

## APPENDIX I

## THE CONSTITUTION ACT, 1871

The constitution was printed by the Government Printer, D.W.L. Murray (see F1/Misc., 15, and Brower to Fish, 9 September 1871 - USCL), and published, somewhat inaccurately, in the Fiji Times, 30 March 1872. The following version has been taken from the official government print.

## CONSTITUTION ACT OF THE KINGDOM OF FIJI

WHEREAS, it is expedient for the Good Government of the White and Native Population of the Fiji Group of Islands to Establish a Constitution and Legislative House of Representatives therein: and whereas, Delegates from amongst the White Residents have been called together for that purpose: Be it, therefore, Enacted by the King and the Delegates in Council now Assembled, as follows:

I That from and after the 1st day of October, 1871, all laws existing, or supposed to exist, are hereby repealed.

II God hath endowed all men with certain inalienable rights; among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

III All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.

IV All men may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of that right, and no law shall be enacted to restrain the liberty of speech, or of the Press, except such law as may be necessary for the protection of his Majesty the King and the Royal Family.

V All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the King or Legislative Assembly for redress of grievances.

VI The privilege of the writ of Habeas Corpus belongs to all men, and shall not be suspended, unless by the King in Council when in cases of rebellion or invasion the public safety shall require its suspension.

VII No person shall be subject to punishment for any offence except on due and legal conviction thereof, in a Court having jurisdiction of the case.

VIII No person shall be held to answer for any crime or offence (except in cases of impeachment, or for offences within the jurisdiction of a Police or District Justice, or in summary proceedings for contempt), unless upon indictment, fully and plainly describing such crime or offence; and he shall have the right to meet the witnesses who are produced against him face to face; to produce witnesses and proofs in his own favour; and by himself or his counsel, at his election to examine the witnesses produced by himself, and cross-examine those produced against him, and to be fully heard in his defence.

IX No person shall be required to answer again for an offence, of which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

X No person shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty, or property without due process of law.

XI No person shall sit as judge or juror in any case in which his relative is interested either as plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.

XII Involuntary servitude, except for crime, is forever prohibited in this Kingdom; whenever a slave shall enter the Kingdom of Fiji he shall be free.

XIII Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and effects; and no warrants shall issue but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

XIV The King conducts his Government for the common good; and not for the profit, honor, or private interest of any one man, family, or class or men among his subjects.

XV Each member of society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to law; and, therefore, he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent when necessary; but no part of the property of any individual shall be taken from him, or applied to public uses, without his own consent, or the enactment of the Legislative Assembly, except the same shall be necessary for the military operation of the Kingdom in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefore.

XVI No subsidy, duty, or tax of any description shall be established or levied, without the consent of the Legislative Assembly; nor shall any money be drawn from the public Treasury without such consent, except when between the Sessions of the Legislative Assembly, the emergencies of war, invasion, rebellion, pestilence, or other public disaster shall arise, and then not without the concurrence of all the Cabinet, and the Minister of Finance shall render a detailed account of such expenditure to the Legislative Assembly, which, in case of war, invasion, or rebellion, shall be assembled without delay.

XVII No Retrospective Laws shall ever be enacted.

XVIII The Military shall always be subject to the laws of the land, and no soldier shall, in time of peace, be quartered in any house, without

the consent of the owner; nor in time of war, but in a manner to be prescribed by the Legislative Assembly.

XIX Every Elector shall be privileged from arrest, on election days, during his attendance at election, and in going to and returning therefrom, except in cases of treason felony, or breach of the peace.

XX No Elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war, or public danger.

XXI The Supreme Power of the Kingdom, in its exercise is divided into the Executive, Legislative and Judicial; these shall always be preserved distinct; and no Judge of a Court of Record shall ever be a member of the Legislative Assembly.

XXII The Government of the Kingdom of Fiji is that of a Constitutional Monarchy under His Majesty Cakobau, His Heirs and Successors.

XXIII The successor shall be the person whom the King in Council shall appoint as such during his (the King's) life; but should there be no such appointment or proclamation then the succession shall be chosen by the Chiefs, by ballot, in Council assembled.

XXIV It shall not be lawful for any member of the Royal Family of Fiji who may by law succeed to the Throne, to contract Marriage without the consent of the Reigning Sovereign. Every Marriage so contracted shall be void, and the person so contracting a Marriage, may, by the Proclamation of the Reigning Sovereign, be declared to have forfeited his right to the Throne; and after such Proclamation, the Right of Succession shall vest in the next Heir as though such offender were Dead.

XXV No person shall ever sit upon the Throne who has been convicted of any infamous crime, or who is insane, or an idiot.

XXVI His Majesty Cakobau will, and his Successors upon coming to the Throne shall, take the following Oath: I solemnly swear, in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity herewith.

XXVII The King is the Commander-in-Chief of the Army and Navy, and of all other Military Forces of the Kingdom by sea and land; and has full power by himself, or by any officer or officers he may appoint, to train and govern such Forces as he may judge best for the defence and safety of the Kingdom. But he shall never proclaim war without the consent of the Legislative Assembly.

XXVIII The King, by and with the advice of his Privy Council, has the power to grant reprieves and pardons after conviction, for all offences, except in cases of impeachment.

XXIX The King, by and with the advice of his Privy Council, convenes the Legislative Assembly at the seat of Government, or at a different place,

if that should become dangerous from an enemy or any dangerous disorder; and in case of disagreement between his Majesty and the Legislative Assembly, he adjourns, prorogues, or dissolves it, but not beyond the next ordinary Session. Under any great Emergency, he may convene the Legislative Assembly to extraordinary Sessions.

XXX The King has the power to make Treaties. Treaties involving changes in the Tariff or in any law of the Kingdom, shall be referred for approval to the Legislative Assembly. The King appoints public Ministers, who shall be commissioned, accredited and instructed agreeably to the usage and law of Nations.

XXXI It is the King's Prerogative to receive and acknowledge Public Ministers, to inform the Legislative Assembly by Royal Message, from time to time, of the state of the Kingdom, and to recommend to its consideration such measures as he shall judge necessary and expedient.

XXXII The Person of the King is inviolable and sacred. His Ministers are responsible. To the King belongs the Executive power. All laws that have passed the Legislative Assembly, shall require his Majesty's signature in order to their validity.

XXXIII Whenever, upon the Decease of the Reigning Sovereign, the Heir shall be less than eighteen years of age, the Royal Power shall be exercised by a Regent, or Council of Regency, as hereinafter provided.

