

BAKER'S LEADING ARTICLES AND THE GERMAN INTEREST

[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. Auckland. Extracts from the Tongan Times, February 19, 1876. p.23.]

"We have often been struck with the fact, notwithstanding the great German interest in these and adjoining islands, that hitherto Germany should have taken so little interest in the great German commerce of the South Seas, for it cannot be denied that more than three-fourths of the commerce of these island is in the hands, directly or indirectly, of the German merchants, and especially that of the world-wide-known firm of J.C. Godeffroy & Son.

.....

With regard to the report of the 'Gazelle,' we have every reason to believe that its report will be favourable. By favourable we mean that it will end in a treaty of recognition of Tonga by the great German Empire. We are not amongst those who believe that Germany has any sinister views with regard to Tonga, Samoa, or any other of the islands of the South. They may, perhaps, want a coal-
ing station in one island or other, the same as they have in China, but such cannot be interpreted as annexation. Should the German Empire make such a treaty with Tonga, we doubt not but what it will be the stepping stone of the acknowledgment of Tonga by other great Powers. If so, the 15th of December will be one of the red-letter days in the historical calander of the Friendly Islands.

.....

We believe that there is a great history for the future of Tonga, if great can be properly applied to these small islands. We believe there is no reason to fear that whatever may be the future policy of England with regard to the South Seas, she will ever annex Tonga without the consent of the Toguese. And all who know Tonga know right well that every Tonga man would rather die than be governed by a foreign Power. But as Great Britain has given the Gospel and the Bible to Tonga, and all their attending blessings, we trust she will finish the good work she has commenced, and acknowledge Tonga before long as a nation and a people whom she has been the means of raising from the depths of barbarism, heathenism, and superstition. Such, we believe, will eventually be the case, that Tonga will be acknowledged by the great Powers as a nation, and we trust Great Britain will not be the last to do so.

.....

German man-of-war 'Gazelle' - On the 15th of December last, H.I.G.N. corvette 'Gazelle' came to an anchor off Maofaga; being the first German man-of-war that has ever visited these shores On the following morning the commander of the corvette, Baron von Schleinitz, accompanied by his aide-de-camp and the German Consul, Th. Weber, Esq., paid his official visit to King George; the Rev. S.W. Baker being requested to act as interpreter. We presume that we are not at liberty to give publicity to what transpired on that occasion; suffice it to say, that the Baron kindly invited the King to visit the man-of-war, which invitation His Majesty was pleased to accept

On the following day at two o'clock, the King, accompanied by his aide-de-camp and Th. Weber, Esq., the German Consul, and Rev. S. W. Baker, went on board the man-of-war, in His Majesty's barge With regard to this official interview we must again be silent; but we believe we are at liberty in saying that the result of this visit to the man-of-war will be the acknowledgement of Tonga as a nation by the German Empire, and a treaty between Germany and Tonga."

[216]

BRITAIN DECLINES TO RECOGNIZE TONGA 1876.

[Meade, R.H., Colonial Office to the Under Secretary of State for Foreign Affairs. Colonial Office. August 1876. Archives of the Western Pacific High Commission, Suva, Fiji.]

Sir,

I am directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 2nd. inst. forwarding a Despatch addressed to the Lord Commander of the Admiralty by Commodore Hoskins on the subject of his visit to Tonga.

I am to request that you will inform the Earl of Derby as regards the Commodore's recommendation that official recognition should be accorded to the Government and Constitution of Tonga that His Lordship is of the opinion that the information possessed by H.M. Government respecting the condition of the Friendly Islands and the power of the King to maintain order and good government under the form of administration now established is not such as would justify such a step and further that the present would not seem to be a fitting time for considering any such proposal inasmuch as a (new) Order of H. M. in Council is to be issued which will give the Governor of Fiji as High Commissioner jurisdiction over the British population of this group.

I am etc.

signed R. H. Meade.

[217]

GERMANY RECOGNIZES TONGA : TREATY RATIFICATION 1877[Ko e Bo'obo'oi. No. 13. Vol. 11. November 1877.
English translation by Tupou Posesi Panua.]NEWS.

On the 31st of October the Treaty between Germany and Tonga was confirmed.

At 10 a.m. the Chairman Uiliami Tungi went on board the Man-of-War from Germany, "Akouta" as representative of His Majesty King George, the King had requested Mr Baker to go on board with him to be his interpreter and so they went on board. When they arrived on board they were greeted in the stern and they were taken to be seated on chairs by the table. Mr Webb then got up and said His Majesty King William, Emperor of Germany and King of Prussia this Treaty that I bring has on it the shield of His Majesty and also his name and also signed by the Minister of the Government of Germany, and it is worded like the Treaty that was made here last year on the 1st of November, so I am handing it to you the representative of His Majesty King George, so that it will be possessed by the Government of Tonga.

The representative of His Majesty King George (Uiliami Tungi) got up and said, "This Treaty has been signed by His Majesty King George of Tonga and has caused his shield to be put on it and it has also been signed by the Premier of the Government of Tonga and this Treaty is the same as the Treaty that was made here in Tonga last year on the 1st of November and it has been done in the Tongan language and I hereby present it to the Representatives of King William, Emperor of all Germany and Prussia in exchange with the Treaty of Germany that Tonga may keep.

Then Mr Webb said this is the Document of the evidence of this exchange and it has been written in English and German language and I hereby declare that the meaning of the written words in English and German are the same and I request Mr Baker to translate it into the Tongan language. After this the Chiefs of both sides saluted each other and broke up. The German Treaty's cover was beautifully made of European Velvet and gold.

This is what was in the document:

We whose names appear below met together today to exchange the Treaty of Friendship which was made between Germany and Tonga on the 1st of November, 1876.

Because it was clear that the documents of receipts for the Treaties

were right, these documents were written in English and German.

It was made on board the German Man-of-War the "Adouta" in the port of Nuku'alofa on 31st of October, 1877.

Mr Webb - the Consul and agent of the King of Germany.

Mr Asenifelu Captain of the "Akouta" and representative of the King
Germany

Uiliami Tungi - Chairman of the Legislative Assembly and representative of King George of Tonga.

Mr Baker (Interpreter)

The next day the German Consul went ashore and the Man-of-War fired a Consular salute and he came with the Captain of the Man-of-War and its officers, they all came ashore and into the King's residence and His Majesty waited for them with his Aide-de-Camp Tuku'aho and Prince Unga and the Legislative Assembly Chairman Tungi and Uelingatoni Ngu the Governor of Ha'apai and Vava'u and T. 'Ahome'e and other chiefs.

And the Consul and Captain and officers came and after they paid their respect to each other, the Consul took a letter from King Uiliami Emperor of All Germany to King George of Tonga and it was worded like this:

William,

By God's mercy, King and Emperor of Germany and Prussia
To His Majesty King of Tonga.

My Love,

Your Majesty kindly wrote to me on the 3rd of November last year thanking me for the Treaty of Friendship between Germany and Tonga.

And because I heartily wish in my heart that it may stand forever and bound us closer and also the roads of friendships may forever be alive between these two countries, that is why I hereby declare that my country shall always endure to help it along.

May God protect your Majesty in his ever ready mercy and with love too.

I am

Your true friend

William.

Berlin,

April 4th, 1877.

When this letter was received King George answered it. Tupou (the King) said

His Majesty requested that his sincere grateful thanks be sent to King William Emperor of Germany, for the confirming of the Treaty of Friendship.

And His Majesty said, he wishes to express his gratitude, because of the Treaty between Germany and Tonga being confirmed, today has acquired the standard of a Government, a Government belonging to the family of Governments and it was true that it was the smallest country amongst them and although it is the smallest, but the essential thing is that it belongs to the family of the Governments. So it is a full country today and later on we will discuss the many good things that Germany has done for Tonga, which amongst them the most important is that it has lifted up Tonga to the standard of the other countries.

And His Majesty said, "May this our new friend not expect from Tonga any great things yet, for Tonga has only just set sail as a Government, but we promise that Tonga will not stand still but will run in the race that is going on, and that they will try to progress in knowledge and good behaviour so that Germany shall not be embarrassed that she had laid the path for Tonga.

It may be that Tonga will make other treaties with other countries, but Tonga will not forget Germany who make the first Treaty with Tonga.

And His Majesty expressed his gratitude for the letter of greetings that His Majesty King of Germany wrote to him, because that he should be so kind as to write such a long letter, for his Majesty remembered that he was the smallest amongst them.

His Majesty King of Germany wishes that they should be called His Assistant Kings.

And His Majesty said may it be remembered that he was an old man, and if it was undignified the expression of his happiness the reason for his happiness because he has been so good to spare his life for this day, that he was called King by one of the great Kings of this world and that he will always pray that the Lord will bless Empire of Germany and may he live forever.

After this the consul, Captain and Officers of the Man-of-War left.

The next day His Majesty King George went on board the man-of-war and the ship fired a Royal Salute to salute him.

[218]

INITIAL AGREEMENT WITH BRITAIN 1879

[Western Pacific High Commission Archives, Suva. Miscellaneous Papers relating to Tongan Affairs. See the Section on Treaties and Agreements for the text of this initial agreement.]

Maudslay to the High Commission
Western Pacific.
22/2/1879.

Sir,

In reply to your letter No. 12 of 22 January, I have the honour to inform you that only two cases have come before me as a Deputy Commissioner, during my residence in Tonga - I trust to be able to hand you reports on these cases in course of a few days.

2. I have not yet received any Communication from Lord Salisbury with regard to the agreement I have entered into with the King of Tonga, which agreement I trust will form the basis of a permanent Treaty. I will not fail however, to furnish you with the earliest information on the arrival of despatches from the Foreign office.

Alfred P. Maudslay

H.B.M. Act Consul General & Deputy Commissioner.

P.S. I have the honour to enclose a copy of the agreement with King of Tonga.
A.P.M.

[219]

BRITISH FEAR OF GERMAN INFLUENCE

(i) The Opening of Parliament 1880
[Western Pacific High Commission Archives Fiji.
Blyth to the High Commissioner. 3/7/1880.]

Your Excellency,

I have the honour to report that the Tongan Parliament was opened by King George in person on Saturday 24th Ultimo.

The German ship of war "Hyena" had arrived on 18th bringing Captain Zempsh? the German Consul General, who with the Captain of the vessel, and two of the officers, was present. A place was assigned to me below them all.

* * * *

It is commonly reported that Mr Baker will visit Europe shortly in his official capacity, that he will use the influence of his new position to strengthen the German power in these waters; and that if the independence of the Tongan church can be achieved and Mr Baker constituted its Head, his personal ambition will be so far gratified."

(ii) German domination of Samoan Affairs 1879.

[H.B.M. Acting Consul General, A.P. Maudslay to the Secretary of Foreign Affairs. Nasova, Fiji, April 29th, 1879. Archives of the Western Pacific High Commission, Suva, Fiji.]

Nasova, Fiji.

29th April 1879.

My Lord,

In my despatch No 17 of April 1879, I have forwarded to Your Lordship a copy of the Treaty entered into between Germany and Samoa.

2. It is I fear almost useless at this date to offer any comments on the provisions of the Treaty, as owing to the delays in the communication between Samoa and Fiji, a copy of the Treaty has probably reached Your Lordship as soon as it has reached me.

3. The most important points, however, are the prevention of any legislation by the Samoans affecting German Subjects without the permission of the German Government. The granting of a Naval Station to Germany in the harbour of Taluafata. The security of a good title to all lands purchased by Germans and the immediate ratification of the treaty by the Samoans, whilst the German Government is allowed two years for consideration before the Treaty need be ratified on its part.

