

Appendix C: Constitution of the *Tovata Ko Natokalau Kei Viti,* 13 February 1867

We, Tui Cakau, Tui Bua, and Ma`afu, chieftains of Fiji ruling Thakaundrove, Bua and Lau in order to secure tranquillity to, and to promote the general welfare of our peoples, and to provide for the common defence, do bind ourselves mutually and severally to maintain to the utmost of our ability, this Constitution, which Constitution is hereby established this 13th day of February, 1867, under the title of the *Tovata Ko Natokalau Ko Viti*.

1. All legislative powers herein granted shall be vested in a General Assembly of the Chieftains, the consenting parties to this Constitution.
2. The General Assembly shall meet at least once a year, the time and place of said meetings to be fixed by the Assembly.
3. The executive powers shall be vested in a Chieftain Supreme who shall be one of, and shall be elected by, the General Assembly over which he shall preside, and which shall define his term of office; the Assembly shall also nominate one of its members as deputy to the Chieftain Supreme, which deputy shall be elected annually.
4. The Chieftain Supreme shall be Commander-in-chief of all the forces of the Confederation, and shall have the right to appoint his ministers and all civil and military officers necessary for the properly conducting the affairs of the Confederation.
5. In the case of death or inability of the Chieftain Supreme, it shall be the duty of the Deputy to act as head of the executive until the next meeting of the General Assembly, which meeting shall be called within two months of said decease or inability of the Chief Supreme occurring.
6. The salary of the Chief Supreme shall be 1,000 dollars per annum.
7. There shall be two Secretaries to the Confederation, who shall act as advisers and aiders to the Chieftain Supreme in all matters connected with the carrying out of this Constitution.
8. The supreme judicial powers shall be vested in the General Assembly, to which a right of appeal in all civil cases arising within the limits of this Confederation shall exist and the decision of which Assembly on such appeals shall be final. Criminal cases shall be finally adjudicated in the district where the crime shall have been committed.

9. The General Assembly shall have the power to fix the rate of, and to collect all such taxes, duties and imposts as may be deemed necessary, and otherwise to provide for the expenses of the General Government and to control the same, to pay the debts and secure the welfare of each Chieftom as well as of the Confederation. To borrow money, to regulate commerce among the several Chieftoms, to declare war, to make rules for regulating the forces of the Confederation, and to make all laws that shall be required for the furtherance of the objects of the Confederation.
10. The General Assembly shall have the right to investigate and bring under enquiry the official conduct of any individual Chieftain and to legislate in the matter.
11. The General Assembly shall decide upon the terms and conditions of admission to the Confederation of any independent Chieftom hereafter applying for such admission.
12. The General Assembly shall guarantee to each and every Chieftom the full liberty to regulate its own internal affairs, but without prejudice to the general interests of the Confederation, and shall protect each of them against invasion, and, on application from the Local Executive, from domestic violence and anarchy.
13. The General Assembly shall have the power to ratify or to disallow the appointment, and succession of a Chieftain who shall be nominated to the place of one deceased or removed.
14. No Chieftom, being one of this Confederation, shall enter into any Treaty or Alliance with any foreign Powers, nor shall be permitted to withdraw from the Confederation, nor to contract any debt or debts that shall singly or jointly exceed 2500 dollars, without the consent of the General Assembly.
15. All aliens may hold real estate, and dispose of the same by will or otherwise as freely as though they were born or naturalized citizens or subjects of the Confederation.
16. No person shall ever, save in the case of order, be molested on account of his religious opinions, or of his mode of worship.
17. Additions to, alterations and amendments of, this Constitution, or of any clause thereof, may be made by a majority of the votes of the General Assembly being favourable thereto.

Source: George C. Henderson ed., *Fijian Documents, Political and Constitutional 1858–1875*, Sydney 1938, 19–21.

This text taken from *Ma`afu, prince of Tonga, chief of Fiji: The life and times of Fiji's first Tui Lau*, by John Spurway, published 2015 by ANU Press, The Australian National University, Canberra, Australia.