of the Premier and that what he wants is to have him deported; but he bears no malice towards the country; after all people are free to think and criticize leadership and to express an opinion as to its being beneficial or detrimental to the interests of the King. The Leadership and the Premier also are free to make criticisms. As for Hanslip therefore and others who regard it as detrimental there is nothing at all to stop them expressing their opinions or from attempting to persuade others to hold the same opinions as long as these attempts are in accordance with the Constitution.

Therefore I cannot say that Mister Hanslip has clearly incited the people of Mu'a to revolt.

As for the petition made by the people of Mu'a to Her Majesty the Queen in connection with one of her subjects living in Tonga no one can doubt it be pi its propriety. Peoples of many countries express grievances to the Queen and the British Government about the actions of their British residents but I have never heard of a government which has tried to prohibit the writing of such documents.

So I don't really know if I can punish Hanslip for teaching the people to do some thing which is quite legal; regardless of whether he did it with good or bad intent.

The second charge was that he had called together a meeting known as a Parliament and had incited them to announce their dissatisfaction with the Premier and his regime. It is difficult to express the meaning of this word (Fale Alea), but I have been told by someone. I trust implicitly that it is a word used for Trustees or a meeting to discuss matters. If he had called this Fale Alea (House of debate or discussion) a "house for the setting up of laws for the country" with serious intent then clearly no fault could be found with such a thing. Any punishment would be too heavy for a British subject were he to be deported from here for such an act. If he had said a National House of Debate then a Court could bring down a judgment on these charges which have been made.

The third charge is that he composed the petition to the Queen mentioned above and that he encouraged the people to use it.

Even though there is absolutely nothing illegal whatsoever about writing such a document it is true, perhaps, that if there had been other accompanying charges, including suspicious behaviour for example, then it would certainly be regarded as an example of causing a disturbance. With regard then to this charge there is no evidence at all to prove an incitement of unrest.

The fourth charge is that he is inciting convicts.

This charge to me is indeed a very grave matter, and if it were true I would perhaps consent to the wishes of the Tongan Government. But in thinking more deeply about it, it turns out to be not such a grave matter after all. For it turns out that those incited by Hanslip had not yet been tried or convicted but were merely waiting for trial. Now until a man has been convicted he cannot be called a convict, therefore these people ought to be called "innocent" for they have not yet been tried.

There is a clear distinction between inciting convicts and this affair, for it is one thing to incite convicts to rebel against the decision of a court and the inciting of accused persons to hope that their innocence would thereby be proved and their accusers silenced.

The fifth charge is that he incited the people of Kolofou to dispute with King George the possession of certain of his own lands. This charge would be a very grave one if it were true for it is interference. But now, the question with regard to this charge is: Is it true or not that these are King George's lands?

Whether rightly or wrongly the advice Hanslip gave to the residents of those allotments was that they should seek an explanation from the courts. If there be a disagreement about anything the decision of the courts should be sought and followed - for there it is never a matter of the word or the compulsion of any one person alone.

The document on which the King's name appears, referred to as the affidavit in fact contains no testimony and has absolutely no bearing whatsoever upon this matter for it is merely a document proving that the disputed allotment is his.

A quotation from Hanslip's newspaper was used also to strengthen this charge. I'm afraid that even though I expect it was improper for him to have become involved in this matter, I cannot find one single thing in the advice he gave which would be in any way unlawful for a British subject to write and publish, should he be resident in a Constitutionally governed country. Indeed it is entirely within the limits of the law.

The words at the end of the letter are right indeed and how I wish that they be kept in mind at all times by the king and the Minister.

Since the Constitution was brought in "The will of the King is no longer the Law of the land these days; the only function of the King with regard to the law is for him to make his decision about Laws which have been agreed upon by the Parliament. "

So therefore, even though I have tried to do some thing about the matters requested by

H.M. the King of Tonga I have not been able to. I would say that I have examined those things and have found that from the evidence of these affidavits no incitement of unrest has been committed by Hanslip in the West Pacific in accordance with His Majesty's Laws and so I would not be justified in making out a order to prevent his living here or pronounce that he has caused unrest. Nevertheless I am happy to be able to express here my abhorrence that a European should meddle without reason in the government affairs of the country. And I would express my hope that they will not cause problems but assent good naturedly to the king's right to appoint his ministers. And no matter what they think of certain ministers, whether they be good or bad, the King of a country is right to expect that some measure of respect be shown them while they are in a authority.

[154] FURTHER CONCERNS: FREEDOM OF THE PRESS AND LAND TENURE 1882 - 1884

(i) Freedom of the press: "law relating to the 'Printing of Newspapers is an exact contradiction of clause 7 of the Constitution"

[Her Majesty's Vice Consul Symonds to the Acting Consul General des Voeux.
17th December, 1882. Archives of the Western Pacific High Commission, Fiji.]

. At the time the treaty was signed, offences against the Municipal laws was punishable by fine only and such fine if not paid could be recovered before H.B.M. High Commissioner's Court as a debt due to the longan Government.

All taxes and licences due to the Tongan Government could also be recovered in the same way together with the penalty imposed by the Tongan Government for their non payment.

Your Excellency will perceive that the Tongan Govt. had thus the power of recovering from British subjects all fines or taxes due to them but as the law then existed, could only do so through Her Majesty's High Commissioner's Court while British subjects were protected from those acts of injustice and oppressions that are unhappily such frequent attributes of the Tongan Law Courts.

In the last Parliament, however, have been passed amendments to all those Municipal laws against which Europeans are most likely to offend, empowering the Tongan Magistrates to inflict a penalty of imprisonment, instead of the former money penalty only, which term of imprisonment the Tongan Government can cause to be carried out. Thus, according to the new laws, Y.E. will perceive that the Tongan Government have assumed the power of throwing into prison, with out the option of a fine, any British subject who, from poverty, illness, or any other cause, has: failed to pay his taxes or licences, or has, in the opinion the Tongan Magistrates, been guilty of treason or of other breaches of the Municipal law.

The law relating to the 'Printing of Newspapers' is an exact contradiction of Clause 7 of the Constitution, which provides that "There shall be freedom of speech and newspapers (Press) for ever", yet notwithstanding this the Parliament has passed the new law, which is simply prohibitory to any one unless he be a supporter of Mr Baker.

The only newspaper that exists in Tonga, with the exception of the organ of the Premier, is a

publication edited by an Englishman and supported by the British Residents, who, while contributing largely to the revenue, naturally look upon the press as the most legitimate means of expressing their grievances and making known their views. The editor of this paper was prosecuted before the High Commissioner last July for having been dangerous to the order of the land and fully acquitted; yet in the face of His Excellency's judgement, that Government which is only allowed jurisdiction over British subjects in matters pertaining to Municipal law has passed this enactment, which, if allowed, will entirely take away from Foreign residents here that liberty of expressing their views which in other countries is universally accorded to the masses.

I would also ask your Excellency to consider whether this law does not deal entirely with civil matters, and whether the Tongan Government has the power to insist upon bonds being given and to impose penalties in a matter, that, it seems to me, must be brought before and tried by Her Majesty's High Commissioner's Court.

Another law that vitally effects British residents in this country is the law "Relative to Foreigner's Lands". The majority of Europeans now living in Tonga hold their land under a native title, that is to say, when the land was originally divided out to the natives, an European wishing to acquire an allotment would obtain from the owner of the land the right to use it, and generally also procured the permission of the Chief of the place or of the King, and in no instance was any objection made to his building. The land tenure however has been completely altered and the land has all changed hands, and now under the new law British subjects are liable to be expelled from their land at three months notice.

I would now ask your Excellency's permission to inform the Tongan Govt. that if it wishes to take possession of land thus in the occupation of British subjects, a lease for a short term should be granted to the tenant and thus give him an opportunity of making other arrangements and prevent his being ruined by the constant changing of the land tenure and the vacillating policy of the Government and such a course would I feel sure prevent serious future complications, for the only means the Tongan Govt. can take to recover these lands held by British subjects, will be to procure an order of ejectment from Her Majesty's High Commissioner's Court.

In conclusion I would draw Your Excellency's attention to the present unsatisfactory state of law and justice in this country (of which the case of the men who petitioned Her Majesty for the removal from Tonga of a British subject and who are still prisoners (bobula ie. slaves) at Haabai, is an example) where the judges are notoriously not the exponents of the law, but simply used as means for carrying out the views of the Premier, Mr S.W. Baker, and I would most respectfully but emphatically urge that the Tongan Govt. should not be allowed to assume over British subjects any further jurisdiction than that held by it at the time of the signing of the treaty.

His Excellency
The Acting Consul General.

I have, etc.
(signed) H.F. Symonds.
H.M. Vice Consul.

- (ii) Land tenure: "ran at once and trampled under foot one row of yams"
[Tonga Government Blue book. Correspondence between the Tonga Government and the British Government, In Re the Action of H,F. Symonds, Esq., H.B,M, Vice-Consul, Tonga, and of the Captain of H.M.S. "Espiegle." For Private Circulation. p.7.]

Affidavit of J. Fifita.

NEIAFU, VAVAU,
4th August, 1884.

I am a carpenter. This is what I know with respect to our moving from our former ground to the ground which was given to us by the Premier at the command of His Majesty.

We had cleared the land and prepared our premises, and on the portion, of the land to which this. affidavit refers we had planted our yam patch, and erected a fence around it.

Whilst we were engaged in our work, the Consul, Mr Symonds, came with the Mr Percival, Mr Coventry, and some others.

Then he came up to the ground he demanded to know at whose-command we had planted on their ground, and ran at once and trampled under foot one row of yams, and then turned round and trampled under foot another row. We went to him and said:

"Mr Symonds, why are you thus destroying our garden?"

Then Mr Coventry replied that it was his ground.

After this the Consul turned round and tore up the fence, when we again spoke to him and said:

"Mr Symonds, do not tear up our fence, for it is the ground of the Kings on which we are residing."

When Mr Symonds replied, "If there is anyone here: wishes to fight, let him come and we will fight;" when we replied, "We do not want to fight."

After this the Consul said, "Do not put your feet again on here. This a portion of Britain, which we possess."

And as they went, Mr Percival stood and said, "I have nothing to do this. Ko Lelu au" (referring to his native name).

Witness my hand.

(Signed) J. FIFITA.

[155] CHARGES OVER PUBLICATION 1883

[Tonga Government Blue Book For Private Circulation. Containing a list of charges, brought by the Premier of Tonga (Rev S.W. Baker), on behalf of the Tongan Government, against the Rev J.E. Moulton, Wesleyan Missionary, together with the Reply of the Rev. J.E.Moulton, as made before the District Meeting of the Wesleyan Church, at Lifuka, Haapai, October 24th, 1883, and the Replication of the Rev. S.W. Baker to the same. Charge III, 1st series, pp.5-6; Charge VI, 3rd series, pp.16-17.]

CHARGE III.

In using the Mission Press against His Majesty and his Government.

- (1) By printing Mr Hanslip's case.
- (2) By assisting the "Niu Vakai."

As to the first, whatever may be the decision given by the High Commissioner of the Western Pacific in Mr Hanslip's case, His Excellency being bound to decide in accordance, not with the merits of the case, but upon the evidence produced, yet Mr Hanslip's antagonism to His Majesty, and his well known opposition to the Government, ought to have prevented Mr. Moulton from giving the influence of the mission in favour of Mr Hanslip, and against His Majesty and his Government.

(2) It is reported that college lads assisted in setting up the type of the "Niu Vakai:" and type is also lent from the College to print the "Niu Vakai." The-character of the "Niu Vakai" is too well known to need comment from me. Mr Moulton, by countenancing such, is not only injuring the mission, but abetting and aiding the enemies of the Government in their conduct, and thus disturbing the peace of Tonga. I would also observe the continuous agitation which Mr Moulton keeps up by his sermons and his addresses, is not only destroying the confidence of many in the lotu, but is keeping the islands in a state of agitation such as would never be permitted in any part of the civilized world.

MR. MOULTON'S REPLY.

Our reason for printing the "deliverance" respecting Mr Hanslip was, that we were requested to do so by the European residents, it being an important document, - the decision of the distinguished individual to whom the Queen of England had committed the protection and guidance of her subjects in these seas, - and it not only contained the decision in Mr Hanslip's case, but also directions to Europeans as to what they were to do and avoid: and I am surprised at the Government making a complaint of printing of such a document, when they had just concluded a treaty with Great Britain. Therefore, I wish it to be clear that neither His Majesty nor the Prince take part in this charge; for England is sure to resent my being charged thus.

As to Hanslip's enmity to the Government, all I know about it, is his criticisms of the Premier's doings, which is surely lawful in a country that professes to be civilized and free. The worst of Mr Baker is that, if any oppose his plans, he calls him an enemy of His Majesty!

(2) As to the "Niu Vakai."

Mr Hanslip requested me to print it, and I refused. The type which it is set up was got from

the tutor of the Government College. All that they have had from us has been a dozen k's or so, when they are short, - a help which all printing offices afford one another.

I do not know of any collegian who has helped them, except John Manu, who has finished his course. He came and told me that they had asked him to help them. I replied that I did not wish to place restrictions on one who had b finished his work; "Do as you like; but I am not quite clear about it." So he used to work at it at night, when his duties at the College were over. After a while I took up one of the "Niu Vakai's," - for I seldom read them, - and I disliked many things in it, and said to John, "I don't wish to prevent your trade (printing), but I wish you would have nothing to do with it;" so he gave it up, and I am not aware that he has taken to it again; I believe not.

I should be very glad to see an opposition newspaper in Tonga, for it would be of great use to the country; and I often spoke to some that were engaged in it, and remonstrated with them for allowing such low words as "fokofokai" (liar) to appear; but they replied that they were only following Mr Baker's example, for he had commenced using such language in the "Boobooi." I am not aware of keeping up any agitation, as averred, only that I have criticised any regulation that appeared faulty.

It is plain to me that all these charges have sprung from Mr Baker not being able to bear any criticisms on his doings. With regard to the "Niu Vakai," it should not be forgotten that the High Commissioner said, "He wished that it could be read by King, chiefs, and people."

I annex herewith copy of judgment we printed, referred to in No.3.

Voting -	Guilty	.	.	5
	Not Guilty	.	.	0
Did not vote, 9.				

It was proposed by Mr Oldmeadow, and seconded, "That many were unable to vote on the Third Charge, because it appeared to them that he was not guilty of al the charge, or altogether free."

But the chair ruled that the charge could not be altered.

.....

CHARGE VI

In distinctly breaking the law relative to newspapers and periodicals, as passed by the late parliament, and which became law on the 23rd October, 1882, and now stands as October 23 in the statute Book of 1883, by printing and publishing, in the 37th number of the "College Magazine," pages 21 and 22, an inflammatory article on the conduct of the Tonga Government, commencing with - "Kuo loa ene ha ki mamani," and ending with "ke hao mei he houhou ni," and dated July 8, 1883, - an article calculated to most seriously injure the friendly relations existing between Great Britain and Tonga, and to disturb the good order and peace of the Tonga natives; and as the aforesaid law has not been complied with, by obtaining a permit for the publishing of the same, and procuring approved bondsmen as required by said law, Mr Moulton has rendered himself liable to both imprisonment and fine for the breach of such law.

MR. MOULTON'S REPLY.

As to the infringement of the newspaper law by printing the "Magazine":

(1) I have never seen said law; nor has it been officially announced by the Consul up to this date.

(2) The Consul informed me that he had suspended the operation of all the laws passed at the late parliament as far as British subjects are concerned, until he had communicated with his Government.

(3) I am told that Her Majesty the Queen of England will not permit such a law to be imposed on any of her subjects.

(4) The "Magazine" is of long standing, and is not a newspaper.

(5) The paragraph was a warning of danger, and where was the evil of it?

MR. BAKER'S REPLICATION.

Mr Moulton's logic in reply to this charge is certainly at fault, for he first says, "His printing that article was no infringement of the Tongan newspaper law, because he had never seen the said law;" yet, in his reply marked 3, he admits he had heard of the law, and says, "I am told that Her Majesty the Queen of England will not permit such a law to be imposed on any of her subjects, " and thus, in his own confession, he wilfully broke the law. But as to what representations may have been made to the British Government, we have nothing do with here, the Tongan Government only wishing to prevent seditious libel and unfit literature being circulated, and to require the publishers to procure bondsmen, so as in case of any law expenses, the Tongan Government not to be the losers.

But the question is, - Is it right for a missionary to violate the law of the land to which he goes, and to shelter himself under the pretence that such is not the law of his own country? But so as the Conference may be able to judge whether the Tonga Government are justified in their complaint, "That Mr. Moulton's conduct is calculated to most seriously injure the friendly relations existing between Great Britain and Tonga, and to disturb the good order and peace of the Tonga natives," I will translate the article referred to.

"It has been long apparent to the world that New Guinea would belong to the Europeans, for who will say its own people are able to govern it? The important part of the matter is, it has become apparent the big countries are seized with the sickness of wishing to seize land; for instance, France, Italy, and Spain (the last country having just seized the Sulu Islands and the adjacent islands); but whoever thought Germany would be one of them and then Britain also, many of its people trying to persuade the Government to seize the islands of this sea. The missionaries of the London Missionary Society have gone to the Minister of State, whose province it is to look after these parts, and have entreated him to persuade Victoria to seize the New Hebrides. It has not taken place yet, but it is apparent these are difficult times for such countries as this. I tell you, I breathe with trembling, because of Tonga; there is only one escape, and that is to take care of the friendship with Britain, and that is what is not done. The Commodore has just been here with a British man-of-war, with an important document from Her Majesty the Queen of Great Britain. I shall not speak to it, because I translated it; but this is the report of the Europeans that came in the vessel, perhaps, or

from somewhere else. They say, "It appears Great Britain is very vexed with Tonga, and if the conduct of the Government is not changed, their friendships will be broken. Never has any Government so ill-treated my representative." Such is said to be Her Majesty's -word, and for Tonga to be quick and bring the pockethandkerchief to the Consul. It is all the more important because the Consul is trebly supported, - by the Governor of Fiji, by the High Commissioner, Sir Arthur Gordon, and by the Minister of State of Her Majesty, whose word is equal to the word of the Queen. That chief is one whose mind never changes. Many of the people are tired of him, because he is never hot in anything. The time that Russia was saucy, the people of Great Britain made up their minds to fight: he alone, of all the chiefs, was not hot, and stopped the rushing feeling; and he is always like it; and his father, when the chiefs presented Borneo, would not have it, and all the world knows when he speaks importantly, it is truly important. And is it wrong for me to respect my language, and try and stop the wave? Would that attention were paid to the steering, lest Europeans shall have Tonga. Who says such was determined to be? There are many little kingdoms alongside of our kingdom, and they are still well, but what is the reason? They do those things which are not displeasing to Great Britain. They therefore chose a Premier which they see is a man pleasing to the great kingdom, and when they pass any laws, they seek from the Consul how they will be approved of by Her Majesty; they are therefore able to stand, although they are alongside the great kingdom which owns one-fourth of the world. Therefore, let us pray to the Lord for him to influence the mind of Tubou, for him to steer well his vessel, so as to be clear from these agitating currents."

After reading this article, I am certain the Conference will admit that Mr Moulton has gone beyond his province as a missionary, and whatever Mr Moulton may call his periodical, it is not simply a literary magazine, but-a political pamphlet as well; that is, a newspaper, and a newspaper printed at the mission press, and at mission cost; that is, at the expense of the Tonga Wesleyan Church.

But before I dismiss Mr Moulton's reply to this charge, I would like to observe that I do not think either the British Government or the New South Wales and Queensland Conference will expect the Tongan Government to permit, without some kind of restriction, the publishing of newspapers in the native language for distribution among the natives, - I say distribution, because they are principally distributed not sold,- containing articles of a libellous and seditious nature, and using language which has already been observed to be some times filthy and obscene; papers that would not for a moment be permitted by the Government of Fiji to be circulated in Fiji.

[156] THE PETITION TO QUEEN VICTORIA

[Copy of Petition to Queen Victoria, 1882c. Undated, unsigned copy.
Archives of the Western Pacific High Commission, Fiji.]

To Her Majesty Queen Victoria The Gracious
Sovereign of England.

Having heard of your Majesty's character, your obedience to the Laws that are set up in your Kingdom - that you observe them strictly, as do also those whom your Majesty appoints, whereby the people your Majesty rules over are well disposed that they should represent you in the various offices you have appointed them to -

Therefore we write this petition to your Majesty, with respect and reverence, and pray your Majesty to grant your gracious attention to the matters we wish to address you upon.

Now this is the request which we most earnestly make to your Majesty, that you would order Mr Baker to leave Tonga, for we are not willing that he should have office in our land. And these are the reasons why we are not willing.

1. Because he does not perform the duties of his office according to the laws and yet it was he that composed the laws that now exist in Tonga; and he accomplished that work while he was head of the Wesleyan Church in Tonga and non he is deposed from that position because of his wrong doing and is at the present time Premier of the Tonga Government and we are certain that he does not act at all according to the law but on the contrary tramples on it.
2. Because he sets up regulations that are not adapted in many ways to the land; and the people seeing that do nothing but grumble, and are discontented, and besides, there is beginning to be disorder in the land in consequence of it.

Your Majesty will be surprised perhaps at our addressing ourselves to you, and passing our own King Tupou. Quite True! but we see that he is advanced in years, and under Mr Baker's influence; and it is no use our saying anything, we the people of the land. That is the reason we have made bold to address your Majesty.

And if you will graciously grant this our request and take Mr Baker away, we shall be - exceedingly grateful.

Wishing you continued prosperity etc.

[157] THE PETITION TO QUEEN VICTORIA: CHARGE AGAINST MOULION 1883

[Tonga Government Blue Book For Private Circulation. Containing a list of charges, brought by the Premier of Tonga (Rev S.W. Baker), on behalf of the Tongan Government, against the Rev J.E. Moulton, as made before the District Meeting of the Wesleyan Church, at Lifuka, Haapai, October 24th, 1883, and the Replication of the Rev S.W. Baker to the same. Charge II, 1st series, pp.4-5.]

In translating secretly, and unknown to His Majesty and Government, a petition to Her Majesty the Queen of England, containing as it does:

- (1) Strictures on His Majesty King George.
- (2) A malicious libel on the Rev S.W. Baker, saying he was deposed from his position, for wrongdoing.

With regard to Mr Moulton translating the petition I need not present proof, Mr Moulton has pleaded guilty of doing so.

(1) With respect to the strictures on His Majesty King George, I forward a certified copy of the petition, from which it will be seen that the petition says:

(1) "The King is advanced in years," – intimating His Majesty is no longer able to govern righteously.

(2) "It-is-no-use our saying anything, - we the people of the land, intimating also they can no longer get what is right, so they appeal to the Queen of England. The Tonga Government, in bringing the above charges against Mr Moulton, think his conduct most reprehensible in the extreme, that he, a missionary sent by the Conference to this kingdom, should see fit to give the influence of his position and the mission in translating such a petition. The Tonga Government therefore think they are justified in saying, as a missionary to Tonga, his conduct is treasonable to His Majesty King George.

(2) A malicious libel on the Rev. S.W.E. Baker, by translating, "I was deposed for wrongdoing." Mr Moulton may object, - he is not responsible for what the petitioners choose to say. But Mr Moulton is responsible for translating what he knew to be a falsehood, and ought to have objected to translate what he knew was untrue. The Minutes of Conference distinctly state "I voluntarily resigned". I have through Sir A. Gordon, written to Her Majesty the Queen, stating -

(1) It is untrue that I was deposed; for I have voluntarily resigned.

(2) That the Conference did not convict me of wrongdoing; but that in consequence of wishing to help the Tonga Government my resignation was accepted.

MR. MOULION'S REPLY.

The petition in question was brought to me by the British Consul, with several other papers, to be translated for his Government, - a thing I had frequently done. I was not previously aware that such a step had been taken. I translated it; returned it to the Consul, and there my participation ended. As to the petitioners, I have not met them before or since. With regard to the charge of secrecy, I need not say that all such papers are translated secretly; and it is a serious breach of faith in our country, and, indeed, anywhere, to disclose such a

thing to another.