4. Previous attempts to settle the Samoan difficulties have not proved very successful; ~~the attempt to form a mixed native and white government, such as existed for a time in Fiji, was a complete failure and ended in Civil War,~~ this was followed by Sir A. Gordon's proposal of an arrangement which would have ensured a strong native Government subject to the advice and direction of the Foreign Consuls in matters affecting foreigners.

This proposal was not accepted by the natives and was followed by the conclusion of a treaty with America which Your Lordship has set aside and which has already passed into ^abye-word amongst the natives themselves.

5. This is now followed again by this somewhat similar treaty with Germany ratified by a Government, which is in even a weaker condition than when Sir A. Gordon attempted to deal with it, and already repudiated by the Tuamasaga (Malietoa's) party who refused obedience to the Government and who will probably soon be in power themselves.

6. It would no doubt have been inexpedient on the part of Germany to have concluded a treaty without recovering for itself a controlling power over any legislation affecting German subjects in fact no Foreign Government could consent to its subjects being harassed by ill-devised laws made by such a weak and ..

unstable Government as that of Samoa; if indeed it is worthy of the name of Government at all; but this provision with regard to Legislation in addition to the clause which apparently secures a good title to all Lands claimed by Germans will render all native Government impossible.

The natives are not in a position to negotiate with three foreign Governments, for England and America must also be considered, about laws and taxation which must be acceptable to all of them before they can be enforced, and they are not likely to make laws for themselves from which Foreigners are free. In fact the treaty is no assistance to the native race whatever; and gives to Germany all the advantages without any of the responsibilities of Government, and puts the natives at a great disadvantage in disputes concerning the ownership of land and yet leaves the temptation of selling more land still open to them and makes it almost a certainty that in a short time they will be ousted from the soil and die out.

8. German interests in Samoa are, in the main, the interests of the South Sea Trading Co, (Godeffroy.) & the private land speculations of its manager Mr Weber the Imperial German Consul; and this leads me to think that it is possible that the treaty has been concluded in its present form merely to give two years, for the company and Mr Weber to gain possession of and occupy the lands which they lay claim to, so that even if at the end of two years, the Treaty is not ratified by Germany, they will have firmly established themselves, and the natives will be at a great disadvantage in reclaiming any land which they may consider unfairly taken from them.

9. That to the White residents in Samoa the present state of affairs is insupportable, the Consular Correspondances of the last three years must clearly have shown and the German Treaty will, I feel sure do little to mend matters. It does not put an end to native dissensions and the unlimited land speculation which is the root of all the trouble.

10. I trust that this may reach Your Lordship before any instructions are sent out to me with regard to the negotiations of a treaty between H.M.'s and the Samoan Government. For a treaty to be of any advantage to the British Residents it would require the continual presence of a Man of War or of some armed force to enforce its provisions and the enforcement of such conditions as those obtained by Germany, with no provision for the Government of the natives themselves or the regulation of land sales, nearly means the extinction of a very fine race of people for the benefit of a few speculators.

11. I regret that the very few minutes at my disposal before the departure of the mail steamer prevents my writing more clearly on the subject and touching

on the most important question of the labour supply to the Germans plantations.

12. Every previous attempt at a settlement of Samoan difficulties has failed and the only satisfactory settlement, I feel sure, would be the cession of the islands to a foreign power.

The natives would undoubtedly prefer to see the British Flag hoisted there, and at the present time two-thirds of them would I believe gladly welcome it. But the German interests in Samoa are undoubtedly so much more extensive than those of Great Britain, and their objection to British occupation appears to be so strong, (although this has ceased to a great extent during the last few months and would I believe altogether disappear if the company saw its way to Coolie immigration under an English Government,) that I trust the German Government may be induced to take possession of the islands, and thus give that security to the property and lives of British subjects, which the sovereignty of a Great Power will ensure.

I am, etc.,

Alfred P. Maudslay.

H.B.M. Actg Consul General.

The Right Honourable,
The Secretary of State
for Foreign Affairs.

CONCERN OVER A GERMAN SECRETARY TO THE KING 1879

- (i) [Lord Russell to the Marquis of Salisbury. Berlin May 9th, 1879. MSS copy. Archives of the Western Pacific High Commission, Suva, Fiji.]

Berlin,

May 9/1879.

My Lord,

I have the honour to acknowledge the receipt of your Lordship despatch No.17 consular of the 6th inst., enclosing copy of Sir Arthur Gordon's report of the 28th ult. stating that there is reason to believe that the Emperor of Germany may be asked to select a person for the post of Financial Secretary in Tonga.

In obedience to your Lordship's instructions I called on M. de Bulow and explained the matter unofficially and privately to His Excellency. I am happy to say that our conversation resulted in a complete and cordial agreement M de Bulow assured me that the German Government viewed the proposal in the same light as your Lordship and Sir Arthur Gordon and that the Emperor had already been advised not to act upon Mr Webers suggestion but to decline the King of Tonga's request to select a German Secretary for him.

The German Government, M. de Bulow said, desired to consolidate the cordial understanding already established with Her Majesty's Government in regard ~~to their common interests, and had with that view appointed a new Consul-General~~ in the place of Mr Weber, who would be instructed to establish the most cordial and intimate relations with the British authorities in Polynesia.

I have etc.

(Signed) O. Russell.

- (ii) [Lord Salisbury to H.M. Charge d'Affairs in Berlin. Foreign Office, June 25th 1879. Copy enclosed in Confidential despatch of Sir Julian Paunceforte to Sir Arthur Gordon, 25th June, 1879. Archives of the Western Pacific High Commission, Suva, Fiji.]

Sir,

With reference to my despatch to Lord O. Russell, No.21 Consular of the 27th ult: I have to state to you that in the course of a conversation which took place between Count Munster and myself on the 14th inst:, allusion was made to the question of the nomination of a German as Secretary to the King of Tonga. I pointed out again to Count Munster that Tonga was too near to Fiji to make the

predominance of any foreign influence tolerable to the English Government, and I expressed the hope that the German Government would abstain from pressing on the possessions of H.M. too closely at that point. In this view of policy Count Munster appeared entirely to concur, as he said there was plenty of room in the Pacific for both Governments.

I am etc.

(Signed) Salisbury.

[22]

THE QUESTION OF AN EXEQUATUR

[Lord Salisbury to Count Munster. Foreign Office 17th June 1879.
Copy enclosed in letter from the Foreign Office 18th June 1879
to Sir Arthur Gordon. Archives of the Western Pacific High
Commission, Suva, Fiji.]

The Marquis of Salisbury presents his compliments to Count Munster, and, with reference to his Memorandum received on the 27th ult: respecting the grant of an Exequatur to Herr Sahl as Consul for the King of Tonga at Sydney, has the honour to inform His Excellency that Sir Arthur Gordon H.M. Consul General for the Western Pacific, who is about to return to his post after leave of absence in England, has been instructed to visit Tonga Shortly after his return, and when the relations of this country with the Government of those islands have been placed on a settled basis, any request which may be made by the King of Tonga for on Exequatur for Herr Sahl will be fully considered by H.M. Government and the King duly informed of the result.

BAKER AND THE GERMAN INFLUENCE : HIS DEFENCE

[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. Auckland 1879, pp.44-46.]

The charge is - The appointment of a secretary to the Government; offering the appointment to Mr Trood, and afterwards endeavouring to get a German appointed on the nomination of the Emperor of Germany. That a treaty was concluded with Germany almost entirely by Mr Baker's management and influence, by which considerable advantage was granted to Germany, including a tract of land as a coaling station in the best harbour in the group.

With regard to Mr Trood - It was just before I was sailing for the Niuas, I believe, last year, that I went down to the King about several Church matters, and amongst other things a conversation turned upon the secretaryship of the Government. His Majesty remarked, "I wish we could get a man like Mr Trood; one that is attentive to the lotu," or something to that effect. I was not authorised to see Mr Trood, nor did I ask permission to speak to Mr Trood; but I made it my business to see Mr Trood, and as far as I can remember I said something to this effect:-

Mr Trood, I have no authority to speak to you - mentioning my conversation with the King - and I told Mr Trood I had no authority to offer the secretaryship to him, but most likely he would be offered it I thought.

Mr Trood wrote me about it, and as far as I can remember said he could not consider the matter until he was offered it by the Government. If Mr Trood had thought I had offered it to him, or had power to do so, he most certainly would never have sent such a reply as that; and the very fact of Mr Trood having written thus proves that I had no official connection with the Government.

I also remember Mr Trood's saying, whether the same day or a little afterwards, I cannot say, I don't remember when; but that if he took it he must have £500 per year and a house, and because his Majesty thought they could not give such a large salary that, as far as I know, was the only reason why Mr Trood was not appointed.

But I must confess I surely have as great a right as Mr Maudslay to give advice to his Majesty as to the appointment of a secretary, which, however, in this case I had very little to do with.

But the very fact of my taking any interest in Mr Trood's getting the secretaryship, who is an Englishman, is proof positive that I did not go against

British interests in the matter.

I now refer to the charge of endeavouring to get a German appointed on the nomination of the Emperor of Germany.

His Majesty King George says:- "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."

The only remark that I will make is, that I can affirm to the correctness of his Majesty's statement.

I may here add that his Majesty affirmed, in the presence of Rev J.B. Watkin, to the truth of the statements made in his letter, and that they were his statements made in his letter, and that they were his statements and it was his signature.

I will now refer to the coaling station.

His Majesty, in his letter, says:- "Mr Baker had nothing whatever to do in the obtaining by the kingdom of Germany the lease of the coaling station in Vava'u. Before Mr Baker knew about this matter, the Premier and I had decided about it, and therefore he did not persuade us to have anything to do with it in any one thing."

Uiliami Tugi, the Plenipotentiary, says:-

2. "When the clause in the treaty referring to the coaling station in Vavau was come to, the two representatives of Germany stated 'We shall say nothing about this, for it has been decided by the Premier.'"

3. "And when I went on shore, his Majesty informed me it was true 'I have said they should have Lotuma.'"

I positively and solemnly affirm that the first I heard about a coaling station being granted to Germany in Vavau was on board the German man-of-war "Hertha," and that as proved by the evidence of his Majesty and Uiliami Tugi, was after the coaling station had been granted.

I now come to the treaty.

The charge is, that a treaty was included with Germany almost entirely by Mr Baker's management and influence, by which considerable advantage was granted to Germany, including a tract of land as a coaling station.

The point I wish first to refer to is: That considerable advantage was granted to Germany (mark what it says), including a tract of land as a coaling station.

We will leave the coaling station out of the question for the present.

Will Mr Maudslay be kind enough to inform the Enquiry what that considerable advantage was and is, that what was granted to Germany?

I must confess I cannot see what advantage has been granted to Germany by the treaty, excluding the coaling station. I see no advantage whatever in any way or anything else Germany has got through the treaty - no commercial advantages - the only thing is, it has conferred honour on the Emperor William, in being so condescending as to acknowledge King George (a Tongan native) as a brother king, and in raising his people to a position amongst the nationalities of the world, but that considerable advantage has been granted to Germany by the treaty, I challenge Mr Maudslay and the whole world besides to prove - there is none - and the treaty Tonga has made with Germany, excluding the coaling station, she would only be too glad to make to-morrow with any great Power.

That I advised his Majesty to make a treaty with Germany, and advised him to ask Baron Von Schleinitz to use his influence to obtain one, I admit it - and did I do wrong? - and though I am prepared to acknowledge though my sympathies are more with Germany than with any other great Power, after our own beloved country - am I hence to be denounced as a traitor - I say, No.

