

# Parliamentary life in Tahiti 1824-1903

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*The nineteenth century was a time of extensive colonial expansion in the Pacific by the European powers. In this paper\* Dr Gille describes the early steps in representative government taken in French Polynesia under the tutelage of the French Government. The paper discusses the nature and form of the constitutional institutions and the issues with which they were principally concerned.*

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## I INTRODUCTION

This study of the Tahitian parliamentary records begins in 1824, the year in which the legislators had to decide on the abolition of the death penalty, and ends with 1903 and the Decree which abolished the General Council.

The Tahitian Legislative Assembly met for the first time in 1824.<sup>1</sup> It held its last

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\* This paper is a translation, edited for the purposes of this publication, of two papers by Bernard Gille. Both articles are extensively documented and cross-referenced. The originals are held in the Law Library at the Victoria University of Wellington.

1 For the organisation and operation of this institution, see B Gille, "L'Assemblée législative tahitienne (1824-1880)" (1991) *Revue française d'histoire d'outre-mer*.

The final session of 1877 brought together only those members of the Assembly who were present in Papeete on 25 September 1877, "to recognise and acclaim the new sovereign of Tahiti who succeeds to the title Queen of Pomare", *BOEFO*, 1877, p 277. There were no debates, but only a speech by Rear Admiral Serre, Commander-in-Chief, and Acting Commander of the French Establishments of Oceania, followed by the reading of the new royal organisation. A second sitting took place the next day, at which the Assembly expressed "wishes for the long life and prosperity of the new reign" *BOEFO*, 1877, p 277.

The Assembly met in 1824, 1829, 1834, 1836, 1837, 1838, 1842, 1845, 1848, 1850, 1851, 1853, 1854, 1855, 1857, 1858, 1860, 1861, 1866, 1877.

From 1853 to 1877 the *Messenger de Tahiti* published the debates of the Assembly. The minutes from 1861 to 1877 were printed and distributed as a supplement to the *BOEFO*. For the debates before 1852, see O'Reilly and Reitman, *Bibliographie de Tahiti et de la Polynésie française*, Société des océanistes, 1967, p 720. Extracts from the debates were published by many authors. See in particular P O'Reilly, *Tahiti au temps de la reine Pomare*, Société des océanistes, les Editions du Pacifique, 1975, p 51ff. See also LJ Bouge, "Le code Pomare de 1819", *Journal de la Société des océanistes*, n° 8, 1952, p 9. The article by LJ Bouge deals with some of the decisions of the session of 1824. All the debates took place in Tahitian and were translated into French from the time of the Protectorate. Only the debates deposited in the Archives of French Polynesia and those published by the authors cited above have been studied here.

session in 1877 on the occasion of the accession to the throne of King Pomare V,<sup>2</sup> but did not cease to exist legally until 29 June 1880, the date of the incorporation of the Society Islands and their dependencies into France.<sup>3</sup>

This parliament was created at the instigation of the missionaries of the London Missionary Society in order to limit the powers of the Tahitian sovereign. The missionaries tried to establish a parliamentary monarchy on the British model. Polynesian society was at the time very hierarchical and rigid and organised around chiefs who had absolute power. It was these chiefs who were members of the Assembly as members by right and their influence was decisive in the deliberations of the Assembly.<sup>4</sup>

The sudden introduction of modern parliamentary institutions into a traditional society had numerous consequences for the functioning of the Assembly. Many of the members were ill-prepared for the exercise of their duties because they had no legal education and some of them scarcely knew how to read and write. The records show that, as a group, they were aware of their lack of preparedness for the role they had to play. All of the parliamentary work was therefore prepared, organised and set up by representatives of the executive power. The British missionaries exercised this guiding role for the Assembly until 1842 and were thus able to have laws favourable to the propagation of their theology, and also those hostile to the installation of Catholicism, approved. From the beginning of the Protectorate on 9 September 1842 parliamentary work was controlled by the representatives of the protecting power. The Assembly was therefore utilised as a counterweight to the royal power, but it also allowed the progressive application of French laws to Tahiti.

The last session of the Tahitian Legislative Assembly was in 1866 but the Parliament continued in existence until 29 June 1880 when the islands of Tahiti were incorporated into France. Following that the next step in representative government was in 1885 with the establishment of the General Council for the French Settlements of Oceania.

This paper considers the institutional structure of the Assembly in Part II and the operation of the Legislative Assembly in relation to specific subject matters in Parts III to V; Part VI provides a general overview of the General Council.

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2 Pomare I (1743-1803); Pomare II (1774-1821); Pomare III (1820-1827); Pomare IV (1813-1877); Pomare V (1839-1891).

3 Proclamation of Pomare V to the Tahitians on 29 June 1880, *Bulletin officiel des Etablissements français de l'Océanie (BOEFO)*, 1880, p 196, Archives de la Polynésie française (APF).

4 The composition of the Assembly varied between 1824 and 1866. This parliament was made up of chiefs, Grand Judges or To'ohitu (from 1848), members by right, and the elected representatives of the landowners (hui-raatira). From 1824 to 1850, the Assembly had about 100 members. In 1848 there were 40 members by right and 59 elected representatives. In 1855 there were 49 chiefs and Grand Judges and 73 deputies. From the session of 1866 there were 32 members by right and 15 deputies.

## II THE INSTITUTIONAL STRUCTURE OF THE ASSEMBLY

The subject matter of the debates in the Assembly was primarily a result of the evolution of the institutional framework during the life of the Assembly. This Part will therefore analyse the way in which the debates were organised and controlled by the executive power.

### A *The development of the institutional framework*

From 1819 the British missionaries made efforts to change the despotic nature of the government of King Pomare II. They had convinced the King of the value of promulgating new laws as the Code Pomare, but despite their endeavour the text of 1819, the first Tahitian code, did not contain any constitutional provisions. On 13 May 1819 several thousand people and the Chiefs of Tahiti were brought together at Pare to approve the code. This was not however the first meeting of the parliament, this collection of laws was not discussed, and in any case the persons gathered on that occasion did not constitute a Legislative Assembly.

The missionaries had to wait till the death of Pomare II on 7 December 1821 in order to reduce the powers of the sovereign. At that date Pomare III was only one year old and the regency was assumed by his uncle, with the help of clergy until 21 April 1824, when the clergy decided to crown the new king. Before this ceremony the first Legislative Assembly of Tahiti had met from 23 February till 3 March 1824 and had transformed the royal powers into those of a constitutional monarch.

Pomare III died on 11 January 1827 and his half sister Aimata, the adulterine daughter of Pomare II, succeeded him under the name of Pomare Vahine IV. She was 14 years of age and her accession took place without official consecration. The young Queen preferred to enjoy herself, so the missionaries and the chiefs were left to argue about power. The latter, profiting from the lack of maturity of the Queen, ignored the Legislative Assembly and re-established their authority which had been reduced by Pomare II. Disorder followed and after excesses from the use of the powers taken by the chiefs it was Pritchard, a missionary, who played an important role in the improvement of the political situation. He became principal adviser to the Queen and progressively led her to take an interest in the government of the Kingdom.

A new code was drawn up by the Protestant mission and was promulgated in 1842.<sup>5</sup> This collection of laws contained no complete text relating to executive power but it did contain some short clauses relating to the organisation of the Kingdom, to the Sovereign and to the Legislative Assembly. In the framework fixed by the code the Queen governed and in her absence she was represented by a regent. The missionaries who had been charged with drawing up the new code had taken care to set out the limits of the powers of the sovereign in relation to the law: "If the Queen or any other powerful person repeals a law, that is in itself a violation of the law".<sup>6</sup> Similarly "the

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<sup>5</sup> *Code Pomare de 1842*, BA, BR, 8° 60, p 227, APF.

<sup>6</sup> Above n 5, article 2.