I have frequently translated papers for the Tongan Government, - more than ten, I should say, - but have I gone and talked about them? Also, for Europeans and of course have not said a word; and, not myself only, but all the Missionaries have done so, from the commencement of the mission until now. "Since the world began" who ever heard that the translation of a paper made me responsible for its contents.

With this charge, also, His Majesty and the Crown Prince have nothing to do.

It is no use my taking in detail the subordinate parts of this charge; for it is nonsense to say that that petition expresses my sentiments, simply because I translated it for the British Government; but I wish to make a reply, be the charge states that I translated what I knew to be untrue.

Mr Baker has left out one word of the sentence which he says is false. He quotes: "I was deposed for my wrongdoing;" that he "voluntarily resigned." But he has left out some words of the petition, which read, "deposed from that position," - which was the Chairmanship of the Friendly Islands District, which was the consequence of his wrongdoing, - and where is the falsehood? As to the talk about treason, I shall not condescend to answer it, for it is rubbish.

But, perhaps some may say I ought to have known it was not a proper document. I assert that it did not seem so to me. I thought that people in any land were at liberty to send such a petition. And when Sir Arthur Gordon visited us, I took occasion to ask him what was the law on the matter. His reply was "That individuals were at liberty anywhere, if they were not agreeable to the residence of an Englishman in their land, to petition Her Majesty the Queen to remove her subject for fear of complications." He also said such a course had been taken in several places; nor had people been punished for doing so. And he illustrated it by reference to the stay of Finau in England, saying: "If it had appeared to me that Finau was likely to come into collision with the people, would it not have been kindness on my part to write to the King to order his subject to leave England lest something should happen?"

Voting -	Guilty	.	.	.	.	7
	Not Guilty	.	.	.	.	5

Peter Vi voted "Guilty" the meeting had decided that Peter Vi's vote was valid.

Mr Moulton protested that the subject of the voting should be recorded. It had been put thus from the chair, - Whether Mr Moulton was guilty, or not guilty, translating secretly, and without giving information to His Majesty and the Government, the petition to Her Majesty the Queen of England.

MR. BAKER'S REPLICATION.

Mr Moulton again states that with this charge His Majesty has nothing to do. Does Mr Moulton forget that terrible scene that took place between himself and the King, when it became known that he had translated this petition? Does Mr Moulton forget how the Minister of Police interfered on that occasion, and remonstrated with him for his conduct towards the King? Does Mr Moulton forget how the King told him he had undone all the good he had ever done in Tonga, and said in reply the words of Scripture, "E 'Isileli kuo ke maunau'i koe 'e koe," that is, "Israel, thou has destroyed-thyself." And yet he says with this charge also His Majesty and the Crown Prince had nothing to do. To which I would say, this also was reported to the authorities in Sydney, shortly after it transpired, at the King's command, and is now brought by the King's command, by the unanimous vote of the Privy Council (of which the Crown Prince is a member), and by the unanimous vote of the Cabinet. Mr Moulton singularly remarks in his reply, - "Whoever heard that a translation of a paper made me responsible for its contents? True if Mr Moulton be a public or paid interpreter, he would not be responsible, a person holding Mr Moulton's position, lends the influence of that position as kind of guarantee of the justice of the petition, he certainly is responsible, to a great degree, for what that petition contains; but I must emphatically demur to Mr Moulton's special pleading, saying that I had left out one word of the sentence complained of, or that it bears the construction put on it by Mr Moulton. The whole sentence in the petition, as translated by Mr Moulton, reads as follows:- "Because he does not perform the duties of his office according to the laws, and yet it was that composed the laws that now exist in Tonga; and he accomplished that work while he was head of the Wesleyan Church in Tonga, and now he is deposed from that position for his wrongdoing, and is at the present time Premier of the Tongan Government; and we are certain that he does not act at all according to law, but on the contrary, tramples upon it."

Will anyone reading the above paragraph for a moment deny that the impression it presents is that I was deposed as a Wesleyan Minister from my position wrong doing. Such was the impression made upon the native minds, and such, I am persuaded, must be the impression of all those reading it, for if I had been guilty of wrongdoing, should I not have been deposed, not only from being chairman, but also as a Wesleyan minister; but as Mr Moulton's District Meeting has found him guilty, as accused in this charge, I have only now to leave the matters to his Conference.

[158] PERSONAL INSUIT TO THE BAKERS

[Tonga Government Blue Book For Private Circulation, Containing a list of charges, brought by the Premier of Tonga the (Rev, S., Baker), on behalf of the Tongan Government, against the Rev. J.P. Moulton, Wesleyan Missionary, together with Reply of the Rey J.E. Moulton, as made before the District Meeting of the Wesleyan Church, at Lifuka, Haapai, October 24th, 1883, and the Replication of the Rev S.W. Baker to the same; Protest by Mr Baker. p.7.]

Before giving my evidence. I beg to protest against the person employed by the plaintiff, viz., Mr Hanslip, putting any question to me, in consequence of his having grossly insulted

me and also my wife, and in such a manner that is most unpardonable, viz:- Whilst driving out with my wife on Monday last, November 19th, I called with her to see the sick child of one of the native chiefs, named Josateki Toga, and whilst standing at the door of the house with my wife, Mr Hanslip having entered the house at another door, and having first poked me on my hat with his stick, then turned round, and, according to native custom, insulted me most grievously, by stooping down and showing his posteriors, or, as the natives call it, o afi uji, - the greatest and filthiest insult that can be offered by a native. Any solicitor or lawyer guilty of such conduct to a lady would be scratched off the rolls, but as Mr Hanslip holds no such legal status, no professional usage can be brought to bear upon him. I have, therefore, to ask the protection of the Court against being compelled to answer any question he may put; and, as the plaintiff is here, his cause can suffer no injury such a course. I have also to request that this protest may be forwarded to His Excellency the High Commissioner of the Western Pacific; also, the Judicial Commissioner of the Supreme Court of Fiji, and the Secretary of State. I am prepared to answer any question put by this Court, but I respectfully ask to be excused from answering any question put by the person employed by the plaintiff, for the aforesaid reasons.

I might add, that the chief, referred to (Josateki Toga), has taken an affidavit on oath before the Chief Justice, proving the above statement, and some other witnesses have done so as well.

[159] MATTERS POLITICAL AND RELIGIOUS: MOULTON'S HANDBILLS

[Appendix. Report of Sir C. Mitchell etc, etc. London 1887.p.152]

EXTRACTS FROM CIRCUIARS OF MR MOULTON IN MARCH AND APRIL, 1885.

(Translation.)

The King has given out that we are to be banished, and the Chiefs have rushed and taken possession of the chapels and driven out our people, and in some places they have taken them by force for the new religion.

This thing must assuredly be put right;¹ if this Government will not do it England will, so let no one be anxious about it.

It is true that the love of some to their country is dying, and how should it not be so, when they are so ill-treated? but many of us are not so minded.

I have written to the English Government to show the King's regulations, and the exhortations of some Rulers to gather arms to fight us, and I have asked that I might be given a piece of land near here, that we may remove to it, as His Majesty has said that we may worship according to our own consciences.

One Ruler said it is easy to overthrow the Constitution, therefore it is a religion that violates the Constitution.

One Ruler said to the poor women who have not yet turned over that they should be thrashed. In one place the Representative of the Government said that the women should be taken and drowned in the sea. One deals with the children. Ah! my heart burned (saving

¹ ie., the taking of churches, - J.E.M.

your presence) when I heard about it. Up stands a great fellow and says to the tiny children who were trembling there: "If you will not turn you shall die." And more especially (saving our presence) they say they will bake the people in the ovens and eat them. Is this religion? It is heathenism revived, and how can it be the same as our religion?

HANDBILL, APRIL 2, 1885.

As for the chapels that are taken forcible possession of, let them alone, do not touch them, because as the Premier does not wish to put it right, I have committed his trial¹ to England.

THE PREACHER'S BOOK, APRIL 14, 1885.

The violated Constitution, the broken laws, and the persecuted people cry to Heaven.

And one bad thing, the good name of this Government is lost. I solemnly assure you that the world will never trust it again. For what is the use of it swearing again to this or that? Was not the Constitution sworn to, but how was it kept?

THE PREACHER'S BOOK, OCTOBER 29, 1885.

There was some talk about a letter that had been brought here, and some had put their names to it, but I have inquired about that letter as to who had seen it, but no one knew. I have now investigated this letter to the very bottom, and this is it.

It appeared in a Government letter which was taken to Haapai and Tubou held a "Fono" on; it was there said that it was stated in the Parliament of New Zealand: "We have received a friendly conversation² from Tonga, that Petitions are being taken round for the Tongans to sign asking New Zealand to take forcible possession of Tonga." So it is only a letter³ from foreign parts, but no one signed, it yet, therefore we are all right⁴ in this matter.

So⁵ there has been no breaking of the laws.

¹ The inquiry into that J.E.M

² Private Communication J.E.M.

³ Distribution of Petitions J.E.M.

⁴ Still clear J.E.M.

⁵ And J.E.M.

C. THE SETTING UP OF A STATE CHURCH

[160] ESTABLISHING THE NEW CHURCH

(i) *Tupou I's Fono*

[Appendix. Report of Sir C. Mitchell etc, etc. London 1887. Enclosure H, page 148.]

KING'S "FONO" AT UIHA, MARCH 24, 1885.

TRANSLATION OF THE "FONO" HELD BY HIS MAJESTY IN UIHA ON MARCH 24, 1885.

Mr Moulton has sailed, and some very great falsehoods have gone with him, and will increase the division in two of the people, but I wish to make it plain to the Chief's and people that it is my desire that Tonga be a Free Church. I shall not be satisfied for Tonga to be dependent upon a foreign country, and therefore let all who are Tongans be one with me.

Although I have just met Mr. Moulton and shaken hands with him, but I dislike him exceedingly, on account of the evil work he has done; it is true I shook hands with Mr Moulton, as we met in the road. He reached out his hand and I responded, lest Mr. Moulton should say I was ungentlemanly; but, you must understand, that it was simply acting as a gentleman I responded, and when he looked to me, and I to him, it was difficult for me to turn away, lest Mr Moulton should say I was afraid of him, and so I shook hands with him, but I dislike him very much indeed, and I shall write a letter to the Fathers in Papalagi by all means to remove Mr Moulton from Tonga.

And there is another matter after this "Fono" is over, the Mayors of the towns, are each to return to their towns and urge the ticket-money, for the Free Church has been set up, and let us love our free Church.

With regard to our preparing for our meeting, all Haapai and Vavau are to go to Tonga, no vessel must remain at anchor, only the vessels of the traders shall stay, and you are to expect for the end of May.

And I am not willing, therefore, for a Tongan to listen to Papalagi; and should there be one who does not wish to be one with me, he can leave, and seek a land, and listen to it.

(ii) *"Change your religion".*

[Statement of Lese Hake sworn before H.B.M. Pro-Consul, A.G. Buckland.
Nuku'alofa, 6th April 1885, Certified English translation by R. Hanslip.
Archives of the Western Pacific High Commission, Suva, Fiji.]

Translation

"The King's will is that you should change your religion and don't you delay. If any of you hold on and hinder you will find yourself in an evil case. We can do what we like with you. Eua has been given into my hands to go and do what I like with you. The law will have

nothing to say if we bind and beat you. Those of you who will not change their religion will be brought over from Eua. No one who belongs with Fakaogo (or Wesleyan) Church shall live at Eua. Eua shall be utterly destroyed." These were the words of Halaholo at the fono on Monday afternoon March 30th 1885.

(Signed) Lese Hake.

(iii) Sir Charles Mitchell's Comments

[Sir Charles Mitchell. to Sir H.Holland. Report of Sir Charles Mitchell etc, etc. London 1887. Paragraphs 214,25,26]

24. Very shortly after the institution of the Free Church the King appears to have held a "fono" (meeting at which the will of the King or Government is declared) at Uiha, at which he expressed his desire that all who loved him should join his Church. This in itself may be regarded, perhaps, as a perfectly legitimate expression of the King's desire for religious unity in his kingdom; but it must be remembered that it is not long since that the wish of the King was the law of the land, and all native evidence brought before me went to prove that the great bulk of the chiefs and people still so regard it. The King himself, in answer to my questions, said that he considered that it was the duty of all loyal subjects to act in this matter as he wished them to act.

25. There can be no doubt that this expression of the King's wish or will travelled quickly throughout the islands, and "fonos" were held in all directions at which the King and the chiefs harangued their people and pressed them to join the Free Church.

26. The great bulk of the people apparently, on hearing what was the will of the King, acted as he desired; but a considerable number remained true to their original Church, and were more or less hardly treated by their chiefs for what was then designated as "disobedience to the King".

(iv) The King's Statement at Opening of Parliament

[Tonga Government Gazette. Vol.2, No.35. December 2nd, 1885.]

THE KING'S SPEECH AT THE OPENING OF PARLIAMENT

. You are all aware that since we last assembled the Free Church of Tonga has been established. You are all acquainted with the reasons of my doing so. I need not repeat them now, I will simply say as I have said in Fonos that I have held -

"He that hath any love to me and Tonga, will follow me,
and be of one mind with me in this matter."

THE ADDRESS IN REPLY

. With reference to the Free Church, your Majesty well knows our minds, in reference to the same, and we need not repeat what we have said in other places to you. It is only for you to command and we will obey.

[161] GOVERNMENT PRESSURE TO FORCE MEMBERSHIP OF THE STATE CHURCH

(i) "Fonos"

[Appendix. Report of Sir Charles Mitchell, etc, etc. London 1887.
Evidence No.3, p. 29; No.4a, p.30; No. 24, p.37.]

No.3. David Latukefu; -

I live at the west end of Tongataboo. I was put down from my position in the Government for not joining the Free Church. I was Town Officer. Mr Baker put me down. He did it himself at a meeting of Government officials. I was put down at the same time as Lamatau. Ata appointed me. Mr Baker asked me if I would change; he first read a paper from the King. We were asked one by one. Manipagai was called. He was not there. Then I was called: I was asked whether I would be Free Church or Wesleyan. I replied, I shall remain a Wesleyan. I was asked a second time, and replied, I shall remain a Wesleyan. I wished to remain a Wesleyan, because I obtained spiritual light in that Church. I looked upon the Free Church as differing from the Wesleyan Church. The one thing that was clear to my mind was that it was not the part of the Government to set up a Church, but that it was the work for priests.

By Mr Baker:-

Tuuhe toka was present. He told me to get up and go. He is the Minister of Police.

No.4 a. Caleb Otuhouma, sworn:-

I came from Suva in the "Diamond". I was degraded from my position in the Government because I would not join the Free Church. I was a Police Magistrate at Eua. The Police Magistrate at Nukualofa was ill, and I was written to by the Minister of Police to take his place. Mr Baker degraded me; he told me at the meeting of the Chief's and Government officials. He said that a letter had come from the King to the Government officials, that those who were not willing to join the Free Church would be dismissed, and might go and seek money elsewhere. I got up and spoke: I asked that the King's letter should be read. Mr Baker read the letter; it said that the Free Church had been set up on account of the money. That it should not go to Sydney. The letter also stated the religion was not different; it was the same that it Thomas brought. I then spoke: I said I loved the King and prized my position in the Government, and my pay and my inheritance and title possessed by my ancestors, but that I would not barter my religion for these things. I wished that the King's word touched by worldly matter, a war, for instance. In that I would do my best for the King; or a public debt - I would help. The difficulty was that the King gave orders about the lotu. That concerned myself alone. I refused to become Free Church. Mr Baker said it was unfortunate. Mr Baker called over the names. When it came to me, I refused to change. Mr Baker said, "You are dismissed." I asked if I was dismissed today? He said, "Yes." I said, "In Tonga?" He said, "Yes, and in the islands also."

I said I hoped that Mr Baker would not be angry, as I would still be friendly to the Government. I then went away.

I had been more than ten years in the Government service. I was a local preacher at the time I was dismissed from office. Before I was dismissed I had heard of the establishment of the Free Church. I don't think that I preached between the time that I first heard of the Free Church and my dismissal. I did not hear of the Free Church at Eua. I heard that Mr Baker had a separate service. I reflected on the Government for having taken away

the schools. I did not preach against it; I complained of it in the course of private conversation; I did not do so in my capacity as local preacher.

Cross-examined by Mr Baker: -

I remember a service of song when Mr Moulton returned from Haapai. I spoke at the service. I was tried for what I said. I was found guilty of libelling Mr Baker. I did not do so. I was tried at the Police Court first. The Police Magistrate at Nukualofa would not take the case, because I was his friend. The Police Magistrate from Haapai tried me.

The Judge asked me whether I spoke against Mr Baker as Premier, or in connection with the "lotu." I said in connection with the "lotu" only.

The Magistrate sent it to the District Court. What I said was to the effect that Mr Moulton had come from Haapai, where the new religion had been set up; that the Prince said to Mr Moulton, "Be comfortable; a boil is painful until it is lanced." We held a service of song. This is before my dismissal; it was a few days before.

No.24. William Tugi, sworn:-

I am the President of the Parliament. I live at Mua.

I remember "fonos" at Mua and persecution of the Wesleyans. At the commencement I was ordered by Mr Baker to hold a "strong 'fono' " to induce the people to turn over to the Free Church. It was Mr Baker's order first; afterwards he had nothing to do with it.

We held "fonos" and acted violently; some went over, and some did not. Then we were divided into two camps, and got bitter with one another. Mr Baker never commanded me to beat any one. Mr Baker and I spoke together. There was no order of the Government. We spoke together after the issue of the first order. For certain things I had no written order; Mr Baker only spoke to me. Tuuhetoke came to me and told me to take away the plantations and give them to the minister of the church to whom they belonged. I took away the church plantations, and then I received an order to take way the plantations of tie Wesleyans. The policeman and gaoler brought the order.

I have heard of a letter from Queen Victoria as "in the wind" (ie. by hearsay).

I share in executive duties. I am a Chief in Tonga. I was so before the present system of Government. Then I was Governor of Tongataboo; then I was President of Parliament. If there are big things to be done in Tonga I take part. There are two Bulikolos in Nukualofa; there are two towns joined. There is no Governor of Tongataboo. No floggings took place in Nukualofa by my orders. The week after the Consul came. People were then flogged by the will of the man who beat them. I don't know what his reason may have been, because we did not speak about it. Some were beaten after they had become Free Church.

J. K. thrashed some people; he did it with the butt-end of a gun. I did not stop him because he was not under my authority; I don't know under whose authority he was.

I know of cases where people were punished for not joining the Free Church. I don't know whose orders they acted under.

I cannot say whether the Government issued orders that they should be punished or not; I was in my house all the time. Each Chief dealt with his own people as he liked. I cannot say whether the Chief's were acting under orders from the Government or not.

(ii) Laws

[Sir Charles Mitchell to Sir H. Holland. Report of Sir C. Mitchell etc, etc.
London 1887. Paragraphs 27,28,29,30,31,60]

27. . . . In many cases these people were treated with more or less cruelty. Beatings were not infrequent, and deportations were common. I do not wish it to be understood that the newspaper accounts of these persecutions during 1885 and 1886 are true. On the contrary, they are full of exaggerations. But there is sufficient truth in them to justify me in saying that during those years the remaining adherents of the Wesleyan Church were unfairly, and, in many instances, cruelly treated. During all this time I am bound to say that neither the King nor his Premier showed any disposition to interfere. On the contrary, they appear to have sought by the passing of certain laws during the latter part of 1885 to intensify the difficulties under which the Wesleyans were labouring. Two laws appear to me to have had this tendency; and, although Mr Baker has denied that they were passed with the object I have indicated, I have no doubt, from the false interpretation that was allowed to be put upon them, and from the use made of their provisions, that they were meant to force the Wesleyans into obedience to the King's will.

28. By the first of these laws it was made penal to preach or to attend a preaching in any place where there were less than six residents of the same denomination as the preacher. The word used to express residents was "kakai totonu" and this was, in the application of the law, held to mean, and I believe, in strict interpretation, does mean, persons whose ancestors belonged to the land on which the town had been built. The oppressive action of this construction of the law cannot be over-estimated. In Tonga, where genealogies are much studied, It was not difficult for the town Ruler, or for the Police to prove to the satisfaction of a Police Magistrate, such as Togatea (see his evidence, Nos. 105,106, and 113), that out of an assemblage of perhaps thirty persons not six had lived in the place from time immemorial, the consequence being the infliction of a heavy fine on all present. In one instance, that of Foui, those present who belonged, and whose ancestors belonged, to an adjacent piece of ground called "Lolopoaga," on which no houses had ever been built, but the cultivators of which had always dwelt in Foui, were held not to be "Kakai totonu" of that town, and twenty-nine of them were fined 24 dollars each for attending a preaching there. Comment of this is needless. The idea of passing this law appears to have been derived from the old English Conventicles Act, 22 Car. II., cap. 1.

29. The same law contained a provision that unless thirty persons of any denomination lived in a place it should not be lawful for them to have a caretaker (held to include teacher or minister) sent to the town. This had its meaning strained by the deportation from the villages where land had been granted to the Wesleyans, and churches had been erected, of their ministers and caretakers, and advantage was taken by the Government, by their forced absence, to carry into effect a law relative to the weeding and cleaning of grounds, which law it was utterly impossible for them to comply with, against the responsible Wesleyan authorities; and these were in many instances lined large sums, and in default of payment were committed for hard labour imprisonment. Mr Baker admitted in his evidence that the law contained no provision to justify these deportations.

30. I may here, parenthetically remark, that imprisonment in Tonga, in default of

payment of a fine, means that the person shall be employed at Government work which he must execute at the value of 1s. a-day until the amount of the fine is paid; but that it does not necessarily imply that he is subject to any actual restraint beyond that of locality. He may, if he pleases, sleep in gaol, but he is generally permitted to live in his home, and, in that case, must feed himself.

31. The second law to which I have alluded is a Land law, under which the chief of a district, or of a particular piece of land, may summon to return to the cultivation of that land any persons whom he may discover elsewhere who are "kakai totonu," to his land. The law was reversed in its application, and was held to justify the expulsion from any town or village of persons who were discovered by the chief of that town or village not to be "kakai totonu" to his land, although, in some cases, they had cultivated their "abis" (individual holdings) for generations. This straining of the law was not, I am bound to say, the result of judicial decision, but was the pretext urged by the chiefs, and, apparently concurred in by the Government, to justify many of the deportations both before and after the law was passed.

60. In speaking of the unfair laws that had been passed during 1885, I omitted to mention an Order in Council that shortly followed them, to the effect that where two churches of different denominations existed within 600 yards of one another, the regulation of their times of worship should rest with the Government authority. This order, considering the part taken by the Government and by the chiefs, was unfair; and an instance of the working of the rule, quoted by Mr Moulton, will show this. The Wesleyans greatly affect what are known as "Watch Night" services, that is, the watching on the night of the 31st December for the coming of the new year. In 1886-87 the enforcement of this order practically deprived the Wesleyans of these services.

(iii) Court cases

(a) Dispensing with Legal processes

[Affidavit of J. Parsons sworn before H. B.M. Vice-Consul. Symonds, 15th May 1885. Archives of the Free Wesleyan Church of Tonga, Nuku'alofa.]

I John Parsons make oath and say as follows:

I was requested by the Rev. G.G. Crosby lately to prosecute certain Vavau Natives for using Church property at here (Vavau) I applied to the Inspector of Police, Josiua Mafi whose duty it is to issue a summons against the Bule Kolo at Toula. He promised to do so but subsequently came to my house and told me that I was not to attend the Court, that it would only be waste of time, that the King has said that the summons which he has made out was to be torn up and pitched into the sea. I asked him to give me in writing what he said and the reply I received was that the fact of the King having spoken was sufficient.

(b) Rebellling against the King.

[Sioeli Nau to Mr Baker. Mu'a, Niuafu'ou, 13th November 1885.

English translation by Mele Seini Fifita.

Archives of the Free Wesleyan Church of Tonga, Nuku'alofa.]

Mr Baker,

I'm writing to you because of the matter in which I am being tried. I do not plead innocent but I only try to make truth known and recognised.

