

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 Fatufahi Tu'ipelehake. 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 purposes of establishing a station or stations for the coaling and repair of Her Majesty's ships, and for the erection of any military works or fortifications which may be necessary or desirable for the protection of such stations, and will at all times to the utmost of His power co-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 be 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 hereinafter 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. (*Replaced by Treaty of 7th November, 1928.*)

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 16 February, 1901.