Queen and powerful persons and all people must observe the laws carefully, so that life on this earth will be good".<sup>7</sup>

At the administrative level the Kingdom was divided into districts and there was a chief at the head of each of these areas. According to tradition the districts were regrouped into 7 great divisions: 5 for Tahiti and 2 for Moorea. In each division there was a chief judge and these seven judicial officers formed the Supreme Court (Court of the Toohitu). The district was therefore the basic unit of the political and administrative organisation of the Kingdom and it was at this level that the deputies to the Legislative Assembly were elected.

Following the establishment of the Protectorate the executive power was duplicated: Queen Pomare was competent for all that concerned Tahitian matters at an internal level; the protecting power was responsible for all matters relating to foreigners in the Kingdom, to the conduct of external relations, to the guarantee of individual security and security of property, and for public order.<sup>8</sup> The Legislative Assembly thus saw its competence reduced to that relating to internal Tahitian matters.

Rear Admiral Du Petit-Thouars annexed Tahiti on 6 November 1843 and installed Governor Bruat as the head of the French Settlement in Oceania including the Kingdom of Pomare IV,<sup>9</sup> but King Louis Philippe did not accept this annexation and the Protectorate was newly established on 7 January 1845. All the actions taken by Bruat in the field of native administration between 1843 and 1845 were therefore illegal, but they were validated by an assembly of chiefs and judges on 8 January 1845 and subsequently by the convention of 5 August 1847<sup>10</sup> made between the Royal Commissioner Lavaud and the Queen. Finally an Imperial decree of 14 January 1860 relating to the organisation of French public powers in the states of the Protectorate provided for the continuation in force of orders made locally by the French representative.

The Convention of 5 August 1847 set out the conditions of the Protectorate. Henceforth the powers of the Queen were limited by the representative of the protecting power who acted jointly with her in the field of executive power for all matters concerning the native people. The Royal Commissioner alone exercised power over

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7 Above n 5, article 6.

8 The joint proclamation of Queen Pomare and Rear Admiral Dupetit-Thouars, dated 9 September 1842, *BOEFO*, appendix to the collected orders of the Governor, 1843-1847, Papeete, 1864, p 233ff, APF.

9 Armand Joseph Bruat, captain in the Navy, Governor of the Marquesas, was appointed Governor of the French Establishments of Oceania, and Royal Commissioner to the Society Islands. He took up his duties on 1 November 1843. On 6 January 1845 Bruat took the title of Governor of the French Establishments of Oceania, Royal Commissioner to the Court of the Queen of the Society Islands.

10 *BOEFO*, 1848, p 75, APF.

foreigners and was alone competent in external relations matters. He also had a right of general control over the local administration<sup>11</sup> and parliamentary activities.<sup>12</sup>

Until the annexation in 1880 the institutions developed very little but in practice there was a progressive reduction in the powers of the Queen and of the Assembly and a strengthening of those exercised by the Commissioner.

### *B The opening of parliament*

The opening ceremonies of sessions of the Legislative Assembly represented one of the major events in Tahiti during the time of Queen Pomare.

In the period before the Protectorate, the spectacle was rather picturesque as is described by a traveller at the time:<sup>13</sup>

About 9 o'clock in the morning, Queen Pomare set out in full regalia escorted by more than a hundred men, her bodyguards... At the head of the procession flew the Tahitian flag, red, white, red, in horizontal stripes. Behind came the Queen and the King followed by royal troops in file two ranks deep. Finally came all those who had found some reason for participating in the parade. The procession, which stretched along the beach moved solemnly towards the temple... The nave was occupied by the Queen and the soldiers, the aisles by the women.... About eight or ten of the officers of the royal entourage were dressed in uniforms of every colour and of every style. They must have gathered them at random and by good luck or on the occasion of the visit of warships.<sup>14</sup>

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11 Above n 10, article 3: "The internal organisation of the Society Islands is regulated with the approval of the protecting power".

12 Above n 10, articles 21-30.

13 This story is by F Olmsted *Incidents on a whaling voyage* (New York, 1841) p 82, cited by P O'Reilly, 1975, above n1, p 53.

14 Above n 13. Olmsted carefully adds some amusing details on the dress of the officers, then on that of the rank and file: "All wore white breeches, which were a little too tight for their powerful frames or which quite simply sought to imitate a little too closely the fashion of stick-on garments. One or two wore shoes, but most had slipped their lower extremities into huge leather boots without any sort of intermediate article. One of these men struck me because of his curious dress. He was clothed in a clergyman's habit, one of the most peaceful styles of clothing, which he had transformed for the occasion into a terrifying warrior's uniform, by means of scarlet trim a half inch wide, which outlined the garment and emphasised its shape. Over that he had fastened a bright red shoulder-belt; the combination of colours was truly amazing!

Behind the officers the soldiery had lined up. There had certainly been great effort taken for uniformity and from a distance they all seemed to be dressed in the same blue. But coming closer, what a variety of colours of clothes there were! ... The lower garment of the soldiers was in each case white, but it seems that great imagination had reigned in the distribution of the pants which rarely corresponded to the build of each individual. Tall beanpoles had to try to put on small size clothes, and tubby persons, being unable to close the belt of their pants, sought to ensure that they would stay up by knotting a scarf about their waist."

If this colourful event made such an impression on a traveller it may be presumed that the effect of the ceremonial on the native population was considerable. This was the aim of the missionaries who wished, in this way, to fix in the popular conscience the importance of parliament in the context of a constitutional monarchy.

During the Protectorate the ceremonies, took a much more solemn character and the garrison troops in full parade dress replaced the soldiers of the royal guard with their diverse uniforms. The official party lost its popular character and was composed only of public and military officers and foreign consuls. The opening of each session then followed a procedure which became immutable after a note from the Imperial Commissioner du Bouzet in 1855.<sup>15</sup> Like all his predecessors this representative of the protecting power was concerned with appearances and with respect for procedures. It was particularly important to him to show the regard that France had for the institutions of the Protectorate - that is to say, especially for the Queen<sup>16</sup> and for the Legislative Assembly. Thus at the opening of each session the Commissioner took care to treat the Tahitian sovereign with all the honour due to her rank, in particular, in front of foreign consuls.<sup>17</sup>

The ceremonial that was followed between 1855 and 1866 was extremely rigid.<sup>18</sup> An order of the Imperial Commissioner de la Roncière of 15 March 1866 relates the procedures:<sup>19</sup>

Two companies of infantry from the Navy in full dress will present arms at 12.30 .... A detachment of twenty men, commanded by an officer will take up position around the Fare Apoo-haa.<sup>20</sup> Two guards will be posted at each door. The group remaining outside this detachment will form a column from the door of the chamber to the gateway of the Queen's palace .... At 12.45 the Army and Navy officers, public officers and the employees of the administration will assemble at Government House to meet the Commander the Imperial Commissioner of the Empire. The procession, preceded by a detachment of gendarmes, will go to the Queen's palace to take her to the Assembly. When the Queen leaves the palace there will be a twenty one gun salute fired by the Artillery Corps. At this signal the warships in the harbour will raise the Protectorate flag to the head of the mizzen mast. While the procession passes the

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15 Cited by P O'Reilly, 1975, above n1, p 54.

16 As CW Newbury said: "The Convention (of 1847) had made of her (the queen), by her position as supreme chief, an essential element of the Protectorate. Her privileges had to be respected and etiquette observed in regard to her." CW Newbury, "L'administration de l'Océanie française de 1849 à 1866", *Revue française d'histoire d'outre-mer (RFHOM)*, Paris, 1960, t 46, n° 163-165, p 102.

17 "The Governor, the Imperial Commissioner, accompanied by the consuls of England and the United States, as well as by all the officers of the Army and Navy, went to the residence of Her Majesty the Queen, to whom he offered his arm to lead her to the Protestant church ...", *BOEFO*, 1855, p 226.

Du Bouzet added the detail: "Official invitations were sent to the consuls; seats were reserved for them and their family". Cited by O'Reilly, 1975, above n1, p 54.