Firstly, about the matter with which I was brought into court. It was a comment I made to Otukolo "What the king is trying to get established is right, good, reasonable, and undoubtedly the best; but what you men are doing now is not righteous according to the scriptures and the will of God."

But I am being tried on the basis that I speak ruthlessly against the king, saying these words. Let me explain a few things about the matter. Nobody can say that I denied what the king wanted. Its goodness, its truthfulness and its purity are obvious. Who in this world can deny that? Only a fool can. Remember that what I had said to these men I wrote over to you about on 18th May 1885. Please read that letter again. I did not speak to them about it until September 28th 1885.

This is the reason that made me speak like that to the men. They have given us a very bad time. They have us scolded, badly treated, imprisoned, saying bad things about us while we have not committed theft or any other crimes.

So because of the position to which God has chosen me, I spoke and only the truth I spoke. Besides, I knew that what they have done is not in accordance with the law of God, I did not have fear at all because I know that it is my duty to God to have justice done.

Another thing was that I did not speak to them uninvited but because of what they have done to me. Of my being scolded, of their false accusations about me, of my being imprisoned and having me in chains when I had not committed a crime. So the Lord made me go and speak to them.

So, I ask you here to please give me permission to have my letter published in a newspaper in Fiji for the good people of this world to examine to see if I had said anything against the king or if I had only tried to improve my faith which made me end up in this situation.

Secondly, what brought me to trial was to do with a letter I received from Mr Moulton which said that "a meeting in New Zealand has agreed to take over Tonga." In fact I received two letters from Mr Moulton. When I had received first letter, I did not say anything and after the meeting in New Zealand, Mr Moulton wrote me the second letter. He said that when that meeting was over, he went to a man in New Zealand and asked him if he could give him the newspaper which talked about the matter. He obtained the newspaper and gave it to Ngu.

After receiving the second letter then it became clear to my mind that the matter was true after all. So in our church service I told the gathering "A meeting in New Zealand has agreed to take over Tonga. So I ask you all to pray for it. Nothing can save Tonga now but only prayer."

This is what brought me to trial. They said that I had been rebelling because I had persuaded the right people of the island. But I did not in the least try to rebel. I only know that it was my duty to God to prevent any danger threatening the kingdom lest it would be too late. So it looks to me that I those words to the gathering only on the basis of my duty

to God. I'm amazed that they have made it appear like rebellion.

I ask you to forgive me for writing but you know I'm only trying to do justice because my days draw to an end.

With very much love,
I am the servant of God,
Sioeli Nau.

- (a) The Chief Judicial Commissioner's Comments on Nau's case.
[Appendix. Report of Sir C. Mitchell etc, etc. London 1887. Inclosure 7.
Summary of Evidence prepared by the Chief Judicial Commissioner. p.17.]

Fines. Joeli Nau,

10. Joeli Nau says: Was charged with libelling King in August 1886.
Sentenced to five years, 100 dollars fine to King, 50 dollars expenses.
Was also tried for saying the thing that the King wished was wrong, and got five years in addition. Afterwards released on going to Fiji. Was promised pardon if he would turn over in letter from brother by Baker's orders.

Monstrous sentence.

45. Isaiah Nau, brother of Joeli, denies having written to promise Baker's pardon to Joeli if he would turn over.

49. J. Nau recalled: My brother did write to me. I kept copy of my answer to him.
(Letter not produced.)

I think that Isaiah did write to Joeli to the effect stated, but I do not believe that Baker really made the promise,

(iv) Property seized.

(i) Wesleyan Property seized in N.T.T. 1885

[Manuscript notes by Moulton on visit to Niuatobutabu, August 21st 1885.
Free Wesleyan Church Archives, Nuku'alofa.]

"I found our property has been seized wholesale, and I left it with Jione to please himself whether he would prosecute those who had taken horses Malaefoou for the clock, the person taking the church key.

List of things taken

Matavai; Tauhi's¹ house gone; bell; church; kerosene lamps etc.
Tafari; Tauhi's gone; bell; church; kerosene lamps.

¹ Tauhi -- to tend, look after, or to minister to.

Falehau; Tauhi's gone; church, kerosene and lamps; trustees books.
Vailoa; Preachers gone and part of his town land; trustees books; church;
 and by violence (kerosene, lamps, and bell.)
Horses; 3 horses have been seized.

(ii) Breach of the land Laws 1886
 [British Vice - Consul Symonds to Moulton, 6/6/1886,
 Free Wesleyan Church Archives, Nuku'alofa.]

Sir.

I have the honour to acknowledge the receipt of your letter of yesterday informing me that your plot of land at Beka has been, you are informed by the King, taken away from you.

Apart from the question of the right of the Tongan Government to seize without legal process lands held by British subjects, which is now under consideration it appears to me from the terms of your letter that the seizure of your land at Beka is a breach of Tongan law and I would suggest that you call the attention of the local authorities to the 9th clause of the 29th chapter of the Laws published in 1883.

I have the honour to be etc.

Henry A. Symonds.

[162] THE BREAKDOWN OF LAW AND ORDER

(i) *Thrashings.*

[Affidavit of the Herbert Massey Fisher, sworn Saturday 12th February 1887.]

I hereby solemnly declare that I witnessed the following barbarities perpetrated this morning.

A boat load of natives were brought down from the Hahake district and sat in Tungi's abi about 7 a. m. They were Fakaongo's who had recently turned to the Catholic religion: at about 8.30 hearing a swishing noise looked out of our sitting room and saw the people being thrashed all the time.

From the corner of our fence I saw about 20 people sitting one man administering an oath to them on the Bible as far as I could hear of the following nature. "Fuakava kia Otua tala'ongofua kia Tungi mo e Tuku'aho, mo e Tubou, moe Buleanga ikai teu fakakaukau ha kovi ki ai" - I could not hear the rest. All but 6 or 7 were dismissed and a Young man commenced thrashing these with a cocoa branch. One man Phillipu from tukuuta received the 4th blow from back across his face causing the blood to stream down. At the 7th blow he fell fainting but was picked up and a bucket of water dashed over him.

On the morning of Tuesday 8th seeing a crowd round a house behind Mr. Trescoe's I entered and saw a man lying down, as I thought dead: he was terribly bruised, livid white, quite

motionless and could not he was one of the 5 who were handed over by the king for his people "to do what they liked with" as they were "Fakaongo's. They had been bound thrashed and thrown out in the sun. I passed in the evening but the man was unable to answer me, his attendants told me that he had eaten and drunk nothing all day and had scarcely spoken.

I also solemnly declare that since Monday fully 12 natives have told me on enquiry these things that "Victoria had written to Tubou saying that he might do as he chose with his own people." Some of them further adding that Mr. Baker had "told this to the hou eikis and has the letter." Our workmen have witnessed thrashing on 5 morning this week.

If these are judicial punishments as a British Subject I protest against their being executed before our faces as they are revolting to our feelings and an insult to humanity.

Signed Herbert Massey Fisher & Sworn before Mr. Vice Consul Leefe.

(ii) Looting and plundering.

[Affidavit of Silvaus Mounga sworn before H.B.M. Pro-Consul W.E. Giles, 25th January 1887 Free Wesleyan Church Archives, Nuku'alofa.]

I, Silvanus Mounga, was in Hofoa on Monday (yesterday) when Taukei a government officer, came up and said to the town officer, if any people come to loot here don't prevent them for it is the King's will that they loot. Ahau (the town officer) replied, What's the meaning of these contrary orders. The looters game before and we asked if it was by the King's authority and they answered yes. So they did the looting, bye and bye there came another order make a list of all the property of the Wesleyans, that had been "maumau" (i.e, damaged or destroyed), and the list is made out. And now the other order has come that we are not to hinder the looting but allow it to go on.

(iii) Turning the Law upside-down

[Affidavit of Sedaleki Manu sworn before H.B.M. Pro-Consul W.E. Giles, January 25th 1887]

I, Sedaleki Manu, was in Teekiui on Saturday 22nd January 1887, when there came along a company of people numbering perhaps 12, with painted faces, turbaned and "vesa" (i.e. with cinctures on their arms and legs) and arrived with guns, axes and clubs and they said, "We are the forerunners and the chiefs and the army are coming on: they are in Nukunuku now we have come to plunder the Wesleyans and to tear to pieces and destroy their goods." Shortly after a man called Tua came riding along on horseback and galloped through the town shouting "Today the Law is turned upside down in order that the Wesleyans may be plundered and trampled upon." Shortly after the main body of warriors arrived - perhaps there might be forty of them, people from Utulau, Bea, Nukunuku, Tofoa and the Haabians the last were the more numerous.

The first thing they did was to enquire concerning the Wesleyans whether they had any pigs and they were told that they had better go to Majilamea for there were plenty of pigs: they started to go there but returned and people began to try to get the people to turn over.

They commenced with the and a man called Fetuu. Then said "here is my house and my body but I shall not turn over." They then tried Fetuu saying "Are you going to continue being a Wesleyan" and he said "I shall be a Wesleyan." They then said "Will you be able to bear the things that will be done to you." He answered "I shall be able to bear them. " While they were thus questioning us the warriors surrounded us with their guns.

(iv) The Tongan Laws "torn to pieces"

[Jarvis to Moulton, May 20th, 1885. Free Wesleyan Church Archives, Nuku'alofa.]

Reverend Mr Moulton,

I am forwarding Joeli Now's letter by this opportunity per care Capt. Muller.

We have no very cheerful news for Matu governor of Kepples as seduced most of the church people round to the (National church for those who like to call it so).

The chiefs have been pushing the matter hard We whites sympathise with you in this difficulty, which is such an unfair fight and in which the Tonga laws are torn to pieces and turned around to suit certain parties. Joalis has been bringing in the horses from the different villages and if you should wish to dispose of any of the Cart Horse I would take two or three, this is rather a premature notice. But I hope that your difficulties will be settled in your favour as they have a right to be and everything go on as formerly. I am sure the native would hope so.

(v) The Haapai Warriors

[Appendix. Report of Sir C. Mitchell, etc, etc. London 1887. Evidence No.31. p.40]

31. Henry Van Hagen, sworn:-. .

No profession. Live at Nukualofa. Remember the Haapai warriors being here. I saw violence to Wesleyans in the main street. About 9.45 A.M. I saw a crowd in front of Fotofili's house (Governor of Niua). I saw Tatafu tied up, with his arms lashed behind him from the wrists to the elbows; this causes cruel agony. I said, "You fools! why don't you become Catholics, and the French would look after you?" I recognized a Police Magistrate and a policeman. I heard afterwards that one or the men who had been tied was dead. I went with Parsons and Fisher to the native house where that man was; he was insensible; could not swallow spirits. There were marks on his thighs from his floggings. Mr Moulton came in, and then Dr Buckland, who ordered us to go out. I have heard since that this man has gone to Fiji. I saw no other acts of violence.

Sekonaia, the last witness, was my house-boy. I went into I's house in the evening; he and some others were boasting of the way they had flogged the Wesleyans. He said he had forcibly converted Sekonaia. Joni Fetukai, the Mayor of Kolofoou, said to me, "What are you small fly interfering in these matters for? Don't you know that Queen Victoria has written to King George to say that he can do what he likes with his own subjects? " Then he challenged me to single combat, and I had to put him ashore.

By the High Commissioner:-

I have no private personal grudge against any member of the Government.

(vi) *"a charge of Gunpowder or dynamite"*

[Moulton to H.B.M. Vice-Consul, Nuku'alofa, January 29th, 1886.
Archives of the Free Wesleyan Church, Nuku'alofa, Tonga.]

On Friday evening January 1st about 10.0 p.m. a charge of gunpowder or dynamite was pushed through the roof of a house of one of the three who had re-become a Wesleyan on the previous Sunday. Some people were in it but fortunately it exploded outwards and no one was injured. The thatch blazed up but by strenuous efforts the Wesleyans put it out before serious damage was done. Many Free Church people stood round, a few jeering, but only one offered to help and his own party tried to stop him; to his honour be it said, for he holds the difficult position of Govt. representative in that town. That same evening another of the three was thrown at with cocoanuts. On the Monday that Govt. representative held a fono denouncing the fire etc; but I suppose he feared the chief too much to try and find out the perpetrator; nor did he report the matter to the Govt., who must however have heard of it. Still absolutely nothing was done, and Thursday saw the culmination of this kind of thing. On the evening of that day, Jan. 7th, about 10.0 p.m. the third man was sitting in his house when suddenly a charge of gunpowder exploded in the roof, again going outwards. Immediately the Wesleyans gathered and got the fire out before any serious damage had been done. The leading Wesleyan returned to his house but had hardly sat down before he saw a flash in the roof. At once he rushed to it and put it out; and thus not one of these three attempts, made so recklessly and with so much danger to life, came off successfully.

[163] COMPLAINTS TO KING PREMIER BRITISH AUTHORITIES.

(i)

[Minister of Police to Moulton. Nuku'alofa, April 10th, 1885.
This translation by Robert Hanslip is attached to the original letter.
Free Wesleyan Church of Tonga Archives, Nuku'alofa.]

Office of the Minister of Police.
April 10th, 1885.

Mr. Moulton,

I received your letter and it is true that it is my office as Minister of Police to prevent disturbances in the land. But the thing you have reported to me for prevention is difficult for me for I have no grounds for action, for it is a dispute and not an act of violence (bau'u). For the Chiefs say that they are their own churches that they have laid hands upon for they built them, but I do not know how they were built and they say there was no money paid for them by the Ministers, and so, when you tell me to prevent them taking them by force, it is as if you said they were yours. So I inform you that you had better have the things tried in the courts, and when it is clear to whom the churches belong, then I shall have power to act. For although the Premier has tried to prevent it, is it not still going on? It is my mind also that they should not lay hands on anything until the matter has been judged, but the chiefs say, let the Government stand on one side for it is their affair therefore until it has been tried, this sort of action is sure to go on, and this is my answer also to your letter of April 3rd, 1885.

(signed) Sekonaia Tu'uhetoka

Minister of Police.

I hereby certify that the foregoing is a true and correct translation of the letter signed by
Tu'uhetoka. Nuku'alofa, May 4th, 1885. :
Rob. Hanslip, Sworn Interpreter.

(ii)

[Premier to Mr. Moulton, April 2nd, 1885.
Archives of the Free Wesleyan Church of Tonga, Nuku'alofa.]

Sir

I have the honour to acknowledge the receipt of your letter informing me that "at the present moment some thirty people are in your loto'a who have been expelled from their homes by Lavaka and the Pea people on account of their being Wesleyans. "

I have already heard that Lavaka was at Folaha and had threatened to expel those who were Wesleyans in connection with yourself. I immediately sent for the Minister of Police and instructed him to find out whether the same was true, and if so, to go back with the people to Folaha; after which to go to Lavaka and inform him the Government would not sanction the ill-treatment of any man on account of his religion.

I have the Honour to be etc.
Shirley W. Baker. Premier.

(iii)

[Pro-Consul to Moulton. 19/1/1887; 20/1/1887; 20/1/4887; 25/1/1887.
Free Wesleyan Church Archives, Nuku'alofa, Tonga.]

(a)

British Consulate, Tonga.
19/1/87.

Dear Sir,

Your note of even date to hand. On receipt of it I at once sent for Namui (?) the Police Inspector; the Minister of Police "Tui-Toku" being away. I have informed him of the shooting of the Pig by 'Takai' inside the College grounds; and I have told him that this must be stopped at once; and I also directed him to put one of his police near your residence tomorrow; to protect both it; and the college from any violence; and I instructed him to warn the Haapai people who arrived today; from interfering with you in any way.

I have told him distinctly that if violence is attempted by anyone on the premises of the Wesleyan Mission; that I shall take measures promptly to protect the Mission. Should the Tongan Government require you to deliver up to them any Native (subject of the King of Tonga) you will; I need not add; offer no obstruction to their doing so; so long as they refrain from violence; but in the event of any "breach of the Peace" being committed; please let me have early intelligence of same.

I have the Honour the be etc.
William E. Giles.

British Consulate, Nuku'alofa,
20/1/87.

Dear Sir

I send you the other Notice; I hope it will have some effect in protecting you from trespassers. Of course any Action I may take the Tongan Government may refuse to recognize; and yet break no law thereby; as I do not hold any "Exequatur" from them; and as the Premier took care to inform me yesterday; Mr. Treskow does. My Duties also are limited strictly, to _____¹ Acts; and probably I have exceeded them already; though I consider that "circumstances alter cases" and probably the occurrences of the last week were never dreamed of; when Mr. Collet appointed me Pro-Consul here.

Yours very truly,
William E. Giles.

(c)

British Consulate, Nuku'alofa.
20/1/87.

Dear Sir

At your repeated request, I have both written to the King; and called on him personally in company with "Tui belihaki". I have also seen the Imperial German Consular Agent; and he has protested against any invasion of the Wesleyan Mission grounds.

At a public 'Fono' (meeting) just held; the Premier has directed the people to be orderly; quiet and law abiding and to cease the intermittent shooting that has been going on the last few days. They have I believe, promised to do so; and I hope order will now be restored.

Under the circumstances perhaps it might be advisable to (at all events temporarily) remove the two Notices; I put up over the College Gates this morning; and see whether order will be maintained or not. "Tui belihaki" tells me his people will keep the peace,

I have the Honour etc.

William E. Giles.

(d)

British Consulate, Nuku'alofa.
25/1/87

Dear Sir,.

I interviewed the Eiki "Tui belehaki" last evening and gave him the club belonging to the Native of Haapai who trespassed inside your College grounds last evening. He promised to have the man sent for early this morning.

I also delivered your letter to him for King George; which he said he would himself give to the King this morning; and I particularly requested him to ask the King both on your behalf; and on behalf of the British Government; to do something towards stopping the trespass and robbery that appear to be carried on wholesale on the Wesleyan leased lands in Tonga; at the present time. All this he has promised me he will endeavour to get the King to do.

I have the Honour to be etc.

William E. Giles.

¹ The word is illegible in the original.

(iv)

[Moulton to the Pro-Consul, December 16th, 1885
Archives of the Free Wesleyan Church of Tonga,Nukulalofa.]

December 16th 1885.

.....

Another cruel sentence has just been given in Haapai --- A woman was accused of saying that the King was in his second childhood. At the first trial no one appeared against her, but a letter was read from someone in Vavau affirming she had said so. She denied it, and, as no prosecutor appeared, ought to have been acquitted. But she is a Wesleyan so the case was adjourned. When next brought before the Court some one was found to swear that she had said what was imputed to her. Yet the Judge hesitated to pass sentence, and the case was referred to the Higher Court where the woman was found guilty -- seven year work and \$500 to the King.

D. BRITISH INTERVENTION: AN ENQUIRY BY SIR CHARLES MITCHELL 1887

[164] THE BRITISH GOVERNMENT'S DIRECTIVE AND THE TONGAN KINGS RESPONSE

[Sir Charles Mitchell to King George Tupou 27th March 1887. Appendix to Report by Sir Mitchell, High Commissioner for the Western Pacific in connection with Recent Disturbances in and the Affairs of Tonga, containing the Further Inclosures in that Report, Presented to both Houses of Parliament by Command of Her Majesty. Her Majesty's Stationary office, London. August 1887. Enclosures 3 and 4, pp. 2-3.]

SIR C. MITCHELL TO THE KING OF TONGA,

High Commissioner's Office, on board H.M.S, "Diamond"
at Nukualofa, Tonga, March 27, 1887.

Sir, my Friend,

I HAVE the honour to inform your Majesty that I have been directed by Her Britannic Majesty's Government to inquire into and report fully on the cause and effect of certain disturbances that have recently taken place in the islands under your Majesty's rule.

To the end that I may fulfil the instructions I have received, I have now the honour to request your Majesty's good offices in affording me yourself, and in causing all your subjects to afford me, all the information that it may be possible to you or to them to give with reference to these troubles.

The Chief Judicial Commissioner of the High Commission has accompanied me to inquire into, and, if necessary, adjudicate upon, certain criminal charges that have been brought by your Premier, Mr Baker, against Mr Hanslib, a British subject resident in these islands. For the purposes of his Honour's inquiry, I would also request your Majesty's good offices.

I have also brought with me three Tongan subjects who have recently sought an asylum in Fiji, and who may be able to give evidence during my inquiry. These Tongans are, during my visit to these islands, under my special protection, and I request that your Majesty will cause this to be generally known, in order that they may be saved from any possible annoyance or insult.

I would also request that your Majesty would be good enough to yourself sign any communications that you may do me the honour to address to me.

On receipt of your Majesty's reply to this letter I shall at such hour as your Majesty may appoint do myself the honour of waiting on your Majesty for the purpose of paying my respects.

I have, &c.

(Signed) C.B.H. MITCHELL.

* * * * *

THE KING OF TONGA TO SIR C. MITCHELL.

(Translation.)

King's Palace, March 27, 1887.

Sir, my Friend,

I HAVE received your Excellency's letter of to-day, informing me that your Excellency has been commanded by Her Britannic Majesty's Government to inquire into the

disturbances which have recently taken place in Tonga, and requesting me to afford myself and to commend my subjects to afford what information they can with reference to the same.

I wish to express the pleasure it gives me in your Excellency coming to Tonga, and I will do as your Excellency requests.

I note that the Judicial Commissioner accompanies your Excellency in reply to a request made by my Premier, and I shall render him all the assistance I can.

With reference to the three Tongans whom your Excellency has brought, I should be glad as they have come to give evidence against other natives if they could remain on board, lest some silly Tongan should molest them, and cause me or my Government to be in disrepute, but for their friends to be at liberty to visit them on board if your Excellency sees so fit.

I will send all letters to your Excellency in Tongan, and signed by myself as requested. I shall be glad to meet your Excellency tomorrow at 10.30 A. M.

I am, &c.
(Signed) JIOAGI TUBOU,

[165] A SYNOPSIS OF THE ENQUIRY

[Sir C. Mitchell to Sir H. Holland. May 6th 1887. Report by Sir C. Mitchell, High Commissioner for the Western Pacific in Connection with the Recent Disturbances in and the affairs of Tonga. Presented to both Houses of Parliament by Command of Her Majesty. July 1887. Her Majesty's Stationary Office, London.]

SIR C. MITCHELL TO SIR H. HOLLAND

High Commissioner's Office,
Suva, Fiji, May 6th, 1887.

SIR - I have the honour to report that, in obedience to your telegraphic instructions, I left Suva in Her Majesty's ship Diamond on the 24th March. I arrived at Nukualofa, Friendly Islands, on the 27th (Sunday), in the afternoon.

.....

9. Mr Baker and Mr Moulton came on board the Diamond at my request on the afternoon of Monday, the 28th March, and we agreed - (1) That the enquiry should be deemed to extend from the setting up of the Free Church in January, 1885, until the date of my arrival in March, 1887. (2) That it should be divided into three periods namely: - (a) The alleged persecutions of the Wesleyans by the Tongan Government prior to the attempt on Mr Baker's life on the 13th January, 1887; (b) The period including that attempt, and before the arrival of the force sent for by the King from Haapai and Vavau; and (c) The alleged persecutions and ill treatment of the Wesleyans subsequent to the arrival of these men. (3) That, although either side would be at liberty to take its own notes, those only taken in shorthand by Mr Collet, the Secretary to the High Commissioner, should be relied on as a record of evidence. (4) That Mr Moulton should hand in a list of all the witnesses living at distant portions of the Group and of any other persons whose presence he could not himself procure; and that Mr Baker, on the part of Government, should undertake that these men be produced. (This last arrangement was afterwards modified in the case of the

witnesses from Vavau, for whom it was agreed to send a small interinsular steamer that was expected to arrive about that date; but as this vessel broke down somewhere in the Fiji Group, and did not come to Tonga, the Vavau evidence was not procured.) (5) That the enquiry should be an open one accessible to any persons, either Tongan or European, who might wish to attend it. (Note. - An exception was made to this in the case of the King, who could not have been reasonably expected to give evidence in an enquiry held within his own dominions).