XXXIV It shall be lawful for the King, by and with the advice of his Ministers, at any time when he may be about to absent himself from the Kingdom, to appoint a Regent, or Council of Regency, who shall administer the Government during the Minority of any Heir to the Throne; and should a Sovereign decease, leaving a Minor Heir, and having made no last Will and Testament, the Cabinet Council at the time of such decease shall be a Council of Regency, until the Legislative Assembly, which shall be called immediately may be assembled; and the Legislative Assembly immediately that it is assembled shall proceed to choose by ballot, a Regent, who shall administer the Government in the name of the King, and exercise all the Powers which are Constitutionally vested in the King, until he shall have attained the age of Eighteen Years, which age is declared to be the Legal Majority of such Sovereign.

XXXV The King is Sovereign of all the Chiefs and of all the People. The Kingdom is his.

XXXVI All titles of Honor, Orders, and other Distinctions, emanate from the King.

XXXVII The King, by and with the advice of his Ministers, Coins Money, and regulates the currency by law.

XXXVIII The King, in Council, in case of Invasion or Rebellion, can place the whole Kingdom, or any part of it, under Martial Law.

XXXIX The National Ensign shall not be changed, except by Act of the Legislature.

XL The King's Private Lands and other Property are inviolable.

XLI The King, without the consent of the Cabinet, cannot be sued or held to account in any Court or Tribunal of the Realm.

XLII It is hereby enacted that the Kingdom of Fiji shall be subdivided into Provinces, to be ruled by Native Governors, who shall be members of the King's Privy Council. The Laws of the Kingdom being duly Administered through such Governors, with the advice and assistance of the Magistrates in their respective provinces; who shall be ex-officio members of such Governor's Provincial Council.

XLIII There shall be a Privy Council for advising the King in all matters for the good of the estate wherein their advice may be sought, which Council shall be called the King's Privy Council, and consist of the Governors and one Chief from each District, also the members of the Cabinet, who shall be ex-officio members of such Privy Council, all of whom shall hold office during the King's pleasure. Such Council shall assemble at Levuka whenever the House of Assembly is in Session, and at such other times as the King may appoint. Such Privy Council shall receive all Bills passed by the Legislative Assembly, and shall have power to suggest new clauses thereto, or such amendments thereof as they may deem fit: and return to the Legislative Assembly for consideration and approval any Bill so amended; and also prepare and submit through the King's Cabinet to the Legislative Assembly any Bill or resolution the Council may consider necessary for the purposes of good Government.

XLIV The King's Cabinet shall consist of the Chief secretary, the Minister of Trade and Commerce, the Minister of Lands and Works, the Minister of Finance, the Minister of Native Affairs; and these shall be his Majesty's special advisers in the Executive affairs of the Kingdom; all of whom shall hold seats in the Legislative Assembly. They shall be appointed and commissioned by the King, and hold office during his Majesty's pleasure, subject to impeachment or retirement on political grounds. No act of the King shall have any effect unless it be countersigned by a Minister, who by that signature makes himself responsible.

XLV Each member of the King's Cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks.

XLVI The Minister of Finance shall present to the Legislative Assembly, in the name of the Government, on the first day of the meeting of the Legislature, the Financial Budget in the Fijian and English languages.

XLVII The Legislative power of this Kingdom is vested in the King and the Legislative Assembly.

XLVIII The Legislative body shall assemble annually in the month of May, and at such other time as the King may judge necessary, for the purpose of seeking the welfare of the nation. This Body shall be styled The Legislative Assembly of the Kingdom of Fiji, and shall exist and continue for the term of three years from the day of the first meeting thereof, and no longer, subject, nevertheless, to be sooner dissolved by the King.

XLIX Every member of the Legislative Assembly shall take the following Oath: I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution of the Kingdom of Fiji and conscientiously and impartially discharge my duties as a member of this Assembly.

L The Legislative Assembly has full power and authority to amend the Constitution as hereinafter provided; and from time to time to make all manner of wholesome laws, not repugnant to the provisions of the Constitution.

LI The King shall signify his approval of any Bill, or Resolution which shall have passed the Legislative Assembly, by signing the same previous to the final rising of the House. But if he shall object to the passing of such Bill or Resolution, he will return it to the Legislative Assembly, who shall Enter the fact of such return on its Journal, and such Bill or Resolution shall not be brought forward thereafter during the same session.

LII The Legislative Assembly shall be the judge of the Qualifications of its own Members, and one-third shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the Assembly may provide.

LIII The Legislative Assembly shall choose its own Officers, and determine the Rules of its own proceedings.

LIV The Legislative Assembly shall have authority to punish by imprisonment (not exceeding thirty days) every person, not a member, who shall be guilty of disrespect to the Assembly, by any disorderly or contemptuous behaviour in its presence; or who, during the time of its sitting, shall publish any false report of its proceedings, or insulting comments upon the same; or who shall threaten harm to the body or estate of any of its members, for anything said or done in the Assembly; or who shall assault any of them therefore, or who shall assault or arrest any witness or other person ordered to attend the Assembly, in his way, going or returning; or who shall rescue any person arrested by order of the Assembly.

LV The Legislative Assembly may Punish its own Members for disorderly behaviour.

LVI The Legislative Assembly shall keep a Journal of its Proceedings; and the 'yeas' and 'nays' of the members, on any question, shall, at the desire of any one member of the Assembly, be entered on the journal.

LVII The members of the Legislative Assembly shall, in all cases, except treason, felony, or breach of the peace, be Privileged from Arrest during their attendance at the Sessions of the Legislature, and in going to and returning from the same; and they shall not be held to answer for any speech or debate made in the Assembly or any other Court or place whatsoever.

LVIII The Representation of the People shall be based upon the principle of equality, and shall be regulated and apportioned by the Legislative Assembly. The Representatives shall not be less in number than Twenty nor more than Forty, who shall be elected triennially.

LIX No person shall be eligible for a Representative of the People who is insane or an idiot; nor unless he be a male subject of the Kingdom who shall have arrived at the full age of Twenty-one years, and shall have been domiciled in the Kingdom for at least six months.

LX Every male subject of the Kingdom, who shall have paid his taxes, who shall have attained the age of Twenty-one years, and shall have been domiciled in the Kingdom for six months immediately preceding the election; and shall have caused his name to be entered on the list of voters for his District as may be provided by law, shall be entitled to One Vote for the Representative or Representatives of that District. Provided, however, that no insane or idiotic person, nor any person who shall have been convicted of any infamous crime within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote.