What then is my position today, in consequence of the action taken by a young man who had not been three months in the land - interfering in matters altogether beyond his jurisdiction - meddling with Church usages and customs which have been adopted for years - listening to idle talk-trusting to such witnesses as Kubu and Mr Hanslip, who as Tuuhetoka informs me, in other words, in a letter dated 9th of October, 1879:-

"Refuses to comply with the laws of Tonga."

Mr Maudslay brings these charges against me.

However, I appeal not only to this enquiry, and my Conference, for I have not been degraded simply in the eyes of my brethren, but of the whole world; and I appeal to the world wherever civilization is to be found to pronounce their verdict whether or not I am guilty of the charges brought against me; whether it is true I have been guilty of falsehood, been unfaithful to my trust, or a traitor to my country. And I fear not what the verdict will be, though my heart is pained in this being removed away in this way, after almost 20 years service in the Islands; yet I feel I can confidently leave the matter with a clear conscience to the judgement of my brethren, and of my fellow-citizens, and in the hands of God.

BRITISH POLICY TOWARDS TONGA

[Lord Salisbury to Sir A.H. Gordon. London No.8, 4th July 1879.
General instructions concerning Tonga. Archives of the Western
Pacific High Commission, Suva, Fiji.]

Foreign Office.

No.8.

July 4th 1879.

Sir,

As you are about to return to your post I think it advisable to give you some general instructions in regard to the relations which Her Majesty's Government would wish to exist with the King of Tonga.

On account of the geographical position of Tonga with respect to the Fijian group of islands, and of the intimate connection between the inhabitants of Tonga and Fiji, the King of Tonga exercises considerable influence within Fiji, It is therefore very important that the relations between Her Majesty's Govt. and the Govt. of Tonga should be of the most satisfactory description, and in fact of a more cordial nature than the relations of any other Power. Her Majesty's Government wish you to use your best efforts to produce such a result and to impress upon the King of Tonga that as his country is affected by the political interests of Great Britain more largely and more intimately than by those of any other country, Her Majesty's Govt., while deprecating any desire to gain exclusive privileges in Tonga, consider that he should be prepared to listen to their wishes as expressed through you, with especial favour; and you will point out to him that Her Majesty's Government could not view with indifference any steps taken by him which might directly or indirectly confer on any other European power a preponderating influence in the affairs of Tonga.

On the other hand you will assure him of the readiness with which Her Majesty's Govt. will at all times receive any representations which he may have to make to them

You will inform him of the satisfaction felt by Her Majesty's Government at his having consulted with you, before you left the Pacific, as to the appointment by him of an English Secretary; and you will bring to his notice the substance of the despatch from Her Majesty's Ambassador at Berlin, of which a copy is enclosed, shewing that the German Govt. have no wish to nominate a German subject for such a post, as he appears to have at one time believed to be the case.

I have also to request you to take an opportunity of conferring with him respecting the issue of an Exequatur to the Tongan Consul at Sydney, and to

report to me your opinion as to the advisability of this step being taken. I should wish you to remark on the fact that an application has been made on this matter through the German Govt. and to explain that Her Majesty's Government could not in any case have acted on an application made in such a manner, the proper channel of communication between him and Her Majesty's Govt. being through Her Majesty's Consul-General or the Acting Consul-General in the Pacific.

You will be furnished with the draft of a Treaty which Her Majesty's Government wish should be concluded with the King of Tonga, and the necessary full powers will also be given to you. The Treaty when concluded will of course supersede the agreement made with the King by Mr Maudslay.

I am

Sir

Your most obedient
humble Servant,
Salisbury.

[224]

BRITISH CONCERN OVER GERMAN INFLUENCE 1880.

[James Blyth, H.B.M. Commissioner and Vice Consul to H.B.M. High Commissioner. British Consulate, Tonga, 19th June 1880. Archives of the Western Pacific High Commission, Suva, Fiji.]

Tonga
No.9.

British Consulate, Tonga.
19th June 1880.

Your Excellency,

I have the honour to report that since my arrival here on 21st Feb., little worthy of note has occurred.

The few trivial cases that have come before me as Deputy Commissioner and Vice-Consul, have been arranged amicably out of court. The general business of the country has been at a stand still owing to the mourning for the death of David Uga, the King's son and appointed successor, or rather to the delay in bringing the body here: in other words, to the detention of the body in New Zealand by the Rev S.W. Baker to serve his own interests.

During six months the whole country has been waiting with the full knowledge that had Mr Baker been able to come himself or been willing to allow the body to be sent without him, it could have been here in January.

It was not till Tuesday, the 30th ultimo that the German ship of war "Nautilus" Capt. Chuden arrived here with the body, accompanied by Mr Baker and Tuhitoka, Minister of Police, and on Monday the 7th instant she steamed out again for "Uiha" the appointed place of burial (of the Tubou family) in Haabai. The body was not landed here at all. During the week over which the "Nautilus" remained here boats were employed laying down buoys to mark the entrance to the passage, and on one day there was a state presentation of gifts, native fashion "to the man of war."

On Tuesday, the 8th at 4 a.m. His Majesty King George, sailed for Uiha in the schooner "Tubou Malohi" accompanied by the Rev J.B. Watkin and 170 Tongans. I had an invitation to go in the same vessel, from the King, but preferred following the same evening by the sch. "Caledonia" which I chartered expressly. We sailed into Uiha very early on the Morning of Thursday the 10th, and landed at 8 o/c. a.m. My mata ni vanua having announced my arrival I was at once conducted to his Majesty's presence. King George said that he was greatly pleased to see us present at his son's funeral, and after the usual ceremonies and "faikava" we returned to the quarters assigned to us by the King which were most comfortable, and during our two days stay we were most hospitably entertained. The British Consulate party consisted of myself, Mr Symonds, Dr Beg and Daniela Toa (my mata ni vanua) and servants. The funeral took place the same day (10th) at 5 p.m. in the presence of over two thousand Tongans.

King George, of Tonga, in staff uniform, with his grandson Gu, and A.D.C. stood at the right of the coffin, and the ministers (Junia, Tugi &c) stood behind the King. Our position was by invitation, on the King's right hand, next to Gu. The members of the Upper House stood opposite, on the left of the coffin, and next to them, on their left the foreign traders.

After a tedious delay of half an hour, Capt. Chuden landed with forty five marines under command of the first lieutenant and took up a prominent position in a clear space left at the head of the coffin. The second lieutenant and the doctor, accompanied by the Revs. Baker, Watkin and Oldmeadow, with two or three native brethren, completed the German party.

They all assembled together on the shore, walked up to the stand together, and together proceeded to the grave.

The Burial Service was read by Messrs. Watkin and Oldmeadow, and Mr. Baker delivered a long address (in Tongan) in justification of his own conduct. He said some thing also about the later hours of the deceased, then the Germans

led the way to the grave (50 paces off) the body was lowered to its last resting place, the usual valleys fired, and we all dispersed.

The Ceremonies were marked by the greatest solemnity and decorum. They were also marked by the ostentations prominence given to the Germans. As all the arrangements, however, were made by Mr Baker, it is only what might have been expected. On the day following (11th) I went to the King to take leave.

After a few words in polite acknowledgement of the way in which His Majesty's commands for our comfort in Uiha had been carried out, I reminded the King that on my arrival I had presented three letters from your Excellency and as I should probably go back to Fiji before His Majesty returned to Nukualofa I should be glad to know what answer I was to take back with me, in regard (1) to the Secretaryship, (2) the Doctor and (3) the Financial report, I added: it is well to be clear about the money owed by Tonga, and whether or how far, Government is or has made itself responsible for debts contracted by its servants! (as eg. Governors of provinces, and I used the expression "vakataudeitaka na mo'ua")

The King replied very graciously to the first part of my remarks, and then continued "it is right that you should take back an answer to the Governor, and it is right that I should be prepared with my answer, but it is my wish that my Parliament should meet first to consider well all these things, which will not be until the food is ripe next year (June) When we have decided what we shall do I shall myself write to the Governor and tell him."

His Majesty then led the conversation to general matters and shortly afterwards I took my leave formally.

.....

If I may venture an opinion at present I should say that the King is at heart well affected to Great Britain, and more particularly to the good influence exerted by your Excellency, but that he fears to do anything to offend the Germans, partly as it has been impressed on him that he has in some way committed himself by promises, and partly from his inability at once to shake himself free of these advisers.

All, I think, will yet go well, but it is certain that Mr Baker will leave no stone unturned to secure for himself a permanent footing in the Govt. of Tonga.

The report is that he is to be made "minister". It is also said that he is to reside for a year at Auckland. His name looms largely in this despatch, unavoidably, for this personal influence with the King and his Grandson, Gu, (but with these only) is very great and is not exerted in amity to his own country. On the contrary his object seems to be to foster distrust and jealousy of any influence or power other than that of the Wesleyan Mission, ie. his own. The people are not with him and they do not profess to understand his missionary - political ideas for them, but they are loyal to their King. A great many rumours are current but I cannot deal with rumours and I do not judge it wise or prudent to notice them, or give the people to understand that my course is shaped by Mr Baker's -

When, however, any chief refers to the subject of Your Excellency's views with regard to Tonga, I quote your Excellency's own words "that is the desire of Her Majesty's Government that Tonga should be independent properous and contented." and I think a confidence exists that it is so.

I have etc.

(Signed) James Blyth

Deputy Commissioner & Vice-Consul.

RECOGNITION OF "THE LEAST AMONG THE KINGDOMS OF THE WORLD" 1882
[Tonga Government Gazette. Vol.2, No.2, October 25th 1882]

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

"The treaty with Great Britain has just been ratified, but it would be useless for me to express the pleasure of my mind in the ratification of the said Treaty of Friendship with Great Britain, and that Great Britain has acknowledge us as a Kingdom. I have requested Sir A. Gordon to take my words and thanks to Queen Victoria, in that she has been graciously pleased to ratify the said Treaty and also because of the love that is manifested to myself and my land, which is the least among the Kingdoms of the world.

It is also right for me to express the pleasure I had in the visit of Sir Arthur Gordon to Tonga, and especially the assistance he rendered my Government; and also his adjusting the circumstances of the residing together of the British residents and Tongans in our land.

I was also pleased at the visit of the German Consul General and I thank him for the kind assistance he has rendered also to my Government and also because of the continued love of Germany to Tonga.

You will also be pleased to learn that my Premier is at present negotiating with other Kingdoms for the purpose of making Treaties with those Kingdoms.

SPEECH AT CLOSE OF PARLIAMENT.

With regard to the laws which you have deliberated upon, my mind is pleased, especially the regulations that we have regard to the reverence to the Chiefs and the Tonga customs. Some will say we are retrograding, but such is not my opinion, I believe that if the language and customs of any land are lost, that land will be lost to another people. I therefore rejoice in the Tongan matters you deliberated upon, and as we have become a recognized government if there be anything in foreign lands which will be useful to us, it is right for us to desire to get it, but it is also right if there is any Tongan custom which is useful, for us to preserve it.

In your separating, I trust each one will try to be useful to Tonga, and for this to be your language and the character of your work, "Tonga for Tonga".

D. TREATIES AND AGREEMENTS

[226]

TREATY WITH FRANCE 1855.

[West, Thomas. Ten Years in South-Central Polynesia: Being reminiscences of a Personal Mission to the Friendly Islands and their Dependencies. London, M.DCCC.LXV. pp.388-389.]