10. On the afternoon of Tuesday I went, by appointment, to the Palace, accompanied by the Chief Judicial Commissioner and by the Secretary to the High Commissioner. I had arranged that, as Mr Moulton was personally obnoxious to the King, a gentleman (Mr Parker) should attend the meeting on Mr Moulton's behalf, to check Mr Baker's translation of my questions and of the King's replies. I append a copy of these questions and replies. The King's manner to me was courteous, and his replies straightforward and unhesitating. I may here remark that I saw no indication, either on this occasion or on that of any of the many subsequent interviews I had with the King, of his mental incapacity, or of his being under Mr Baker's control. On the contrary, his mind appeared to me to be clear, his manner decisive, and his whole bearing that of a man of strong will and independent character.

11. Having received from Mr Moulton on the following (Wednesday) morning a schedule of his complaints, under the heads (a) and (c) mentioned in paragraph 9, sub-section (2), I opened my inquiry at the Consulate that afternoon, and continued it from day to day until the evening of Saturday, the 23rd April, excepting only on Saturday, the 2nd of April (on which day the Chief Judicial Commissioner occupied the Consulate with the trial of Mr Hanslip, on the charges mentioned in my despatch of the 18th March); on Good Friday (on which day it was thought undesirable, in view of religious scruples, to sit); on Monday and Tuesday, the 11th and 12th April (given to Mr Baker, on the conclusion of Mr Moulton's case, in order that he might prepare his refutation); and on the three Sundays. On the Monday succeeding the close of the inquiry, I saw all the British subjects and a good number of the other European and American residents at the Consulate, and heard their complaints on matters other than that I had inquired into. None of these were grave. I impressed on all those present the great importance of their abstaining from interfering with the Tongan Government; and I assured them that, in my opinion, their lives and property were as safe in Tonga as they would be in any part of the civilised world. On Monday (25th April) I addressed a letter to the King, of which I enclose a copy, containing the advice I thought it necessary before leaving to tender to His Majesty. On the following day I received the satisfactory reply of which I also enclose a copy. This letter was brought on board by Mr Baker, who informed me, in addition to its contents, that the King was prepared to allow of the re-opening of the Tubou Wesleyan College (broken up by his order) with the limit of thirty pupils, and with certain restrictions as to the re-admission of those recently attending that institution. Matters having been thus, in my opinion, satisfactorily settled, I took my leave of the King at a "faikava" ring to which he had summoned all the chiefs and leading men, and I availed myself of this opportunity to assure him, in their presence, of the good will felt by Her Majesty's Government for Tonga. The King's manner was very cordial at parting.

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[166] THE INTERROGATION OF KING GEORGE

[Appendix to Report by Sir C. Mitchell etc, etc. London. August 1887.
Inclosure 6, pp. 7-11.]

EXAMINATION OF THE KING OF TONGA.

Nukualofa, Toga, March 29, 1887.

AT the King's Palace, Nukualofa, Toga, at 4.30 P.M.

Mr S.W. Baker, the Premier, interpreted, and Mr. E.W. Parker attended to check the interpretation on behalf of Mr Moulton.

The High Commissioner said: Will you say to the King, please, that in order that no after remark may be made as to insufficiency of the interpretation, I have asked Mr Moulton to have a gentleman here who is thoroughly conversant with the Tongan language, in order that he may represent him as regards interpretation, in order that your interpretation may not pass uncriticised, and that Mr Parker is merely here in that capacity; that I shall permit nobody to address questions to His Majesty but myself. All I wish to do is to elicit from His Majesty such explanations as he may wish to offer on the subject, into which I am to inquire.

(Mr Baker interpreted the above.)

Will you say to the King that I propose to take up the case from the time when it is asserted that after the establishment of the Free Church of Tonga, certain persecutions were carried out as against the adherents of the so-called Wesleyan party, with a view to forcing them to join the King's Church. Although I shall be very glad to hear anything afterwards His Majesty may wish to say on the subject, I conceive it will be convenient to begin a definite point. I conceive that my instructions relate chiefly to the persecutions that have recently taken place.

(Mr Baker interpreted.)

1. Q. Will you ask him if he is aware that complaints have been from time to time raised that, on the establishment of the Free Church, undue pressure was brought to bear on the adherents of Mr Moulton.

(His Majesty wished to know what particular complaints were referred to.)

I asked His Majesty if he was: aware that complaints had been made from time to time. I want to know first of all if he knows that complaints were made, either by Tongans or Europeans, that undue pressure had been brought to bear. I only want to know if he is aware of the fact.- A. His Majesty says in the commencement of the Free Church he is not aware of certain persecutions, neither of Tongans or Europeans first of all complaining. But the first thing he knows of is that Mr Moulton was in Haabai when the Church first commenced, that he came here and said in a public meeting on the Hill Zion:-

"There is a new thing happened in the land; there is a now religion set up." When they heard what Mr Moulton had said, he and others said in their own minds, "What religion had been put up?" It was the same religion, with the same forms as before but with regard to money, they wished to have the liberty of deciding as to money themselves. But there was no new religion, and the doctrines were the same in the new Church as in the old. When Mr Moulton said that, it appeared to him that Mr Moulton at once wanted to divide the land; that by so doing, it would cause dissensions amongst them in calling it a new religion; and that such language was altogether wrong.

2. Q. What I want to ask him is this, under the Article of the Constitution of Tonga, which provides for the free exercise of religion does he conceive that his Government would be justified in exercising pressure to force his subjects to attend a Church notwithstanding that it was, as he said, of the same doctrine precisely as the one from which he wished to take them. A. His Majesty replies that when the Free Church commenced there was no idea of commanding any one to go to it by force.

3. Q. Can I take that to mean that His Majesty does not recognize any right in the Constitution of forcing his subjects either one way or the other. A. The King replies that the Free Church was an after affair; but the disturbances commenced by Mr Moulton before the Free Church was inaugurated.

4. Q. That is not quite what I want to get at. I am aiming at a particular point to clear away certain obstructions that may be in the way before I can understand His Majesty's mind on the subject. I want to know whether, in his mind, there exists any conception that there is a right in the Government to exercise a control over the religious opinions of his subjects. – A. His Majesty replies that he does not think it would be right for himself or his Government to interfere in the particular religious views of the people; but in this affair with regard to the Wesleyan church, the affair has arisen because of unpleasantness and disturbances to which he has referred.

5. Q. Am I to understand His Majesty to distinctly disavow any right in the Constitution on the part of his Government to interfere with the freedom of religion of his subjects, in following any religion they please. – A. His Majesty says his views are, that it is right for the people to use that religion which they like; not for the Government to interfere with their religious views.

6. Q. By that he means to include interference between two parties of the some denomination, with no fundamental difference whatever, but merely for reasons of their own keeping apart. Assuming there is no difference, does he assume that there is any right either in him or his officers to exercise any pressure one way or the other? - A. His Majesty says it is right for each one to act according to his own conscience, as he believes; but this affair is not one of religion.

7. Q. Clear away from His Majesty's mind any idea that I say he has done so. I merely wish to arrive at an understanding on a common ground? – A. His Majesty makes the same reply again with regard to the Constitution: that it is right for each man to worship as he believes, but that this affair is not an affair of religion, and it is not religion to divide the land and cause the disturbances which have arisen in consequence of the recent action which has taken place in religious affairs.

8. Q. That being so, will you ask His Majesty if he conceives there would be any justification for the Government to exercise pressure to make his subjects leave Mr Moulton's Church to join the Free Church? - A. His Majesty does not say it would be right to punish one because he belonged to Mr Moulton's Church.

9. Q. Will you say to His Majesty I include in pressure not punishment only, but the

prevention of a person so offending from receiving any State reward, or office or position. That is what I include under pressure? - A. His Majesty does not say it would be right to do so.

10. Q. That there would be no disability in belonging to the so-called Wesleyan Church; no disability for any one holding a State office he already had, or having such office conferred on him from the lowest policeman to the highest officer? - A. His Majesty does not think it would be right for there to be such prohibition.

11. Q. Will you ask the King if he attaches any importance to the fact of the Church being a State Church, or whether he looks upon it in the same light as any other church established in the land? - A. He looks upon it as a State Church.

12. Q. Does he in that respect consider that loyal subjects should attend it? - A. Yes.

13. Q. Will you say to His Majesty, Is he aware of any of his officers having exercised any pressure of this sort? I am referring now entirely to the time before the attack upon you. Is he aware that during that period any of his officers exercised any pressure, whether of the stick, or anything that could be called persecution? - A. His Majesty says that there were many Chiefs and persons who did bring strong pressure to bear upon their people.

14. Q. I am to understand that this was absolutely without His Majesty's authority? - A. His Majesty says he never commanded them to do it, but they did it of their own will.

15. Q. When he heard of their doing so, did he check them for doing it, and remind them what their Constitutional duties were? - A. In many instances he did speak to his Chiefs. Some of the Chiefs did it because their minds were vexed with their people.

16. Q. Is he aware of any case in which substantial injury was done by any of these Chiefs to persons or their property? - A. He was not aware of substantial injury being done. [Mr Parker doubts if "lahi" is a good expression for "substantial injury".]

17. Q. Did you hear of any cases of the infliction of corporal punishment, or of property or boats being destroyed or taken away? - A. His Majesty never heard of any boats being destroyed. He may have heard of some gardens being destroyed. He heard of no such thing as flogging.

18. Q. In cases where there was any substantial injury done, did he force the Chiefs to make compensation or restitution? - A. His Majesty says he stopped the Chiefs from doing so, inflicting substantial injury; but he did not command them to make any substantial restitution, because he did not consider what they had done deserved it.

19. Q. Did any of his subjects complain to him direct, or through you, or any other Government source, such as their magistrates? - A. There were a few who did, but they did not all do it. His Majesty says you certainly must not be aware of the native customs and manners with regard to anything like this. In any disobedience, or anything like that, they have never been accustomed to anything of this kind. Disobedience of the people to their

Chiefs in times gone by. His Excellency: Tell His Majesty I can understand all that, and he must not understand me in putting these questions as finding fault. I merely want, in my own mind, to get a picture of things as they happened.

20. Q. Will you ask him what reply he caused to be made generally to those petitioners who approached him? - A. His Majesty says it is not to be supposed that he understood, or heard, or knew of a great part of everything that was done.

21. Q. What I want to find out is his own personal knowledge of the matter. What general reply did he give to these Petitions? Did he answer them? - A. The persons themselves, did not come, but others came and reported; but the parties concerned did not come to him.

22. Q. But through his officers what reply did he cause to be made to the petitioners? - A. His reply was that such kind of proceedings would be stopped.

23. Q. I come to the time of the attack upon yourself. Will you ask the King if the persons accused and subsequently convicted of the attack upon you had a fair trial in open Court? - A. They were tried in a properly constituted Court.

24. Q. My question is not as to the constitution of the Court, but as to its being open, as Courts of Criminal Jurisdiction are. Whether there was access to any one that thought himself interested in the proceedings of the Court? - A. His Majesty is not aware whether there were certain restrictions put upon them or not.¹

25. Q. Will you ask the King if he considered at the time - before the trial - that the attack on you was the result of any widespread conspiracy, or that it was simply an attack by ordinary malefactors? - A. That it was a widow greed conspiracy. That was his opinion before the trial.

26. Q. Ask him if subsequent events confirmed him in that belief? - A. Yes, his mind was confirmed in what he has already said.

27. Q. Will you ask him if he considered that he had sufficient force on the ground to deal with that conspiracy? Were there sufficient of his loyal subjects within the town and its neighbourhood to deal with that conspiracy? [His Majesty appeared not to understand the question.] I will put the question in another way. Why did he send for the Vavau and Haapai men? - A. Because of what has transpired.

28. Q. Was it because he considered he had not sufficient loyal subjects in this district to deal with the conspiracy? - A. It was not because he thought there was not sufficient, but because he wished Vavau and Haapai and Niua people to be here on account of what transpired, for Representatives of all his land to be here.

29. Q. Did he proclaim martial law or its equivalent? - A. The reason the Police Courts

¹ Mr Baker here remarked that he had informed His Majesty.

were suspended.

30. Q. Were they so by Proclamation or by a notice? Was there any public Proclamation, whether by crier or notice, that civil law was suspended within the district? – A. The Civil Courts of the Government were to be suspended until these things could be inquired into and settled by His Majesty and his Chiefs.

31. Q. Was that done by a Proclamation in any way made public, either by sending round a crier or affixing a notice in any usual way? – A. It was reported according to Tongan custom. It was "Fanogonogo" according to Tongan custom.

32. Q. Did it not occur to His Majesty that the bringing of a large force of soldiery would lead to excess on their part which he could not control; that they would consider themselves brought down here for war? - A. They were not sent for because he thought he could not accomplish it here; and he did not see that in sending for them here he was bringing more soldiers than he could govern, and they were easy of government.

33. Q. Whet arrangements did he make for provisioning these soldiers? - A. The arrangement was that both the east, west, and middle part of the island should provide food on their separate days.

34. Q. Were there any special burdens laid on the remaining adherents of Mr Moulton's Church? – A. He is not aware that there were any additional burdens. The command was that all should provide.

35. Q. Is he aware, or does he know of these Haapai and Vavau men having used considerable licence in the way of seizing pigs and taking the garden produce of the people? – A. His Majesty's reply was that it was not many of the Haapai and Vavau people, but only a portion of them.

36. Q. Is ho aware whether that section directed their attention particularly to the gardens and pigs of the adherents of Mr Moulton? – A. It was not only Mr Moulton's people, but the Free Church suffered.

37. Q. At the first or throughout - A. From the first and afterwards.

38. Q. Will you ask him if he heard of any cases of beating or cruelty being used towards any of the remaining adherents of Mr Moulton's Church with a view to making them conform to the Free Church? – A. His Majesty heard reports of some, but he is not certain whether they are correct or not.

39. Q. Did he cause the reports to be sifted, to see if there was truth in them? - A. He commanded some of the Chiefs to desist.

40. Q. Was his command obeyed? - A. In some instances the people obeyed their Chiefs; in other instances the people were disobedient.

41. Q. Does he know of any instances of severe punishment being inflicted on the people who were disobedient? – A. His Majesty only heard of reports he was hearing; they were simply reports.
42. Q. There was a general indiscriminate firing of guns reported to me. Ask His Majesty if there was, and of what nature it was? - A. His Majesty said as they certainly fired guns, but who was hurt?
43. Q. I want to know if this firing off guns was at people, or pigs, or boisterously firing off in the air? - A. It would not be many guns fired at pigs, because Tongans have not got many pigs. It was principally firing into the air.
44. Q. Ask His Majesty if he would prefer that I see him again at some future state of the inquiry, and ask him further questions, or whether he would prefer putting his remarks into writing, so that I may consider them in making my Report? - A. His Majesty says if it would be agreeable to you, that no would be pleased to write to you.
45. Q. Tell His Majesty I hope to see him on other subjects before I go. My question now is simply relating to the subject of this inquiry? – A. His Majesty will be perfectly happy to see you at any time you wish.
46. Q. There is only one point I have omitted to ask His Majesty about for information, that is, relative to the Queen's letter. It is asserted when His Majesty was writing to the Queen to congratulate her on her Jubilee that he or others gave it forth that he had written to the Queen to know whether he could not do as he liked with his own subjects? - A. He never wrote or said anything of the kind.
47. Q. When Her Majesty's reply arrived here did he in any way through anybody give it forth that the Queen had authorized him in this letter to do as he pleased with his own subjects? - A. He never spoke to any one. He never commanded any one to say anything of the kind. If anybody has ever said so it is a great lie.
48. Q. Will you tell him that one of the Magistrates who was sent down in the schooner to Fiji informed the secretary of the Commission that the King himself told him, the Magistrate, what I have said, and that therefore I have brought him with me in order to take his testimony on oath before the Court. I have not spoken to him myself, but that is what he said to the Secretary. His name is 'Isileli Tehoko? – A. All he told him was that he had got a letter from the Queen, but he never said that to him. Should he write to the Queen, or the Queen write to him, about what he was to do with his own people?
49. Q. The point is, that the Queen's name was brought to bear on the disturbance, and I am anxious to find out by whose means Her Majesty's name was brought to bear? – A. All he knew was that the letter was here, but whether it came from Sydney, Fiji, or New Zealand, His Majesty did not know.
50. Q. You will explain to him most fully that it is necessary that this point should be cleared up, because we cannot suffer the Queen's name to be dragged into a disturbance. - A. His Majesty does not know, and is not ware who has done it.

[167] SIR CHARLES TENDERS HIS ADVICE TO KING GEORGE

[Sir C. Mitchell to King George Tupou, 25th April 1887. Report of Sir C. Mitchell etc, etc. H.M.S.O. London 1887. Inclosure 1.]

SIR C. MITCHELL TO THE KING OF TONGA.

"Diamond," at Nukualofa,
Tonga, April 25, 1887.

Sir, My Friend, - I have concluded the task intrusted to me by Her Majesty's Government, and it only remains for me to thank your Majesty, as I now do, for the ready aid which you have afforded me, and for the kindness with which you have received me.

I told your Majesty at our last interview that the one wish of Her Majesty's Government, as regards Tonga, was that your Majesty's rule should continue to be as wise and beneficent as, before the breaking out of the late unhappy differences it had always been. I told you that the good-will always felt by Great Britain for Tonga would enable me to come to your Majesty as a friend, and to tender to you such advice as to your Majesty's future course as would, in my opinion, tend to blot out the memory of the past trouble, and to confirm your Majesty in the affections of your people, and to establish you in the good opinion of the civilised world. This advice I now proceed to offer, in the full hope that it will be received by your Majesty in the same friendly spirit as that in which it is tendered.

I find that, during the two years succeeding the establishment of the Free Church in Tonga, many of your subjects were harassed by their chiefs in order to compel them to join that Church. It has not been asserted that this was done in consequence of orders received from your Majesty, but it was evident that, in acting as they did, the chiefs believed that they were carrying out your Majesty's wishes.

I find that the attempt on Mr Baker's life was not the result of a Wesleyan conspiracy. When, however, the men summoned by your Majesty from Haapai and Vavau arrived in Tonga, I find that they at once proceeded, in conjunction with certain of the tribes of Tongatabu, to beat, despoil, and generally persecute those who still adhered to the Wesleyan Church; and that, although your Majesty on more than one occasion personally interfered to prevent these actions, they, nevertheless, continued for a considerable time - until, in fact, nearly the whole of the Wesleyans had, under compulsion, joined the Free Church.

I need not point out to your Majesty that actions such as these are in contravention of the Constitution granted by your Majesty to your subjects. I am well aware that your Majesty regards these actions with displeasure. I will therefore, proceed to point out what I think your Majesty should do, now that the land is tranquil, in order to heal the sores left by these unfortunate events.

I think that a general amnesty for acts done during the past disturbances should be proclaimed, and that all political prisoners now in confinement should be released, under such conditions as to your Majesty may seem right.

I advise that a proclamation be issued, restoring, in the fullest degree, liberty to your Majesty's subjects to worship in accordance with their conscience; and that your Majesty should intimate to the various chiefs that your grave displeasure would follow any acts on their part designed to prevent the enjoyment by your people of their full religious rights.

If your Majesty could also take measures to repeal the laws known as "of the Six"

and "of the Thirty," I think it would be well to do so; but, at any rate, the first-mentioned law should be so altered as to include bona fide residents in any town within its operation.

If your Majesty would allow me to extend the advice I am now offering beyond the strict limits of my duty, I would suggest that negotiations be entered into with a view to again connecting the Wesleyan Church in Tonga, of whatever denomination, with the Wesleyan body elsewhere. Nothing would, in my opinion, tend to the permanent tranquillity of your Majesty's kingdom so much as the exchange of a voluntary and heartfelt union of your Majesty's Wesleyan subjects for the forced union which must now, to a considerable extent, as a consequence of recent events prevail. If my poor aid and influence can in any way conduce to the attainment of this object, they are most heartily at your Majesty's service for the purpose.

I have received evidence that would, in my opinion, and in that of the Chief Judicial Commissioner, justify my putting in force against Mr Baker the power intrusted to me, under the Western Pacific Order in Council, of prohibiting a British subject who is dangerous to the peace and good order or the Western Pacific from remaining within such limits as I may deem necessary. I am, however, most unwilling to exercise this power, for the following reasons:-

1. I know that Mr Baker has rendered great and valuable services to the Tongan Government, and that your Majesty regards him with feelings of friendship and esteem.

2. I believe that, if your Majesty should decide to follow the advice I have ventured to offer, Mr Baker would be the most able and fitting instrument for carrying into effect your orders thereupon.

3. That Mr Baker is at present suffering much anxiety from the illness of his son and daughter, caused during the attempt made on his life, and that it would be, for the present, impossible to remove those members of his family from Tonga.

I trust, however, that the intimation of your Majesty's concurrence in the steps I have advised your Majesty to take will enable me to deem it consistent with my duty to abstain, as regards Mr Baker, from exercising the powers vested in my office.

I should be glad to receive a reply to this my letter at your Majesty's early convenience, as I am unwilling to detain Her Majesty's ship longer than is absolutely necessary.

I desire to repeat, on behalf of my Government, the expression of the feeling of friendship and esteem felt for your Majesty and for the Tongan people by Her Most Gracious Majesty the Queen and by the British nation, and I have, &c.

C.B.H. MITCHELL,

**[168] KING GEORGE'S UNDERTAKINGS WITH RESPECT TO SIR CHARLES MITCHELLS
ADVICE**

[King George Tupou to Sir C. Mitchell, 26th April 1887.
Report of Sir C. Mitchell etc, etc. Inclosure 2.]

THE KING OF TONGA TO SIR C. MITCHELL

(Translation.)

King's Palace, Tonga
April 26, 1887.

SIR, MY FRIEND, - I received your despatch of yesterday, and thank you for the same.

From that letter I perceive there are three things you wish me to take notice of:-

1. To grant an amnesty to those prisoners who were concerned in the late disturbances.
2. To make a proclamation that it is free for all persons to perform their worship according to the dictates of their conscience.
3. To repeal the laws of the six and of the Thirty.

With regard to the first, I am perfectly willing to grant it, and I have instructed Mr Baker with respect to it.

As to the second, before three weeks are past I will call all the chiefs of Tongatabu together, and tell them the Constitution will be carried out, "That every man is free to perform his worship according to the dictates of their own conscience, and should any chief act otherwise, he shall be brought up to be punished according to law." - (A like command will also be sent to Haapai and Vavau, - Initialled, J.T.)

With respect to the repeal of the laws of the Six and of the Thirty, I am not willing they should be repealed, but that the law of the Six should be understood to mean residents who have been one year in any town. And with reference to the further letter of to-day in re the Free Church site at Nukualofa, I am willing that the law of the 300 fathoms shall not be applied to the same.

And if your Excellency would kindly initiate negotiations with the Wesleyan Church in the colonies on the plan proposed by the New Zealand Conference, I should be glad, and that is my mind.

And, with reference to Mr Baker, if I and the chief's had listened to Mr Baker's advice, there would have been no persecutions.

But I am prepared to promise that there shall be no more persecutions of Wesleyans because of their religion, and should any chief do so he shall be judged.

With many thanks for your expressions of regard and friendship, my love.

JIOAGI TUBOU.

[169] THOMSON'S COMMENT ON SIR C. MITCHELLS DECISION TO LEAVE BAKER IN TONGA.

[Basil Thomson. Diversions of a Prime Minister, Edinburgh 1894. p.8]

The exhaustive judicial inquiry which he held furnished ample grounds for the removal of Mr Baker under the Order in Council which empowers the High Commissioner to remove any British subject who, in his opinion, is dangerous to the peace and good order of the island in which he is living. But since Mr Baker in fact, constituted in himself the Tongan Government, it was not clear that his removal would not be followed by anarchy; and as the king undertook to put a stop to the persecution of the Wesleyans, and to adopt certain other reforms, Sir Charles Mitchells preferred allowing them to be effected through Mr Baker's Agency to incurring the risk of the chaos that might result from his removal. The ship of war therefore sailed for Fiji, taking with her the rest of the prisoners lying under sentence of death.

Now Mr Baker had expected to be removed, and he attributed this leniency to a different motive. He argued, doubtless, that if the High Commissioner had failed to remove him after the wholesale persecution of the Wesleyans and other illegalities, it was because he was afraid to do so, and that he was not likely to take extreme action against him for any lesser cause. So long, therefore, as he restrained himself within certain limits, he might continue his former policy without let or hindrance. The king, who had so often been his scapegoat, could be made to bear the sole blame of breaking the promises made to Sir Charles Mitchell. So the promises were not fulfilled, and things went on very much as before, except that the annoyances to which the Wesleyans were subjected were a little less flagrant.