18 This formality was observed in 1855, 1857, 1858, 1860, 1861, and 1866.

19 *BOEFO*, 1866, p 33.

20 This was the name given to the building where the Assembly sat from 1861.

troops will present arms. The march will be followed by a detachment of horse guard in full ceremonial dress. When the Queen and the Imperial Commissioner arrive at the Assembly the bugles will sound. At the end of the sitting another twenty-one gun salute will be fired. The Queen and the Imperial Commissioner will be escorted back with the same ceremonial.

The opening session was submitted to a very precise ritual. It was given over to a speech by the Queen and one by the Commissioner and finally to the presentation of an address by a deputy.<sup>21</sup> These speeches were directly linked to themes developed in the debates of each session. The interest of the representatives of the executive power however was not limited to the opening ceremony. All of the parliamentary work was under their guidance.

### C *The organisation and control of the sessions until 1842*

From 1824 the goal of the missionaries was two fold.

First there was the question of limiting the powers of the Tahitian sovereign by giving to the Assembly the right to legislate in collaboration with the King.<sup>22</sup> The Pomare Code of 1842 confirmed that the power to make new laws or to abrogate old ones rested only with the legislators.<sup>23</sup> The Queen had, through the intermediary of her orator, the right to express her point of view before a new law was adopted. She had no way of changing a law after its adoption by the Assembly. Even though the royal powers were limited the result was not really the creation of an autonomous parliament which was capable of freely expressing the popular will.

The second objective of the missionaries was to control and direct legislation in the interests of the Protestant mission. This goal was attained thanks to the presence of one of their number within the Assembly. Indeed, "a missionary of the true word of

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21 "There were on the front of the dias ... two armchairs placed so that the line that separated them was the centre of the platform. These two armchairs were for the Queen and the Imperial Commissioner; the Queen took that on the right and the Imperial Commissioner sat to her left. An armchair in the second row ... was reserved for Ariifaite, the Queen's husband ... The Queen's speech was then read in a loud voice by her husband ... When he had finished, the Imperial Commissioner stood up and read his opening speech in French, the Tahitian translation being read immediately after ... The Orator of the legislative Assembly then replied, in his own name, to the Queen and to the Imperial Commissioner.

The newly elected deputies and newly nominated chiefs then took the oath of fealty to the Queen and to the Government of the Protectorate." Note of Du Bouzet, of 1855, cited by P O'Reilly, 1975, above n1, p 54.

22 "No regulation could be considered as a statute, but those regulations which had been approved or proposed by the delegates and had received the King's sanction, and each regulation, proposed by the delegates and approved by the King, had to be observed as the law of the land." W Ellis, *A la recherche de la Polynésie d'autrefois*, Polynesian researches, publication de la Société des océanistes, n° 25, Musée de l'homme, Paris, 1972, p 590.

23 Articles 2 and 6 of Law XXXI of the Pomare Code of 1842, above n 5.

the Gospels"<sup>24</sup> had to be designated *auvaha* - orator and secretary - at the opening of each session. His role was to "arrange the speeches" of the deputies. Thus the electors had to agree among themselves in each district so that they could express their desires to the parliamentarians. Then these latter had to make "known their speeches to the *auvaha* so that he could arrange them".<sup>25</sup> The electors, that is to say the landowners, thus saw their wishes modified or rejected by the orator according to the interests of the missionaries, and in order to better control the action of legislators votes were taken by a show of hands. Through the intermediary of the *auvaha* the missionaries could thus bring pressure to bear on members of the Assembly who, little by little, grew accustomed to seeing their work prepared and directed by foreigners. For the most part the laws voted by the Assembly, until the time of the Protectorate, were drawn up by clergymen who had considerable advantages over the untrained Tahitian legislators.

#### *D Organisation and control of the deliberations during the Protectorate*

From 1842 the same supervision of parliamentary processes was exercised by the representatives of the protecting power, but in a new legal framework. There were two changes of importance during this period: the competence of the Assembly was reduced, and a new regulation organised the parliamentary processes from 1851.

##### *1 Involvement of the protective power in the exercise of the legislative power*

From 9 September 1842 the competence of the Assembly was restricted to internal Tahitian matters. The protecting government could therefore act freely in respect of the foreign relations of the Protectorate as well as in all matters that affected French people and foreigners.

Other texts<sup>26</sup> gave to the Commissioner a quasi-legislative power in essential areas. He could make all the necessary regulations relating to the conduct of the administrative services in the interests of the good order and security of the Territory and he could provide penalties according to the urgency and the gravity of the circumstances.

Two Orders of Governor Bruat<sup>27</sup> changed the Pomare Code of 1842 by prohibiting foreigners from being present without his authorisation at the sittings of the Assembly. This automatically excluded the missionaries. All these actions were legalised later by the Assembly and by various laws.<sup>28</sup>

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<sup>24</sup> Above n 5, article 4.

<sup>25</sup> Above n 24.

<sup>26</sup> Ordinance of 28 April 1843 concerning the administration of justice and the powers of the Governor of the Marquesas. This Ordinance was extended to Tahiti by a local order of 13 April 1845, which was kept in force by the Imperial decree of 14 January 1860, which dealt with the organisation of public authority in the States of the Protectorate.

<sup>27</sup> The Arrêté of 1 October 1844, réédition des arrêtés du gouverneur, *BOEFO*, 1864, p 28; and Arrêté of 6 January 1845, *BOEFO*, 1864, p 33.

<sup>28</sup> During this period the Tahitian kingdom was annexed by Dupetit-Thouars, whose action was later not accepted by the King Louis-Philippe.



The Agreement of 5 August 1847 which was the veritable charter of the Protectorate gave the Commissioner still more powers vis-à-vis the Assembly. The Assembly could only be summoned if it was called jointly by the Queen and the Commissioner. The Tahitian sovereign did not want to see parliamentarians sitting too often and the calling of sessions was therefore left to the initiative of the Commissioner and he did not call the legislators to session in 1849, 1852, 1856, 1859, 1862, 1863, 1864, or 1865, and not at all for legislative activity after 1866.<sup>29</sup> The representative of the protecting government was furthermore alone competent to prorogue a session of the Assembly "after having told the Queen the reasons".<sup>30</sup> The latter and the Commissioner had the right to be present at the sittings, to have themselves represented and to speak there. In reality the sovereign never participated in the debates and simply had her husband read a speech at the opening session.

Article 21 of the Treaty was important: "Laws voted by the Assembly are first addressed to the Commissioner of the King who with the Queen will examine them in the Government Council: the Queen may have herself represented there when she thinks it appropriate". In practice the Commissioner alone decided, but in the presence of two deputies designated by the Assembly in order to provide the quorum for the Council. Laws changed in this way by the executive power had to be presented again for the approval of the parliamentarians.

Furthermore the Queen and the Commissioner had a right of veto because the laws voted could not be executed until after they had received their approval. If this happened the text could be presented to the Assembly again at a later session.

Between sessions, which on average lasted 9 days, the Commissioner and the Queen could "together make regulations which had the force of law" on condition that they submitted them for the approval of the Assembly at the following session. This practice developed and the parliamentarians were often content to approve the laws adopted by the Council of Government. Where there was disagreement about a proposed law, the legislators developed the habit of delegating the decision to the Commissioner and then they ratified the law later.

From 1848 3 representatives of the protecting government sat in the Assembly with a right to vote.<sup>31</sup> They had the role of developing legal proposals which came from the executive authority, but their legal training permitted them to dominate the debate. They presented a great number of proposals to the Assembly and this left little room for legislative initiatives by the parliamentarians because the sessions were very short.

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29 Commissioner De la Richerie decided not to call a meeting of the Assembly after 1861: "The Queen is moreover perfectly happy with this arrangement and in any event did not remind me that I had in 1862, 1863 and 1864 forgotten to speak to her about the Assembly." Cited by P O'Reilly, 1975, above n1, p 63.