"CONVENTION between Tubou, King of the Tonga Islands, on the one part, and M. Du Bouzet, Commander-in-chief and Governor of the French establishments in Oceanie, in the name of His Majesty Napoleon III., Emperor of the French, on the other part.

I. "There shall be perpetual peace and friendship between Tubou, King of the Tonga Islands, and His Majesty Napoleon III., Emperor of the French.

II. "The Catholic religion is declared free in all the islands under the King of the Tonga Islands. The members of that communion shall have all the privileges accorded to Protestants.

III. "All natives of the Tonga Islands banished or deprived of their property on account of religion, shall be at liberty to return to their homes, and their land shall be restored to them, and they shall be allowed to cultivate it with all freedom.

IV. "The French, of whatever profession they may be, located within the Tonga Islands, or who shall come to reside there, shall be protected in an effectual manner by Tubou, in their persons and property.

V. "This protection shall be extended to French ships and their crews; the assistance of pilots shall never be refused; and, in case of wreck, the chiefs and inhabitants of the districts shall take them succour, and protect them from pillage. The salvage indemnity shall be regulated amicably; and, in disputed cases, by arbitrators chosen by the two parties.

VI. "French ships shall not in any case be liable to higher anchorage, and pilot dues, or other charges, than other nations.

VII. "The subjects of Tubou shall have a right in all French possessions to the advantages accorded to the French in the Tonga Islands.

VIII. "The present convention shall be communicated to the chiefs and people of the Tonga Islands, and published in all the islands.

"Drawn up and signed in four despatches at Tongatabu, in the two languages, by the contractants, January 9th, 1855."

[Note: A translation of this treaty is also to be found in the Archives of the Western Pacific High Commission Suva. However West's translation was preferred as being more accurate. To quote one example. The expression in French "les privileges accordés aux Protestants" is translated in the Western Pacific Archives copy as "all the privileges granted to the people of the Wesleyan Church" whereas West's translation is "all the privileges accorded to Protestants."]

[227]

THE TREATY WITH GERMANY 1876

[Tonga Government Gazette. Vol.2, No.17. Jan. 10th 1883]

TREATY OF FRIENDSHIP BETWEEN HIS MAJESTY THE GERMAN EMPEROR,
KING OF PRUSSIA, ETC, ETC, IN THE NAME OF THE GERMAN EMPIRE,
AND HIS MAJESTY THE KING OF TONGA.

His Majesty the German Emperor, King of Prussia, etc, etc, in the name of the German Empire, of the one part, and the King of Tonga on the other part, being desirous to maintain and strengthen mutually their relations and interests, have resolved to conclude a Treaty of Friendship. For this purpose they have named as their Plenipotentiaries, that is to say:

His Majesty the German Emperor, King of Prussia, etc, etc, the Captain (Zur See) Earnst Wilhelm Heinrich Hugo Edward Knorr commanding His Majesty's ship ("Hertha") owner of the Iron Cross of the 2nd Class and Knight of the Order of the Red Eagle 4th Class; and Theodor August Ludwig Weber, Esq., His Imperial Majesty's Consul for Tonga and Samoa, and His Majesty the King of Tonga: Uiliami Tungi, President of the Legislative Assembly of Tonga; and the Rev. Shirley Waldemar Baker, Wesleyan Minister, as interpreter, who after communicating to each other their full powers, have agreed upon the following articles:

ARTICLE 1. There shall be peace and perpetual friendship between the states of the German Empire of the one part and Tonga of the other part, also between their respective rulers and people without distinction of persons and places.

ARTICLE 2. The subjects of both contracting parties shall have in both countries the most perfect and perpetual protection for their persons and property. They shall enjoy in this respect the same rights and privileges as native subjects. Tongans in Germany and Germans in Tonga shall be exempted from all political

offices and military services by land or water, and from all similar corresponding services, also from all war contributions, forced loans, military requisitions, or services of whatever kind they may be. Furthermore they shall not in any case be subject in regard to their moveable and immoveable property to any other charges, taxes, or assessments than those which are demanded from native subjects or from subjects of the most favoured nations. Tongans who reside or sojourn in Germany and the Germans who reside or sojourn in Tonga shall enjoy perfect liberty of conscience and religious worship, and the respective governments shall not allow them to be molested or annoyed or disturbed on account of their religious faith, or on account of the celebration of Divine Service in private houses, Chapels, churches, or other places used for the purpose of Divine Service, always observing the religious propriety and due respect of the laws manners and customs of the country. The subjects of both countries shall also have the privilege of burying their countrymen if they die in Germany or Tonga, in suitable and convenient places which they may establish and maintain for that purpose with the consent of the local authorities, and in no case shall their burial services in accordance with their religious customs be disturbed or the graves damaged or destroyed.

ARTICLE 4. There shall be reciprocal full freedom of commerce between all the dominions of the German States and all the dominions of Tonga. The subjects of the two High Contracting Parties may enter with their vessels and cargoes into all places, ports and waters of Germany and Tonga with all safety. The Tongans in Germany and the Germans in Tonga shall enjoy, in this respect, the same liberty and security as native subjects.

ARTICLE 5. There shall also be reciprocal liberty for the ships of war of the two High Contracting Parties to enter into all places, ports and waters within the dominions of either party, to anchor there, and to remain, take in stores, fit and repair, subject to the laws and regulations of the country. In order to facilitate the accomplishment of these objects in his dominions and especially to aid in the establishment of a coaling station in his dominions, the King of Tonga grants (leases) [nō fonua] the German Government all rights of free use of the necessary ground at a suitable appropriate place in the Vavau group but always without prejudice to the rights of the sovereignty of the King of Tonga.

ARTICLE 6. Subjects of each of the two High Contracting Parties may with full liberty reciprocally proceed to any and every part of their respective territories,

and may reside there and undertake voyages and journeys, carry on commerce whole-sale or retail, and fix the price for merchandise and produce or other articles of any kind, whether imported by them or intended for export; - further particulars with regard to their mutual relations of commerce being reserved for a special treaty of Commerce and Navigation. They may furthermore rent land and grounds, and use and cultivate them with full liberty: they may erect houses, warehouses, and stores as they may desire on such rented land or grounds and also buy, rent and occupy such houses, warehouses, and stores. In all these cases the subjects of both states have to observe the laws and regulations of the country, but in no case shall they be subject to any general or local contributions; assessments or obligations, of whatever kind they may be, but those which are imposed upon the native subjects. And any taxes, dues, charges, and other obligations which may be enacted by the laws of the country with reference to any government deeds of leases of grounds or lands, besides the rents agreed upon, shall have effect only with regard to the ordinary sale taxes, licences and road repairs, whilst any respective extraordinary charges, or assessments are reserved for a special agreement between the High Contracting Parties.

ARTICLE 7. In as much as a separate treaty or respective arrangements was mentioned in the preceeding article having reserve with a view of further ~~strengthening and promoting the mutual relations of the High Contracting Parties,~~ it is also reserved, for the same object, hereafter to regulate as deemed necessary the legal and civil (marriages) position of the subject of each state and of those who share their protection during their stay, in the dominions of the other party, and also the rights competencies, and obligations of mutual consular representation by the conclusion of a separate Consular Treaty between the two High Contracting Parties.

ARTICLE 8. Each of the two High Contracting Parties hereby agrees not to grant in his Dominions any monopolies, indemnities, or real priveleges, to the disadvantage of the commerce, the flag, or the subjects of the other nation.

ARTICLE 9. The two High Contracting Parties agree to grant each other reciprocally with reference to preceeding articles, as many rights and priveleges as may be granted in future to the most favoured nations.

ARTICLE 9. The present treaty shall come into force and become valid from the day of the signing of the same, reserving that the same become invalid, in case

its ratification on the part of the German Government, shall not take place within the space of one year from the date of its execution.

ARTICLE 11. The present Treaty consisting of the eleven articles shall be ratified and the ratifications exchanged at Nuku'alofa within the space of twelve months.

In witness thereof the Plenipotentiaries have signed the present Treaty and sealed the same respective with their Seals.

Done at the harbour of Nuku'alofa on board His Imperial German Majesty's ship "Hertha" this 1st day of November One Thousand eight hundred and seventy six.

(Signed) E. Knorr

Th. Weber.

Uiliami Tungi

Shirley W. Baker (Interpreter)

THE INITIAL AGREEMENT WITH BRITAIN 1878

[Western Pacific Commission Archives, Suva. No.43 item 10]

TREATIES AND AGREEMENTS

1.

There shall be perpetual peace and friendship between the subjects of Her Britannic Majesty and those of His Majesty the King of Tonga.

11.

There shall be accorded to British Subjects residing in Tonga all privileges now possessed by; or which may be hereafter accorded to, the subjects of any other foreign nation, nor will His Majesty the King of Tonga grant to any other sovereign or state powers, authority or privileges in Tonga in excess of those awarded to Her Britannic Majesty.

. 111.

Cases whether criminal or civil arising between British Subjects resident in Tonga shall be judged in the High Commissioners' Court only, and at the request of Such Court it shall be lawful in such cases for the supreme Court of Tonga to require the attendance of witnesses, whether natives or foreigners, which summons shall have the like authority as if issued in cases judged by the supreme Court of Tonga.

1V.

Her Britannic Majesty and the King of Tonga mutually engage to surrender under the condition of the laws of extradition, actually existing at any time in either country, respectively, persons convicted of or charged with the following crimes:

Murder or attempt to murder.

Theft.

Fraudulent Bankruptcy.

Forgery.

Conspiracy.

V.

This agreement shall remain in force until the ... day of September, 1878 unless previous to that date its terms are embodied in a Treaty between Her Brittanic Majesty and the King of Tonga.

THE TREATY OF FRIENDSHIP 1879

[Print copy in English and Tongan - Archives of the Western Pacific High Commission, Suva, Fiji.]

TREATY of Friendship, &c., between Her Majesty the Queen of Great Britain and Ireland and the King of Tonga.

Signed at Nukualofa, November 29, 1879.

.....

[Ratifications exchanged at Nukualofa]

.....

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Tonga, being desirous to maintain and strengthen the relations of friendship which happily subsist between their respective dominions and subjects, have resolved to conclude a Treaty for that purpose, and have, therefore, named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c.; the Honourable Sir Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Britannic Majesty's High Commissioner and Consul-General for the Western Pacific, Governor of Fiji; and Alfred Percival Maudslay, Esquire, one of Her Majesty's Deputy Commissioners for the Western Pacific; and

His Majesty the King of Tonga, &c.; Wellington Tubou Malohi, Knight of the Order of the Red Eagle of the Second Class, Governor of Vavau; and George Fatafehi, Governor of Haapai;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:-

ARTICLE I.

There shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and His Majesty the King of Tonga, his heirs and successors, and between their respective dominions and subjects.

ARTICLE II.

His Majesty the King of Tonga engages to grant to no other Sovereign or State any rights, powers, authority, or privileges in Tonga in excess of those accorded to Her Britannic Majesty.

The subjects of Her Britannic Majesty shall always enjoy in Tonga and Tongan subjects shall always enjoy in the territories of Her Britannic Majesty whatever rights, privileges, and immunities they now possess, or which are now accorded to the subjects of the most favoured nation; and the like privileges shall be equally enjoyed by Tongan subjects in the territories of Her Britannic Majesty; and no rights, privileges, or immunities shall be granted hereafter in Tonga to the subjects of any foreign State which shall not equally and unconditionally be granted to the subjects of Her Britannic Majesty.

ARTICLE III.

(a) If any subject of Her Britannic Majesty in Tonga is charged with a criminal offence cognizable by British Law, such charge may be tried by the Court of Her Britannic Majesty's High Commissioner for the Western Pacific Islands.