LXI It shall be lawful for any member to resign his seat in the Legislative Assembly by writing under his hand addressed to the Speaker, and from the time when the same shall have been received by the Speaker, the seat shall become vacant.

LXII No Omission or failure to Elect a member or members in or for any electoral province, nor the vacating the seat or avoiding the election of any such member or members, shall be deemed or taken to make the Legislative Assembly incomplete or to invalidate any proceedings thereof or to prevent such Assembly from meeting and despatching business so long as there shall be a quorum present.

LXIII The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such Inferior Courts as the Legislative Assembly may from time to time establish.

LXIV The Supreme Court shall consist of a Chief Justice, and not less than two Associated Justices, one of whom shall be a Native. Two Justices, one being a Native, may hold the Court. The Justices of the Supreme Court shall hold their offices during good behaviour, subject to removal upon impeachment, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Provided, however, that any Judge of the Supreme Court, or any other Court of Record, may be removed from office on a resolution passed by two-thirds of the Legislative Assembly, for good cause, shown to the satisfaction of the King. The Judge against whom the Legislative Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislative Assembly shall act thereon. He shall be heard before the Legislative Assembly.

LXV The Judicial Power shall be divided among the Supreme Court and the several Inferior Courts of the Kingdom, in such manner as the Legislative Assembly may from time to time prescribe, and the tenure of office in the Inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

LXVI The Judicial Power shall extend to all cases in Law and Equity, arising under the Constitution and Laws of this Kingdom and Treaties made

Public Ministers and Consuls, and to all cases of Admiralty and Maritime Jurisdiction.

LXVII The Chief Justice of the Supreme Court shall be Chancellor of the Kingdom; and exercise such jurisdiction in equity or other cases as the law may confer upon him; his decisions [sic] being subject, however, to the revision of the Supreme Court on appeal. Should the Chief Justice ever be impeached, some person specially commissioned by the King shall be President of the Court of Impeachment during such trial.

LXVIII The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

LXIX The King, his Cabinet, and the Legislative Assembly, shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

LXX The King in Council appoints the Justices of the Supreme Court, and all other Judges of Courts of Record. Their salaries are fixed by law.

LXXI No Judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

LXXII No person shall ever hold any Office of honor, trust, or profit under the Government of the Kingdom of Fiji, who shall, in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor, unless he shall have been pardoned by the King in Council, and restored to his Civil Rights, and by the express terms of his pardon, declared to be appointable to offices of trust, honor, and profit.

LXXIII No officer of this Government shall hold any office, or receive any salary from any other Government or Power whatever.

LXXIV The Legislative Assembly votes the Appropriation annually, after due consideration of the revenue and expenditure for the preceding year, and the estimates of the revenue and expenditure of the succeeding year, which shall be submitted to them by the Minister of Finance.

LXXV The enacting style in making and passing all Acts and Laws shall be, 'Be it enacted by the King and the Legislative Assembly of the Kingdom of Fiji'.

LXXVI To Avoid Improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

LXXVII This Constitution shall be in force from the First Day of October in the year One thousand eight hundred and seventy-one.

LXXVIII Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its journal, with the 'yeas' and 'nays', taken thereon, and

referred to the next session of the Legislative Assembly, which proposed amendment, or amendments, shall be published for three months previous to the next election of Representatives; and if in the next session of the Legislative Assembly such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislative Assembly, and be approved by the King, such amendment or amendments shall become part of the Constitution of this country.

Assented to this 18th day of August, 1871.

CAKOBAN R.

## APPENDIX II

## THE CONSTITUTION ACT, 1873

The constitution was printed by the Government Printer, D.W.L. Murray - but was never published in Fiji. St Julian sent it to New South Wales where it appeared in the Sydney Morning Herald of 4 November 1873 (see above chapter 9, page 238). The following version has been taken from the official government print, which was enclosed in Layard to Granville, 12 February 1874 - F058/142.

## CONSTITUTION OF THE KINGDOM OF FIJI

1. God hath endowed all men with certain inalienable rights; among which are life, liberty, and the right of acquiring possessing and protecting property, and of pursuing and obtaining safety and happiness.
2. All men are free to worship God according to the dictates of their own conscience; but this sacred privilege hereby secured shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.
3. All men may freely speak write and publish their sentiments on all subjects, being responsible for the abuse of that right.
4. All men shall have the right in an orderly and peaceable manner to assemble, without arms, to consult upon the common good, and to petition the King or National Assembly for redress or grievances.
5. The privilege of the writ of Habeas Corpus belongs to all men and shall not be suspended except in districts under martial law; or unless by the King in Council, when the public safety shall require its suspension.
6. No person shall be subject to punishment for any offence except on due and legal conviction thereof, in a Court having jurisdiction of the case.
7. No person shall be held to answer for any crime or offence (except in cases of impeachment, or for offences within the jurisdiction of Provincial or Magisterial Courts or in summary proceedings for contempt) unless upon indictment fully and plainly describing such crime or offence; and he shall have the right to meet the witnesses who are produced against him face to face, to produce witnesses and proofs in his own favour, and by himself or his counsel at his election to examine the witnesses produced by himself and cross-examine those produced against him, and to be fully heard in his defence.
8. No person shall be required to answer again for an offence of which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.
9. No person shall be compelled in any criminal case to be a witness against himself; nor be deprived of life liberty or property without due process of law.
10. No person shall sit as judge or juror in any case in which his relative is interested either as a plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.