30 Article 8 of the convention of 1847, *BOEFO*, 1848, p 75.

31 The Royal Commissioner at the Court of the Toohitu, the Registrar of the Court and the Government Orator, *BOEFO*, 1864, p 83.

Article 4 of the Law of 6 April 1866 limited still further the powers of the Assembly in denying to the legislators any legislative initiative; the right thenceforth being that of the government, that is to say of the Commissioner.

## 2 *Standing orders for the Legislative Assembly of the Society Islands*<sup>32</sup>

The Commissioner of the Republic, Bonard, drew up these rules because it seemed to him difficult to make an Assembly composed of more than a hundred persons work properly without a precise procedure for debates.<sup>33</sup>

On 10 March 1851 the Queen and the Commissioner approved a law for the Assembly entitled Standing Orders for the Legislative Assembly of the Society Islands. This text is particularly important because it applied until 1866, that is to say, during the period when the Assembly had its most intense legislative activity. It is from the coming into force of these Standing Orders that the Assembly could be "considered a true parliament".<sup>34</sup>

Bonard wanted to use the Assembly to offset the authority of the Queen.<sup>35</sup> For that he had to organise the parliament in the best way possible on the model of a European parliament. The Standing Orders had 12 chapters and 64 clauses and were innovative in three areas: secret votes, the inviolability of deputies, and the right of petition.

This legislation, showed equally the influence of French lawyers who had succeeded the British missionaries, was based not only on custom as in the United Kingdom but also in French in constitutional laws and regulations.

From 1851 the parliamentary activities became much more formal. Successive Commissioners tried to make the debates very serious so that the actions of the Assembly would be more credible. From this point of view the office of the Assembly was a keystone of the organisation. The Assembly Office was set up by articles 1 to 10 of the Standing Orders. According to article 1 it comprised 6 persons: a president, a vice-president and 4 secretaries elected for a session.

The functions of the president were to maintain order in the Assembly, to give the right of speaking, to ask questions, to declare the result of votes and to pronounce the decisions of the Assembly and "to act as spokesperson for the Assembly and in conformity with its wishes". At each sitting and before passing to the order of the day,

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32 *BOEFO*, 1850-1852, p 152.

33 The Codes of 1842 and 1848 provided only a few rules concerning the holding of sessions. For example, article 4 of Law XXI of the Pomare Code of 1842 provided for the nomination of an Orator and of a Secretary - an *auvaha* - to direct and organise debates.

34 G Guesdon *Le royaume protégé des Iles de la Société*, thèse, Faculté de droit de Caen, 1960, p 200.

35 A letter of Bonard to the Naval Ministry, 16 July 1850, Centre des Archives d'Outre-Mer (CAOM), Aix en Provence, Océanie, A 68, C13.

he informed the Assembly of communications which concerned it in giving priority to those presented by the executive authority. Each time that delegates of the government wished they spoke to support or oppose legislative proposals. The role of the president extended also to the internal and external policing of the Assembly, to the control of the debates, to the verification of powers, to the inviolability of the deputies, to petitions and to the method of voting. Finally the president could direct to committees and commissions all the documents relative to subjects which had to be discussed by them. Three committees prepared the work of the Assembly: The Legislative Proposal Committee, the Petitions Committee, and the Finance Committee.

The main function of the president remained the supervision of the debates. Nevertheless towards the end of the period under discussion it was the government delegate who had this role and this permitted him to influence the content of debates.

The debates consisted of an explanation of the reasons for the proposal, then a discussion article by article, before passing to a vote on the text as a whole. Proposals put forward by the government were discussed before others and its delegates or orators could have the right of address any time they wished. That allowed them to reduce the intervention by parliamentarians and to sideline legislative proposals of an embarrassing kind, especially since the sessions lasted on average 9 days and the discussion of government texts only began on the third day. Deputy Taatanuru spoke against this practice in the session of 1861: "We have spent several days examining Bills prepared by the government; I request that we examine those proposed by the deputies".<sup>36</sup>

The debates sometimes went on for a long time because the Tahitian parliamentarians were excellent orators and often let themselves get carried away by their discussions. The quality of these speeches was remarked on by several contemporaries. For example the following appears in a letter by Captain Ribourt, the aide-de-camp of the King's Commissioner in 1848: "This people is naturally and really eloquent: the speeches that I hear astonish me frequently by their presentation and their depth and always by their pertinence. Your honours (the French parliamentarians) would often to have much to learn from them and would rarely do better".<sup>37</sup>

The debates took place in Tahitian language with strong imagery and the translation into French sometimes gave rise to curious metaphors. In 1860 Deputy Maheanuu replied to the speech from the throne in this way: "the chiefs of the Tahitian nation are a part of yourself; the deputies are your feet and the Toohitu are your arms".<sup>38</sup> In 1855 Deputy Itu declared: "The proposal of the government is a child on the point of being born. This child has a very big head relative to the rest of its body, which is of no size at all. If you let the head come, the body will slip out without your noticing".<sup>39</sup>

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36 *Procès-verbaux de l'Assemblée législative des Etats du Protectorat*, session de 1861, Papeete, 1863, Danielsson, n° 401, p 45, APF.

37 *Bulletin de la société des études océaniques*, n° 65, vol VI, March 1939, p 135.

38 *Messager de Tahiti*, 6 May 1860, p 79.

39 Above n 38, 18 November 1855.

The matters dealt with in the debates from 1824 to 1866 are extremely varied but it is possible to group them into those debates which related to institutions of the Kingdom and those which concerned economic and social development.

### III DEBATES ON JUSTICE, EDUCATION, THE ASSEMBLY AND THE SOVEREIGN

#### A *Justice*

This is a theme which recurs frequently in the deliberations of the Assembly just as in the speeches made at the opening of each session. Thus of the 16 law proposals studied in 1861 8 dealt with justice matters.

Among the debates concerning this matter one of the best examples was that relating to the abolition of capital punishment. It is one of the first subjects touched on by the new Assembly in 1824 and was a theme which excited one of the greatest debates: "In which the strength of feeling had struck travellers who were able to be present".<sup>40</sup>

The Pomare Code of 1819 had provided the death penalty for murderers and attempted murder and acts of rebellion. Two people were executed on 25 October 1819 for having attempted to overturn the government. In 1821 "a plot was organised to assassinate the King and two of the men who had plotted this crime were arrested... sentence of death was pronounced and they were hung from a beam between two coconut trees".<sup>41</sup> The death penalty, particularly hanging in accordance with the English custom, "violently shocked Tahitian sentiments".<sup>42</sup> It seemed indeed that the death penalty had been only rarely practised in Tahiti for offences of this kind: "Tahitian custom required that condemned persons were speared, had their skull cracked by a club, or were decapitated. In fact Tahitians did not have death penalties. Something similar appeared only in religious sacrifices and in war".<sup>43</sup>

The debate on the abolition of the death penalty<sup>44</sup> was opened by Hitoti, first chief of Papeete, who supported the maintenance of the death penalty: "The laws of Europe, of that country from which we have received so much good, could they not be good? And the laws of Europe do they not punish a murderer with death? ... what the people in Europe do, perhaps we would do well to do also."

Outami, first chief of Punaauia replied that the application of all European laws would lead to the overturning of the customs and local morals. To follow the reasoning of Hitoti would "inflict a very serious penalty on those who break down a house, steal

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40 G Guesdon, above n 34, p 219.

41 W Ellis, above n 22, p 553.

42 LJ Bouge, above n1, p 9. All the debates concerning the abolition of the death penalty are taken from this article.

43 Above n 42.

44 See LJ Bouge, above n1, pp 10-13.

animals or fruit, or who take false names". These Tahitian practices had not been punished until then because went on Outami: "we know that to break into one of our houses of leaves and bamboo is not a very great wrong and that in the state of community in which we live, to take fruit or a pig when one is hungry is not a crime". He ended his speech by a remark of good sense: "Because what might be bad in Europe is not so in the same degree on these islands, we must not take as our guide, as a general rule, the sole reason that the laws of Europe have provided in one way or another". In conclusion he supported the abolition of the death penalty and the replacement of it by perpetual banishment on a deserted island, which was also a penalty provided in the Code of 1819.