(b) If any subject of Her Britannic Majesty in Tonga is charged with an 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.

(c) If any subject of Her Britannic Majesty in Tonga is charged with a criminal offence cognizable as such both by British Law and the Laws of Tonga, the party charged may elect whether he will be tried by a Tongan Court or by the Court of Her Britannic Majesty's High Commissioner.

(d) Every civil suit which may be brought in Tonga against any subject of Her Britannic Majesty in Tonga shall be brought before and shall be tried by the Court of Her Britannic Majesty's High Commissioner.

(e) Every summons or warrant to appear as a witness before the Court of Her Britannic Majesty's High Commissioner, issued in accordance with British Law, and directed to a Tongan subject, shall, if possible, be endorsed by a Judge of the Supreme Court of Tonga, and when so endorsed, shall have the same authority, and may be enforced in like manner, as if issued by the Supreme Court of Tonga, but when it shall be made to appear to the Court of Her Majesty's High Commissioner that the delay required to procure such endorsement might lead to the escape or removal of a material witness, such summons or warrant may be issued by the Court without such endorsement, and shall have the same authority, and may be enforced in like manner, as if such summons or warrant had been

directed to a subject of Her Britannic Majesty.

(f) The expression "British Law" in this Article includes any Regulations duly made and issued by Her Britannic Majesty's High Commissioner for the Western Pacific Islands for the government of British subjects within his jurisdiction.

ARTICLE IV.

Her Britannic Majesty agrees to surrender to His Majesty the King of Tonga any Tongan subject who, being accused or convicted of any of the under-mentioned crimes, committed in the territory of the King of Tonga, shall be found within the territory of Her Britannic Majesty.

The crimes for which such surrender may be granted are the following:-

- Murder, or attempt to murder;
- Embezzlement or larceny;
- Fraudulent bankruptcy;
- Forgery.

ARTICLE V.

The present Treaty shall come into force and effect from the date of the signature thereof, but shall again become null and void if not ratified within the prescribed period.

ARTICLE VI.

The present Treaty shall be ratified, and the ratifications exchanged at Nukualofa within twelve months from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their seals.

Done at Nukualofa, the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and seventy-nine.

L.S. UELIGITONI TUPOU MALOHI. (L.S.) ARTHUR GORDON.

L.S. JLAOSI FATAFEHI. (L.S.) ALFRED P. MAUDSLAY.

TREATY WITH THE UNITED STATES OF AMERICA 1886

[Treaty of Amity, Commerce, and Navigation between the United States of America and the King of Tonga. Typescript copy, Archives of the Western Pacific High Commission, Suva, Fiji.]

October 2, 1886.

The United States of America and the King of Tonga, naturally desirous of maintaining and strengthening their relations and interests, have resolved to conclude a Treaty of Amity, Commerce, and Navigation, and to this end have empowered as their representatives: The President of the United States, George H. Bates, Special Commissioner of the United States to Tonga; and His Majesty the King of Tonga, the Rev. Shirley Waldemar Baker, Premier of the Kingdom of Tonga; who, after producing to each other their respective powers, have agreed upon the following Articles:-

ARTICLE I.

There shall be perpetual peace and amity between the United States of America and the King of Tonga, his heirs and successors.

ARTICLE II.

The citizens of the United States shall always enjoy in the dominions of the King of Tonga, and Tongan subjects shall always enjoy in the United States ~~whatever rights, privileges, and immunities are now accorded to citizens or~~ subjects of the most favoured nation; and no rights, privileges, or immunities shall be granted hereafter to any foreign State, or to the citizens or subjects of any foreign State, by either of the high contracting parties, which shall not be also equally and unconditionally granted by the same to the other high contracting party, its citizens or subjects; it being understood that the parties hereto affirm the principle of the law of nations: that no privilege granted for equivalent or on account of propinquity or other special conditions comes under the stipulations herein contained as to favoured nations.

ARTICLE III.

Citizens of the United States in Tonga, and Tongans in the United States may visit, sojourn, and trade in any part of the respective jurisdictions, and rent, occupy, and improve lands, and erect dwellings, offices, and warehouses thereon, subject to the law and regulations of the country, which shall, however, in no case, except of employment as labourers, be more restrictive than those imposed upon the citizens or subjects of the respective country, or upon the citizens or subjects of the most favoured nations.

ARTICLE IV.

There shall be reciprocal liberty of commerce and navigation between the United States and the Tonga Islands, and no duty of Customs or other impost shall be charged upon any goods being the produce or manufacture of one country, when imported therefrom into the other country, other or higher than is charged upon the same, the produce or manufacture of or imported from any other country.

ARTICLE V.

No other or higher duties or charges on account of harbour dues, pilotage, quarantine, salvage in case of damage or shipwreck, or other shipping charges shall be imposed in the dominions of the King of Tonga on vessels of the United States, or in the United States on Tongan vessels, than are imposed on vessels belonging to the most favoured nation.

ARTICLE VI.

The ships of war of either of the high contracting parties may enter all ports, places, and waters within the jurisdiction of the other, to anchor and remain, take in stores, refit and repair, subject to the laws and regulations of the country. To enable this privilege to be carried out in his dominions, the King of Tonga agrees to secure to the Government of the United States by lease at nominal rent, with covenants of renewal, all rights of free use of necessary ground in any harbour of the Tonga Islands which shall be mutually agreed upon, for the purposes of establishing a permanent coaling and repairing station, the rights of Tongan sovereignty therein being fully reserved and admitted: and in selecting a station for this purpose due regard shall be had for any similar concession which the King of Tonga may have granted by Treaty to any other Government.

ARTICLE VII.

All steam vessels which may be employed by the Government of the United States in the carrying of their mails in or across the Pacific Ocean shall have free access to all parts of the Tonga Islands, and shall be there subject to no harbour or pilotage dues: provided that no vessel be entitled to such exemption except upon condition of carrying free of charge the Tongan mails to ports of destination and call of such vessels.

ARTICLE VIII.

The whaling or fishing vessels of the United States shall have free access to the ports and harbours of Tonga, and in the ports of entry thereof shall be permitted to barter and trade their supplies or goods for provisions for the use of their own vessels and crews, without being subject to the law relative to trading licence, and shall be subject to no port or harbour dues or pilotage whatever: but this privilege of barter and trade shall not include the supplying of spirituous liquors and arms and ammunition to the Tongans. And such whaling or fishing vessels shall, after having entered any port of entry in the Tonga Islands, be at liberty to anchor off any island or reef thereof, for the purpose of whaling or boiling down, provided such vessel does not anchor within the distance of three nautical miles from any inhabited town; but nothing in this clause shall be so construed as to permit infringement of the quarantine laws of the dominion of the King of Tonga.

ARTICLE IX.

All citizens of the United States residing in the Tonga Islands, and Tongan subjects residing in the United States, shall be exempted from all compulsory military service, whether by sea or land, and from all forced loans, military requisitions, and quartering of troops. They shall, moreover, not be compelled to pay any other or higher taxes, or licence fees, or personal dues of any kind, than are, or may be, paid by the citizens or subjects of the high contracting party levying the same.

ARTICLE X.

Should any member of the Ship's Company desert from a vessel of war or merchant vessel of either of the high contracting parties while such vessel is within the territory or jurisdiction of the other, the local authorities shall render all lawful assistance for the apprehension of such deserter, on application to that effect made by the Consul of the high contracting party concerned: or if there be no consul, then by the master of the vessel.

ARTICLE XI.

Each of the high contracting parties may appoint consuls, vice-consuls, commercial agents, and vice-commercial agents for the protection of trade, to reside in the territory of the other high contracting party; but before any consular officer appointed shall act as such, he shall, in the usual form, be approved of and admitted by the Government of the country to which he

is sent; and all such consular officers shall enjoy the same privileges and powers with those of the most favoured nation.

ARTICLE XII.

Consuls and consular representatives of the United States in Tonga shall have all jurisdictional rights over civil and criminal matters concerning their own citizens and vessels in conformity with the statutes of the United States and the law of nations, and they may call upon the authorities of Tonga for aid in making arrests or enforcing judgments; and the citizens of the United States charged with committing offences against, shall be amenable only to the consular jurisdiction, and shall be punished according to the law of the United States; and Tongans charged with committing offences against citizens of the United States shall be tried by Tongan Courts, and punished according to Tongan law. Claims of a civil nature against citizens of the United States shall be cognizable only in the consular jurisdiction, and Tongan Courts shall be open to citizens of the United States to prosecute such claims against Tongans according to law; provided that citizens of the United States, charged with violations of laws and regulations of Tonga, relating to customs, taxation, public health, and local police not cognizable as such under the laws of the United States, shall be amenable to the jurisdiction of the Tongan Courts, upon notice to the nearest United States consul or commercial agent, if there be one, resident in Tonga; who shall have the right to be present at the trial, and to direct or provide for the defence of the accused. The proceedings at all such trials shall be public, and the records thereof shall be public and accessible.

ARTICLE XIII.

Perfect and entire freedom of conscience and worship, with right of sepulture according to their creed, shall be enjoyed by citizens or subjects of either of the high contracting parties within the jurisdiction of the other.

ARTICLE XIV.

This treaty shall become effective upon promulgation, and shall continue in force for ten years and thereafter until one year, shall have been given by one of the high contracting parties to the other of its desire to terminate the same; save and except as to article VI, - relating to the establishment of a coaling station -, which shall be terminable only by mutual consent.

ARTICLE XV.

This treaty shall be ratified, and the ratifications exchanged at Nukualofa as soon as possible. This treaty is executed in duplicate, one copy being in English and the other in Tongan, both versions having the same meaning and intention; but the English version shall be considered the original, and shall control in case of any variance.

In witness whereof the respective plenipotentiaries have signed this treaty, and thereunto affixed their respective seals.

Done in the harbour of Nukualofa, in Tongatabu, on board the United States' steamer "Mohican", this 2nd. day of October, in the year of our Lord 1886

- Seal - Geo. H. Bates.
- Seal - Shirley W. Baker.

[231]

THE TREATY OF FRIENDSHIP 1900

[A Revised Edition of THE LAW OF TONGA -comprising all Laws, Acts, and Ordinances in force on the 1st Day of January, 1929. Prepared under the authority of the Laws Consolidation Act, 1927. By William Kenneth Horne, Chief Justice of Tonga. Government Printer, Nuku'alofa, Tonga. 1929.]

TREATY OF FRIENDSHIP BETWEEN GREAT BRITAIN AND TONGA

Her Majesty the Queen of Great Britain and Ireland, Empress of India, and His Majesty the King of Tonga, being desirous of strengthening the relations of amity between their respective States, have resolved to conclude a Treaty for that purpose, and have named as their Plenipotentiaries: Her Majesty the Queen of Great Britain and Ireland, Basil Home Thomson, Esquire. And His Majesty the King of Tonga, Jiaoji Patafehi Tui Belehake. Who after having communicated to each other their respective Full Powers have agreed upon and concluded the following Articles:-

ARTICLE I.

His Majesty the King of Tonga agrees that he will have no relations of any sort with foreign powers concerning the alienation of any land or any part of his Sovereignty or any demands for monetary compensation.

ARTICLE II.

Her Majesty will at all times to the utmost of her power take whatever steps may be necessary to protect the Government and territory of Tonga from any external hostile attacks; and for this or similar purposes Her Majesty's officers shall at all times have free access to the waters and harbours of Tonga; and the King of Tonga hereby agrees to lease to Her Majesty a suitable site or sites in any harbour or harbours in Tonga for the purpose of establishing a station or stations for coaling and repair of Her Majesty's ships, and for the erection of any military works or fortifications which may be necessary for the protection of such stations, and will at all times to the utmost of His power operate with and aid Her Majesty's naval or military forces in the defence of such station or stations if requested so to do by Her Majesty's officers.