11. Involuntary servitude, except for crime, is forever prohibited in this Kingdom. Whenever a slave shall enter the Kingdom of Fiji he shall be free.
12. Every person has the right to be secure from all searches and seizures of his person his house papers and effects, except due course of law; and no search warrant shall issue but on probable cause supported by oath or affirmation, and describing the place to be searched and the person or things to be seized.
13. The King conducts His Government for the common good; and not for the profit honor or private interest of any one man, family, or class of men, among his subjects.
14. Each member of society has a right to be protected by it in the enjoyment of his life liberty and property, according to law; and therefore he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent, when necessary; but no part of the property of any individual shall be taken from him or applied to public uses without his own consent, or the enactment of the National Assembly, except the same shall be necessary for the military operations of the Kingdom, in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.
15. The Constitution Act of Fiji of the 18th of August 1871 shall be and the same is hereby repealed; but all laws passed thereunder; and in conformity therewith, and now in legal force and operation, shall continue and remain in such force and operation until altered or repealed by the Legislative Power of the Kingdom, as hereinafter provided; such laws and parts of laws only excepted as are repugnant to this Constitution. All laws and parts of laws which have been enacted before the coming into operation of this Constitution, or that may hereafter be enacted, which are or shall be contrary to such Constitution, shall be null and void. All persons holding public office in this Kingdom, or in the public service thereof, at the time this Constitution shall come into operation, shall, except in cases where any such office may have been actually abolished by this Constitution, have hold and exercise the powers to them granted, unless and until other persons be duly appointed in their stead.
16. All contracts and arrangements lawfully made and entered into by and between the King, or His Government, or any person duly authorised by His Majesty, or His said Government, in that behalf, and any person or persons whomsoever, under or in virtue of the provisions of the said Constitution Act of 1871, or of any Act passed thereunder, shall be of the same full force and validity, in every respect, as if the said last mentioned Constitution Act were in full operation.
17. The Government of the Kingdom of Fiji is that of a Constitutional Monarchy, under His Majesty King Cakobau, and His Successors.
18. The Successor to the Throne shall be the person whom the King in

Privy Council may nominate, as such, during His (the King's) life; but should there be no such nomination then the Successor shall be chosen by the Native members of the Privy Council, by ballot, in Council assembled.

19. It shall not be lawful for any Nominee to the Throne to contract marriage without the consent of the Reigning Sovereign. Every marriage so contracted shall be void; and the person so contracting a marriage may, by the proclamation of the Reigning Sovereign be declared to have forfeited his right to the Throne; and after such proclamation a second nomination may be made by the King in Privy Council.

20. Whenever upon the decease of the Reigning Sovereign the Nominee to the Throne shall be less than eighteen years of age, or shall be absent from the Kingdom, the Royal power shall be exercised by a Regent or Council of Regency, as hereinafter provided.

21. It shall be lawful for the King by and with the advice of his Privy Council, at any time when He may be about to absent Himself from the Kingdom, to appoint a Regent or Council of Regency, who shall administer the Government in His Majesty's name during such absence; and should the Sovereign die during the minority or absence from the Kingdom of His Nominee to the Throne, the King's Ministers at the time of such decease shall be a Council of Regency, until the Privy Council - which shall be summoned immediately - may be assembled; and the Privy Council immediately that it is assembled shall proceed to choose, by ballot, a Regent, who shall administer the Government in the name of the King, and exercise all the powers which are Constitutionally vested in the King until His Majesty shall have returned to the Kingdom or attained the age of eighteen years (which age is hereby declared to be the legal majority of such Sovereign) as the case may be.

22. No person shall sit upon the Throne who has been convicted of any infamous crime, or who is insane, or an idiot.

23. His Majesty King Cakobau will and His Successors upon coming to the Throne shall take the following oath: 'I solemnly swear in the presence of Almighty God to maintain the Constitution of the Kingdom whole and inviolate and to govern in conformity therewith.'

24. The King is Sovereign of all the Chiefs and of all the people. The Kingdom is His.

25. All titles of Honor Orders and other distinctions emanate from the King.

26. The King by and with the advice of His Ministers coins money and regulates the currency by law.

27. The King has the Supreme Command of all Military powers of the Kingdom, by sea and land, and has full power by Himself or by any officer or officers He may appoint, to train and govern such forces as He may judge best for the defence and safety of the Kingdom. But He shall never proclaim war without the consent of the Privy Council.

28. The Military forces of the Kingdom shall never be reduced below

the strength of twelve hundred officers and men, in actual service, supplied in the proportion of not less than one hundred officers and men from each province, for the period of five years continued service. They shall be under the Ministerial control of the principal Secretary of State and appropriation shall be taken annually for the support of such service, both on shore and afloat.

29. Should the circumstances of War or Rebellion require it, the King, by and with the advice of the Privy Council, can immediately cause the enrollment of the whole or any portion of the male Native-born population, and the naturalised subjects of the Kingdom, between the ages of sixteen and forty-seven years, for military service during the continuation of such war or rebellion; who when so called out for service shall be subject to martial law, and to all the articles of war in force for the Government of His Majesty's forces, whether on land or sea.

30. The King in Council, in case of Invasion or Rebellion, can place the whole Kingdom or any part of it under Martial law.

31. The National Ensign shall not be changed except by Act of the National Assembly.

32. The King's Private Lands and other Property are Inviolable.

33. The King cannot, without the consent of His Ministers, be sued or held to account in any Court or Tribunal of the Realm.

34. The King by and with the advice of His Privy Council has the power to grant reprieves and pardons, after conviction, for all offences; except in the case of impeachment.

35. The King by and with the advice of his Privy Council convenes the National Assembly, and adjourns or prorogues such Assembly. Under any great Emergency He may convene the National Assembly to extraordinary Session.

36. The King has power to make treaties. Treaties involving changes in the tariff, or in any law of the Kingdom, shall however be referred for approval to the National Assembly. The King appoints His Foreign Representatives, who shall be commissioned accredited and instructed agreeably to the usage and law of Nations.

37. It is the King's Prerogative to receive and acknowledge public Ministers; to inform the National Assembly by Royal Message from time to time of the state of the Kingdom; and to recommend to its consideration such measures as he shall judge necessary and expedient.

38. The Person of the King is inviolable and sacred. His Ministers are responsible.

39. Neither the death or absence of the King, the accession to the Throne of a new Sovereign, or the appointment of a Regent or Council of Regency, shall in any way effect the administration of the laws, or the authority status duties rights powers or privileges of any person holding any public office in this Kingdom, or in the Public Service thereof.

40. The Supreme Power of the Kingdom shall, in its exercise, be divided into three branches or functions - the Executive Legislative and Judicial - and save as is next hereinafter excepted these three functions shall always be kept distinct. Such exceptions shall be

- 1st The right and prerogative of the King, notwithstanding His position as Supreme Head of the Executive power, to veto any act of the National Assembly.
- 2nd The King's right and prerogative to mitigate punishment or grant absolute pardon to offenders (except in cases of impeachment) after confession or the trial conviction and sentence of any such offenders.
- 3rd The power of the National Assembly to impeach any Public Officer of the Kingdom for official malfeasance.
- 4th The power of the Judicial Committee of the Privy Council.

~~notwithstanding the administrative character of such Council and~~

Council of State, of any Minister of the Crown, Judge, Governor, Warden, Justice of the Peace, or other public functionary as hereinafter provided. Provided however that no Judge of the Supreme Court, or of any Court of Record shall be appointed a Minister of the Crown, or Member of the King's Cabinet, or be eligible for election as a Representative of Foreign Residents in the National Assembly.