Chief Oupouparou then spoke and recalled that it was the Bible that had to guide legislative action. For he declared: "He who has spilt human blood, will have his blood spilt by human."

The Chief Judge Tati answered: "Doesn't this precept go so far that we could not follow it to its logical end... a man is brought before me, he has spilt blood, I order that he be put to death; I spill his blood. Who then will spill mine?". He then called on the authority of the New Testament which does not provide for the death penalty in the case of death. The Chief Judge also chose banishment as the alternative penalty and ended his speech with these words: "And then, isn't it enough that there are on the earth evil people who soil themselves with blood, and the law should it not therefore have something better to do than to imitate them. Is it really in the name of justice that one should make a man be the murderer of his brother?" Pati, Chief and Chief Judge of Moorea followed the line of thinking of Tati: "Why do really just people impose punishments? Is it out of rage or pleasure of doing ill or is it the love of vengeance as is the case in times of war? It is none of that: a good man, a just man, does not seek vengeance and he does not act in rage either. Where there is suffering there cannot be any pleasure; where there is wrong and where one spills blood there cannot be any justice".

After the Grand Chiefs a man of lesser rank spoke and developed the arguments based equally on religion, but which were quite original for the period in a country which had abandoned its traditional customs only a short time earlier. "One of the reasons for punishing is to correct the criminal and to make him good if it is possible. Now if we kill the murderer how can we make him better? If we send him off to a deserted island where he will be alone and constrained to reflect, God has the power to make the bad things which are in his heart die and to cause good things to be born there".

In the end the Assembly voted unanimously for the abolition of the death penalty and the replacement of it by banishment. This debate which is strongly marked by Christian reality is one of very great quality particularly when it is compared with those which took place at the end of the period studied. Between 1851 and 1866 the Tahitian parliamentarians were interested essentially in things relating to daily activities and the debates on ideas gave way to preoccupations of a more down to earth kind.

After the beginning of the Protectorate the main texts relating to justice were debated in 1855, 1861 and 1866.<sup>45</sup> It is not possible to study them all here and only some significant extracts are analysed.

The Tahitian sovereign and the Commissioner kept reminding the parliamentarians and the judges of the importance of justice. Thus at the opening sitting of the session of 1860 Queen Pomare had her husband Prince Ariifaaita read the following:<sup>46</sup>

Thus you must take wise and strong measures to ensure the full execution of the law. It is with a lively feeling of concern that I have seen judges, the highest guardians of the rights and security of families, stand by indifferent when their sentences are ineffectual or leave the law alone when it should have been activated with energy. The inexecution of justice tends to create the ruin of peoples by facilitating the formation and the good fortune of vicious and perverse people.

Again at the opening of the session of 1866 the Imperial Commissioner de la Roncière criticised corrupt and biased judges:<sup>47</sup>

The participation of the judges in the sharing of fines that they have ordered as well as in the court fees charged necessarily causes one to doubt their impartiality. Your laws seem to operate less as a means to assure you the peaceful enjoyment of your property and to guarantee the maintenance of order than to swell the purses of those who have been called to participate in their application.

In conclusion he called on the parliamentarians to remedy the situation by approving the Ordinance of 14 December 1865.<sup>48</sup> This law had as its object the redefinition of the jurisdiction of the Tahitian courts. In particular French law would be applied in the future to disputes between Tahitians and Europeans which related to land rights before the Court of Toohitu<sup>49</sup> and that Court would thencefore be presided by a French judge.

45 Law of 30 November 1855 concerning judgments; law of 19 December 1886 on fines; law of 24 December 1861 on Superior Courts; law of 26 December 1861 amending that of 1855 on judgments; law of 26 December 1861 on appeals and the tax on witnesses; law of 30 December 1861 on adultery; ordinance of 14 December 1865 confirmed by the law of 28 March 1866.

46 Above n 38, p 1.

47 *Procès-verbaux de l'Assemblée*, session de 1866, Papeete, 1866, Danielsson, n° 402, p 10. As was pointed out by one of the deputies at the session of 1861: "In many districts of the Tuamotu Islands, the chief gives to his children the responsibilities of judge, of chief mutoi and of mutoi (native police officer); it follows from this that the officials are all united by the same interest and don't do anything that doesn't have some personal benefit." Danielsson, 1861, above n 36, p 43.

48 Ordinance concerning the reorganisation of the Tahitian judicial service, 14 December 1865, *BOEFO*, 1865, p 122.

49 "A Supreme Court comprising seven senior judges of To'ohitu sat in Papeete and was the main appeal tribunal for land disputes. It further had the power to amend articles of the Code... This Court continued in existence, after the establishment of the Protectorate, under the title of High Court of Tahiti, and progressively substituted the

Deputy Hitoti spoke against this last provision of the Ordinance: "The Court of the Toohitu is presently made up of twelve members; I do not see why it should be given a foreign president".<sup>50</sup> The government delegate replied: "It is in order to maintain the observation of the forms of the law and to avoid the frequent reversal of its judgments for want of the observance of due process".<sup>51</sup> The delegate expressed surprise at Hitoti's remark because there was nothing new in the jurisdiction. Indeed the law of 13 November 1855 on judgments provided that a government delegate would be present not only in the Court of Toohitu but also at the Appeal Court. The representative of the Commissioner concluded with these words: "Hitoti knows very well also that by the fact and very nature of his mandate this delegate truly directs the debate. There is therefore in reality only a change in name."<sup>52</sup> At the end of the debate the government delegate remarked that "nine appeals have been made so far against the judgments of the Toohitu Court... on these nine appeals six were allowed and three dismissed... these six reversals of the nine which were applied for sufficiently explain the need for a foreigner to preside in the highest Tahitian Court".<sup>53</sup>

The government delegate did not even then have the last word and he had to modify the content of the Ordinance of 1865 before the Assembly would approve it. The parliamentarians rejected the first article because it provided that land disputes between Tahitians would be judged by 5 landowners chosen by the French Justice of the Peace. Deputy Metuaaro opposed this measure and suggested a different solution: "The district council where the land is can very well deal with the matter at first instance; if there is an appeal the parties can come to Papeete to the Toohitu who will judge in final instance".<sup>54</sup> The sitting was adjourned and the modification was submitted to the Commissioner who accepted it. At the District Council level only Tahitian judges therefore were involved in disputes between natives. Nevertheless appeals from their decisions were judged by the Toohitu which had a French president. The former Court of Appeal was suppressed and the decisions of the Toohitu were submitted to the Commissioner and the Queen for approval.<sup>55</sup> It is easy to understand the willingness to accept the modification wanted by the Assembly since native justice was in any case controlled by a French magistrate and by the Commissioner.

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Civil Code for the old missionary codes." *Dictionnaire illustré de la Polynésie*, Toohitu, Editions de l'alizé, Tolède, 1988.

50 Danielsson, 1866, above n 47, n° 402, p 38.

51 Above n 50.

52 Above n 50.

53 Above n 47, p 70.

54 Above n 47, p 28.

55 The Tahitian law of 30 November 1855 had made possible appeals against judgments of the Toohitu without fixing any time limit on such appeals. It was impossible therefore to have any certainty in such judgments, and there was a complete absence of security of title established by a judgment of that court. The Tahitians had got into the habit of asking a Commissioner to review all judgments given during the administration of his predecessor. The Ordinance of 22 March 1865 corrected this situation by setting time limits for appeals.

