

## TREATIES AND AGREEMENTS WITH GREAT BRITAIN

### TREATY OF FRIENDSHIP BETWEEN GREAT BRITAIN AND TONGA.

*Made by Her Majesty the Queen of Great Britain and  
Ireland and His Majesty the King of Tonga on the  
twenty-ninth day of November, 1879.*

#### 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 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

(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 for which shall be conducted in public, and the records of which shall be public and accessible. (*Replaced by Article I of the Treaty of 2nd June, 1891.*)

(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. (*Cancelled by Article II of the Treaty of 2nd June, 1891.*)

(d) Every civil suit which may be brought in Tonga against any subject of Her Britannic Majesty in Tonga shall be brought before and 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 where 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; and the Court of Her Majesty's High Commissioner shall include any British Court or officer for the time being authorized to exercise jurisdiction in the Western Pacific.

#### 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 undermentioned crimes, committed in the territory of the King of Tonga, shall be found within the territory of Her Britannic Majesty.

AGREEMENT BETWEEN GREAT BRITAIN AND  
TONGA.

*The Government of Her Majesty the Queen of Great Britain and Ireland, and the Government of His Majesty the King of Tonga, being desirous of simplifying and rendering more efficacious the provisions of Article III of the Treaty of Friendship concluded between their said Majesties on the twenty-ninth day of November, 1879, the undersigned, duly authorized to that effect, hereby agree and declare that—*

## ARTICLE I.

Sub-section (b) of Article III of the said Treaty is hereby cancelled, and the following substituted in place thereof:—

If any subject of Her Britannic Majesty is charged with the violation of any Law or Regulation in Tonga relating to Customs, taxation, public health, or local police, not cognizable as an offence against 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.

## ARTICLE II.

Sub-section (c) of Article III of the said Treaty is hereby cancelled.

## ARTICLE III.

The present Articles shall come immediately into operation, and shall be construed as forming an integral part of the Treaty of the twenty-ninth day of November, 1879.

In witness whereof the undersigned have signed the present Agreement, and have affixed thereto their seals.

Done in duplicate at Nukualofa, on the second day of June, in the year of Our Lord, 1891.

(L.S.) JOHN B. THURSTON.

(L.S.) JIAOJI FATAFEHI.

[*Editor's Note.*—See the Note to the Treaty of 29th November, 1879.]

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

Murder, or attempt to murder

Embezzlement or larceny

Fraudulent bankruptcy

Forgery.

Her Britannic Majesty may, however, at any time put an end to this Article by giving notice to that effect to His Majesty the King of Tonga. The Article shall, however, remain in force for six months after notice of its termination.

It is agreed that the arrangement contained in this Article shall be subject to the restrictions on the surrender of fugitive criminals contained in the Acts respecting extradition which are in force in the dominions of Her Britannic Majesty and the procedure to be adopted with respect to the surrender of such criminals shall be in conformity with the provisions of the said Acts.

*Ratified on the eighth day of September one thousand eight hundred and eighty-one.*

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[*Editor's Note.*—The provisions of the above Treaty have been abrogated in so far as they may be inconsistent with those of the Treaty of 18th May, 1900, which has in effect replaced it.]

NOTE OF POINTS ACCEPTED BY THE KING.

1. The King to rule with and through the Chiefs.
2. The British Agent and Consul to be consulted and his advice taken.
3. Services of an English officer to be utilised for the re-organisation of the Police.
4. Laws to be published in English as well as in Tongan.
5. Distribution of Lands as contemplated and promised by the late King to be carried out.
6. Rents of Government lands to be paid into Public Account, and no longer to be regarded as part of the King's emoluments.
7. Renewal of Leases to Foreigners on terms to be arranged.
8. Laws regarding spirituous liquors to be enforced.
9. New appointments to the Public Service to be made in consultation with His Britannic Majesty's Agent and Consul.
10. Changes among leading officials to be made only in consultation with His Britannic Majesty's Agent and Consul.
11. Revised Estimates for 1905 to be adopted.
12. Rights of succession and inheritance not to be interfered with.

I agree without reservation

(Signed) TUBOU II.

Nukualofa, 18th January, 1905.

Henry Douglas Wilkin,  
Commander R. N. H.M.S. "Clio."

Witness, Jiaoji Fatafehi.

Witness, J. F. Mateialona.