41. There shall be not more than three principal Executive Functionaries, or Secretaries of State, herein styled Ministers of the Crown. They may bear respectively any such other and separate Departmental designations as the King, by and with the advice of the Privy Council, may from time to time order and direct. The divisions of duties and responsibilities between such Ministers of the Crown shall also be such as in like manner, shall from time to time, be directed; and any one of such Ministers may act for or perform the duties of any other such Minister or Ministers (or of the other such Minister if there shall be but two of them) during the illness or temporary absence of any such Minister or Ministers. Each such Minister shall keep an office at the Seat of Government, and shall be accountable for the official conduct of his deputies and clerks, and for the management of such portion of the Executive business of the State as may be placed under his superintendence. No public act or order of the King shall have any effect unless it be countersigned by a Minister of the Crown, who by such countersignature shall make himself responsible for such act or order. The Ministers of the Crown shall each be appointed and commissioned by the King, and shall hold office during His Majesty's pleasure, subject to removal on impeachment. The Ministers of the Crown shall be members of the Privy Council of State; and in their collective capacity either alone or in conjunction with any such other person or persons as His Majesty, may with the advice of such Ministers, appoint, and who shall also be members of the said Privy Council, shall be styled the King's Cabinet, shall not together be more than seven in number. Provided also that any public officer, other than a Minister of the Crown who may be appointed a member of the King's Cabinet, shall not by reason of any such appointment be relieved in any way whatever from official accountability to the Ministerial head of the Executive Department to which he may be attached, or from any other accountability or responsibility attaching by law to his office; and that no such public officer shall be entitled to any additional salary, by reason of his appointment as a member of the King's Cabinet. And provided further that no person, other than a Public Officer, who shall be appointed a member of the King's Cabinet, shall by reason of any such appointment have any control over any Executive Department or office of the Kingdom, or any official responsibility for the working of the same, or be entitled to any salary.

42. There shall be a Privy Council for advising the King in all matters for the good of the State, which Council shall be called the King's Privy Council of State, and shall consist of the Governors and Lieutenant-Governors of and from the several Provinces of the Kingdom; also the Ministers of the Crown and other members of the King's Cabinet, and the President of the National Assembly; all of whom shall be Members of the said Council ex officio; and of such other persons as may be appointed, by Letters Patent, to be Members of such Council, and who shall hold office

during the King's pleasure. Any ten members of the Privy Council, of whom not less than six shall be a Native-born subject of the Kingdom, shall form a quorum of such Council. The King shall appoint two Vice-Presidents to such Council, one of whom shall be a Native-born or Naturalised subject of the Kingdom, and either of such Vice-Presidents shall, in His Majesty's absence, preside over such Council. The Constitution and power of such Council may be further defined and prescribed by Statute.

43. The Legislative power of the Kingdom shall be vested in the King and the National Assembly.

44. The National Assembly shall consist of not more than Thirty-six Members, and shall be constituted and composed as follows, namely - Of Twelve Native-born subjects of His Majesty, appointed by the King on the several nominations of the several Governors of the Provinces; each such Governor, nominating with the advice of the Native Chiefs of his Province, one such person to be so appointed; the said persons so nominated and appointed to hold office, respectively, as Members of the said Assembly, for five years from the date of the first meeting of the said Assembly under this Constitution, unless such Assembly shall be sooner dissolved as hereinafter provided. Of Eight Representatives of the Foreign Residents of the Kingdom, elected by and from such Residents as hereinafter provided, and holding office as such Representatives, respectively, for five years from the date of such first meeting of such Assembly as aforesaid, unless such Assembly shall be sooner dissolved. Of the Ministers of the Crown and other Members of the King's Cabinet, holding office, respectively, as Members of the said Assembly, so long as they shall retain their respective offices as such Ministers and Members of such Cabinet. Of Eight Native-born or naturalised subjects of His Majesty appointed by the King, by Letters Patent, by and with the advice of the Privy Council, to be Members of such Assembly, and holding office, respectively, as such Members, during good behaviour. And of the President of the said Assembly, appointed by the King, by Letters Patent, by and with the advice of the Privy Council, and holding office as such President during good behaviour. Provided that no Representative of Foreign Residents shall be a Member of the King's Cabinet; or hold or exercise any office place or employment of profit or emolument, or receive any pecuniary allowance, under or from the Government of this Kingdom, beyond such allowance (if any) as may be awarded by law for service as a Member of the said Assembly; and that on the appointment of any such Representative to and his acceptance of any such office place or employment, or of any such allowance (other than is hereinbefore excepted) his seat in the said Assembly shall be declared vacant, and another Representative shall be elected in his stead. Provided also that any Member so nominated and appointed or elected for three years, or until the dissolution of such Assembly, as aforesaid, shall if legally qualified be eligible for reappointment or re-election. Any Member of the National Assembly not being a Minister of the Crown or a Member of the King's Cabinet shall be at liberty to resign his seat, at any time, by writing under his hand addressed to the President; and from the time when the same shall be received by the President the seat shall become vacant.

45. The Seat of Government of the Kingdom of Fiji may be moved from one Island of the Fijian Archipelago to any other Island of the said

Archipelago, and to any place on such Island, as may be considered expedient, on a resolution of the National Assembly, approved by the King,

46. The National Assembly may be summoned to meet at the Seat of Government, or at any such other place as the King may, from time to time, direct and appoint.

47. The National Assembly shall meet biennially in the month of October, on such day as may be notified by the King, and at such other times as His Majesty may judge necessary, for the purpose of seeking the welfare of the nation. Twelve members of such Assembly exclusive of the President (or in his absence any member who may be chosen by the members to preside in his stead) shall form a quorum; and no act vote or proceeding of such Assembly shall be invalid by reason of there being, at the time of such vote or proceeding, any vacancy or vacancies in such Assembly.

48. The National Assembly shall have power to pass all acts and laws, not repugnant to the Constitution of this Kingdom; but no such law shall have any validity unless and until the same shall have been assented to by the King, nor shall any ex-post facto law be ever enacted.