As Newbury pertinently remarked: "The Assembly at the end of its time sounded the death knell of the Tahitian code of laws. All these laws including those voted in the recent sessions of the Assembly were abrogated with the exception of fourteen<sup>56</sup> ... The legal base on which the native judges had operated was swept away at one blow".<sup>57</sup>

Between the first debates in 1824 and the last in 1866 there was constant and great change. What did not change throughout the period was the oversight exercised first by the missionaries and later by the Commissioner. The abolition of the death penalty had been approved unanimously because of course that was the will of the legislators, but it was also because the missionaries had previously opposed capital punishment.<sup>58</sup> In 1866 the propositions of the Commissioner were nearly all accepted after numerous interventions by the government representative.

The change between 1824 and 1866 flows from the fact that before 1842 most of the proposals were of a very simple nature and within the comprehension of everyone. In the period 1851 to 1866 things were different. The introduction of French legislation to Tahiti necessitated the elaboration of very precise texts with great complexity, particularly in the field of justice. Legislators who were capable of having a view of the whole judicial system were very few. Aware of their lack of background for the role that they had to play they were thus easily influenced by the representatives of the Commissioner. This was admitted simply by Deputy Ruatai at the sitting of 26 December 1861: "I wish that the judges be educated about the law; I fulfil these functions myself and I admit that I do not know much".<sup>59</sup>

"Indeed the discussions were led by the government representative and if there was any opposition, the position of this latter and the help of the orators of the government

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56 The statutes which were not abrogated were:

- 3 May 1847 (possession of land);
- 10 March 1851 (rules of the Assembly);
- 18 March 1851 (ministers of religion);
- 25 March 1851 (abolition of the penalty of deportation);
- 28 March 1851 (declaration on national property);
- 31 March 1851 (prohibition on unrestricted grazing in the district of Papenoo);
- 11 March 1852 (civil status documents);
- 22 March 1852 (electoral law);
- 24 March 1852 (registration of land title);
- 30 November 1855 (judgments);
- 7 December 1855 (schooling);
- 16 February 1857 (amendment to the electoral law);
- 17 February 1857 (punishments for children who do not do well at school);
- 19 February 1857 (cemeteries);

*BOEFO*, 1866, p 156.

57 Above n 16, p 132.

58 H Vernier, *Au vent des cyclones*, Rouen, 1986, 465 p, p 29.

59 Above n 36, p 43.



- often former deputies - using Polynesian eloquence, always led to the adoption of the governmental proposal".<sup>60</sup>

## *B Education*

The history of education in Tahiti in the 19th century is inseparable from that of the missionaries. This issue of religion arises naturally in connection with problems related to the education system.

Before the institution of the Protectorate, district schools were entirely in the hands of English missionaries. Thus at their request the Assembly voted in a law in 1834 which made presence at church and school obligatory.

Also law 13 of the Pomare Code of 1842 was dedicated to teaching.<sup>61</sup> According to article 4 parents:

... who do not take care that their children actually go to school to learn to read the word of God as well as to write commit an offence. They will be judged and condemned to fifty hours of work such as cleaning up carefully the public roads.

Article 5 was equally severe with respect to children and provided that those:

... who are lazy for several days and do not go to school will be caught and taken there by public officers. Those who teach will find ways of bringing shame to them and encouraging them so that they will not be lazy and will go to school.

The code of laws revised in the Assembly in May 1845 created an obligation to go to school until age 14 - a remarkable provision for that time.

Education was a continuing concern for the authorities of the Protectorate. There is not one speech opening a legislative session where the question of education is not raised.

Thus on 1 March 1851 the Commissioner of the Republic reminded parliamentarians of the goal to be achieved: "I hope that with the encouragement given to teachers and students soon all the youth of the Protectorate will know how to read, write and count"<sup>62</sup> and he spoke of the progress accomplished in respect to professional education.<sup>63</sup>

... the progress which most of the young people that you have entrusted me with have made, is a sure guarantee that with perseverance, in a few years you will yourselves be able to repair ships, build beautiful and comfortable houses, and perform all the works that embellish and enrich a country.

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<sup>60</sup> G Guesdon, above n 34, p 218.

<sup>61</sup> Pomare Code of 1842, above n 5.

<sup>62</sup> *BOEFO*, 1851, p 164.

<sup>63</sup> Above n 62.

In 1852 the Commissioner emphasised in his speech that the schools had made remarkable progress, and he added:<sup>64</sup>

the general competition between the best students of each school will take place before your eyes on the 15th of next March; it will allow you to judge also whether the native children are less intelligent and less susceptible to learning than children of other nations.

On 2 November 1855 Commissioner du Bouzet made an important speech which was essentially devoted to education. He explained the importance of their role to parliamentarians in this way:<sup>65</sup>

Education for the young is the most precious of benefits; all the attention of the legislator must turn towards the means for improving it . One of the means recognised everywhere, as well as the most efficacious, is to give special attention to the education of young women. One day they will be mothers and they will be for their children veritable instructors... Among all people the social condition of women indicates the degree of civilisation. Let your girls acquire from their youngest age, in a special school, wider knowledge and habits of order and work and at the end of one or two generations Tahitian society will be transformed.

Du Bouzet continued in insisting on the importance of the study of the French language:<sup>66</sup>

The study of your language must continue at primary level but the young people will never acquire a superior learning without the study of a language which is more extended and rich in works of science and literature. Study of the French language can alone equip your children themselves to acquire the knowledge which will develop those spiritual qualities without which nobody is called to exercise a useful influence in the country; they can then become able to exercise all activities which are today the exclusive domain of whites.

Apparently these propositions were not put into effect as the speech of the Queen at the opening of the session of 1860 indicates:<sup>67</sup>

I ask myself anxiously what fate is reserved to the Tahitian nation if you do not seriously concern yourselves with the education of your children. If your children go to school for a few hours a day, you leave them the rest of the time free to follow their own wishes which will soon destroy the body after having corrupted the heart. The Commissioner followed along the same line:<sup>68</sup>

I find that public education is in a very sad state, regard being had to what one might expect from the laws which regulate it. Soon if you do not take care you will be

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64 *BOEFO*, 1852, p 322.

65 *BOEFO*, 1855, p 228.

66 Above n 65.

67 Above n 38, p 1.

68 Above n 38, p 2.

moving backwards. The study of the French language makes little progress. How do you think that the protectorate government can employ you in its administration and its service if you cannot be in contact with it at every hour and at each instant?

He took care to specify that "he did not wish to suppress the Tahitian language" but the study of French must be "the first thing that is taught to your children".<sup>69</sup>

At the opening of the session of 1861 the Queen insisted again on this question:<sup>70</sup>

I am very happy with the French teachers sent to Papeete and I sincerely wish that you will trust the education of all the children of my people to them. The study of the French language which will become soon our main language will guarantee for ever the closeness of our relationship with the French.

The situation seemed to have improved in 1866 because the Commissioner said: "Primary education is already as extended today as in many of the countries of Europe".<sup>71</sup> He explained to the legislators that schools prospered and that in those that had been opened by the administration the children had been accepted without distinction on grounds of religion. Specifically: "My duty is to protect each religion and I am pleased when I can be useful to one as to the other".<sup>72</sup> It is true that this had not been the situation under all of his predecessors.

Indeed, since the beginning of the Protectorate the French authorities had had to resolve a very difficult problem. In order to develop the country it was necessary that the population could speak French yet the education system was in the hands of British missionaries who were hostile to the French presence. The Catholic missionaries who were francophone were very few and the population, which was very faithful to the English pastors, distrusted them.

In order to remove the sons of chiefs and the children of the Pomare family from the English influence several solutions were considered: five chiefs' sons were sent to France in 1848 for 3 years. Then the education of the children of the Queen was entrusted to French Protestant teachers. According to the Commissioner Lavaud it was "necessary that they be brought up in the French frame of mind and not handed over to the English ministers. I say further that it is necessary that the teacher be protestant because I have failed in my attempt in wishing to entrust their education to Catholic priests and the Queen would prefer to leave them in ignorance rather than to take education from that source".<sup>73</sup>

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69 Above n 68. On this matter deputy Tenaki had an original idea: "I want my children to be taught one year in French and the next year in Tahitian." See above n 38, p 104.

