

**AGREEMENT CONCLUDED between the Queen and the Admiral on 9 September 1842  
about the Protectorate**

Her Majesty, Queen Pomare, on the one hand;

And Rear-Admiral A. Du Petit-Thouars, Commander of the Legion of Honour and Commander-in-Chief of the Pacific Ocean Station, on the other ;

Taking into consideration the stipulations on which the protection of H.R.H. Louis Philippe is founded, protection temporarily given, subject to approval by the King ; owing to the impossibility of receiving immediately the orders of His Majesty the King of the French ; bearing in mind, besides, the total absence of laws and directions and the need to set up in Tahiti a temporary Government to take care of the whites, external relations and the guarantee of individual safety, property and public order;

Queen Pomare and Rear-Admiral Du Petit-Thouars decree :

- 1 That a Government Council will be established at Papeete, capital of Tahiti. In accordance with the conditions of the Protectorate, this Council will be invested with administrative and executive power, and with the foreign relations of the States of Queen Pomare ;
- 2 The Government Council is comprised of three members, notably : the French Consul, Commissioner of the King at the Government of her Majesty Queen Pomare; the military Governor of Papeete; the captain of the port of Papeete.

Decrees of the Government Council can only be made after deliberation in Council, and will be executive only when they are announced unanimously.

Outside the Council, each of the members will retain only the power relative to their own special function ; the Council can only come together when called to do so by the French Consul, Commissioner of the King, or by the military Governor of Papeete.

All decisions which are not made unanimously are null and will be referred to the King's Government for resolution.

The minutes of all Council deliberations, whatever their result might be, will be kept and recorded on registers stamped for this purpose.

Two copies of accurate minutes signed by all members of the Council will, in the 24 hours following the session, be handed over to the chancellory of the French consulate, one to be sent to the Minister of the Navy ; the other to form part of the archives of the consulate and to be passed on, if necessary, to authorized parties or to foreign consuls.

In the event of a request for a judgment from the Government Council, the Council must call in, as assessors, the consuls of affected nations or, if the affair is mixed, that is to say between a white and a native, the consul of the relevant nation on the one hand, and the district Governor, on the other. In this case, the judgment will be made on majority vote.

The Government Council will only ask for a judgment from the King's Government in criminal cases; in no case may the Government Council pronounce a death sentence; matters of this gravity will be sent back to the King's Government for a decision.

All requests for a judgment on matters between natives will be rejected by the Government Council, unless it receives such a request, in writing, from Queen Pomare who, in all cases and according to the conditions of the Protectorate, has retained exclusive powers of administration and jurisdiction over the natives.

Civil justice will be carried out in Tahiti:

- 1 By tribunals entirely composed of natives appointed by the Queen for cases between natives, in accordance with established custom ;
- 2 By the same tribunals to which will be added, in equal number to the native jurors, for the formation of mixed tribunals, white jurors appointed by the Government Council which will choose them from three lists of candidates presented in equal number for each one of the foreign consuls, for matters between whites and natives.

Finally, whites will bring their cases before local tribunals but, in this case, all jurors will be appointed by the Government Council, as described above for jurors for mixed tribunals.

Foreign consuls - as long as the French Government and their own Governments are informed about it - will retain their jurisdiction over their own nationals.

They may proceed on their own behalf to reconcile them - either by means of persuasion or arbitration - or may refer the matter to a tribunal, the formation of which they will assist by appointing candidates from their own nation, among whom the jurors must be taken in a number proportional to that of nations represented in Tahiti.

After judgments by the Tribunal, they may still appeal for a judgment from the Government Council to which, by law, they will be added as assessors ; finally, they may even appeal directly to the King's Government against the judgment of the tribunal.

All judgments will be made according to already existing laws of the land.

Natives and whites are equal before the law.

The freedom of belief is proclaimed ; the Government will give them equal protection. No one can be investigated for his religious opinions or restricted in the practice of his worship.

Individual freedom is guaranteed; it can only be taken away by a written order coming from the Council after deliberation and a unanimously taken decision.

All ownership, without distinction, is guaranteed; disputes which may arise on this subject, in accordance with the stipulations made by the Queen, will fall under the exclusive domain of native tribunals. No one can be forced to sell or exchange his

exclusive domain of native tribunals. No one can be forced to sell or exchange his property.

All whites living in Papeete must have a certificate attesting their nationality, or must be recognized by the consul of their nation, or must be taken under the protection of those who are accredited; failing a guarantee, they may be considered as vagabonds and, as such, forced to leave the country. However, this judgment can only be made after the deliberation of the Government Council and on a unanimous vote.

Any person wishing to engage in retail trading will be required to obtain a licence; until a decision is made by the Government, these will be delivered without charge courtesy of the Government Council and noted down on a special list; the licences must be signed by the three members of the Government.

The banning of the sale of spirituous liquors, decreed by the laws of Queen Pomare, will remain in force.

The sale of wines, beer or other low alcohol drinks, since they cannot be seen in the same light as spirituous liquors, will continue to be authorized in the interim.

Private homes are inviolable ; nothing can be done to breach this right unless the owners have public houses such as hotels, inns, cabarets, dance halls or billiard saloons. In any case, these public places can only be visited on the order of the Council, or of the Military Governor.

Gaming houses are not permitted; all contraventions of this measure will be severely punished and, in the case of reoffending, the guilty party will be forced to leave the country.

Any white who interferes in the affairs concerning the Government of Queen Pomare and that of the King - affairs such as have been temporarily established - or who seeks by means of his protests, his intrigues, his lies or his actions to disturb public order and the atmosphere of good harmony which is being established, may, on the strength of a decree made in Council and on unanimous vote, be forced to leave the country.

Captains of vessels entering the port of Papeete will be required to make a declaration as to their reasons for making it a port of call. This will be done in the office of the Captain of the Port. It will also be necessary that prior notification is given of the day of departure, and that settlement is made for the rights to piloting and anchorage set by Queen Pomare. These rights will remain unaltered until a decision is received from the King regarding the acceptance of the Protectorate.

At any time when public force is required to have the decrees of the Government Council carried out, the native Governor of Papeete, appointed by Queen Pomare, will, on written request from the Government Council, lend such assistance as is required.