E. OPPOSITION TO MR BAKER AND THE ASSASSINATION ATTEMPT

[170] MEASURES FOR SELF PROTECTION 1883.

[Her Majesty's Vice-Consul Symonds to His Excellency Sir G.W.Des Voeux, Acting Consul General. November 6th 1883.

Copy from Archives of the Western Pacific High Commission, Suva, Fiji.]

Sir

I have the honour to report that since my return to Tonga any communication with the Tongan Government has been impossible owing to the protracted absence from the seat of Government of all the higher officials who for the last three months have been in attendance upon the Premier, who has visited the various Islands of this group and also Samoa in the schooner " Sandfly " which I believe to be the joint property of Mr. Baker and the Tongan Government.

During the stay in Tonga of the Premier he invariably stayed at night on board his vessel, although he has a large furnished house here, and I am informed upon good authority that, before his departure for the north, a portion of the Tongan soldiery was disarmed and the rifles taken on board the "Sandfly". Whether this was done from the desire for self protection or for the purpose of intimidation it is difficult to say, but I am of the opinion that both feelings prompted the act, and this opinion is strengthened from information that I have received to the effect that Mr. Baker placed a woman in irons for having struck a light on board the vessel. This would point to the conclusion that a quantity of powder was on board the vessel.

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[171] DISAFFECTION TOWARDS THE TONGAN GOVERNMENT AND MR. BAKER, 1883.

[Her Majesty's Vice Council Symonds to His Excellency Sir G. W. Des Voeux, Acting Consul General. Copy Archives of the Western Pacific High Commission, Suva, Fiji.]

Your Excellency

I am informed that lately at Haapai notice has been given by Mr Baker that a penalty will be inflicted on all those who criticise or talk about the Government or the officials, and numerous rumours have reached me relative to various harsh and restrictive measures that are to be put in force, but as yet these are rumours only, therefore I do not feel myself justified in reporting them to your Excellency.

The disaffection towards the Government is daily increasing notwithstanding the heavy punishment usually inflicted on those who have the temerity to oppose Mr Baker's policy, and I feel sure that , before long, affairs will have become so complicated that scarcely the removal of Mr. Baker from Tonga will have the effect of quieting the excited and distorted minds of the people. This fact together with the account I have given of Mr. Baker's action

in matters pertaining to both church and state induces me to express a hope that Your Excellency, before this will have reached you, will have forwarded the order of prohibition and deportation against Shirley Waldemar Baker, for which I have already applied, and which, I am convinced, is not only the sole means of preserving peace and good order in Tonga, but also the only way to protect the lives and property of the European residents, for there can be no doubt that if an outbreak does occur the natives will be only too eager to wreak their vengeance on those who belong to the same race and colour as he to whom they owe so much of their present misery and unhappiness.

I have the honour to be,
Sir,
Your most obedient,
Humble Servant,

(signed) Henry F. Symonds.
Her Majesty's V-Consul.

[171a] ATTEMPTED MURDER OF THE REV. SHIRLEY BAKER

[New Zealand Herald, 8 February 1887 p5. Vol. XXIV, Issue 7866,
National Library of New Zealand]¹

ATTEMPTED MURDER OF THE REV. SHIRLEY BAKER.² HIS SON AND DAUGHTER WOUNDED GREAT EXCITEMENT IN TONGA NARROW ESCAPE OF MR. AND MRS. MOULTON. THE BRITISH FLAG HOISTED

By the schooner Maile, which arrived last night from the South Sea Islands, we have received intelligence of an attempt upon the life of the Premier of Tonga, the Rev. Shirley Baker, by some escaped convicts. Although Mr. Baker escaped the bullet of his would be assassins, his son and daughter, who were present with him at the time, were not so fortunate, and were severely wounded. A correspondent sends us the following account of the sensational occurrence:-

The troubles which have been so long distracting this petty little kingdom of Tonga have at last come to a crisis in a manner which has surprised no one. In my last letter I said there was no news to tell you, but before next mail I might have to write about assassinations and rebellions; this has come only too true. On Thursday evening, January 13th, about 7.30, as the Rev. Shirley Baker (or White King, as the natives call him) was driving in his buggy with his daughter Beatrice and his son Shirley, an attempt was made on his life. They were close to their own house and the King's palace. Mr. Baker saw some men crouching down under

¹ Link: <https://paperspast.natlib.govt.nz/newspapers/NZH18870208.2.34>

² This account was not included in the original *Sources of Tongan History* but added by Leigh Harkness.

the fence with guns pointed at the buggy, and another man in the roadway. He called to Shirley, who immediately jumped down and told the man to give him his gun, and said, "Don't fire." The men at the fence said, "Ai, ai" (do it), and immediately he fired, hitting Shirley in the left arm. The men at the fence were peering round trying to get a sight at Mr. Baker, but either the carriage lamp dazed them, or else they were afraid of hitting Miss Baker; anyhow, they did not fire, and the men all cleared away.

The horse had sprang forward when the shot was fired, having been hit with one of the slugs, and Miss Baker was thrown out, severely hurting her neck and back. Shirley said "I am all right," but his father must have seen his arm shattered, and drove furiously off for the doctor. In a few minutes the natives came round and carried Shirley into Fuse Pala's house. There was a great yelling out, and the whole town was soon on the scene, armed with guns, axes, clubs, spears, &c.

We were at home, and knew nothing of the occurrence till a native came in about half-past ten. We went out into the town at once, and found the town guarded by bands of half mad natives, who thrust their guns and axes in our faces, challenging us. The doctor was attending Shirley, whom he found had received a very severe wound, inflicted by three or four slugs, which had entered the inside of his arm and come out behind just below the joint. How they missed the artery seems a wonder. The doctor put three fingers through the arm and extracted a number of pieces of shattered bone. Some people say they heard two reports, almost simultaneous, and support the statement by the fact that the lamp was struck in two places, and the splash board of the buggy; also Miss Baker in the thigh in two places, which would give a spread of 18 to 20 inches, but I am certain that balls could deviate more than that after shattering an arm bone.

Shirley behaved most courageously throughout, as also Miss Baker, who did not mention her wounds till after her brother's were dressed. After driving the Doctor down Mr. Baker went to the King and Mr. Watkins. He then walked home, but fell down fainting on the path to his house. Messrs. Giles and Campbell carried him on to the veranda, where he did nothing but moan and groan. He was quite unmanned, and did not go to see his son that night. Next morning he had two fits, and was very little better. He asked for the protection of the British flag, which was accordingly hoisted over his house. His conduct has had a very bad effect on the natives, many of whom have remarked that he is "to'iaubito," cowardly in the extreme, as he has always made such a boast that he was a Tonga man.

Three or four months ago four men escaped from the gaol in Nukualofa, and took to the bush behind the Mua settlement. They are desperate characters, but had the sympathy of all that district with them, as they were never afraid to talk of the tyranny and injustice of the Government. The whole army, 150 men, were sent to catch them, armed with guns, &c., against the four, but all they did was to destroy some plantations of yams and bananas, and exasperate the whole district thereby the more against the Government. The men were not caught, and the army was withdrawn, except two or three pickets, who, if reports be true, used the Government ammunition to shoot fowls for the escaped prisoners, which they cooked and ate together. The four always carried guns, and in December began visiting the Mua town in open daylight, drinking kava and sleeping in the town. About December 20, whilst one of them was asleep, some over zealous officials captured him and

put him in the chief's house, but two of the others came up with their guns and demanded his release. He was at once untied and walked away. Since Christmas they were in the town continually, and never lacked pigs and the best food. These men were outlaws; there was a reward on their heads dead or alive, and it is impossible to conceive how they held out for four months, except that they were countenanced by the chiefs. They are of course suspected of the shooting. One of them used to work for Mr. Baker formerly, and report says he recognised this one by the flash from the gun. The four of them as usual fired their salute in the Mua township early the next morning and were met on the road by Kupu, a native judge, at ten a.m., who spoke to them. The King's fighting men from Bea were sent again to catch them but agar did not succeed, but arrested "Tuboi," who was involved in the getting up of a petition adverse to Mr. Baker three or four years ago, and was sentenced to transportation to a little island, which is always spoken of as a piece of tyranny. The English man o'-war Espeigle shortly afterwards came and released him and some four others. He is chief of a small town, and his arrest nearly caused a general engagement at the Mua. Every man in the place turned out with guns, axes, clubs, etc. The Catholic men marched up in ranks, the yelling was terrific, as the women and children joined in, all with faces painted red, black, and yellow. The chief called out, "All the King's friends come to this side of the road." The Mua men said, "We will fight for the King, but not for Baker," but eventually Tuji quietened them, and prevented any general rows.

On Sunday there was quite a large number of whites at the Mua, as fighting was hourly expected. The unanimous feeling was sympathy for the two invalids. Fehoko, one of the four men, surrendered today to prevent his mother being outraged and punished for him. On Monday the other three gave themselves up, after breaking their guns, for the same reason. On Tuesday the town was quiet, but great uneasiness is felt, as the Government have sent two schooners for all the Haabai and Vavau warriors, as Mr. Baker cannot trust the Tonga men. As several arrests of suspected persons have been made without disturbance, there is no pretext whatever for sending for more men; but it is the opinion of most people that Mr. Baker sees his day is over in Tonga, and he wants to revenge himself.

Thursday.-A great many boats have arrived full of armed men, also two schooners with some 400 men. There was a fearful yelling, and the warriors marched round about firing their guns in all directions. In the afternoon a crowd of them massed round the prison, yelling and beating in the doors with their rifle butts. Four shots were fired, which penetrated the prison walls; the holes are still to be seen. The Government arrested a youth named Fekau from the Wesleyan College. They bound him, and in the public road thrashed him; threw him down and kicked him. This man is suspected of having spoken to one of the men who are suspected of having done the shooting at the Premier, but nothing is proved yet.

Friday morning.- The Haabai men, in their war-paint, commenced looting the Wesleyans. A gang of them went up to Mafaga, shot a number of their pigs and fowls, and took away the goods in their houses, after looting one man's house and belongings. Hammi is the man's name. They asked if he had anything else. He bent down his head before them, and said, "This is all; take it." They said "No, we will leave your body to the Vavau men." One man cornered a pig, and snapped his gun seven times at it, and then said he would let it off, as it must be a "Free Church" pig. In the "Old Town" the looters were resisted by the Wesleyans,

who seized an axe from one man and re gained some of their slaughtered pigs and fowls. The looters soon returned in greater force than before, but the Government sent to stop them. Orders had been given that not a shot was to be fired or any looting to be done, but the people seemed to take no notice whatever.

Saturday.- The Haabai warriors started out early in gangs, and plundered a number of towns and country villages, so far as the Wesleyans are concerned. In the district of Homa the Wesleyans were stripped of all their possessions, and turned out of their homes at nine p.m., and came down to Nukualofa; some in carts and drays, some on foot; arriving in the town at five a.m. It is not to be wondered that several conversions have been made. Takai, a Government man, put his loaded gun to the breast of a Wesleyan, and asked him, "Will you turn to the Froe Church, or I shoot." It may safely be said that about three fourths of the Free Church people only turned to keep their Government appointments or to escape persecutions, or through personal fear.

It appears now that King George did not want to send for the Vavau and Haabai warriors. "What necessity" he asked, "is there to send for them? And when they come here is nothing for them to eat. They will only create trouble;" but Mr. Baker implored him, saying, "For six years I have not asked a favour of you, King George." I will conclude with the final statement, that I have not yet heard a single native express sympathy for Mr. Baker; and, from their general talk, I am convinced that another attempt will be made on his life if he is not removed.

The Government schooner is wailing in the harbour fully armed with guns and ammunition, and her cables ready to slip and put to sea at once, should any emergency arise making it necessary for Mr. Baker to decide upon going to Auckland in a hurry. This, taken in connection with his request to have the English flag hoisted over his dwelling and property, gives one a good notion of what his ideas of his own personal safety are.

Captain Lane gives the following additional particulars from his diary :-"Some assert that the men who gave themselves up could not have done the deed of attempted assassination, as they were seen at the Mua, twelve miles away, about the time. Mr. Baker says there were several men, and that he saw the flashes, so that the assassin had a double-barrelled gun, or else there were two men, one covering the other. Nothing has been proved yet against any person. On the 20th January the schooner Malakula, crowded with men, arrived from Haabai. They attacked the prison, smashed in the doors, and demanded the prisoners that they might cut them up, although it is probable that they are innocent.

Mr. Moulton applied to the Consul for protection, as they were firing ball cartridge, and in the direction of the College, which protection was given by posting notices warning anyone from interfering, and hoisting the British flag over the property. As Messrs. Moulton and Giles were walking along a shot was fired which passed close to them, and went through house, and fell in the road, where it was picked up, and brought to them by woman. Another ball passed close to Mr. Richardson. On the 21st, the Haabai men fired at a Wesleyan Fakaogo, the ball grazing his head. This afternoon (the 22nd) another shot was fired close to Mr. and Mrs. Moulton, who saw the man fire, but did not know till afterwards that it was fired at them, it is supposed with the intention of frightening them. On the 23rd

the Wesleyans from the town of Hounua came in, having been driven away from their homes and their property by the Government men. Notwithstanding the persecutions the Wesleyan services were well attended, and the evening service in the college crowded.

Mr. Baker says Europeans are concerned in the shooting, but so far as Captain Lane could learn, no Europeans said more than to call the attention of the natives to some paragraphs in the papers recounting some assassination, and told the natives that was the way tyrants were served. There is universal dissatisfaction from end to end of the kingdom. Everything goes to the Government, which takes two-thirds of the entire produce of the country, so that the natives are reduced to poverty, and the traders are ruined, yet afraid to speak lest it should be worse for them. It is impossible things can go on longer as they have been doing. If the King should die, Mr. Baker's life would not be worth an hour's purchase. Mr. Baker attributes the bad times to the failure of the nut crop, but we have had several failures during the past years but never suffered like this, but then the Government took less than half they do now, and the tax was often remitted after hurricanes. The population, too, is rapidly decreasing, as the people become disheartened; they soon succumb to disease, and they dare not speak, as everything is done in the King's name, who is now in his dotage.

When the Maile left Tonga the place was in a great state of excitement, and it was daily feared that the natives would commit some further outrages, and business was at a complete standstill, no one feeling disposed to do anything whilst matters were in such a disquieting state. The town was in a state of martial law, and the warriors brought from the neighbouring islands wore daily committing acts of looting upon the peaceable residents in and about Nukualofa.

It was expected that Mr. Baker and family would come on to Auckland by the Tongan Government schooner Sandfly as soon as it was possible to remove the two invalids. Mr. Baker was suffering very much from the severe shock to his system.

[172] A EUROPEAN MERCHANT WRITES TO A SYDNEY PAPER

[A.W. Mackay to Sydney Morning Herald, March 3rd, 1887.

Appendix. Report of Sir C. Mitchell etc, etc, London 1887. pp. 127-128.]

.....

They said (The Catholic Priests) that Baker was feared by many, but hated by all, loved and respected by none; Mr Moulton was loved and respected by all. They also said there had been an attempt to shoot Baker, and that had failed. Six men had already been shot, some of them innocent; five more were to be shot, three of whom were innocent men; still, there were many more on his track, and some of these were so embittered by his tyranny that they were more like demons than human beings.

You will already have heard via New Zealand of the attempt to assassinate Baker, the Premier, so I need not repeat the whole of those wretched details. Suffice it to say that, as soon as he got over his fright, he had the whole of the male population of Tonga turned out

to search for the unfortunate men. The poor fellows quietly gave themselves up; still Baker thought it a fine excuse to put the island under martial law, and therefore, in defiance of the wish of the King and high Chiefs, he sent an order to Haapai and Vavau for a regiment of warriors from each place. In due time between 600 and 700 ruffians, all painted and in war costume, and armed with every conceivable weapon, from the ancient club to the modern Martini rifle, with 'bayonet fixed,' arrived, proceeding at once to burn, fire, and otherwise outrage the inoffending Wesleyans. It is worthy of note that immediately after being fired at, Mr Baker sent for the British Pro-Consul and requested British protection, and to have the British flag hoisted over his house. As soon, however, as 'his Haapai rowdies' (as he proudly calls the ruffians who have arrived from that quarter) arrived, he removed to the King's palace and required the British flag no more. This conduct gave rise to much comment. No one seemed to know of what nationality he really is, but this much is known, that some years ago he was foiled in his attempt to become a German subject, and that he thereupon passed the law concerning letters of denisation. As soon as he could put this law in force he took out his papers and declared himself a Tongan subject.

The six men who gave themselves up were brutally treated by their captors before being placed in the prison. One of them, of whom they were all afraid when he was at liberty, was so ill-used after the irons were riveted on by the blacksmith, that his life was for a time despaired of his teeth knocked out with the butt-end of a musket, and his leg and ribs were broken. The trials were a disgrace to even Tonga itself, which has long enjoyed a most unenviable reputation for unfairness and corruption. The most disgraceful part of all is the fact that an Englishman is at the bottom of it all.

The trials were conducted with closed doors, and no Europeans were admitted into Court save the British and German Pro-Consuls, and the former not understanding the language, and not being permitted to bring an interpreter into the Court, found that he could do no good, and therefore stopped away. Reverend J. B. Watkin, the new minister of the Tongan Free Church, was also present, and sat in judgment with Mr Baker. Mr Baker was Judge, prosecutor, and counsel combined. The jury was a 'packed' jury, and was composed of Baker's creatures; none other than Baker's creatures were admitted into Court. No Wesleyans or Catholics were allowed within the doors. Mr Baker addressed the jury as a Judge, and Mr Baker distinctly said to them - referring to one of the prisoners - 'Remember that the prisoner has confessed to having participated,' a thing that he had not confessed at all. Not only that, but Baker went out with the jury - little wonder that they were all convicted. One of the jury, a man named Titi, refused to hold up his hand as a signal of finding one of the accused guilty. When asked about it he said that he thought a jurymen must obey his conscience. He was quickly silenced, and was told he had no right to differ from his betters. They were all finally found guilty of having participated, and condemned to be shot. Some of the doomed men were Wesleyans and some were Roman Catholics, yet neither Mr Moulton nor the priests were allowed to see the poor men after sentence. Mr Baker promised the priests that he would give them due notice and plenty of time to administer the last rites, yet the men were hurried on board the schooner at midnight, so as to get them away before they could make a confession. We afterwards learned Baker's reason for this, for on the way from Nukualofa to Malinoa two of the men confessed that they alone were guilty, the others being perfectly innocent. They also declared that the Wesleyans had nothing whatever to do with the affair, that it was a political plot to remove

the tyrant Baker, and that the highest Chiefs in the land were implicated and were the instigators. A similar confession was made at the place of execution, and all the Wesleyans declared that they were innocent to the last. I believe that others are publishing newspaper reports of the execution. I shall not, the details are too horrible. Tui Toko, the Minister of Police, behaved like a very demon, dancing and singing, taunting and jeering at the unfortunate men in their last moments, remarking, 'Now we'll try your courage,' and 'Now you will go to hell,' 'Now I'll have your daughters,' &c. A document petitioning the old King to temper justice with mercy, and asking him to relieve the unfortunate men, had been hastily prepared, and signed by all the Europeans in the place, including both the Consuls and the Roman Catholic priests. It was presented to Mr Baker by the British Consul. Baker said: 'I will ask you one question before I look at it. Is Mr Moulton on it? If it is, I will not touch it, or let the King see it.' On being told to look, he read it. Then coming to Mr Moulton's signature, he said, 'I thought as much,' and refused to receive it at all.

On the 3rd instant it was reported that six more men were condemned to be shot, and that Tevita Fenau, an ordained Wesleyan minister, was amongst the six. Inquiries were made, and it was found to be correct. It was also reported that thirty more were to be shot. All the European residents protested strongly against any more executions, and many resolved that before they would allow Tevita Fenau to be taken on board the death-schooner they would shoot Mr Baker, and end the whole disturbance. One gentleman went so far as to enter the King's Palace, and warned Baker that if he spilled any more innocent blood he (Baker) should die. Baker remarked that if a single white man touched him, every white man in the place would be massacred. Owing to the threatening attitude of the European residents and the admirable firmness and tact displayed by the British Pro-Consul, Mr W.E. Giles, the evil day of legalized murder was indefinitely postponed.

[Note: Sir Charles Mitchell commented in his Official Report (paragraph 58) that this was "a fair sample of the exaggerated accounts that were sent to Fiji, Australia and New Zealand. The exaggerations were not confined to one side."]

[173] THE ASSASSINATION ATTEMPT: BAKER'S STATEMENT

[Appendix. Report of Sir C. Mitchell etc, etc. London 1887. p.150.-]

OFFICIAL REPORT OF THE REV. S. BAKER IN REGARD TO THE ASSAULT ON HIMSELF AND FAMILY ON THURSDAY. January 13, 2887.

After dinner on Thursday evening, at 7.40 P.M., I ordered the buggy to be ready, and got into it with my son and daughter, ordering at the same time my driver to follow on with a horse behind. I have not been in the habit of driving of an evening, but as we had a fresh and rather restive horse in the buggy, I told my son that I would drive.

I was sitting on the front seat, my daughter being seated immediately behind me, and my son sitting beside her.

The horse being fresh was travelling rather fast, and as soon as it got near Many Halaevalo's house it shied at a native who was standing directly in the road. My son Shirley called out "That man has a gun," and immediately jumped out of the buggy and commanded him to put his gun down, stepping towards him as he spoke. I was unable to pull up the horse, but I noticed that there was another man also with a gun, in a stooping position, looking forward, evidently to see where I was, the light of the buggy lamp shining full on his face. There were two other men a little farther on; also with guns, and there was also what I took to be a woman at a little distance, and a reflection like the shadow of some one else a short distance from her.

The horse was still travelling, and my daughter jumped up from her seat and leaning forward threw her arms around me. I must have given the horse an extra pull on the right-hand rein, and he made a swerve, when immediately a gun was fired by the man first seen, and from the double flash it must have been a double-barrel gun that was used. Both my son and daughter saw distinctly by the flash the man's face who fired, and also the whole of the vicinity. My son seeing he was aiming at me stood between the man and myself, thinking no doubt to protect me. After the gun was fired my son called out that he was shot, when my daughter immediately let go of me, and said, as she jumped from the buggy, "I must go to Shirley; he is shot,"

The horse being wounded also made a plunge, which caused my daughter to be thrown on the back of her head.

She then called to me to drive on, and to my son Shirley to run, and As I did so, Shirley told me to drive on, as he would be all right.

As the horse bolted round the corner of the King's Palace past Mr Watkin's house I tried to guide him towards Tui Toka's house, and succeeded in doing so. I saw Tui Toka, who was at a house opposite, and I then drove to the College, and directed the people there to go down at once and see what assistance they could render, and then I went to the doctor's and asked him to go at once to Shirley's assistance.

The doctor called my attention to the horse bleeding, as he jumped into the buggy; and I then for the first time noticed that several bullets or slugs had struck the buggy itself, one having smashed one of the buggy lamps, and several others having gone through the leather apron.

I drove the doctor part of the way, until, meeting Mr Watkin, I went with him to his house.

British Consulate, Tonga, January 15, 1887. (Signed) SHIRLEY W. BAKER.
(Signed) Wm. E. GILES, British Pro-Consul, Tonga. January 15, 1887.

[174] STATEMENTS BY TWO NEW ZEALANDERS

[Appendix. Report of Sir C. Mitchell etc, etc. London 1887. p.55.]

73. Charles Allen Edenborough, sworn:-

Trader. Live at Auckland, New Zealand. In January last I was here, I called at Mr Moulton's. I had a conversation with him. This was on either the 11th or 12th January. Mr Moulton said, "You (Mr Baker) were liable to be assassinated at any moment." He said reflection would be cast upon him if it took place.

I think that some prisoners had escaped at the time, and that Mr Moulton appeared to think that they might make an attack upon Mr Baker.