ARTICLE III.

Her Majesty will appoint a suitable person to act as British Agent and Consul in Tonga, who will be the authorized medium of all communications between Her Majesty's Government and the Government of Tonga. And His Majesty the King of Tonga may appoint his Representative to conduct such negotiations. The Agent will not interfere in any way in the internal affairs and administration in matters where the interests of British subjects or foreigners are not concerned, but will at all times be ready to advise the King and his Government in any matter as to which they wish to seek his advice, and exercise the jurisdiction vested in Her Majesty by Article V of this Treaty until such time as other arrangements may be made by Her Majesty in that behalf.

ARTICLE IV.

And whereas His Majesty the German Emperor has by Article II of the Convention between Great Britain and Germany, signed at London on the fourteenth day of November last, renounced in favour of Great Britain all the rights of Germany over the Tongan Islands, including the right of extra territoriality in the Said Islands, and it is desirable, in order the better to enable Her Majesty to fulfil her obligations under this Treaty, that Her Majesty should have and exercise civil and criminal jurisdiction over all subjects of foreign Powers in Tonga, His Majesty the King of Tonga agrees that Her Majesty shall have and exercise jurisdiction as defined in Article five of this Treaty in the case of the subjects or citizens of all foreign Powers in Tonga.

ARTICLE V.

The jurisdiction to exercised by Her Majesty in Tonga shall extend to the hearing and settlement of all claims of a civil nature against British subjects or foreigners, and against British or foreign vessels by whomsoever preferred, and to the trial and punishment of all offences and crimes of which British subjects or foreigners may be accused in Tonga, except as here-inafter provided. All such cases, whether civil or criminal, shall be dealt with in accordance with the provisions of "The Pacific Order in Council, 1893" and of any Order amending the same so far as applicable. The authorities of Tonga shall at all times to the utmost of their power, when called upon by the British Agent, render aid in making arrests or in enforcing judgments in pursuance of this jurisdiction. Provided that British subjects and foreigners charged with violations of the Laws and Regulations of Tonga relating to Customs, taxation, public health, and local police not cognizable as such under the provisions of "The Pacific Order in Council, 1893" shall continue to be amenable to the jurisdiction of the Tongan Courts. The proceedings at all such trials shall be public and the records thereof accessible.

ARTICLE VI.

It is agreed that the Treaty of the twenty-ninth day of November 1879 between Her Majesty and His Majesty the King of Tonga shall be considered to be abrogated in so far as it may be inconsistent with the provisions of this Treaty.

ARTICLE VII.

The present Treaty shall come into force and effect from the date of signature thereof but shall again become null and void if not ratified within the prescribed period.

ARTICLE VIII.

The present Treaty shall be ratified, and the ratifications exchanged at Nukualofa within twelve months from the date thereof.

Done at Nukualofa this eighteenth day of May, 1900.

This Treaty was ratified at Nukualofa on 16th February, 1901.

E. TONGA IN THE BALANCE: THE ANNEXATION QUESTION.

[232]

THE AUSTRALIAN COLONIES CASE FOR BRITISH ANNEXATION
OF PACIFIC ISLANDS 1883

[Intercolonial Convention in Appendices to the Journals of the House of Representatives (New Zealand). A-J. A-3. 1884. pp. 128-135. General Assembly Library, Wellington, New Zealand.]

INTERCOLONIAL CONVENTION

ON THE SUBJECT OF THE ANNEXATION OR PROTECTORATE OF
NEW GUINEA AND THE WESTERN PACIFIC ISLANDS

The Agents-General for New South Wales, New Zealand, Queensland, and Victoria, to Lord Derby.

My Lord,

London, 21 July, 1883.

In accordance with the desire expressed by your Lordship on the occasion of our recent interview with you, we purpose now to place before your Lordship in writing the representations which we then submitted to you on the annexation or protectorate of the Western Pacific Islands and the eastern portion of New Guinea.

~~It is no doubt well known to your Lordship that during a period now~~ extending over more than thirty years, the Australasian Colonies have one after another pressed upon Her Majesty's Government the expediency of bringing the islands of the Western Pacific within the dominion or the protection of England; and we feel assured that the whole question will appear to your Lordship invested with a graver aspect, when for the first time the Governments of nearly all the Dependencies of England in Australasia come before Her Majesty's Government to make a united remonstrance against the present state of affairs in the Western Pacific, and to ask from the Imperial authority the adoption of such a definite policy and purpose as they believe is essential to their future well-being.

It is true that fear of foreign intervention has been the immediate cause of this concerted action on the part of the Australasian Governments; and this, we understood, seemed to your Lordship hardly adequate to justify a strong sense of present danger. We can assure you that our Governments would receive with a sense of great relief your Lordship's assurance that there is no foundation for our fears. But it is not only the apprehension of immediate foreign

intervention that has influenced our Governments, nor would its removal change their opinion as to the necessity for making it impossible in the future. Other powerful reasons bring them together to urge upon the Imperial Government the necessity of a policy different from the one that has been pursued in the past: the conviction, indeed, that the state of things in the Western Pacific has at last become intolerable. We feel that we ought not to say this without an attempt to trace the course of events that have led to so grave a declaration.

It was in 1848 that Sir George Grey, then Governor of New Zealand, first called the attention of the Imperial Government to a "species of trade in the native inhabitants which had commenced in the Pacific," and to the danger of foreign annexation, pointing out the necessity of providing against these in time. For many years successive appeals of the same kind, and from one Colony after another, were made to Her Majesty's Government to interfere. In the meanwhile, the constant repetition of outrages in the Pacific had become such a scandal to civilization that the Imperial Government resolved to make a vigorous attempt to repress them. The Foreign Jurisdiction Acts, which had been in existence in various forms since 1828, and the Pacific Islanders Protection Act of 1872, had proved insufficient to meet the increasing difficulties of the case. At last, in 1875, two Acts of Parliament were passed, amending the former law, defining more clearly the powers and jurisdiction of Her Majesty in the Pacific Ocean, and creating the office of High Commissioner for the Western Pacific. These were followed, two years after, by the promulgation of the "Western Pacific Order in Council of 1877," which established the High Commissioner's Court, with elaborate provision for the government of the Western Pacific: and the new Colony of Fiji, which had meanwhile been created in 1876, became the centre of the High Commissioner's operations.

The humane intentions of the Imperial Government in these measures have always commanded the respect and sympathy of the Australasian Colonies: and if it had ever been possible to give them real effect, we should not be addressing your Lordship today; but there was an inherent difficulty, the result of which could hardly have been foreseen at the time, but which was certain to paralyze every endeavour to confer the benefits of law and order on the vast region, stretching from New Guinea across the Pacific Ocean, which those measures embraced. The Act of 1875, which created the office of High Commissioner, only empowered Her Majesty to "exercise power and jurisdiction over her subjects" within the islands, and expressly declared that nothing in the Act or in any Order in Council under it should "extend, or be construed to extend, to invest Her Majesty with any claim or title whatsoever to dominion or sovereignty" over

the islands, or to "derogate from the rights of the tribes or people inhabiting them, or of their chiefs or rulers, to such sovereignty or dominion." And although the powers of the Order in Council were apparently extended so as to include foreigners in a few specified cases, they were practically restricted to British subjects only, for no foreigner could be brought under the High Commissioner's jurisdiction unless he could produce "the consent in writing of the competent authority on behalf of his own nation," a condition which, from the nature of things, could seldom if ever be fulfilled.

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But if there was serious trouble by reason of there being no jurisdiction over foreigners, another trouble was growing up even more serious because there was none over natives. So far from outrages diminishing after the Order in Council was promulgated they increased.

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Remedies which were suggested

It is no wonder that such a state of things should have caused serious anxiety to Her Majesty's Government, or that the Secretary of State should have desired the High Commissioner to advise what was now to be done. That the Order in Council had failed was evident; "an acknowledgment," says Sir Arthur Gordon, "that the present system is a failure, and the consequent repeal of the Order in Council would have the merit of simplicity." But the question was what should be put in its place. Lord Kimberley sent a despatch to the Governor of Queensland, saying that it was contemplated to invite the naval powers to agree to the appointment of a Joint Commission for considering the measures which should be taken for the regulation of the labour traffic, the trade in firearms, and the prevention and punishment of outrages of all kinds, under the sanction of a Convention between Her Majesty's Government and the other Powers. The Queensland Government immediately expressed their willingness to co-operate with the Imperial authorities for such a plan. The High Commissioner expressed his own concurrence. "some sort of international agreement," he said, "seems to me to form an essential part of any satisfactory arrangement." He then went on to make several recommendations for improving the existing system, one of which was that the judicial powers conferred by the Orders in Council should be so extended by Act of Parliament as to render offences committed by natives against British subjects equally cognizable with those committed by British subjects against natives. But it would evidently have been useless to assume jurisdiction over the native people and continue to except foreigners. Nor did the High Commissioner shrink from admitting this. "To obtain," he said, "the power of dealing

satisfactorily with the misdeeds of other whites than Englishmen, or of punishing attacks upon them, an international agreement, having the sanction of a treaty with France, Germany, and the United States, would be necessary. Such an arrangement would probably involve the substitution for the High Commission of a mixed Commission similar to the old mixed Commission Slave Trade Courts." And Sir Arthur Gordon then went on, with perfect truth, to touch the real kernel of the whole matter. "It should be borne in mind," he said, "that the punishment of outrages, though at present forced into prominence, is not the only nor the most important matter which has to be dealt with in these seas;" and he reminded the Secretary of State that the jurisdiction of the High Commissioner and his Court was one "primarily created to bring law, both civil and criminal, within the reach of British subjects far from all other legal tribunals, to check aggressive lawlessness, and to regulate the growth and development of British settlements in the Western Pacific." This was wise language. But when such recommendations were made, it was difficult to escape the logical conclusion from them. Once let it be admitted that the Imperial Government can pass an Act such as was advised by the High Commissioner, and is there anything but the thinnest veil left between that and the assertion of the very right of "sovereignty or dominion" which it was the purpose of the Act of 1875 to forbid?

It would not be fair if we did not refer to other remedies which were suggested by the High Commissioner. Early in 1881, after reciting the causes for the increased frequency of murder of Europeans by natives in the Western Pacific, Sir Arthur Gordon referred to two ways by which they could be prevented in future. "One is," he said, "that which I know on good authority was seriously contemplated by Her Majesty's Government some years ago, - the establishment of a strong chartered Company possessing an exclusive right to trade. Another course would be to limit the protection given for trading operations, to those carried on at certain specified localities." But Sir Arthur Gordon even then allowed that the time for any scheme of a chartered Company had passed; and last year he proposed another plan to improve the working of the existing High Commission, the leading features of which, in addition to extending his jurisdiction by a new Act of Parliament, were the appointment of three Deputy-Commissioners, the conferring of Deputy-Commissioners' powers on naval officers in command of H.M. cruisers, and the permanent employment of a vessel, not a man-of-war, in the service of the Commission.

