

1880.
NEW ZEALAND.

TREATY OF FRIENDSHIP BETWEEN GREAT BRITAIN AND TONGA.

Presented to both Houses of the General Assembly by Command of His Excellency.

His Excellency Sir A. GORDON to His Excellency Sir H. G. R. ROBINSON, G.C.M.G.

SIR,—

Nasova, Fiji, 5th December, 1879.

I have the honor to enclose for your Excellency's information a copy of a Treaty of Friendship between Great Britain and Tonga, signed at Nukualofa on the 29th ultimo.

I have, &c.,

His Excellency Sir H. G. R. Robinson, G.C.M.G., &c.

A. GORDON.

Treaty of Friendship between Her Majesty the Queen of Great Britain and Ireland and the King of Tonga.

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., &c., &c.—The Honorable 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 Vavou; 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 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 Her Britannic Majesty's High Commissioner for the Western Pacific Islands, or other British officer duly authorized by Her Britannic Majesty in that behalf.

(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.) 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.