Cross-examined by Mr Moulton:

You told me that the thing you dreaded of all others was that an attack might be made against Mr Baker, and that if it was made there was no knowing how far the people would go.

You said it was not the Wesleyans alone, but the whole country that was smarting under Mr Baker's tyranny.

74. Robert G. Hatten, master mariner, resident at Auckland, New Zealand sworn:-

I remember calling at Mr Moulton's on the Monday night before the attack on Mr Baker.

I do not remember Mr Moulton saying anything about prisoners. Mr Edenborough was present. Nothing was said about an attack upon you. Mr Moulton said that it was common talk that the people might rise at any moment. Mr Moulton said that he would always counsel the people to obey the law, and that he always had done so.

Some one said that if the natives were Englishmen they would rebel. Mr Moulton asked us not to speak in that way, as if natives rebelled there was no telling where they would stop.

[175] THE NATURE OF THE CONSPIRACY: SIR CHARLES QUESTIONS BAKER

[Appendix. Report of Sir C. Mitchell, atc, etc. London 1887. p.75]

153. Mr Baker, questioned by High Commissioner:

Q. Do you charge that the conspiracy against you extended to people out side those actually caught? - A. Yes.

Q. Do you charge the Wesleyan body with it? - A. I do not.

Q. Do you charge any particular denomination or body of men as being, as a body, concerned in the conspiracy? - A. I do not; there were more Wesleyans in it than any other.

Q. You do not charge it as a Wesleyan conspiracy, or as a Tubou College conspiracy, or a Roman Catholic conspiracy. Is that clear? - A. Yes, Sir, but there were others that joined in it.

[176] BAKER'S PRECAUTIONS

[Appendix. Report by Sir C. Mitchell, etc, etc. London 1887. p.78]

162. Mr Baker (recalled). By High Commissioner:

Between the attempted assassination and the arrival of the Haapai and Vavau men there was no disturbance in Nukualofa. I advised the King to send for them, because attempts had been made previously to catch the outlaws, and they had always failed. The police reported that the Mua people were in league with the outlaws, and they were consequently always being put upon the wrong scent. We had reason to believe that treasonable conspiracies were being carried on in the same district.

If I had the thing to consider over again I would not ask the King to send for the Haapai men. Subsequent events have, I think, shown me that it would have been wiser to have used the force available in Togatabu.

The outlaws had been in the bush about five months.

I think that some of the conspirators were hostile to the King. The majority of them were hostile to me personally.

The outlaws were, I believe, the tools of others. I think that some Wesleyans were influenced against me, and made use of the conspiracy to serve their purpose.

I believe that Mr Moulton knew that my life was in danger. I think he had deep convictions that the outlaws would shoot me.

When the Haapai people came I anticipated difficulty. I tried to get them sent back; I also tried to get them to take off their war paint. When I and that the Tongan men were also painted I found it was no use.

I prevented a review of the Haapai men; they were annoyed, and said I was making fools of them. After about ten days or a fortnight my suggestion was adopted that 100 men from each place should remain as a guard and the rest go. The attack upon the gaol was made with the object of killing the prisoners. After this I had no control over the Haapai and Vavau men. From the report the Haapai men were more violent than the Vavau men.

I sent a message in writing on the Friday morning. I stated that my life had been attempted, and my son and daughter shot, and that if the people had love for the Government, they should come down. I don't think there was any intimation that the people should come armed. The King sent messages also; I do not know the purport of them.

Before the reports of the war came I advised the King to recall the summons to the Haapai and Vavau men. I think I asked both the King and the Chiefs that the Haapai and Vavau men should be confined within Nukualofa. The Haapai Chiefs were Kilolohea, Tuita, Tuifua, Taufatofua, Afiafi, Timoti, Foliaki, Paula Maafu. I know of no punishment having been inflicted on the Haapai and Vavau men or their Chiefs. I think that in many instances the men had broken away from the control of their Chiefs. I went to the King a great many times about the conduct of the warriors. He seemed to agree with me that their conduct was very bad. The men were sulky at going away. I do not think that they took any property away. There was not room for much in the boats they went away in.

Before I received Mr Leefe's letter I had told the King that I would resign if things went on as they were. The King sent out the messages on the occasion of my telling him so. I do not think there is any general resentment against me on the part of the natives on account of the laws I have proposed. I think there is a general feeling of resentment against me on the part of the Europeans on account of some of the laws. The customs laws were

started chiefly on account of the difficulty I experienced in getting statistics. The Pound Law has caused very considerable annoyance. The old law was that the man who put a horse in the pound should be rewarded. This has been altered. With regard to the complaints about stealing ropes, I advised that native should not be allowed to use European ropes at all, but I could not carry my point.

[177] LOYALTY AND CONSPIRACY: SIR CHARLES MITCHELLS OPINION

[Report of Sir C. Mitchell etc, etc. London 1887. Paragraphs 65 and 68.]

65. On one point, I think, there can be no difference of opinion, and that is on the absolute loyalty of all the people, without distinction of rank or creed to King George Tubou. The very people who disobeyed him in the matter of the Free Church would, I believe, die for him if he were in danger. If a conspiracy existed in the end of 1886, and I am inclined to believe that one did exist, it was directed against Mr Baker and his Government, and not against the King.

.....

68. The conclusion to which I have arrived is not favourable to Mr Baker: although great allowances must be made for the difficulties of his position in the earlier, and for the perturbation of mind (caused by the attempt to assassinate him) during the later period. I should, undoubtedly, have exercised the power vested in me, under the Western Pacific Order in Council, of prohibiting Mr Baker from remaining in Tonga for a period, had it not been that I felt that his presence with the King would, after the warning which my visit to Tonga had given, be the best means of preserving peace.

[178] TONGAN REACTION TO BAKER'S EVENTUAL REMOVAL

[The Spectator, Melbourne. August 29th 1890.

Contributed by Dr Fison, in An Autobiography, by George Brown. pp.452-454.]

On July 17 thousands of people, men, women, and children - in fact, the whole population of Tongatabu - turned out to fete His Excellency, by offerings of food, and fruit, and flowers, after the fashion of the olden times. Everybody gave something - a yam, kava, a comb, an egg, etc., those who had nothing else laying down a rose or two. The great multitude passed before Sir John in single file, each depositing his offering as he passed, and then taking his place among the crowd of spectators. We have already told our readers how King George thank Sir John personally, 'as he had never thanked man before,' with the significant gesture of his hand placed on the back of his bowed head; and now, when all the thousands of natives had passed, and had taken their seats on the grass, the spokesman arose, and, standing before Sir John, thanked him again in the present of all the people for 'freeing Tonga,' as he said, 'from tyranny and the devil; so that Tonga - oh, happy day! - is again a free land, and breathes and lives.' Thus the whole people individually, and the King's spokesman (Motuabuaka), on behalf of the King and people, expressed their thankfulness. But the two incidents which, next to that remarkable gesture of the King, are the most interesting and significant of all, remain to be told. We may add here that the King's gesture

was accompanied by the word 'faimalie' - untranslatable, but expressing an acknowledgment of the deepest obligation and devoted thankfulness for a supreme benefit received.

The first presentation made to Sir John was the grandson of Tungi, the Head of one of the Royal clans akin to that of King George. The child was borne in a man's arms, carrying in his little hand a model of a Tongan war club, which he gave to the High Commissioner. His Excellency said, as he received it, that it would be placed with King Thakombau's battle-axe, and other highly prized memorials of his life in the Pacific. We are almost afraid to say what the meaning of this act is. Our readers will note that the child was presented as well as the club, and the presentation of the grandchild is of special significance.

The second and even more remarkable incident is as follows: The Tui Tonga fefine, at the head of forty-eight ladies - who advanced in close order, three deep, sixteen in each line - came forward, and placed round the High Commissioner's neck a garland of a certain special kind, which in the old days could be worn by none other than the Tui Tonga himself, and not even by him excepting on certain specially sacred occasions. It is not too much to say that, according to the old notion, this was actually paying Divine honours to the High Commissioner. This is by far the most astonishing of all the remarkable actions that were performed. Power, as represented by the club and the King's gesture, might be conferred upon an alien, but the gift of the garland was an acknowledgment of inherent hereditary sanctity. It was a distinct act of adoption and investiture. We congratulate His Excellency on his acquisition of the mana.

The significance of these three things, from the native point of view - the King's gesture, the war-club, and the sacred garland - is some thing astounding. Our acquaintance with native custom hardly permitted us to believe the evidence of our own eyes as we read the letter of our correspondent, a gentleman of long experience in the South Seas, who was an eye-witness of the whole affair; but even those who have no such special knowledge cannot fail to perceive in these incidents the profound sense of national obligation from which they sprang.

F. THE SECOND BRITISH INTERVENTION: THE FALL OF MR BAKER

[179] CONTINUING TROUBLES 1887 – 1890

[H.B.M. Vice-Consul Leefe to Moulton. Letters.
Archives of the Free Wesleyan Church of Tonga, Nuku'alofa.]

(Note: The Free Wesleyan Church Archives contains dozens of letters from H.B.M. Vice-Consul to Mr Moulton covering the period following Sir Charles Mitchell's visit (March 1887) up to the visit of Sir John Thurston (June 1890). The following four extracts are typical examples.)

(i) *Fines*

British Consulate, Tonga,
May 23rd, 1887.

Sir,

I have the honour to inform you with reference to your letter of the 13th inst. complaining of one of your servants being fined for being partially unclothed inside your fence that the Honourable the Premier has promised to remit the same and the man shall be released today.

I have the honour etc.
(Signed) R. Beckwith Leefe.

(ii) *Law of six, Exiles*

Deputy Commissioners Office,
Tonga. June 30th, 2887.

Sir,

With reference to the letter you sent through me to His Excellency the High Commissioner on the 31st ultimo I am directed to inform you that His Excellency understood that the Law of the "Six" should be held to mean residents who have been one year in any town but that he sees by the new ordinances - a copy of which I forwarded - that a fresh restriction is imposed, as the expression "any public service" appears to have been substituted for "preaching" and that the residence in the town is not to apply unless the resident has attended "fonos".

With reference to the ordinance forbidding persons to go from one town to another to swell a congregation His Excellency, considering late events and that the said Law is limited to one year, is not disposed to question the wisdom of its general principle but that he considers it would be but reasonable that where a town contains a sufficient number of persons of a denomination entitling it legally to hold a service and at the same time a neighbouring town has not such number of residents, that those belonging to the latter not exceeding five (for if they exceeded that number they could hold a service of their own) should be at liberty to attend the service to be held at the former.

And I am directed by His Excellency to commend this view to the favourable

consideration of His Majesty which I shall do as soon as time permits, and also to bring to his notice the subject matter of the first paragraph of this despatch.

I am also instructed to inform you that His Excellency is sorry to observe a tendency on your part to depart from the careful and circumspect course which you had promised to pursue and I have most strongly to impress on you the necessity for some time to come and until the natural soreness created by recent events has to a great extent disappeared, not to press disputes and difficulties of a mission nature or to give ear to rumours conveyed to you by Europeans and others.

With reference to Josuia Lolohea His Excellency regards the sending of this man to Fiji as a precautionary measure for his own safety and as such was consented to, and with regard to the request, contained in the last paragraph of your letter in which you urge His Excellency to use his good offices with the Tongan Government with a view of a speedy return to Tonga of the Wesleyans recently "deported to Fiji", I am further instructed to inform you most clearly that His Excellency would regard as most unfortunate the return at this juncture to Tonga of the Wesleyan Ministers, local preachers and others who by their own free will and on a proposal arrived at between you and myself and acquiesced in by the Tongan Government went to Fiji to avoid persecution, and therefore declines to comply with your request, and further that if applied to for advice by these people His Excellency will unhesitatingly recommend them not to return until sufficient time has elapsed for political and religious excitement to subside which I need hardly remind you is as yet by no means the case.

I am also desired to express His Excellency's regret at the allusion (with reference to Josuia Lolohea) to the possible interference of the New South Wales conference as he had hoped that you would have learned from the recent disclosures that any such interference by that body would be the surest means of rekindling the fires of religious animosity.

And I am further directed to request you in future to be good enough to address your communications to the Tongan Government through me.

I have the honour etc.

(Signed) R. Beckwith Leefe,

(iii) Reference to Sir C. Mitchell's terms

British Consulate, Tonga,
September 26th, 1887.

Sir,

I have the honour to acknowledge the receipt of your letter of even date re the further doings of the Chiefs Nuku which I shall immediately address the Tongan Government upon.

I should be much obliged if you will send me a copy of the publication of the King's letter to Sir Charles Mitchell and also Sir Charles Mitchell's letter stating the terms on which Mr Baker was allowed to remain as I have seen neither of them.

I have the honour etc.

(Signed.) R. Beckwith Leefe.

(iv) Thrashing of children

.."

British Consulate, Tonga.
September 27th, 1887.

Sir,

With reference to your letter of the 12 inst. re the thrashing of Wesleyan School children for non-attendance at the school master's house to recite the Free Church Catechism.

I have the honour to inform you that I have received a letter from the Tongan Government telling that "the Government have informed the school master that his duties as a Government School Master do not extend to the Sabbath".

So that it may be expected that further annoyance from this source will be absent.

I have the honour etc.

(Signed) R. Beckwith Leefe.

(v) Taking away of lands

British Consulate, Tonga.
March 20th, 1888.

Sir,

I have the honour to acknowledge the receipt of your letter of even date and immediately upon its receipt I took steps to direct the Interpreter of the High Commission Court to attend at the Tongan Police Court and report the result of the trials you inform me are pending to the nine especially as to the defence set up by the accused as I have been informed by the Premier on Jan. 30, Feb, 3 and again on Feb 10th that these abis are only technically taken away and that for all practical purposes they still have the full use of them, drinking the nuts, using the ground for plantation and deriving every advantage from them. And on being pressed by me to state, the above being the case, what disabilities the Wesleyans laboured under from having their abis "technically" taken away, was informed that the only disability was "that they would not ultimately possess them" and on a further presumption on my part that continued good behaviour on their part would prevent their dispossession at all, I was told "the Government has nothing at all to do with it - the Law and Constitution enables the Chief to please himself in such matters."

This was the state of the case upon the receipt of your letter of today's date which it is unnecessary to say caused me some surprise, and as you will perceive a good deal depends as to the reason set up in defence for non-payment of taxes, and as unfortunately the Interpreter is out of town and therefore could not attend, I shall be glad if you will furnish me with the men's account of why they have not paid, I mean that which they stated in Court, and request that you will caution them not to say anything in the slightest degree exaggerated.

It is my intention to apply for a copy of the court proceedings so far as these men are concerned and as I wish for their statement to you as a check on the former you will see the necessity of great accuracy.

(Signed) R. Bechwith Leefe.

[180] THE CONSUL CHARGED WITH GROSS FALSEHOODS 1888

[Baker to H.B.M. Vice-Consul Leefe, January 30th 1888. MSS copy.
Archives of the Western Pacific High Commissioner, Suva, Fiji.]

King's Palace,
Nukualofa, Tonga, January 30th, 1888.

Sir,

I have the honour to acknowledge the receipt of your letter 88.5 and note you express your pleasure at Nuku being able to positively deny the truth of the statement contained in your letter. I note the name of your informant to that of the Rev. J.E. Moulton. I must again request that the name of the proper informant be given and must request the name of the native who informed Mr Moulton for it is simply ridiculous that the Tonga Government and the Tongan Chiefs should be put to such annoyance and expense as they have been and are in consequence of the gross falsehoods which are constantly being made the subject of consular correspondence without being able to punish the guilty parties for their misdeeds. I have in addition to say that the Government do not intend to take any further action on any such complaint, unless when the complaint is made name of the proper informant be also given - that is the person who informs Mr Moulton and any other person as the case may be.

In reference to the much vexed question of the abis taken away by Nuku. You seem to overlook the fact saving in the case of Heluhelu that all the other parties although technically their abis have been taken away yet they still have the use of the same drinking the nuts, using the ground for plantation and deriving every advantage from them. With reference to Heluhelu His Majesty considers Nuku is perfectly justified according to Tongan Law in taking away his abi and also that of his son who was one of the assassins and condemned and sentenced to death.

I have the honour to be,
Sir,
Your obedient Servant,
Shirley W. Baker,
Premier.

[181] SERIOUS ACCUSATIONS AGAINST OFFICERS OF HER MAJESTY'S GOVERNMENT.

[Typescript document signed by Wilfred Collet, Secretary to H.B.M.'s High Commissioner for the Western Pacific, Suva, Fiji, 15th March 1890.

Archives of the Western Pacific High Commission, Suva, Fiji.

The document is not addressed, but it is signed by Wilfred Collet, and dated.]

Concerning Libels which have been published by Mr. Baker on Officers of the Government of Her Majesty the Queen of Great Britain and Ireland.

In the year 1888, when the General Wesleyan Conference of Australia was sitting in Melbourne, Mr. Baker, the Premier of Tonga, forwarded to several of its members copies of a book called the "Tonga Government Blue Book", which purported to contain a Report of Tuuhetoka, the late Minister of Police in Tonga, respecting the attempted assassination of Mr Baker in 1887.

And in this report were said many things about Mr. Symonds, the late British Vice-Consul at Tonga, about the Court of Her Britannic Majesty's High Commissioner for the Western Pacific, and about officials of the British Government.

Now the things that were said, and the charges that were made were very serious, and they were untrue.

And these were some of the things that were said.

It was also stated by the bushrangers on oath that the night they escaped from the prison and stole four of the Government rifles that one of their number went to the British Consul, and he supplied them with powder, shot and caps. Since the attempted assassination one of the rifles that belonged to the escaped bushrangers was found at the British Consulate with the name of the bushranger cut upon it.

And the Report says, with respect to the trial of the Englishman named Hanslip, who was accused of encouraging the 'outlaws' to kill Mr. Baker that "Civilized Courts and the great nations had a different and queer way of doing things".

Now Mr. Baker did not send a copy of this Report to Her Britannic Majesty's High Commissioner for the Western Pacific, as he ought to have done; and His Excellency only heard of it afterwards. And when the High Commissioner read a copy of this Report he asked Mr. Leefe, the British Vice-Consul what was the truth about the gun which was said to have been found at the British Consulate. And Mr. Leefe replied that there had been a gun lying for some years at the Consulate, and that it was very old, and it had no lock, and it was useless and could not be fired. And when the Tongan Arms Ordinance of 1887 came into force Mr. Leefe said to Mr. Baker "I have an old gun here, and in order to set a good example to British subjects, so that the new Arms Ordinance may be cheerfully obeyed, I will give it up to the Tongan Government if you will send for it." And Mr. Baker sent Tuuhetoka for the gun, and Tuuhetoka received it. But Tuuhetoka did not find that gun: it was given to him as arranged by the Consul with Mr. Baker. And on this gun were two names cut. One was "Ra Turaga", and the other was "Ratu Tui Vuna". Now the Tongan Chiefs know very well who: "Ra Turaga" was. For he was the great Chief of Cakaudrove in Fiji. And his fathers before him were called "Ra Turaga", and his son after him is called "Ra Turaga": because the High Chief of Cakaudrove has always been called "Ra Turaga". And Ratu Tui Vuna is the name of the Chief of Vuna on the Island of Taviuni, and he is a chief who is fakaongo to Ra Turaga. And the gun was taken to the Consulate in Tonga in the year 1879 when some material taken from Fiji to Nuku'alofa to thatch the Consul's house.

But it was told to the King of Tonga that the name Latu was written on the gun. And this was not so. But Tuuhetoka could not have made a mistake because he spoke Fijian well, and knew many of the Fijian Chiefs. And although many Tongan cannot pronounce the letter R, and pronounce it like L, yet Tuuhetoka could pronounce the letter R; and when he saw the words "ra" and "Ratu" he must have known it was R and not L and that the name "Latu" was not cut on the gun. Neither would he have cut off the two syllables "raga" for the purpose of making the remaining part of the word "Ra Ruraga" sound like the name of the man Latu who was executed at Malinoa.

And about the trial of Hanslip, and the statements made on oath by prisoners concerning the late Mr, Symonds. Many prisoners had been sentenced, to death, and they were told that if they gave their evidence against certain persons their lives would be spared. And they spoke to save their lives. And who will believe such men? And when Hanslip was tried one of these men said "what I said in the preliminary investigation was all lies, and I said it because I was under sentence of death."

And this matter of the Report of the Minister of Police, and the statements about the gun were brought before the notice of the King of Tonga by Mr. Leefe. And the King of Tonga said "If we have made a mistake pray pardon us, and I will cause a little book to be printed to explain the mistake".

And before the little book was printed the High Commissioner was shewn a letter which Mr. Baker had written to Mr. Brown, head of the Wesleyan Church in Tonga which is connected with the Conference of New South Wales and Queensland. And Mr. Baker said that Mr. Brown had caused the death of innocent women and children in New Ireland, and that an agreement had been come to between the officials of the British Government and Messrs Chapman and Hunt of the New South Wales and Queensland Conference, that if Mr. Baker was removed from Tonga Mr. Brown would not be punished, but that if Mr. Baker was not recalled Mr. Brown should not escape. And this statement which was made by Mr. Baker was utterly untrue.

And when the High Commissioner saw this he caused a letter to be written to Mr. Baker, to tell him that if he did not at once completely retract and fully apologise for having written such a libel about Officers of the British Government he, Mr. Baker, should be prosecuted in the Courts so that he might be punished. And Mr. Baker wrote a letter to say he fully apologised for and completely retracted the statement made in his letter to Mr. Brown. And translations of the letter to Mr. Baker and of his reply are annexed.

And the High Commissioner caused a letter to be written to Mr. Baker saying that he must withdraw all charges against the late Mr. Symonds, either of complicity in the attempted murder, or of supplying the "outlaws" or other Tongans with firearms; and also every insinuation that an impartial trial was not accorded by the Chief Judicial Commissioner in the case of Hanslip.

And in the month of January 1890, the High Commissioner received a printed paper which was called "Appendix to the Tonga Government Blue Book" which said that "it was not correct that one of the rifles belonging to the escaped bushrangers was found in the British Consulate with the name of the bushranger cut upon it". But this paper did not state all the facts with regard to the gun which was said to have been found. Nor was the matter referred to made right in an open frank way.

And the High Commissioner caused Mr. Baker to be informed that this Appendix to the Blue Book was not sufficient, and that the untrue charges must be withdrawn. And Mr. Baker wrote a letter to the High Commissioner in which he said "that notwithstanding what may have been the individual views of the late Minister of Police that it was a grievous error and mistake to print and publish such Report, or such portions of the said report which cast such

grave reflections on the officials of another Government". And Mr. Baker asked "permission to unreservedly withdraw all charges against the late Mr; Symonds, either of complicity in the attempted murder or of supplying the outlaws or other Tongans with firearms; and also all insinuations that an impartial trial was not accorded by the Chief Judicial Commissioned in the trial of Mr. Hanslip, and to offer a full and free apology for having printed and published such charges in the Australian Colonies".

And attached to this book are translations of the letters written to Mr. Baker on the subject, and of Mr. Baker's replies admitting that all that had been said was false.

And the High Commissioner had copies of all these letters printed, and sent them to the Government of the Queen and to the Admiral, and to the members of the General Conference of the Wesleyan Church in Australasia; so they might know that the statements in the Report sent them by Mr, Baker were untrue and that Mr, Baker withdrew these statements. And the High Commissioner has also ordered that this correspondence shall be translated into the Tongan language, so that the people of Tonga may know that the charges that have been made against Officers of Her Britannic Majesty's Government, and circulated by Mr. Baker, are not true and that they are now withdrawn.

It has caused the High Commissioner much pain that Mr. Baker should, as Premier of the Tongan Government, have said things calculated to make the King and Chiefs of Tonga think that the Government of the Queen of England, and its representative Officers were unfriendly to Tonga, or that they desired anything but its welfare and advancement. From the beginning the Government of England has befriended Tonga and will continue to do so.

[182] AN APOLOGY REQUESTED BY THE HIGH COMMISSIONER.

[Secretary to the High Commissioner to Shirley W. Baker.
Cyclopaedia of Samoa, Tonga, Tahiti, and the Cook Islands. Sydney, 1907. p 37.]