Whatever might have been the recommendations some years ago, in favour of granting an exclusive right of trading in the Western Pacific to a chartered Company, we entirely agree with Sir Arthur Gordon that the time for

any such scheme has long gone by. An elaborate plan was devised in 1876 by Sir Julius Vogel, then Premier of New Zealand, and the present Premier of that Colony, Mr Whitaker, for the establishment of a great trading Company for the Western Pacific; but it fell to the ground, as any scheme of the kind now proposed must inevitably do. There are no circumstances in the Pacific similar to those which were held to justify the granting of a Royal Charter, in November, 1881, to the North Borneo Company; on the contrary, there are circumstances essentially adverse to any plan of the kind. But even if there were not, we may point to two things which alone ought now to dismiss it from consideration. In the first place, it would always have been futile to imagine that any grant of exclusive rights of trade to a Company would be effectual even in the case of British traders; not only would they have traded in spite of it, but at no time after the promulgation of the Order in Council could any such exclusive grant have been made without grave injustice to them; while, as regards foreigners, such a right would not have affected the French, German, and American traders; and if it was not to be respected by everybody, it must necessarily fail as a remedy. There are already French Companies established in New Caledonia, whose operations extend over many of the islands, and there will certainly be several others. By what process could these Companies be prevented from trading? The slightest attempt to do so would show how the question ever comes back to the same point; to the exercise, namely, of rights of "sovereignty and dominion." But in the second place, we feel sure that your Lordship will allow that, in any scheme for giving a chartered Company exclusive rights of trade, the interests and the wishes of Australasia could not be left out of consideration. Now, the exclusive right to trade could not exist for a moment in the islands without some right to govern; and the Governments of Australasia could not be expected to acquiesce in any right of government being transferred from the Imperial authority to any other authority than their own.

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Trade.

We have endeavoured to trace the events which have gradually but surely been pressing with ever increasing force for a new policy on the Western Pacific question. We now turn from these to a matter just as pressing, namely, the constantly growing trade of all that region.

At the end of 1881 Commodore Wilson collected from the various Customs officers some valuable returns of the commerce between the Australasian Colonies and the Western Pacific Islands; from these we have taken out the following

evidence of what the trade amounted to in the ten years from 1871 to 1880:-

Colony.	Vessels.	Tonnage.	Value:-		
			Imports.	Exports.	Total.
			£	£	£
New South Wales	1,305	395,391	2,147,858	2,726,227	4,874,085
Victoria	187	67,725	162,095	110,647	272,742
Queensland	320	47,390	2,899	83,800	86,699
New Zealand	908	349,681	705,223	548,187	1,253,410
	2,720	860,187	3,018,075	3,468,861	6,486,936

The Commodore did not merely point out how large was, even at that time, the value of this trade: he said significantly that "as yet the sources of trade may be said to be in their infancy." He might have added that these Customs returns only included, of course, the British trade, and took no account of foreign traders: if the French, German, and American trade could have been added, the total would have amounted to a much larger sum than $6\frac{1}{2}$ millions. It is needless for us to point out that the greater part of the produce of the Western Pacific only passes through Australia, and really comes to England. That this produce will greatly increase is beyond doubt. The whole trade, indeed, of the Pacific is destined to undergo a great change whenever the Panama Canal is made. It is then that will be seen the foresight of France in establishing herself at Tahiti and the Marquesas: and the Navigators, with the splendid harbour on Tutuila Island, will come into a new importance, while the Fiji group will become the nearest colony of England in the Pacific.

The pearl-shell and beche de mer fisheries alone amount to nearly a million sterling annually. The growth of sugar plantations is equally remarkable. Probably £1,000,000 has been spent in Queensland alone in creating sugar estates where only a few years ago there was nothing but the wilderness: the actual produce of these estates is already 19,000 tons, and in three years will probably be 50,000 tons. The great importance of this to Australasia will at once be seen from the fact that in the single year 1881 sugar to the value of close of £2,700,000 was imported into Australia and New Zealand, of which the import from Mauritius exceeded £1,500,000. It is quite certain there will be a great extension of the growth of sugar in Queensland and Fiji, and in it a constantly larger amount of Polynesian labour is sure to be employed. Now the necessity of further regulations for the labour trade and traffic in firearms, by foreigners as well as our own people, is one of the things that have been most strongly pressed upon Her Majesty's Government by the highest Imperial

officers, and by every authority of importance in the Colonies concerned.

The chief difficulty we have in referring to this is that no one in Australasia really knows how far the ground is clear of foreign claims, or to what engagements Her Majesty's Government is now committed. It is of the first importance to define with accuracy the political relation in which each group of islands stands to-day, whether to the Imperial Government or to any Foreign Powers. We therefore trust that we may ask your Lordship to enable us to place before our Government a full statement of what claims have yet been made by foreign powers, and of the extent to which such claims have been recognized by Her Majesty.

The sense of uncertainty and insecurity which prevails in Australasia on this subject may perhaps be best illustrated by what has happened in the case of the New Hebrides. That group was originally part of the Colony of New Zealand, under the Charter of 1840. At some time, of which we are not aware, a rather vague understanding appears to have been come to with the Government of France that the New Hebrides should be relinquished as a possession of the Crown and their independence recognized. In 1878, upon reports coming to Europe of a French project to annex the group, the French Ambassador declared that his Government had no intention to interfere with the independence of the islands, and asked for an assurance that Her Majesty's Government would also respect it. Your Lordship, being then Secretary of State for Foreign Affairs, informed the French Ambassador, with the concurrence of the Colonial Office, that Her Majesty's Government had no intention of "~~changing the condition of independence which the New Hebrides now enjoyed.~~" Upon a remonstrance being made by Sir George Grey, then Premier of New Zealand, the Secretary of State replied that the New Hebrides were no longer within the limits of New Zealand, and that the Imperial Government had no intention of proceeding in the direction of a political Protectorate. In the Order in Council of 1877, the New Hebrides had (evidently by design) been omitted from the islands specified by name; nevertheless, the High Commissioner understood that his authority extended over them, for he appointed Captain Cyprian Bridge, R.N., to be a Deputy-Commissioner there, and it was in that character that Captain Bridge went down to the islands. Now we venture to ask whether it is quite certain that after Her Majesty had once been graciously pleased to include the New Hebrides in the boundaries of New Zealand, the mere fact of new boundaries being afterwards fixed for that Colony was sufficient to make the New Hebrides cease to be a possession of the Crown? At any rate, if they have ceased to be so, and there is an understanding between the Governments of England and France to respect the independence of the group, the least that can be asked is that English and French subjects shall be on the same footing there. But it transpired, in a debate in the Chamber of Deputies, on the 8th May, that a

Company had been formed at New Caledonia, by a planter who had acquired 'des terrains importants' at Sandwich Island; and the Temps, only a few days ago, announced that a Company composed of colonists from New Caledonia had succeeded in "creating very important interests in the islands, had bought several of them, and had obtained large concessions in others;" whereupon that journal suggested that the "best method of procedure would be to grant to the Company rights similar to those recently accorded by the English Government to the North Borneo Company. We venture to ask whether the agreement, whatever it is, which exists between the two Governments, would allow of any grant of that kind being made by France?

Nor can the colonists feel secure against some sudden act on the part of France in annexing other islands whose independence may stand on, at any rate, no worse a footing than that of the New Hebrides. It is only a few years ago since Commodore Hoskins reported to the Admiralty that a French ship of war had been sent to the Chesterfield and Bampton Reefs by the Governor of New Caledonia, to proclaim those islands to be French territory, which "was done with the usual formalities." But the Governor of New South Wales had already granted a lease of the islets for working guano deposits; and it had to be arranged that the deposits should be worked jointly by French and English Companies until the question of title was decided, as to which Sir Hercules Robinson had sent a telegram to the Colonial Office immediately on receiving notice of the annexation from the Governor of New Caledonia. Still less can the colonists feel any security against other acts of which they have already complained. Early in 1880 a schooner arrived at Auckland from New Caledonia, chartered by the French authorities, bringing eleven political offenders, and nine convicts for criminal offences. Sir John Hall, then Premier of New Zealand, immediately telegraphed to all the Governments of Australia, asking them to join in urging Her Majesty's Government to remonstrate with the Government of the French Republic against a repetition of that act. The Government of New South Wales stated that "batches of pardoned convicts from New Caledonia had on several occasions arrived there." The Agent-General brought the case before the Colonial Office, and Lord Kimberly requested the Foreign Office to move the French Government to discontinue any shipments of convicts from New Caledonia to New Zealand. But convicts have often escaped from New Caledonia in open boats, and landed on the Queensland coast; more than fifty who came to Queensland were afterwards extradited, besides many others known to be French convicts from Noumea.

Again, by a "Reciprocal Engagement" entered into between England and France, in 1847, respecting the Raiatea group of islets (to the leeward of Tahiti), both nations bound themselves "never to take possession of the islands, either

absolutely or under the title of a protectorate, or in any other form whatever." But the French flag has been hoisted for three years on those islands, without, so far as we know, any consent or recognition having been ever given by Her Majesty's Government.

Again, a scheme is being debated even now in France, which, if it is carried into effect, will be more disastrous for the Pacific than anything that has happened since the creation of the penal settlement at New Caledonia; for it is nothing less than a well-matured design for transporting for life (transportation a vie) to New Caledonia, the Loyalty Isles, and the Marquesas Islands, great numbers of French habitual criminals (*reculivistes et malfaiteurs d'habitude*). Four proposals to this effect were before the French Legislature, one of them a bill brought in by the Government. They were all referred together to a Committee, which reported that the Minister of the Interior had accepted certain modifications, and that there was no further difficulty. In the debates in the Chamber of Deputies, the reporter of the *projet de loi* (M. Gerville-Reache) stated that at least 60,000 could be sent to New Caledonia, and 23,000 to the Loyalty Islands. It was calculated that in the first year after the law came into force 5,000 convicts would be transported for life under it, and an official estimate was presented of the probable cost of sending these 5,000 to the Loyalty Islands and the Marquesas. ~~It was said by the opponents of the measure that~~ the number of convicts transported would be 100,000; this was denied; whereupon it was asked whether since in the very first year 5,000 were to be sent, it could be expected that the number would not increase every year after. The class to be sent was officially described by M. Gerville-Reache as dangerous, steeped in vice, debauchery, and crime (*hommes dangereux, perdus de vices, usés par la débauche, souillés de tous les crimes*). These criminals were to be transported for life (*la relegation consistera dans l'internement perpétuel des condamnés*); but were not to serve any term of punishment and were to be free on arrival (*en résumé, le transporté à son arrivée dans la colonie sera libre*.) The object was to rid France of them (*en débarrasser la patrie*). The Government was to support them at first till they could get work; if they would not work, they must live how they could (*ils vivront comme ils pourront*). The *projet de loi* appointed New Caledonia and its dependencies, and the Marquesas Group, as "colonies to which the re idivistes were to be sent; but it was openly proposed in the debate to include the New Hebrides, the Loyalty Islands, and the Isle of . The Comte de Lanjuinais said it had been talked of to send the convicts to the New Hebrides (on *amit parlé d'envoyer les transportés aux Nouvelles Hébrides*). M. Richare Waddington, speaking officially as a member of the Committee, said that the title to the New Hebrides was not settled *il s'agit d'une question de propriété non encore*

determinee), but that he thought the French title was good, and that the French flag might very soon be hoisted on the islands (je crois que notre titre de possession est serieux, et que dans un arenir tres rapproche le pavillon de la France pourra y flotter); adding, however, that in saying so he was speaking for himself and not for the Government (en engageant ma responsabilite seule et non celle du government). Another speaker went further, and said that, in response to the supposed action of England in New Guinea, the New Hebrides would be seized by France (pour repondre a Angleterre, qui si andacieusement vient de mettre la main sur la Nouvelle-Guinee, nous saurons a notre tour nous emparer des Nouvelles Hebrides) The Chamber of Deputies, after adopting most of the Government Bill, sent it back for revision to the Committee, who returned it with very little alteration. They estimated that in the first four years the number of convicts to be sent would be 20,000. The colonies to which the convicts might be sent remained the same, namely, New Caledonia and its dependencies, the Marquesas, an island called Phu Quoc, and Guiana. The Bill has passed the chamber, but is not yet before the Senate.