70 See above n 36, p 3.

71 See Danielsson, 1866, above n 47, p 14.

72 Above n 71.

73 Lavaud to the Navy Ministry, 10 October 1850, CAOM, Oceania, H 5, C 26, cited by CW Newbury, above n 16, p 115. On schooling and the missionaries, see Newbury, above n 16, pp 114-119.

In 1850 Commissioner Bonard undertook to reduce the number of Protestant missionaries in Tahiti. Various administrative steps were taken against them: they had to limit their activity to one district and they could not preach except with the approval of the administration. A declaration of the Legislative Assembly of 28 March 1851 decided that their property would henceforth be national property.<sup>74</sup>

Tahitians have never given and do not give land and houses which are used as accommodation for missionaries or as the churches of the London Mission Society .... The districts alone are the owners of the land, churches and houses used for the accommodation of missionaries. They can dispose of them freely to establish in them missionaries of their choice.

This measure was very severe and was criticised even within the administration<sup>75</sup> but it served the purpose intended, that is to say, to limit the influence of English Protestants.

At the same time the administration aided the development of Catholic education<sup>76</sup> and this ended in the creation of several schools by the Sisters of St Joseph of Cluny, by the Brothers of Ploërmel and by the missionaries of Picpus.<sup>77</sup>

Nevertheless many Tahitians wished that their children had Protestant teachers. A solution was found with the nomination of French pastors. This allowed both the development of teaching in French, while respecting the religious convictions of Protestant parents, and at the same time reducing the English influence. A petition and a legislative proposal were examined by the Assembly at the session of 1860.<sup>78</sup> The legislative proposal on the "Protestant national religion" was approved by the parliamentarians. Henceforth only French and Tahitians could be pastors: "Foreigners may not fulfil these functions in the states of the Protectorate".<sup>79</sup> The same text required the Queen and the Commissioner to provide two posts and French ministers. Article 6 stipulated: "they will take over the running of our schools and they will

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74 *BOEFO*, 1851, p 162.

75 At the session of 1866, the Government delegate in response to deputy Apo, who wanted to retake land formerly occupied by the Reverend Davis, said: "These lands were regarded as 'the privilege of the Church' [Farii evanelia], and I believe that this grant affected not only the land lent but also the houses that the missionaries built on that land. A singular reward for the generosity of some and of the devotion of others!" Danielsson, 1866, above n 47, p 100.

76 This did not stop Commissioners Page and De la Richerie coming into conflict with the bishop.

77 "All told, the Catholics taught about 400 students in the district schools, of whom less than a quarter were converts. In 1862 there were 26 district schools in Tahiti and Moorea, each of which taught between 20 and 100 students - in total 751 boys and 630 girls. The two Catholic schools of Papeete had 119 students". Above n 16, p 119.

78 The petition declared: "We strongly desire that our children learn French; but we don't want them to learn French only for the purpose of changing religion". *Messenger de Tahiti*, 5 August 1860, p 147.

79 Article 3, *Messenger de Tahiti*, 8 July 1860, p 125.

preside over meetings of the ministers of the national church...". Article 7 envisaged a global remuneration of 5,000 francs a year, paid by the funds of the schools. The reading of this article drew a reaction of amusement from Deputy Hurue representative of Tautira:<sup>80</sup>

I said the other day that it was necessary to have a thousand missionaries to teach the French language well to our children... ? But since I have heard talk of 5,000 francs, I think their two missionaries will be enough, but it is necessary still that one of them be stationed at Tautira.

Deputy Tiriata tried to show that according to the Gospel ministers must not be paid. His colleague Tariiri answered drily: "We are not calling on these missionaries to preach, but to teach our children. You know that at present children do not reach the age of adulthood without being debauched".<sup>81</sup>

The debates were very animated whenever the Assembly touched on financial questions which involved new expense for the deputies. In these cases alternative propositions were not lacking. Thus at the time of the vote on education in 1853 it was provided that each head of family would provide a monthly contribution of 50 centimes to pay the teachers. Deputy Piapa who was against the proposal suggested: "that the government, our rich father, should take over the education of our children which are also its. France is rich... . If it is absolutely necessary to give a salary to the teachers,... we demand that the public officers who are paid handsomely show their generosity by giving up part of their remuneration to the teachers".<sup>82</sup>

At each session propositions aiming at reducing the school tax were numerous. Thus in 1860 deputy Airima asked that the contribution be reduced to 50 centimes per trimester. His colleague Taia took up the proposition: "Children who have learned nothing, pay nothing".<sup>83</sup>

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80 Above n 79.

81 Above n 79. Finally the Assembly sent a petition to Emperor Napoleon III to send 2 French pastors to Tahiti. The Society of Evangelical Missions of Paris responded to the request some years later: Thomas Arbousset and his son-in-law Atger arrived in Tahiti in 1863, followed by Viénot in 1866 and Vernier in 1867. Arbousset left Tahiti in 1865.

82 According to the law on public education of 5 July 1863, there were two types of teachers: there were the missionaries or officials paid by the Government, and there were the unsalaried teachers who received an annual sum of 120-200 francs, paid by the school treasuries, augmented by a monthly contribution of 50 cents. *Messageur de Tahiti*, 1853, sitting of 5 July.  
Other laws on public education were adopted on 7 December 1855, 17 February 1857 and 16 May 1860.

83 *Messageur de Tahiti*, 10 June 1860, p 104.

## C Debates affecting the Assembly and the Queen

### 1 The Assembly

Among the many questions relating to the Assembly which were debated,<sup>84</sup> there was one which was raised at each session between 1851 and 1866: the construction of a legislative palace or *fare apooraa*. And there was another interesting debate at the last legislative session on the reduction of powers of the Assembly.

#### (a) The Fare Apooraa

Until 1850 the Assembly met in the buildings of the Protestant church in Papeete. When this church was burned the parliamentarians decided to construct a building, which was eventually inaugurated in 1861. Between times the Assembly held its sessions in the Artillery Room and then in the new Protestant church. From 1851 a grandiose project was proposed to the Assembly by one of its members Judge Nuutere. It involved a building of 30m x 16m with an upper floor containing two public galleries, the whole covered by a gilded bronze dome. Faced with the reticence of some of his colleagues Deputy Arahū cried out "If I were the Governor, instead of degrading the Artillery Room, I would send you to make your laws out in the open air under the shade of coconut trees".<sup>85</sup> After an intervention by the representative of the protecting power the text was voted on and the construction was required to be finished for the following year.

By the opening of the session of 1852 nothing had been done and Commissioner Bonard explained the reasons for the delay:<sup>86</sup>

...the transport of wood has taken several months; the torrential rains of this year and, I must say, the lack of commitment of some native workers have considerably slowed up this work. Let us have courage therefore and get this job finished. Let us silence by so doing those who say that the natives undertake everything and finish nothing.

In 1851 Deputy Fanane had in effect said that Tahitians were "prompt to undertake and quick to tire".<sup>87</sup>

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84 The principal texts concerning the Legislative Assembly were:  
 - Law XXXIII of the Code of 1848, on the nomination of deputies;  
 - Law of 10 March 1851, on the internal order of the Assembly;  
 - The electoral law of 22 March 1852;  
 - Law of 31 March 1852, on payments to members of parliament;  
 - Law of 6 April 1866, on the Legislative Assembly.

85 Cited by P O'Reilly, 1975, above n 1, p 55.

86 *BOEFO*, 1852, p 321.

87 P O'Reilly, 1975, above n 1, p 55.

Successive Commissioners spoke of the construction of the Fare Apooraa in many speeches. After many vicissitudes<sup>88</sup> it was inaugurated in 1861.