49. No subsidy duty or tax of any description, shall be established or levied without the consent of the National Assembly, nor shall any money be drawn from the public Treasury without such consent, except when, between the sessions of the said Assembly, the emergencies of war invasion rebellion pestilence or other public disaster or exigency, affecting the safety of the country and people, or the maintenance of Fijian nationality, shall necessitate an expenditure; and then not without the concurrence of all the Cabinet, and the Minister of the Crown having the superintendence of the Public Finances of the Kingdom, herein styled the Minister of Finance, shall render a detailed account of such expenditure to the National Assembly (which in case of war or invasion shall be assembled without delay, and such statement of such extraordinary expenditure shall be laid on the table of the National Assembly within thirty days after its first day of meeting).

50. Every member of the National Assembly shall be required to make and subscribe the following oath: 'I most solemnly swear in the presence of Almighty God that I will faithfully support the Constitution and maintain the National independence of the Kingdom of Fiji, and the Royal authority of the Sovereign thereof, and conscientiously and impartially discharge my duties as a member [or President] of the National Assembly of the said Kingdom.'

51. If the King shall object to any Bill or Resolution which shall have been passed by the National Assembly, He may either veto the same or return it to the said Assembly; with a message suggesting any amendment or amendments of such Bill or Resolution; and such Assembly may either amend or partly amend such Bill or Resolution, either as suggested or otherwise; and if His Majesty shall still object to such Bill or Resolution He will again return it to the said Assembly: and the fact of such veto or return, as the case may be, shall be entered in the journal of such Assembly; and such Bill or Resolution shall not (except on special message from the King) be brought forward thereafter during the same session.

52. The National Assembly shall choose its own Officers (the President excepted) and shall determine the Rules of its own proceedings.

53. The National Assembly shall keep a Journal of its Proceedings; and the 'yeas' and 'nays' of the members on any question shall, at the desire of any one member of the Assembly, be entered on the journal.

54. The members of the National Assembly shall in all cases except treason felony or breach of the peace, be privileged from Arrest during their attendance at the Sessions of the Legislature, and in going to or returning from the same, and they shall not be held to answer for any speech or debate made in the Assembly, in any Court or other place whatsoever.

55. Every Foreign resident in this Kingdom - being a male and not less than twenty-one years of age - who shall have resided in such Kingdom not less than one year before the time of any Election of Representatives in the National Assembly of the said Kingdom of the Foreign residents therein, and who shall not be disqualified as hereinafter prescribed, and who shall make and subscribe a Declaration, in writing, as hereinafter required, shall be an Elector, and shall be entitled as such to join in the nomination of and to vote for any other such Foreign resident, or any number of other such Foreign residents duly qualified as hereinafter mentioned not greater than the whole number of Representatives to be chosen, at any election of such Representatives of Foreign residents aforesaid. And any such Foreign resident who shall have resided in the said Kingdom for not less than two years before the time of any such Election as aforesaid, and who shall be possessed of an absolute estate in fee simple, in lands within the said Kingdom, of the annual value of not less than two hundred and fifty dollars, may be himself nominated and elected as such Representative. And the term 'Foreign Resident' shall, for the purposes of this Constitution, be held to mean any resident in this Kingdom of Foreign birth, other than an Aboriginal Native of any Polynesian Island. Provided that no insane or idiotic person, nor any person who shall have been convicted of any infamous crime within this Kingdom, shall have or exercise the rights and privileges of an elector as herein defined, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to his electoral rights. The declation [sic] to be made and subscribed by every such elector, and the making and subscribing of which shall be an absolute condition precedent to the exercise of any electoral right, shall be in the following terms:-  
'I hereby solemnly and sincerely declare that I have resided within the Kingdom of Fiji for one year, and that I will faithfully support the Constitution and Laws of the said Kingdom so long as I shall reside therein.'

56. The Eight Representatives in the National Assembly of the Foreign residents in this Kingdom shall, severally and collectively, represent, and be elected by and from, the whole of such Foreign residents; and every election of such Representatives, or any of such Representatives, shall be conducted throughout the whole Kingdom simultaneously, or as nearly so as may be found practicable. Any two electors may, in writing, nominate for such election as such Representative or Representatives, any other elector or electors not greater in number than the whole number of such Representatives to be chosen. The voting shall be by ballot and until provision shall have been made by Statute for the conduct of elections of the said Representatives,

regulations for the conduct of the same shall be made by the King in Council; who shall also appoint Returning-Officers, and a person or persons to receive and examine the nominations declarations and voting papers, and ascertain the result of any election, and give a casting vote or votes when the numbers of votes for two or more candidates are equal, and publicly notify, and certify to His Majesty, who has or have been chosen. Provided that in the event of any person so elected a Representative, as aforesaid, refusing or neglecting to take the oath herein required to be taken by Members of the said National Assembly, within fourteen days after the next meeting after the election of such person shall have been publicly notified, his seat shall become vacant, and another person shall be elected in his stead; and if at any such election as aforesaid a representative, or a sufficient number of representatives, shall not be returned, or if after a second election shall have been had in consequence of a person elected as aforesaid having been found not to be duly qualified as hereinbefore required or having refused or neglected to take such oath in due time, then a Representative or Representatives shall be appointed by the King; and such representative or representatives shall have the same status powers and privileges as if he or they had been elected as aforesaid.

57. The King shall have power to dissolve the National Assembly whenever there may be a disagreement or difference of opinion between Himself or His special advisers and such Assembly, and to order a General Election of representatives of Foreign residents in and for the said Assembly, and to appoint twelve native-born or naturalised subjects of the Kingdom to be members of the said Assembly for three years or otherwise as aforesaid. In any such case, or when three years shall have elapsed since the date of the last General Election, an order for such General Election shall be made by Proclamation; and thereafter every such member so before nominated for three years or otherwise, and every such representative, shall cease to be a member of such National Assembly, but unless disqualified shall subject to the requirements and liabilities herein prescribed be eligible, as aforesaid, for re-appointment or re-election. Provided that the members of the said Assembly appointed members thereof during good behaviour, as aforesaid [sic], and the President thereof, shall not be ousted from office by reason of any such dissolution of such Assembly, but shall - as shall also the Members of the King's Cabinet for the time being - resume or enter upon their several functions as such President and Members, respectively, in the next Assembly; and so on after any such further dissolution or dissolutions, respectively, unless such Members respectively shall become disqualified, or shall resign their seats, or if Members of the King's Cabinet shall resign or be removed from their respective offices as such Members of such Cabinet.

