

(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.) Any 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 indorsed by a Judge of the Supreme Court of Tonga, and, when so indorsed, 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 that the delay required to procure such indorsement might lead to the escape or removal of a material witness, such summons or warrant may be issued by the Court without such indorsement, 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 better 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 signatures 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.)	ARTHUR GORDON.
(L.S.)	ALFRED P. MAUDSLAY.
(L.S.)	UELIGTONI TUBOU MALOHI.
(L.S.)	JIAOJI FATAFEHI.