High Commissioners Office,
Western Pacific
Suva, Fiji, 9th Sept. 1889.

The Honourable S. W. Baker,
Premier of Tonga.

Sir

The High Commissioner is informed that in letters addressed severally to Rev. Geo. Brown, of Tonga, and the Rev. J. C. Symons, President of the Wesleyan General Conference, you have affirmed in respect of certain proceedings before H. M. High Commissioner for the Western Pacific, and before the Court of such Commissioner, in or about the month of November, 1879, wherein the Rev. George Brown was the defendant, that there was collusion between the officers of such Commission and Messrs Chapman and Hunt; at that time it is believed office holders under the New South Wales and Queensland Board of Wesleyan Missions in consequence of which collusion or conspiracy the ends of justice were defeated.

2. It is only but recently a similar case of slander against the lately deceased representative in Tonga of Her Majesty's Government, Mr. Henry Symonds, of which as well as the gross perversion of words and misrepresentations of circumstances on which the slander is founded you are, in his Excellency's belief, the prime author and sole publisher has come to his Excellency's knowledge.

3. You are aware that the subject has been brought to the notice of the King of Tonga, who his excellency is convinced, has no knowledge of the nature of the proceedings which, under the title of Premier of His Majesty's Government, you have officially taken to defame the English name and character and to impugn the honour of Her Majesty's Government, in the conduct of its officers, and the administration of justice through its duly constituted courts of law.

4. I am to inform you that unless within the course of six weeks from the date of the arrival of this despatch in Tonga the High Commissioner shall have received a full apology for, and complete refutation of, the libel against the court of the High Commissioner and "the officers of the British Government" contained in the letter to the Reverend George Brown and the Rev. J. C. Symons dated on or about the 11th of May last, and of which an extract is enclosed, legal proceedings will be instituted.

I have the honour etc.

(Signed) Wilfred Collet, Secretary.

[183] BAKER ATTEMPTS TO AVOID A FULL APOLOGY.

[Baker to Collet. October 8th, 1889.

Cyclopaedia of Tonga, Samoa, Tahiti, and the Cook Islands, Sydney, 1907. p. 37.]

I have the honour to acknowledge the receipt of your despatch dated Suva September 9th, 1889, and in reply to ask you to respectfully inform His Excellency the High Commissioner that the letter sent to the Rev. George Brown was marked "Private" and the copy sent to the Reverend J. C. Symons was not sent to him as President of tile Wesleyan General Conference, but as a private gentleman, and was marked "Private and Confidential".

2. In reference to your remarks relative to the deceased Mr. Symonds, and of the gross perversion of words and misrepresentation of circumstances in connection with the same, will you please inform His Excellency that when Tuuhetoka came and informed me that one of the guns of the outlaws had been found at the Consulate, and that the name of the outlaw was cut upon it, I told him to take it to His Majesty, and I never looked at it or inspected it, and therefore never know what were the words carved on the gun, nor did I enquire into any of the circumstances in connection with its being found, or anything about it, and it was not until my return to Tonga a few months ago that ever I handled the gun or saw the words carved on it, and I informed His Majesty that I considered he had been mistaken in the matter and that he ought to order the mistake to be rectified. You will, therefore, please inform His Excellency that it is incorrect to say that I perverted the words, for I never know what were the words to pervert, or that I misrepresented the circumstances of the case, for I know nothing about the circumstances; and not only so, but

it would have been absurd for anyone to suppose that Mr. Symonds had anything to do with the gun, for Mr. Symonds was not in Tonga at the time of the attempted assassination, for the Consulate was then vacant, and for some considerable time afterwards.

3. With regard to the statement that His Majesty has no knowledge of the nature of the proceedings which, under the title of Premier, I have performed I would ask you to inform His Excellency that I have never done anything affecting His Majesty or in His Majesty's name without His Majesty's knowledge of the same or without the expressed command of His Majesty. Will you please inform His Excellency That before I received your letter I had already apologized to the Reverend G. Brown and withdrawn the letter, and now, as desired by His Excellency; I would fully apologize for, and completely retract the statement made in my letter to the Reverend George Brown, a copy of which was forwarded to the Reverend J. C. Symons, and of which an extract was enclosed in your despatch to me of the 9th September instant.

I have the Honour to be etc.

(Signed) Shirley W. Baker.

[184] THE OFFENDING LETTER 1889

[Baker to Brown, 14th May 1889.

Cyclopaedia of Samoa, Tonga, Tahiti, and the Cook Islands, Sydney 1907]

[EXTRACT]

I should certainly have thought you, who escaped a felon's cell at Suva because I was made your scapegoat - for it is well known the understanding between the officials of the British Government and Messers Chapman and Hunt, that if I were not sacrificed and recalled you would not escape, but if I were recalled, you would be let go free on the charge of having murdered the innocent women and children of New Ireland in your murderous raid upon them - would have acted more honourably to an absent friend.

[185] THE HIGH COMMISSIONER DEMANDS AN APOLOGY 1889

[Collet to Baker. 13th November 1889. MSS copy. Archives of the Western Pacific High Commission, Suva, Fiji.]

(Note: Many of the words in this copy of the document are in abbreviated form,)

Sir,

I have the honour to acknowledge the receipt of your letter of the 8th October which I have laid before the High Commissioner.

2. As regards the libel contained in your letter to the Reverend Mr Brown as you have made a firm apology and retraction the High Commissioner will institute no prosecution in respect

of it. Of course it is out of His Excellency's power to debar the Reverend Mr Brown from pursuing his civil remedy if he still wishes to do so. Should that gentleman see fit to take his action the High Commissioner does not doubt that the Court would make in its sense of a very gross slander circulated under the cloak of Private and confidential communications.

3. With regard to the papers circulated by you under the title of "Tongan blue Book" and containing serious charges against the late Mr Vice-Consul at Tonga the High Commissioner has deferred taking action in the hope that the small book which the King of Tonga has expressed his intention of having printed will repudiate the accusation made.

4. But I may point out to you that the statement regarding the gun found at the Consulate is not the most libellous one contained in the Blue Book. It is merely one in a connected series of libels and slanders circulated, under the same cloak as referred to above, for the purpose of serving your private ends and among other things as His Excellency believes, to gratify your personal animus in Tonga against everything that is British. It must therefore be made perfectly clear that you unreservedly withdraw all charges against the late Mr Symonds either of complicity in the attempted murder or of supplying the 'outlaws' or other Tongans with firearms as well as every insinuation that an impartial trial was not accorded by the Chief Judicial Commissioner in the trial of Hanslip.

Wilfred Collet,
Secretary,
High Commissioner,
17 November 1889.

[186] "SERIOUS QUESTIONS" RAISED BY THE HIGH COMMISSIONER 1890

[Sir J.B. Thurston to King George Tupou I. July 1890. MSS copy.
Archives of the Western Pacific High Commission, Suva, Fiji.]

Sir, my Friend,

In accordance with your Majesty's intimation that I might have the honour of an interview with your Majesty during this week, I now ask that your Majesty will be go good as to appoint a day upon which your Majesty will receive me.

2. The subjects which I desire to submit for your Majesty's consideration are: -
- (1) That certain people who were sent to Tofua - as regards some of them, because they were adherents of the Wesleyan Church of Australasia and as regards others because they attended family worship at the residence of a British Missionary - are yet suffering Banishment from their proper homes, although they have never been convicted by any Court or accused of any crime known to the law.
 - (2) That it has been represented to Her Majesty's Government that, notwithstanding what it understood by your Majesty's promise relating to the freedom of divine worship, it is a fact that - owing to certain arbitrary laws and their still more arbitrary administration - British subjects, as such, are seriously injured and interfered with in

the exercise of the right of preaching the Church's faith as in aforetime accustomed; while such right is still fully exercised by Christian Ministers of other Nationalities. It results from the administration of these laws, and this differential treatment, that certain of Her Majesty's subjects resident in Tonga are placed in an unfavourable position as regards those rights and that freedom which are guaranteed by Treaty between the Government of Tonga and that of Great Britain, and also as regards the subjects of other Friendly Powers resident in Tonga, who as Christian Ministers are not subjected to the partial and unfair treatment complained of.

3. These are serious questions and I trust that Your Majesty will give them early consideration and grant that relief to which they are not only entitled upon the merits of the case, but by reason of that friendship which has so long existed between Tonga and Great Britain.

With every assurance of love and friendship
I have the honour to be
Your Majesty's obedient servant.
J.B, Thurston.

[187] THOMSON'S ACCOUNT OF SIR JOHN'S VISIT 1890

[Divisions of a Prime Minister, Basil Thomson. Edinburgh 1874.
Reprinted by Dawsons of Pall Mall. London. 1968. p.10ff.]

p.10. H.M.S. Rapid anchored at Nukualofa on the 25th June 1890, and on the 27th Sir John and his suite paid an official visit to King George at his house, the greater part of which was occupied by Mr Baker and his family. He found the king supported on the one side by his Prime Minister, and on the other by Mr Watkin, the missionary who had deserted his employers to become the head of the Free Church of Tonga. After the usual interchange of courtesies the High Commissioner asked the king to appoint some of his chiefs to represent him in a Conference on matters of State, and especially on the subject of the promises made to his predecessor two years before. After a long and painful hesitation, King George said that he would like the proposal to be put in writing, and that he would see him again in a few days. In taking his leave Sir John desired Mr Baker to visit him on board the Rapid that afternoon. This interview must have been a painful one for Mr Baker, whose system of diplomacy, being founded upon habitual concealment of the truth, was quite unsuited for an encounter with one who knew as much about the secret history of Tonga as he did himself. To the question whether he intended to support Sir John's proposal for the appointment of a council of native chiefs he would at first give no definite reply, hinting that if he were a party to the return of the exiles from Fiji he would be himself giving an opportunity for another attempt upon his life; but when further pressed, he affected to pity the High Commissioner's ignorance of native matters in thinking that he could go to the King and virtually tell him that he was thought too old or too foolish to manage his own affairs. He at any rate would refuse to attend any such meeting. Sir John assured him that he was free to attend or not as he pleased, but that as it was clear that he meant to prevent any Conference taking place, he would not be accepted as an intermediary between the High Commissioner and the King or of the native chiefs. Then Mr Baker tried to retrieve his lost

ground, and asked what he had done to forfeit the confidence of the High Commissioner; receiving his answer in the form of catalogue of his more notorious breaches of faith.

.....

p.13. The High Commissioner had now to consider whether, in view of the continual acts of oppression committed with Mr Baker's sanction and authority, and the dangerous irritation of the natives against him, his presence in Tonga would not almost certainly lead to the murder of himself and others after the ship of war had left the group. His life had already once been attempted before the higher chiefs had declared their hostility towards him. He decided - and after-events have proved the wisdom of his decision - that the case demanded the exercise of his authority under the Western Pacific Order in Council in prohibiting Mr. Baker from remaining in Tonga after the 17th of the month, when the mail-steamer would leave for New Zealand.

On the following morning Mr Collet, the Secretary to the High Commissioner and Mr Leefe, the Vice-Consul, called on Mr Baker at Mr Watkin's house, and handed to him the written intimation. He was doubtless congratulating himself at the moment on the success of his diplomacy, feeling secure that if Sir Charles Mitchell could not deport him in 1887 for fear of anarchy, none of his successors in office would dare to take such a step in the present embarrassed and disturbed state of the country. The letter came upon him like a thunder-clap: he turned very red, and asked if a reply was expected. "None," was the answer, "but we are to say that the High Commissioner will be glad to afford you protection from personal violence on board H.M.S. Rapid."

.....

p.14. During the evening a message was delivered from the chiefs that they wished Mr Baker to leave the king's house, as they feared he would do him some mischief. The High Commissioner tried to reassure them, but, two hours later, they returned with a sworn statement that they feared he would do the king some serious harm. It is probable that their real fear was that he would use the night to regain some of his lost influence, and that the progress or events would be arrested by some unforeseen action on the part of the king; but, as it was quite possible that, in the present temper of the people, Mr Baker might be roughly handled, the captain of the Rapid was asked to land a few marines and station them for the night at the palace already vacated by Mr Baker. Accordingly seven marines were landed unarmed under the command of a lieutenant. The veranda was occupied by a number of chiefs, and the night passed quietly.

.....

p.16. The vacancies thus created were rather numerous, for Mr Baker was Premier, Minister of Foreign Affairs, President of the Court of Appeal, Auditor General, Minister of Lands, Judge of the Land Court, Minister of Education, Agent-General, and Medical Attendant to the king.

.....

p.19. A day or two later the king visited the Rapid in his State barge, and the High Commissioner paid an informal visit to him the same afternoon. He found him attended by thirty or forty chiefs in the ordinary native dress, a sure sign that they felt at ease. After a

warm greeting the conversation turned upon Tongan affairs. Sir John expressed a hope that all petty oppression and persecution would now cease, and that the people would be allowed to return to their normal state of quietude. The king replied that he felt sure that a time of peace had arrived. The opportunity for testing the sincerity of his promises had come and the High Commissioner decided to ask him to do that which Mr Baker had persisted in declaring he would never do - namely, to allow those exiled to Fiji for their religious views to return. He referred to the chiefs present who had relations among them - to Fatafehi, Governor of Haapai, whose mother, Charlotte, the King's daughter, was among the exiles, though past sixty years of age. The king was visibly affected, and said, "I never sent them away: I did not want them to go. Let them come back. They were driven away. Bring them back to their friends." After a short silence the High Commissioner said, will you also release the people at Tofua and other places who have been deprived of their liberty for years past, in some cases for no other reason than that they attended prayers at the house of a Wesleyan missionary; others who have been unjustly convicted by illegal sentences being passed upon them; and others who are in confinement upon the personal order of Mr Baker, after being duly discharged by a judge of the Tongan Supreme Court?" The king answered, "Why go on? This is a day of joy. I do not want them to be imprisoned. Let us rejoice at what has happened, and let all prisoners be set free." The High Commissioner explained that he had not asked for the release of prisoners properly convicted of offences against the law, and that the wholesale liberation of such people might be inconvenient; but, nevertheless, every convict who had more than twelve months of his sentence to serve was turned loose upon society.

.....

P. 21. The mail-steamer Wainui anchored on July 17, and Mr Baker embarked before any one in Nukualofa was stirring. At ten o'clock the order of prohibition was served on him, and at half past two he left the islands for New Zealand. At ten o'clock the High Commissioner and his staff landed at the king's invitation to receive the thanks of the people for his exertions on their behalf. They conducted to seats on the lawn that separates the public offices from the sea.

[188] NOTIFICATION OF INTENTION TO DEPORT.

[Secretary to the High Commissioner to Baker. 5th July, 1890.

Encyclopaedia of Samoa, Tonga, Tahiti, and the Cook Islands, Sydney, 1907. p. 35.]

H.M.S. Rapid. Nuku'alofa.

5th July, 1890.

Sir

I am directed by the High Commissioner to inform you that, after a careful consideration of the existing state of affairs in Tonga, and of the disorders that His Excellency is satisfied are to be apprehended in the immediate future from your continued residence here, he has decided to prohibit your remaining in the Tongan Islands.

2. As being a person dangerous to the peace and good order of the Western Pacific, the

High Commissioner will prohibit your remaining here after Thursday, the 17th inst, subsequently to which date you will in the event of your disobeying the order, render yourself liable to imprisonment of a term not exceeding two years, and also to arrest and removal.

3. His Excellency deems it his duty to inform you that, according to the sworn evidence in his possession, given by persons who know the feelings of their fellow countrymen, your life appears to be endangered. There are natives, so His Excellency is informed, who would shoot you without hesitation did they not fear the consequences to Tonga from the fact of your being a British subject, but who, so exasperated are they, will kill you in any case, together with some of the Chiefs who have carried out your behests if you remain in the country.

4. The High Commissioner is aware from personal observation that you are attended by night by an armed guard, even while moving about the precincts of the King's house (the partial possession of which to the indignation of the Tongan Chiefs, you have recently taken) and His Excellency is also aware from trustworthy sources of information, that for a long time past you are never at night without such guard.

5. I am, therefore, to acquaint you that in giving you the present information His Excellency is also prepared, should you request it, to ask the Commanding officer of H.M.S. Rapid to afford you protection on board his ship at any time between this date and that of the order of prohibition as heretofore indicated.

I have the honour to be etc.

(signed) Wilfred Collet.
(Secretary)

[189] FEARS FOR THE KING'S SAFETY 1890

[MSS copies of Memorandum and Affidavit.

Achieves of the Western Pacific High Commission, Suva, Fiji.]

Memorandum,

The High Commissioner forwards herewith to Captain Castle of H.M.S. "Rapid" a copy of a sworn information by George Fatafehi and William Tugi, Tongan chiefs of the highest rank, to the effect that they are apprehensive that Mr Baker the lately deposed Premier of Tonga may do some injury to the King. In consequence of this information the High Commissioner requested Captain Castle to place a guard of marines round the King's Palace on the night of Saturday the 5th July 1890. This guard was withdrawn before noon the following day, the Chiefs having arranged a Tongan Guard.

(Signed) John B. Thurston.
10.7.90.

Copy Translation,

Nukualofa, 5th July 1890. We William Tugi and George Fatafehi declare an oath that Mr Baker should not enter again the Palace of the King, as we are apprehensive that he will do some thing bad to the King. We have deposed him from his position he held in Tonga.

(Signed) Jiaogi Fatafehi.

(Signed) William Tugi.

Witness

(Signed) Wilfred Collett,

Secretary to H.B.M.'s High Commissioner for the Western Pacific.

Sworn before me at Nukualofa, Tonga, this 5th day of July 1890

(Signed) R. Beckwith Leefe [Deputy Commissioner]

(Signed) P.G. Bloomfield (Interpreter)

[190] THE DEPORTAITON ORDER 1890

[MSS copy. of Proclamation.

Archives of the Western Pacific High Commission, Suva, Fiji.]

HER BRITANNIC MAJESTY'S HIGH COMMISSION WESTERN PACIFIC ORDER OF PROHIBITION BY THE HIGH COMMISSIONER

Whereas it has been shown by evidence on oath to my satisfaction that Shirley Waldemar Baker of Nukualofa Tonga, a British subject, is dangerous to the peace and good order of the Western Pacific. Now therefore, I do hereby prohibit the said Shirley Waldemar Baker from being in the Western Pacific Islands within the following limits, that is to say, the islands comprised within the one hundred and seventy third and one hundred and seventy seventh degrees of West Longitude and the fifteenth and twenty third degrees of South Latitudes, and the waters within three miles of the said islands, during two years from the seventeenth day of July one thousand eight hundred and ninety.

Given at Nukualofa, Tonga, under my hand and official seal, this 17th day of July 1890.

(Signed) John B. Thurston.

[191] RESTORATION OF THE FREEDOMS

[MSS copy of Proclamations and Notice issued by the Premier Tukuaho,

11th July, 1890. Archives of the Western Pacific High Commission, Suva, Fiji.]

PROCLAMATION

His Majesty the King has been pleased to declare and order that all persons who are now suffering under restraint of their personal liberty as secured by the Constitution, or

who are now imprisoned without the authority, or by the exercise of an undue authority, of any Court of Law; together with all persons now in exile in Fiji, or elsewhere, by reason of their religious opinions, are fully and completely pardoned for any offences actual or supposititious with which they have been accused.

All such persons are hereby declared to be restored to full liberty of conscience and person and are free to return to their homes at their pleasure.

And it is the King's command that George Tukuaho the Premier shall give effect to this Order in respect of all such persons as are now residing within the Kingdom: And as regards all such who are beyond the limits of the Kingdom, it is His Majesty's desire and request that His Excellency Sir John B. Thurston Her Britannic Majesty's High Commissioner will make arrangements for returning them to their houses as early as may be found possible.

By His Majesty's Command,

J.U. Tukuaho.
Premier of Tonga

Premier's Office Tonga.
11th July, 1890.

NOTICE

It having come to the knowledge of the King that under the administration of the late Premier, Mr Baker, certain women have been flogged by gaolers and other persons in authority it is hereby notified that the flogging of women is unlawful and strictly forbidden.

Let all men take notice of this and act accordingly.

By His Majesty's Command.

J.U. Tukuaho.
Premier.

Premier's Office Nukualofa.
11th July, 1890.

A PROCLAMATION

The King has been pleased to Order it to be made known for general information that all persons are free to perform divine worship according to the dictates of their conscience.

Any person who fails to respect this Order will incur the King's displeasure and render himself liable to punishment.

By His Majesty's Command.

J.U. Tukuaho.
Premier.

Premier's Office, Nukualofa.
11th July, 1890.

G. MR BAKER AS LAWGIVER

[192] SELECTION OF ACTS OF PARLIAMENT.

(i) *The Coaling Station Act.*

[Tonga Government Gazette. Vol. 2. No. 6. November 10th, 1880.]

Section 2. That, in order to increase the friendly feeling existing between the Government of Tonga and other nations, authority is hereby given to the Premier to erect buildings suitable for a Coaling Station in Nuku'alofa, Tonga, and to furnish the same with coals, for the purpose of supplying coals to vessels of war of all nations which may happen to be in Tonga in want of coals.

Section 3. Such coals to be charged at their actual cost and expenses.

Section 4. It is hereby also determined that on no condition shall any one vessel of war be allowed to purchase from such coaling station more than one hundred tons of coal on any one voyage.

(ii) *An Act relative to Roads, Malaes and Premises.*

[Tonga Government Gazette, Vol. 2. No. 62. November 23rd, 1887]

Section 2. Seeing the time has not yet arrived for the people of this Kingdom to pay road taxes it is hereby regulated that everyone shall keep in repair the road frontage to his premises both in town and country and also the portion of the town Malaes divided out to him according to law.

Section 3. The width of Government roads is hereby regulated to be eight fathoms. This regulation shall not be enforced at once, and it shall be with the Premier and the Police Inspectors to command any road to be widened. But this regulation has been made lest leases of land may be made after which difficulties may arise regarding their enlargement.

THE REPAIR AND CLEANING OF ROADS

Section 4. This Act shall refer to all Government roads and all roads to landing places all roads from one town to another town, and all roads from the inland to the beach.

Section 5. The Police shall inspect the roads of this Kingdom on the last Monday of the month of January, March, May, July, September and November.

Section 6. The following are the penalties for not cleaning the roads: -

- (1) Not exceeding ten (20) fathoms one shilling (1s) for every such ten (10) fathoms one shilling (1s).
- (2) For every large hole from one shilling (1s) to one dollar (\$1), according to the size of the hole.
- (3) Should a pig make a hole on the frontage of another the owner of such frontage shall be held liable but he may prosecute the owner of such pig in the Police Court.
- (4) Should the Police command that a drain should be filled up or a bog or swamp or pool of water in any road, and the same be not done, the penalty shall be one shilling (1s) for each fathom, but this regulation does not refer to the water courses in the highlands in Vava'u, and it shall be with the Mayors of each town to regulate the repairing of the roads. . . .

(iii) An Act relative to Blasphemy

[Tonga Government Gazette, Vol.2, No.38. March 10th 1886]

Section 2. Whoever shall blaspheme the name of God, by cursing or contumeliously reproaching His Government or final Judgement; or by cursing or contumeliously reproaching Jesus Christ, or the Holy Ghost, or curse or ridicule the Holy Word of God, shall, on conviction be imprisoned for one (1) year to five (5) years as may be decided by the Court.

(iv) An Act relative to Murder

[Government Gazette, Vol.2. No. 29. November 22nd 1884.]

Section 2. Anyone committing murder shall be hanged.

Section 3. Murder is hereby defined as the act of killing a person with malice afore thought before the crime was committed.

Section 4. Should anyone be committed for murder it shall be with the accused if not pleading guilty to bring proof or witnesses that the same was not a malice aforethought.

Section 5. If anyone should kill another by accident and not of malice afore thought, or a prearranged act, it shall be considered manslaughter.

Section 6. Manslaughter is hereby divided into three degrees and should it appear to the jury that the act is not murder it is lawful for them to specify to which degree of manslaughter the deed committed belongs.

Section 7. The first degree of manslaughter is the mortally wounding of any man by accident, result of a disturbance, or a fight, or by anything that may arise on the spur of the moment and over which one has no control, and anyone guilty of any of these shall, on conviction, be imprisoned for twenty one (21) years or for lifetime as may be decided by the Court.