58. Any member of the National Assembly who shall be proved not to be duly qualified, as herein required, at the time of his Election, or to have ceased to be so qualified at any subsequent to such Election, or who shall become a member of, or take part in, any combination for the subversion or forcible resistance of the King's authority, or against the National Independence of His Kingdom, shall, on proof thereof to the satisfaction of the committee for elections and qualifications of such Assembly, be unseated; and shall be disqualified from again holding a seat in such Assembly, and from voting for the election of any representative of Foreign residents; unless and until he shall be pardoned and restored to his political privileges by His

Majesty, with the advice of His Privy Council. Provided that such unseating and disqualification, as aforesaid, shall not bar any prosecution at law for any indictable offence of any person so unseated, and disqualified, if such person shall by any officer authorised to prosecute for the Crown be deemed liable to and to deserve such prosecution for the Crown.

59. Within seven days after the first sitting of the National Assembly under this Constitution, and within the like time after the first sitting of the said Assembly subsequent to any such general election as in the last preceding section is mentioned, the President of such Assembly shall, by warrant under his hand, appoint six members of such Assembly to constitute, with such President himself as ex-officio chairman, the Committee of Elections and Qualifications of such Assembly. Any five members of such committee shall form a quorum thereof. Such committee shall hear deliberate and finally determine upon all questions as to the election or qualification of any elected member of the Assembly, or the presumed disqualification of any Member thereof under the provisions of this Constitution; but before entering upon such inquiry each member of the committee shall, as to each such case, make oath that he will hear and determine the same truly and impartially, according to the evidence, without fear favour or affection. The committee thus appointed shall hold office until the next General Election, subject to the liability of any member thereof to be removed from such office at any time by resolution of the National Assembly, adopted on the votes of a majority of not less than sixteen members of such Assembly. Any vacancy occurring in such committee shall be filled by appointment, in manner aforesaid, within fourteen days after the same shall have occurred, and every appointment to such committee shall be made known to the Assembly at the first meeting of the same after the making of such appointment.

60. The King shall, by Letters Patent under his hand and the great seal of the Kingdom, appoint eight members of the Privy Council to be and constitute the Judicial Committee thereof, all of whom shall hold office as members of such Committee during good behaviour. Of such eight members four shall be Native-born and four naturalized or domiciled subjects of the Kingdom; but no Minister of the Crown or member of the Cabinet shall be qualified to be or remain a member of such committee. Such committee shall be a tribunal, with the Chief Justice of the Supreme Court as President thereof, having authority to hear and determine all impeachments made by the National Assembly, as Grand Inquest to the Kingdom, of any public officer of the said Kingdom, for official mal-feasance [sic]; but previous to the trial of every impeachment the members of the said tribunal shall be respectively sworn truly and impartially to try and determine the charge in question, according to evidence and law. The judgment of such tribunal shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor trust or profit in the Kingdom, or under the Government thereof; but any person convicted by and before such Tribunal shall be, nevertheless, liable to indictment trial and judgment according to the laws of the land. If any member of such Judicial committee shall be himself impeached, or shall be absent from the Kingdom, or be prevented from attendance by illness, or be disqualified as hereinafter mentioned, when any impeachment is to be tried, the King shall by and with the advice of the Privy Council (which if not sitting shall be summoned for that purpose) appoint some other person to be a member for the time being

of such committee. Provided that no member of the National Assembly, who may also be a member of the said Judicial committee of the Privy Council, shall move, or second, vote for, or against, or take any part in the discussion of, any motion or proposition for impeachment in the said Assembly. Provided also that any member of the said committee may be declared disqualified, as regards the trial of any particular impeachment, for any cause which would be a disqualification in the case of a juror in any Court of Justice, on challenge for such cause either by the person prosecuting on behalf of the Assembly, or by the person proposed to be impeached, and the proof of such cause to the satisfaction of the Privy Council; but no member of the committee shall be permitted to withdraw, or be excused from sitting, because of his having been so challenged. The decision of the Judicial committee of the Privy Council shall be final and conclusive.

61. The Kingdom of Fiji shall, as at present, be divided into Provinces. Any two or more Provinces may, for Governmental purposes, be at any time united, or the boundaries of such Provinces may at any time be re-adjusted, or further sub-divisions made for Governmental purposes in and of any such Provinces, by His Majesty, with the advice of his Privy Council.

62. His Majesty shall place over and in charge of each of such Provinces, respectively, a Governor, who shall bear any title that His Majesty by and with the advice of His Privy Council may confer, but there shall be no more than twelve such Governors or administrators of the Government in such Provinces; and any further sub-division made for Governmental purposes shall be subordinate to the Province to which it is attached; and no officer in Governmental charge of any such further sub-division shall have any higher official rank than that of Lieutenant-Governor, or such other rank equivalent thereto as His Majesty may, by and with the advice aforesaid confer.

63. No person but a Native-born or Naturalised Subject of the Kingdom shall be eligible for appointment to the office of Governor or Lieutenant-Governor or administrator (under any designation) of the Government of any Province, or Governmental subdivision, as aforesaid; and such appointments held by such officers shall always be held during His Majesty's pleasure.

64. The said Governors or Administrators of the Government and Lieutenant-Governors shall superintend the administration of the laws in their respective Provinces, and Sub-Governmental Districts, in such manner as now is or hereinafter may be, by law, provided and required.

65. There shall be a Provincial Council in each of the said Provinces, for the advice and assistance of the Governor or administrator of the Government thereof, of which Council the Magistrates of the Province shall be ex-officio members. The constitution and powers of such Councils shall be subject to further definition by law; and power may also be given, by law, for such minor sub-divisions of Provinces, by the Governors in Council thereof, as may be found necessary for the internal good government of such Provinces.

66. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior Courts as the National Assembly may from time to time establish.