Your Lordship will not be surprised at our Governments urging that this scheme for making the Pacific Islands the receptacle for the dangerous classes of France, is one deserving the serious consideration of Her Majesty's Government. It is impossible for Australasia to look without the gravest apprehension at the prospect of any proposal of the kind receiving the tacit acquiescence of England. What hope is there for the Pacific Islands, if a great nation like France pours into them vast numbers of her dangerous classes, not as convicts under penal servitude, but free the moment they land, so long as they do not return to France; or how can Australia and New Zealand be expected to hear with patience of such a law being passed? There have been rumours of some proposal by which the penal establishment at New Caledonia should be altogether given up by France, and the convicts transferred to the New Hebrides; the inducement being that New Caledonia would then be opened to settlement by free colonists. We do not deny that there would be an advantage in freeing New Caledonia from the curse of transportation; but the Bill before the French Chambers expressly retains New Caledonia as one of the places to which the recidivistes are to be sent; therefore, as to the New Hebrides, all the Colonies trust that full effect will be given to Lord Granville's assurance in the House of Lords a few days ago, that "both Her Majesty's Government and the French Government acknowledge in full the obligation which the understanding about the New Hebrides imposes upon both," and that the group shall not be allowed to pass in any way under the dominion of France.

Nor is it only with regard to French policy that there is, in the opinion of the colonists, cause for some apprehension. It is often said that Prince Bismarck has no desire to extend the influence of Germany to the Pacific; but what happened in the case of the Navigators group shows that idea to be a mistaken one. In the early part of 1880 a scheme was proposed in Germany for a great trading Company to take over the property of Messrs. Godeffroy. In a communication to the Imperial Under Secretary of State, Prince Bismarck laid down the conditions on which the Company was to receive a guarantee from the State of an interest of $4\frac{1}{2}$ per cent on its capital, not to exceed 300,000 marks a year, and to be for twenty years. The Chancellor referred to "the interest which the State takes in the prosperity of German enterprise in the South Seas," and justified the financial assistance he proposed giving to the new Company, by reason of the Godeffroy firm having "got into difficulties which threatened the German South Sea trade with the loss of their factories and plantations in the Samoa Islands." A Bill to give effect to the Chancellor's proposal was introduced accordingly, but rejected by the German Parliament in April, 1880. Again, as recently as December last, the Royal Colonial Institute called the attention of the Colonial Office to an article in the Allgemeine Zeitung strongly advocating the annexation by Germany of Eastern New Guinea. The answer was that neither Lord Granville nor your Lordship saw any reason for supposing that the German Government contemplated any scheme of the kind; but we venture to ask that a more definite assurance should be obtained from that Government, which can hardly refuse to recognize the vital character of the matter to every Colony in Australia.

Before leaving the subject of foreign intervention, we submit that it would be expedient to settle more clearly the extent to which the independence of the chiefs in the various islands is recognized, and their right to make treaties admitted. Where the treaty-right exists, is it quite certain that the Western Pacific Order in Council is in operation? For instance, the Navigators and the Friendly Islands are among those specified by name in the Order in Council; but we understand there is an English treaty with the "king" of Tonga; and in the case of the Navigators there is a treaty with Germany, which Prince Bismarck communicated to the Reichstag in 1879. And we believe a treaty of some kind was made between Samoa and the United States, giving to the States the exclusive right of using the fine harbour at Tutuila as a coaling and naval station, the U.S. frigate "Narra gansett" thereupon saluting the chief's flag with fifteen guns; indeed, this treaty was afterwards the subject of a representation by Sir Edward Thornton to the Government of Washington. Again, several of the Powers have appointed Consuls to the Islands; Her Majesty has a Consul at Rarotonga,

a Consul at Samoa, and a Vice-consul at Tonga, while Sir Arthur Gordon, the High Commissioner, is Consul-General for the Pacific Islands, the conduct of relations with native States and tribes being confided to him in that capacity, under the control of the Foreign Office. As there is nothing that can be called law administered by the native States and tribes, it is difficult to see how one day the same evil will not arise from conflicting consular jurisdictions as have been so powerfully described by Lord Dufferin in the case of Egypt.

The new policy proposed.

The two things we set ourselves to show were, first, that the Western Pacific Order in Council could never be made adequate to do what is wanted, without assuming a jurisdiction hitherto forbidden by Act of Parliament; and secondly, that the fear of foreign intervention which has existed in Australia was not without warrant. For this purpose we have relied not on assertions of our own but on official records, and with hardly an exception have only spoken of events that have happened in the last three years.

If we have established these two points, then the Imperial Government can hardly reject the consequences, that the time has come when complete jurisdiction ought to be assumed by England over the Western Pacific, as the only means of meeting the difficulties which beset alike the Imperial and the Colonial Governments, and of averting evils which threaten Her Majesty's loyal subjects in all that region.

We have rejoiced to see that such a policy has already received the almost unanimous support of the English Press. Some opposition to it is perhaps only natural. We are sensible of the repugnance that exists to the idea of adding to the already vast responsibilities of England a new and admittedly immense charge like that of the Western Pacific Islands. Yet it is difficult for any one to avoid the conclusion that these islands, unless they are meanwhile lost by foreign annexation, will inevitably belong to England in the end. The same impelling power, not of mere desires but of events, which induced the Imperial Government to do at last in Fiji what they had so often refused, is constantly at work, and incessantly being renewed and strengthened, with regard to the Western Pacific. But it was not till Fiji had become the opprobrium of the Southern seas that Her Majesty's Government would interfere. Surely they will not now inflict upon Australasia the hard necessity of waiting till New Guinea also, and perhaps other islands, become Alsacias as dangerous as Fiji once was, scourges to the peaceable subjects of Her Majesty, and a disgrace to civilization. For it is vain to think that the trade and intercourse between Australia and

New Zealand and these islands can be suppressed. Settlement both English and foreign is spreading in every direction, yet of safety for life and property there is none. The High Commissioner himself has shown that it is quite impossible to do what is wanted by any Order in Council capable of being issued under the Act of 1875: in other words, impossible to do it without assuming the very jurisdiction which it was the purpose of that Act to forbid. Nor would an International Convention do it, for a convention could only extend to the nationalities concerned, and could not embrace the natives. England could not claim, in a convention with Foreign Powers, any jurisdiction over the native tribes, without herself asserting over them the same right of dominion as would be asserted by the policy of the Colonies are urging upon your Lordship: nor could any convention be made at all, without first acknowledging that Foreign Powers possessed an equal right with England to exercise a right of dominion over natives, an acknowledgment against which every subject of Her Majesty in Australia and New Zealand would unite in making the strongest remonstrance.

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Imperial interest also concerned

So far we may perhaps be said to have urged only points that specially affect Colonial interests, or at any rate do not closely touch Imperial ones. This may be true so long as Europe is at peace; but the Imperial interest would spring up the moment any war broke out which involved England in hostilities with a European Power. The Imperial Government have called upon the Colonies to do their part in the defence of their own harbours, and our Governments have not only acknowledged they had a duty in that respect, but are doing their best to fulfil it. They feel that they have a right to ask in return that the task shall not be more difficult for them than the Imperial Government can help, and that they shall not be exposed to the creation of fortified naval stations and places d'armes in the Pacific, which should shelter an enemy's fleet and threaten their commerce, their coal measures, and even their safety. The nation will never permit that her naval supremacy in the Pacific shall be endangered; and it can hardly be contested that if France and other European Powers created new naval stations in the islands, the existing conditions in all that ocean would be changed, and everything relating to Her Majesty's Australian squadron assume a new aspect and a new importance.

Concert between the Imperial and Colonial Governments

But while we have thus represented what the Australian Colonies believe ought to be done by the Imperial Government, they are also ready to acknowledge

what they ought to do themselves. Your Lordship stated in the House of Lords; that if anything was to be done, it must be done either by the Imperial Government itself, or by the Australian Colonies acting together in concert, or by the Imperial and Colonial Governments combined; and we assure your Lordship that our Governments will hail with the greatest satisfaction such an invitation to them to co-operate with the Imperial authority. There are two immediate ways in which the Colonies can give their co-operation: by contributing to the cost of the policy they are asking your Lordship to pursue, and by placing themselves in a position to act in union with each other and in concert with you.

As regards the first, whatever differences there were when Lord Carnarvon made his proposal of 1876, there are none now. The Victorian Parliament has already passed an Address, assuring Her Majesty that Victoria will share in the cost of the policy which is being urged upon your Lordship; the Queensland Government has assured your Lordship of its readiness to do the same; and the other Colonies will also do their part. But it does not need for us to remind your Lordship that no Ministries can engage for the payment of indefinite sums, and that the assent of our Legislatures to grants of money must be expressed in the usual way. Permanent appropriation will certainly be necessary; and for this not only time is required, but consultation among the Governments, arrangement of the respective contributions of the Colonies, and the passing of the requisite votes; in the meanwhile, the first point for us to know is the amount which the Imperial Government would require to be provided for whatever action is contemplated by your Lordship.

As regards the other question of concerted action between the Imperial and Colonial Governments, your Lordship expressed your opinion to us at our interview with you in the clearest terms, and repeated it in the House of Lords. "If," you said, "the Australian people desire an extension beyond their present limits, the most practical step that they could take, the one that would most facilitate any operation of the kind, and diminish in the greatest degree the responsibilities of the mother country, would be the confederation of the Colonies into one united whole, which would be powerful enough to undertake and carry through tasks for which no one Colony is at present sufficient." The large question of Federation which your Lordship has here raised is one on which the Colonies have not made up their minds, and is one of too grave moment to be decided even under the sway of the strong feelings which now exist among them respecting the policy that ought to be pursued in the Western Pacific. But there is nothing to prevent concerted action at once with the Imperial Government for that particular policy; and we acknowledge that your Lordship may justly require not only such concerted

action, but joint engagements on the part of the Colonial Governments for the permanence and stability of the policy itself. This too requires time, consultation among our Governments, and probably legislation also - at any rate concurrent resolutions in the respective Colonial Assemblies. On the other hand, the Colonies will not imagine that your Lordship has invited them to a co-operation which is to be barren of results; and our Governments will feel assured that if they on their part pass the requisite appropriations, and combine for that concert with the Imperial Government which is necessary for any policy to succeed, they may rely upon the policy itself being adopted, and effect being given at last to the wishes which they have cherished for more than thirty years. In once more urging these wishes on Her Majesty's Government, they have not come as suppliants for some light favour, but as Englishmen to whom their country has given a great destiny which must be kept from harm; desiring no new territories for themselves, but asking that the Queen's subjects may enjoy the blessings of peace and order where now the law has no terrors for the evil-doer; not seeking by a clearer policy to set new burdens on the English taxpayer, but willing themselves to bear its cost; and welcoming with gladness an invitation to be associated with the Imperial Government in a work which must assuredly be done one day, and can as certainly be best done now.

We have, &c.,

SAUL SAMUEL.

F. D. BELL.

THOMAS ARCHER.

R. MURRAY-SMITH.

The Right Honorable the Earl of Derby,

Her Majesty's Principal Secretary of State for the Colonies,

&c., &c., &c.