Section 8. The second degree of manslaughter is the wounding of a person by another with a knife or another sharp instrument in a fight without death ensuing. Anyone guilty of any of these shall, on conviction, be imprisoned for ten (10) years.

Section 9. The Third degree of manslaughter is an attempt by anyone to kill another without malice aforethought and the same to be only slightly wounded without any great injury; Anyone guilty of the same shall, on conviction, be imprisoned for five (5) years.

Section 10. No one shall be charged with murder or manslaughter of the first degree if the person injured does not die before one year and one day from the time the act of murder or manslaughter was committed.

Section 11. Should anyone poison any water or evil intent to cause the death on of another

or others, and should the same die, it shall be considered murder; but should the same be known before the death of anyone, it shall be considered manslaughter of the first degree.

Section 12. Should anyone set fire to a house with the intent to cause the death of another, and any person or persons should die, the same shall be considered murder; but should such person or persons escape, such one, shall on conviction of having set fire to the house, be considered guilty of manslaughter of the first degree, and be imprisoned accordingly.

(v) *An Act relative to Gross Cheats*

[Government Gazette. Vol.2. No.80. February 22nd, 1888]

Section 2. Should anyone go to a trader or any other person and receive goods from the same by deception or under false pretences, whether such trader be the owner of such goods or such goods belong to another, the same shall, on conviction, pay compensation to the owner of such goods, with interest as may be decided by the court, and imprisoned for two (2) years to seven (7) years as may be decided by the Court.

Section 3. Should anyone adulterate any oil with water or anything else or endeavour to cheat by concealing any stone or anything of the like nature in any copra or any cotton or any coffee or any produce which may be taken for sale and receive payment for the same, the same shall, on conviction, be imprisoned for one (1) to three (3) years as may be determined by the Court.

Section 4. Should anyone use any illegal or false measure in selling or buying, whether the same shall be any weight or measure, or any weight measure or any length measure or any liquid measure, the same shall, on conviction, be imprisoned from one (1) to three (3) years, as may be decided by the court.

[193] A SELECTION OF MUNICIPAL REGULATIONS

[Tonga Government Gazette. Vol.2. No. 7. November 24th 1880.

Note: Topic Headings have been supplied by the editor.]

(i) *Damage by Animals*

Section 1. That if any cattle, horses, sheep, oxen, goats, pigs, or other animals trespass upon any cultivated land, whether the same be fenced or not, the owner or owners of the same shall be liable for all damage, and shall, on conviction, pay for all damages done and costs.

(ii) *Compulsory planting of Cotton and Coffee*

Section 2. That in order to prevent difficulties in the land in consequence of poverty, arising from laziness, hurricanes, and other causes, it is hereby enacted:-

- (1) That every male of 16 years of age shall plant on his own land within 6 months of this act becoming law, 100 coffee plants, and 200 cotton plants, at a distance of not less than one fathom and a half from each other; but in places where coffee does not grow well, it shall be lawful for the Premier to permit the whole to be planted in cotton.
- (2) Every mayor shall be required to see that this law is carried on in his town, and to report defaulters to the assistant inspector of police.
- (3) It is also hereby required that these plants shall be regularly cultivated and inspected.
- (4) Any person failing to plant as required by this act shall, on conviction, be fined in the sum of twenty five dollars (\$25) and costs.

Section 3. . . .

Section 4. Every person who shall, within this Kingdom, commit any of the offences hereinafter specified shall on conviction be fined in the sum of ten dollars and costs.

(iii) Bulls and Stallions

- (1) Every person who shall own, or have charge of, any stallion or bull, and shall permit the same to cover any place in any town or village.

(iv) Profane Swearing

- (2) Every person who shall profanely swear or use obscene language in any public place or thoroughfare.

(v) Obstruction of Roads

- (3) Every person who shall wilfully obstruct any public road by leaving or placing logs wood or other articles in the same, so as to endanger travellers.

(vi) Indecent Exposure

- (4) Every person who shall indecently expose his person.

(vii) Cruelty to Animals

- (5) Every person who shall wantonly and cruelly beat, abuse, or torture, any horse, cattle, dog, or other domestic animal.

(viii) Wells and Pits

- (6) Every person who shall neglect to keep all wells, pits, in open or enclosed places, belonging to his house or lands, securely covered.

(ix) Dead Animals

- (7) Every person who shall leave unburied, any dead horse, sheep, dog, pig, or other animal, of which he is the owner, either on his own premises or those of another.

(x) *Filth and Offensive Matter*

(8) Every person who shall allow to accumulate, in any town or village, any filth or offensive matter detrimental to public health.

(xi) *Sleeping in the House of and Unmarried Man*

Every Tongan woman who shall sleep of a night in the house of an unmarried man.

(xii) *Fencing*

Section 5. That it be enacted that, within 12 months of the passing of this act, every person having premises in either of the towns of Nuku'alofa in Tongatapu, Pangai, in Hihifo in Lifuka, Neiafu in Vava'u shall be required to fence the same and to keep the same in repair; Such fence to be either wooden fences, or something of the same nature, or of reeds or of native woods, or live fences of lemon or orange, at the option of the owner of the premises, and, in case of a dividing fence, each person to fence half. And every person not complying with this enactment shall, on conviction, be fined in the sum of ten dollars and costs.

[Tonga-Government-Gazette, Vol.11. No83.Nuku'alofa, Tonga. March 7, 1888.]

Every person who shall within this Kingdom commit any of the offences next hereinafter specified shall on conviction be fined a sum not exceeding ten dollars (\$10).

(xiii) *Wrestling*

(10) Every person who shall hold a wrestling match during day or night.

(xiv) *Kava Making*

(11) Any person who shall chew Kava for others to drink instead of pounding with stones or grating the same.

.....

(14) Any spinster who shall join with the men in the custom of Kava drinking after sunset.

[Tohi Fanogonogo Faka-Buleaga, Ofisi o e Balemia, Nuku'alofa. Novema 14. 1882. English Translation by Viela Kinahoi.]

(xv) *Noises at Night*

In order to prevent unnecessary noises at night, it is decided that after 10 o'clock in the evening it will be prohibited to make any noise that will disturb the villages rest, such as choir practices, ceremonies and meetings or any noisy work. After 10 o'clock in the evening, lafe cards, draughts and other such games are prohibited.

Whoever violates any of these laws will be fined a sum of \$5.

(xvi) Tapa Cloth Regulations

Everyone is free to wear tapa clothing anywhere except at the King's palace where no one is permitted to wear tapa.

Beating tapa (pounding the mulberry bark) is permitted in all villages except Nuku'alofa in which case it should be carried on beyond the town.

Beating tapa is permitted from sunrise to sunset except in the case of a funeral when it is prohibited.

Beating tapa is permitted on Saturdays.

Everyone should wear some kind of clothing. It is prohibited to go in a public place or in a town or in the streets without a covering over the upper part of the body or to go indecently dressed. Any person violating this law shall, on conviction, pay the sum of \$2.

(xvii) Cricket Regulations

Cricket is not allowed on any other day except Tuesday, that is the Second Tuesday of each month, and on Government Holidays.

Players should abide by the directions of the town officer if given a place on the field.

No game is allowed anywhere except on the village green.

It is not permitted to make feasts and have celebrations at cricket -matches, but it is permitted-to-invite spectators.

Making bets and offering prizes is forbidden, beating drums (European type) or lali (Tongan drum) during the match is prohibited. It is also forbidden to allow a band to play, to fire guns, and wave flags. It is permitted only to blow the conch shell (Tongan. trumpet) during the association meeting.

Anyone who violates any of these regulations will be fined five. dollars (\$5).

[194] A SELECTION OF TAX LAWS

[Tonga Government Gazette. Vol.2, No.24. January 23rd, 1884]

(i) Poll Tax

Section 2. Every male in this Kingdom who shall have attained the age of six Teen (16) years shall pay taxes according to the twenty seventh (27th) section of the Constitution of Tonga, excepting the guards as stated in the Constitution of Tonga. And the following shall be the amount of Poll Tax until repealed by the King and Legislative Assembly in Tonga, in the Legislature of the Kingdom assembled: for each year the sum of eight dollars (\$8), being two dollars for each quarter ending 31st March, 30th June, 30th September, 31st December in every year.

Section 3. All foreigners shall be exempt from this tax until they have been resident six months in the Kingdom.

Section 4. Should any person, liable to pay his tax, fail to do so when due, the sum of one

shilling shall be added to the amount of each quarter unpaid.

(ii) School Tax

Section 5. On account of it being unjust that persons with a family should be heavier taxed, so as to take care of the schools, than those who are married and have no family or those who are unmarried it is hereby determined that all Tongan Tax payers of the Kingdom shall yearly pay the sum of one dollar (\$1) as an educational tax, and the revenue clerk shall receive the same as well as the Poll Tax.

(iii) Bachelors Tax

Section 6. Every Tongan male paying taxes who shall have attained the age of twenty one (21) years, and be unmarried, shall yearly pay the additional tax of one dollar (\$1) until arriving at the age of fifty (50) years, excepting those who have been married and their wives deceased.

(iv) The Horse Tax Act.

[Tonga Government Gazette, Vol. 2. No. 4, October 13th, 1880.]

Section 2. That the owners of all stallions, geldings, and mares (which are two years old and upwards) shall be required to pay a tax for the same.

Section 3. That the tax for each stallion, for the term of one year, shall be five (\$5) dollars, and for every gelding or mare, for the term of one year, shall be one dollar (\$1).

Section 4. That it shall not be lawful to use any stallion, gelding, or mare, either for saddle or draught, under two years of age.

Section 7. Anyone violating the provisions of this Act shall, on conviction, be fined in the sum of (\$5) five dollars for each offence.

[195] LAWS RELATING TO LAND

[Tonga Government Gazette. Vol.2. No.7. November 24th 1880]

(i) The Leasing of Land to Foreigners Act 1880

Section 2. It shall not be lawful for any Tongan to lease any premises or land to any foreigner, on any condition whatever, without first obtaining from his Majesty's Cabinet, permission so to do. Any Tongan leasing any premises or land to any foreigner without such permission, shall, on conviction, be fined in the sum of five hundred dollars. (\$500).

Section 3. Every such permission shall be in writing, and signed by the minister of lands, and the seal of his office shall be attached thereto.

Section 4. No lease will be considered valid, or protected by the courts of this Kingdom, unless made in accordance with the revised Constitution Act of 1880, and duly registered in the office of the Minister of Lands.

Section 5. All application for permission to lease any premises or land to foreigners shall be made to the Minister of Lands, in writing.

Section 6. All leases of land which have been made by the Tongan Government to foreigners previous to the passing of the revised Constitution Act of Tonga or 1880 but which are now included in the hereditary land granted by His Majesty King George to the Chiefs shall now revert to the said Chiefs, who shall be entitled to receive all rents for the same.

Section 7. Should any lease of land be made by any Tongan to any foreigner, the Tongan Government shall receive one tenth of the annual rent of such lease as royalty for the same.

Section 8. It shall be with the Minister of Lands to determine what shall be the amount of Registration and other fees in connection with the leases of land.

(ii) Act Amending the Leasing of Land to Foreigners Act

[Tonga Government Gazette, Vol. No.]

Sections 1 - 8. (As in Leasing of land to Foreigners Act.)

Section 9. That any foreigner residing on any land, the same being unleased, or any land in any town of any chief possessing an inheritance, or any land in any town of the Government shall pay a yearly, rent of five dollars (\$5) for residing on the said land, on the distinct understanding that the residence on such land is residence only from year to year. For should any Chief to whom the same belong or the Government, wish to have the said land, it shall be lawful for them to possess the same, and to command the foreigner residing thereon to remove from the said land his house, and effects. But should, the Chief of any inheritance or the Government wish to possess such land, due notice must be given three months before the end of the year, and the end of the year to be considered the 31st day of December in each year.

Section 10. It shall not be lawful for any hereditary Chief or the Government to lease any promises to any foreigner in the islands of Haapai, saving only in Lifuka.

Section 11. The Government will receive all rents and leases of land granted the Government to foreigners, and also those leased by hereditary chiefs, the passing of this law, and any lease that shall belong to the inheritance any hereditary Chief will be repaid by the Government to the Hereditary Chief.

(iii) An Act to regulate Hereditary Lands granted to Chiefs

[Tonga Government Gazette, Vol.2. No.14. November 22nd, 1882.]

Section 2. To the King belongs all the land, soil, inheritances, and premises. And as His Majesty has been pleased to grant to the Nobles and other Chiefs hereditary lands, this Act has been passed by the Legislative Assembly to regulate the inheritances which His Majesty has promised to grant to the Nobles and other Chiefs of the King to become their hereditary lands (ka e tuku 'a e ngaahi momo), it being with His Majesty that hereditary lands should be granted to the Chiefs.

Section 3. That in each inheritance there shall be lands set apart for the Hereditary name, and it shall not be lawful to lease the same to anyone, or for anyone to possess or use the

same, but tapu for the Hereditary name forever.

Section 4. Where there are matapules of an hereditary Chief, there shall be hereditary lands set apart for them, because of their title, but it shall be with the hereditary Chiefs to choose their own matapules.

Section 5. It is hereby enacted that the size of the tax land of the people in Hihifo in Tonga and Haapai, shall be fifty (50) fathoms by fifty (50), but in the rest of Tonga and in Vavau the size of the tax lands shall be one hundred (100) fathoms by one hundred (100).

Section 6. All such tax lands shall be hereditary, and on the death of a man, his widow shall possess such tax lands while she lives and does not marry again, but should she marry again or commit adultery, such tax lands shall be forfeited, and shall become the property of the next heir.

Section 7. Anyone who shall possess a tax land shall pay the sum of two (2) shillings per annum as rent to their hereditary chief, or to His Majesty, for such land.

Section 8. It shall not be lawful for anyone to possess two (2) or three (3) tax lands, and on the death of a person holding such tax lands, it shall be with his heir to choose which tax land he wishes to possess, whether his own or that to which he is heir. Shall he be not willing to accept such tax land it shall go to the next heir; but should he also be not willing to possess it, it shall go to the next heir and so on; and should there be no heirs it shall revert to the hereditary chief or to the King, as the case may be.

Section 9. Should any tax land have been already apportioned to any person and still in his possession, and the same not being larger than is hereby enacted, he shall continue to possess the same as his hereditary tax land.

Section 10. Anyone possessing two (2) or three (3) or more tax lands shall choose which tax land he wishes to possess, and the same shall become his hereditary land too.

Section 11. All tax payers shall have town allotments together with their inland tax lands and both will be protected by the Government.

Section 12. All lands (now included in hereditary lands) which may have been leased by the Government to foreigners shall revert to the hereditary Chiefs, and also all plantations which may have been in the possession of the government for its officials or school masters, and all premises which are still within the possession of the two religious denominations, for the use of the Native Ministers and Head Teachers, but it shall be lawful for the government to lease from hereditary chiefs, plantations for the use of the Native Ministers in the places where they are now resident, and also for the officials of the Government, and the same amount being paid for such as for the payment of leases.

Section 13. The Government shall have the right to lease in all Hereditary lands plantations for the use of School Teachers, paying for the same as tax lands.

Section 14. It shall be lawful for the Government, when youths shall leave the schools and commence to pay taxes, to request the hereditary chief of that part where they reside to apportion tax land to the same out of the remaining portion of the said Chief's lands.

Section 15. Should there be a larger portion of land remaining to any chief after the tax lands of his people have been apportioned, it shall be law to the said Chief to lease the same, if he be willing so to do, to any Tongan man or foreigner, but in accordance with the law.

Section 16. There shall be a town square in all the inheritances of the hereditary Chiefs.

Section 17. The tax lands inland and the premises in town shall both be hereditary but it shall be lawful for the Government to make roads and appoint the sites of the houses, but although such lands and premises are hereditary, yet it shall not be lawful for any Tonga man to lease any such premises or plantation to a foreigner, such privilege belonging only to the hereditary Chiefs and His Majesty, and such leases be made in accordance with the law, after having first obtained a permit from the government.

[196] A SELECTION OF LICENCE ACTS.

(i) *The Billiard Table Licences Act.*

[Tonga Government Gazette. Vol. 2. No. 2. September 15th, 1880.]

Section 2. No person shall keep a Billiard Table without first taking out a licence for permission so to do.

Section 3. It shall not be lawful for the keeper of any Billiard table to suffer the same to be used on a Sunday, or to allow gambling on, or in connection with such table, or to permit the same to be used after 10. P.m. on week days.

Section 4. The Licence money for a Billiard table for the term of one year, shall be (\$30) thirty dollars.

Section 5. It shall be with His Majesty's Cabinet to determine how many such licences shall be given in each particular group viz: Tongatapu, Haapai, and Vavau, and no Billiard table licence shall be issued in any other group.

Section 6. Any person applying for a billiard table licence, should he be a foreigner, shall be required to state to what nationality he belongs.

.....

Section 12. Any person violating any of the provisions of this Act shall, on conviction, be fined in the sum of (\$100) one hundred dollars for each offence.

(ii) *The Restaurant Licences Act.*

[Tonga Government Gazette. Vol. 2, No. 3. September 29th, 1880.]

Section 2. That seeing it is expedient for the convenience of the European and other white residents travelling in this Kingdom, and visiting its various ports that restaurants supplying necessary refreshments should be established, Authority is hereby given to His Majesty's

Cabinet to give permission to grant such licences as they may see fit, for the selling of wines and malt liquors by retail to be drunk on the premises, and any person selling the same without a licence on conviction will be fined in accordance with the provisions of this Act.

Section 3. That before any licence in accordance with this Act be granted, such person shall give a bond in the penal sum of (\$500) five hundred dollars for himself, for the full observation of the conditions hereunder specified and further find a bondsman (to be approved by the Minister of Police) who shall give a bond in the penal sum of (\$500) five hundred dollars for the full observation of the said conditions, viz:-

I. That such persons will, within one month from the reception of such licence, provide accommodation for travellers, viz, one sitting room and four bed rooms, duly furnished, together with out houses and necessary conveniences.

II. That such persons will not sell or supply, or permit to be sold or supplied, any spirituous liquor.

III. That he will not keep a disorderly house.

IV. That he will not countenance, or suffer prostitutes to assemble at his house, or any building connected therewith for any purpose whatever.

V. That he will not harbour or conceal deserting sailors.

VI. That he will not keep his house open after 10 o'clock at night.

VII. That he will not allow dancing parties in his house.

VIII. That he will not sell or give, or permit to be sold or given, any wines or malt liquors to, or for the use of, any Tongan native, or any native of the South Sea Islands whatever.

IX. That he will allow free access at all times to any police officer or other officer appointed by the Tongan Government for inspection.

X. That he will not allow any gambling with dice, cards, or other instruments used in gambling.

XI. That he will not sell or supply any wine or malt liquor to be taken away from the premises.

XII. That he will not sell or supply any wine or malt liquor between the hours of 10 o'clock p.m. of each Saturday evening and the hour of 5 o'clock a.m. of the following Monday morning -- saving to bona fide boarders and lodgers.

.....

Section 6. Any person holding a licence under this Act who shall break any of the conditions of his bond, or violate any of the provisions of this Act shall, on conviction, forfeit his licence, and be fined in the sum of (\$250) two hundred and fifty dollars, beside incurring the penalties of his bond.

Section 7. Any person violating any of the provisions of this Act shall, on conviction, be fined in the sum of (\$250) two hundred and fifty dollars.

Section 8. The licence money for a licence under this act shall be for the term of one year (\$100) one hundred dollars.

Section 9. It shall be for His Majesty's Cabinet to determine how many licences shall be granted in the towns of Nuku'alofa, Bangai in Lifuka, and Neiafu, and it shall not be lawful for His Majesty's Cabinet to grant licences in an other town but these.

Section 10. Any person applying for a restaurant licence, should he be a foreigner, shall be required to state to what nationality he belongs.

Section 11. No licence shall be renewed until the party holding such licences shall have paid all taxes which he owes.

[197] MISCELLANEOUS ORDERS.

(i) *Court Martials.*

[Inclosure 14. Appendix to Report of Sir C. Mitchell etc, etc.
Presented to Both Houses of Her Majesty's Parliament, London 1887.]

(Translation).

Nuku'alofa, December 22, 1886.

Tukuaho,

The King commands you to issue a summons against those two men who would not take the oath. They are to be judged by Court Martial. You are to preside at the trial. Do not pass sentence. Let that remain for His Majesty to finish.

(Signed) Mr. BAKER.

(ii) *Census Order.*

[Circular letter (duplicated) marked 'Circular H', Premiers Office, Nuku'alofa, Tonga, April 22nd 1885. Free Wesleyan Church Archives, Nuku'alofa.]

Sir

I have the honour to request, in order to complete the Census returns, that you will kindly forward a statement of the number and names of the persons who slept in your house on the night of the 22nd Inst; together with a statement of their ages, sex, whether married or single, and whether able to read or write, and of what religion. And also a statement of the number of houses on your premises of what description, approximate value of same and also of property.

Shirley W. Baker, Premier.

(iii) *Government Notice: The End of Martial Law, Repeal of Laws.*

[Appendix. Report of Sir C. Mitchell etc, etc. London 1887. Inclosure 15, page 124.]

(Translation)

The King's Palace, February 28, 1887.

To the Town Ruler

At the town of

This is to order you to hold a meeting on Monday, the 7th March, 1887, and give public notice as follows:-

1. That every one must take notice that the disorder is stopped, and the laws are again in force; therefore let no person shout or fire guns in town, or wear war ornaments, or paint, or do anything forbidden by the law.
2. Let each one earnestly attend to his garden and his crop and keep it in order, and do his temporal work for the sake of his family.
3. His Majesty has said that because some persons have done wrong about the clause in the

Pound Laws awarding 1 dollar to the person impounding an animal, this 1 Dollar will no longer be paid, because it causes ill feeling between people; but whenever damage is done to a garden, whatever damage is done is to be paid for according to the law.

4. His Majesty has also said that as the law imposing a tax on unmarried women (which was expected to cause a number of marriages) has been found impracticable, he has rescinded that law till the next Parliament; therefore the unmarried women will no longer pay tribute.

By His Majesty's orders,
(signed) Mr. BAKER, Premier.

(iv) An Ordinance amending the law of treason.

[Tonga Government Gazette. Vol.11. No.54. August 17, 1887.]

Be it enacted by the King with the advice and consent of the Privy Council of Tonga in the Council of the Kingdom assembled:-

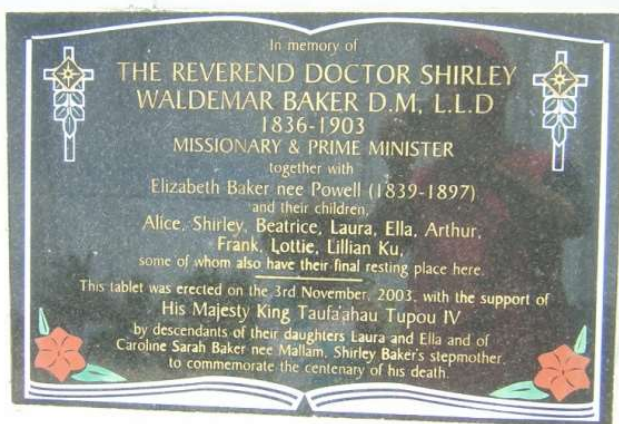
.....

SECTION 2. The fourth section of the Law of Treason shall be and is hereby amended by the addition of the following: -

"Or to attempt to assassinate him or to assassinate him or the like; or an attempt to assassinate or to assassinate the heir to the Throne or an attempt to assassinate or to assassinate the Premier of the Kingdom"

The whole clause reading thus:

"Treason is hereby defined as an earnest endeavour or joining in an earnest endeavour to induce the people of this land to dethrone the King or to attempt to destroy him or to attempt to assassinate him or to assassinate him or the like; or an attempt to assassinate or to assassinate the heir to the Throne or an attempt to assassinate or to assassinate the Premier of the Kingdom."



A memorial stone at Baker's grave



Statue of Baker at his grave near Pangai, Ha'apai