67. The Supreme Court shall consist of a Chief Justice and not less than two associated Justices, one of whom shall be a Native-born subject of the Kingdom, Two Justices, one being a Native-born subject of the Kingdom, may at any time hold the Court. The Justices of the Supreme Court shall hold their offices during good behaviour, subject to removal upon impeachment, and shall respectively, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. Provided however that any Judge of the Supreme Court or any other Court of Record may be removed from office on a resolution passed by two-thirds of the National Assembly, for good cause shown to the satisfaction of the King. The Judge against whom the National Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the National Assembly shall act thereon. He shall also be heard before the National Assembly ere the motion for his removal is put to the vote.
68. The Judicial Power shall be divided among the Supreme Court and the several Inferior Courts of the Kingdom in such manner as the National Assembly may from time to time prescribe, and the tenure of office in the Inferior Courts of the Kingdom shall be such as may be defined by the law creating them.
69. The Judicial Power shall extend to all cases in Law and Equity arising under the Constitution and Laws of this Kingdom, and Treaties made or which shall be made under their authority: to all cases and questions of or under International Law and comity; and to all cases of Admiralty and Maritime Jurisdiction.
70. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom, and shall exercise such jurisdiction, in equity or otherwise, as the law may confer upon him; his judicial decisions being subject however to the revision of the Supreme Court on appeal.
71. The decision of the Supreme Court when made by a majority of the Justices thereof shall be final and conclusive upon all parties.
72. The King, His Cabinet, and the National Assembly, shall have authority to require the opinions of the Justices of the Supreme Court upon important questions of law, and upon solemn occasions.
73. The King in Council appoints the Justices of the Supreme Court and all other Judges of Courts of Record. Their salaries are fixed by law.
74. No Judge or Magistrate, except by express consent of the parties concerned, can sit alone on an appeal or new trial in any case on which he may have given a previous judgment.
75. In all cases for adjudication by the Supreme Court in which both parties are Foreigners, the court may be held without the presence of any Judge thereof who is a Native-born subject of the Kingdom. Any single Judge of the Supreme Court may also be empowered by law to exercise in certain cases the power thereof. A single Judge may also sit for the trial of causes, or pleas of the Crown, or in Chambers, subject always to appeal to the Court.

76. No person shall ever hold any office of honor trust or profit under the Government of the Kingdom of Fiji who shall, in due course of law, have been convicted of theft bribery perjury forgery embezzlement or other high crime or misdemeanor; unless he shall have been pardoned by the King in Council, and restored to his Civil Rights, and by the express terms of his pardon declared to be appointable to offices of trust honor and profit.
77. No officer of this Government shall hold any office or receive any salary from any other Government or Power whatever.
78. The National Assembly votes the Appropriation, biennially, after due consideration of the revenue and expenditure for the two preceeding years, and the estimates of the revenue and expenditure for the two succeeding years, which shall be submitted to them by the Minister of Finance.
79. The enacting style in making and passing all Acts and Laws shall be 'Be it enacted by the King and the National Assembly of the Kingdom of Fiji.'
80. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one subject, and that shall be expressed in its title. The Laws may however be codified, or Acts may be passed for the consolidation of laws having analagous objects, Provided that each subject of such Code or Act shall be treated in a separate Part Chapter or Division, the nature and objects of which shall be plainly indicated in the title or heading of the same.
81. This National Constitution and Fundamental Law may be amended to the following extent only, and in the following manner, that is to say. Subject to the limitations hereinafter contained such National Constitution may be revised and amended, by the National Assembly, at any time within twelve months from the day of the first meeting of such Assembly, under this Constitution; provided that such Constitution, in its revised and amended form, be adopted by a majority of members at a meeting of the said Assembly where at least twenty members thereof, of whom not less than ten shall be Native-born subjects of the Kingdom, shall vote upon the question as to such adoption. Also that such amendments shall then be submitted, in like manner, at a meeting of the Privy Council, called for the express purpose of considering such revised and amended Constitution, at which meeting not less than fifteen members of such Council, of whom not less than eight shall be Native-born subjects of the Kingdom, shall vote on the said question; and that such Constitution, so amended revised and adopted, shall be submitted to the King for His assent. And such revised and amended Constitution, if assented to by His Majesty, shall in such case and from thenceforth be and be styled the Constitution of the Kingdom of Fiji, and shall only be further amendable after any proposed amendment of the same shall, subsequently to its first adoption, as such, by the National Assembly as hereinbefore provided, have been published for at least three months in the Government Gazette of the Kingdom; and have been again adopted by the said Assembly in like manner and by like majority, after full considerations of such objections (if any) as may have been raised by petition to such Assembly against such proposed amendment; and having been so proposed published adopted and finally agreed to by the said Assembly, shall be, as hereinbefore provided, submitted to

and approved by the Privy Council, and assented to by the King. Provided that in the following respects this National Constitution and Fundamental Law of the Kingdom of Fiji shall be permanent and unchangeable, and that any proclamation act or resolution of or in the name of His Majesty, or of or by the National Assembly, or of or by the Privy Council, or of or by either of all these powers, shall be as absolutely null and void and shall be so regarded by all Courts Judges and Magistrates of the Kingdom, as if the same had not been issued passed or agreed to -

- 1st That the Sovereignty and National Independence of the Kingdom of Fiji shall be maintained, under any circumstances whatever, unless the said Kingdom shall be invaded conquered and deprived of its Independence Sovereignty and Nationality by absolute force of arms, by or under the authority of a more powerful Sovereign State.
- 2nd That the Sovereign rights of jurisdiction over all persons and things in the said Kingdom be never in any way abandoned, except in so far as the same may be modified or regulated by any treaty or convention with any Foreign power, made on a footing of International equality, and with full recognition of the Sovereignty of this Kingdom.
- 3rd That the guarantees of personal freedom, liberty of conscience, and of the rights of property, herein contained, shall in no way be infringed upon.
- 4th That no National engagement or lawful contract, of the kind mentioned in the sixteenth section of this Constitution, shall be repudiated.
- 5th That the Sovereignty of the King shall never be declared absolute.
- 6th That, except as regards the position of the King himself, or that of any officer person or persons in the actual service of a Foreign State, or actually on board any ship of war or any tender or boat belonging to the same, and entitled to ex-territorial [sic] rights or privileges either by International law or by treaty, all persons within the Kingdom shall, at all times, be fully subject and amenable to the laws thereof.
- 7th That there shall be no fusion of the Executive Legislative and Judicial powers and functions, or of the powers and functions of any one of these branches of the Supreme Power of the Kingdom with those of any other such branch of such Supreme Power, beyond such as has in this Constitution been expressly authorised.
- 8th That the free and full exercise and operation of the Legislative and Judicial Powers shall never be interfered with in any way, except in so far as either of the same may be temporarily affected by the existence of war or rebellion, and the necessary Proclamation and enforcement of Martial Law in any part of the Kingdom where such war or rebellion may exist, and during the continuance of such war or rebellion.

- 9th That the responsibility of Ministers of the Crown, herein imposed, shall never be taken away.
- 10th That the power of impeaching any Public Officer, herein secured, shall never be taken away.
- 11th That the prohibition against the enactment of any ex-post facto law shall never be removed.
- 12th That no power of amending this Constitution, except in the manner herein prescribed, shall ever be granted to or assumed or exercised by the King, the National Assembly, or the Privy Council of this Kingdom.