From 1860 several parliamentarians had proposed the suppression of the charge made for the construction of the building, a measure which had been adopted on 1 May 1860.<sup>89</sup> As a consequence the funds were exhausted by 1861 it was necessary then to finance the works of completion from the school fund.<sup>90</sup> Ironically, this building was finished for the final legislative session of 1866. Thus it had taken fifteen years to complete a building whose realisation had been important in the eyes of all parliamentarians. It is necessary to say that the latter did not readily accept participating in the financing or in the construction of the building.

In other fields the legislators had the habit of passing things over to the decision of the Commissioner. As a consequence they accepted the reduction of their powers in 1866.

(b) *The reduction of powers of the Assembly*

The debates relating to the law of 6 April 1866 on the powers of the Legislative Assembly were opened by the delegate of the government; he in fact directed all the debates during that final session. He presented the proposal by saying that it was only a question of putting into effect Law 33 of the 1848 code "to which he had made some amendments".<sup>91</sup>

Article 3 indeed brought about only a minor change since from then on the sittings were to be public. Deputy Tauhiro objected that in this case: "It is to be feared that drunkards will come into the Chamber and disturb us".<sup>92</sup>

The amendment brought in by article 4 was very much more important for the parliamentarians since it took from them the initiative of law making: "The initiative for the legislative proposals belongs to the government".<sup>93</sup>

This was in fact a radical reform yet no deputy made the slightest comment on the subject. The whole of the text was adopted unanimously and without discussion. Thus a text which considerably reduced the powers of the Assembly raised no comment other

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88 In 1859, du Bouzet advised the Minister that this building, "a vast edifice out of all proportion to the needs and resources of Tahiti has been abandoned for three years ..." Cited by P O'Reilly, 1975 above n 1, p 55.

89 In 1858 the deputies were paying a tax of 12 francs 50 cents a month. It was reduced to 5 francs a month from 1 January 1859. In addition, families had to subscribe to the construction of the palace or give days of work for it. In 1860 the sum received for the construction of the fare apooraa reached 44,149.84 francs. *Messenger de Tahiti*, 9 September 1860, p 161.

90 Above n 36, p 53.

91 See Danielsson, 1866, above n 47, p 88.

92 Above n 91.

93 See Danielsson, 1866, above n 47, p 92.

than that relating to the possible future presence of drunks during the session. The only intervention which followed this fundamental vote was that of Deputy Tematua who said:<sup>94</sup>

Concerning this law which we have just voted I wish to ask the Honourable Delegate of the Government if it would be possible to have paid to us the remainder of the holidays which are now due to us.

This final remark shows the degree to which the Tahitian parliamentarians had lost the taste for great debates and were concerned only with the problems of the day and their own financial advantage. It is true, as Newbury remarked that the Assembly died "from an abundance of laws that it did not understand".<sup>95</sup>

Some parliamentarians were aware of their own weakness and this is why in 1866 the Assembly decided to send a petition to Emperor Napoleon III in order that he would extend the term of Commissioner de la Roncière who was much appreciated by the Tahitians. Deputy Tematua on that occasion made this remark:<sup>96</sup>

All the Governors who have come to Tahiti had the best intentions and their goal was to do the best for us, but we have never followed their advice and we were wrong. Before speaking of keeping the present Governor I wish that Tahitians undertake to follow his advice because without that the good that he seeks to do for us will have no result.

This declaration shows clearly the relationship of confidence, which had been established between the Commissioner and the Legislature and it makes it easier to understand why the parliamentarians willingly delegated decisions to the representatives of the protecting power in difficult cases.

## 2 *The civil list tax*

This tax was approved by parliamentarians at the session of 1848 during which the new Tahitian code was adopted. In 1866 the Assembly accepted the abrogation of most of the Tahitian laws in order to apply the French legislation in Tahiti. The legislators had then to decide on a new text for a tax called the civil list.<sup>97</sup> It was paid by all

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94 See Danielsson, 1866, above n 47, p 94.

95 Above n 16, p 106.

96 Danielsson, 1866 above n 47, p 120.

97 Queen Pomare levied this tax on the native population. It reached 7000 francs a year in 1864. She further received a grant of 25,000 francs from the French Government which also financed the native administration. Of the 183,799 francs paid by the French administration in 1864, 104,799 came from the colonial budget and 79,000 francs was income from local sources. To these expenses must be added the sums paid to Tahitians who worked in local schools. These amounted to 54,000 francs in 1864. From 1865 the grant reduced. On this subject see above n 16, pp 114 and 149.



subjects of the Protectorate - that is to say all those between 16 and 60, excluding married women and invalids, had to pay.<sup>98</sup>

Deputy Maheanu suggested that the contribution to the civil list be increased so that the palace of the Queen could be finished. The tax would therefore have to rise from 2 francs to 5 francs per year for men and from one franc to 2 francs 50 cents per year for unmarried women. Several parliamentarians accepted this position but most rejected it. Deputy Tapu Taata gave his reasons for rejecting it: "I am poor and I must work to live. The Queen on the contrary is provided with all that she needs and she must therefore make do with the 2 francs that I give her".<sup>99</sup> Maheanu agreed that the Queen had the means to finish building her palace. He added however:<sup>100</sup>

If she prefers to spend her money on something else, that is not our fault. Instead of speaking of increasing her tax we must rather kneel down in this place and pray to God to enlighten her, to guide her along the path that she must follow, and to prevent her from spending her money wrongly and unwisely.

The delegate of the government reprimanded the deputy, reminding him that he must speak of the Queen "only with respect and due regard". He added: "No one here has a mandate to investigate her private conduct... I regret having to make an observation of this kind".<sup>101</sup> After these severe words, which were accepted without demur by the legislators, the government representative suggested a moderate increase in the tax because "the charges which bear on the subjects of the Protectorate are already heavy and you must think of those whose agents you are and who have to pay the tax which you

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98 Until 1863 the payments by Tahitians to the local revenues were: a contribution to the civil list, subscription for the construction of the fare apooraa (until 1861), 50 cents a month for each school-age child, and for roadworks. In 1863 a personal tax of 10 francs a year and 10 francs for days of work (at the rate of 1 franc a day) was imposed.

On this matter, see above n 16, p 111.

99 See Danielsson, 1866, above n 47, p 76.

100 See Danielsson 1866, above 47, p 78. There was no shortage of complaints about the Queen. According to Newbury, the Commissioners "believed that she tried to put the greatest possible number of members of her family in charge of districts and that she exploited her position... to obtain new privileges. Her place in the hierarchy of district chiefs, according to Commander Page, was obtained at the expense of older families with more right than her, during the reign of Pomare II, who "by using means foreign to his peoples... not only created a personal power that his direct successors and in particular the present Queen would certainly not have been able to maintain if the Protectorate had not, with the consent of the chiefs themselves, bestowed on him a sort of approval" (Page to the Navy Minister, 8 February 1856, CAOM, Oceania, A 57, C10). Another commander complained of her claims to a "traditional right" to dispose of Tahitian land under the protection of the French regime and disapproved of her visits to the districts, which involved, by festivities and gifts, exhausting their resources (Du Bouzet to the Navy Minister, 10 December 1854, CAOM, Oceania, A 71, C 13). Above n 16, p 103.

101 See Danielsson, above n 100.

have fixed".<sup>102</sup> Finally the parliamentarians agreed to a small increase for a period of 2 years.

For each law proposal that had a financial implication, albeit a modest one, the debates were long and animated. There were more than 50 interventions relating to the slight increases in the civil list tax.

It was the same for the debates relating to economic and social development. The discussions were very animated every time one of the members was involved.

#### IV THE DEBATES CONCERNING ECONOMIC AND SOCIAL DEVELOPMENT

The Queen and the Commissioner continued to remind parliamentarians that they were elected to protect the general interest and to contribute to the development of the Kingdom. Thus Commissioner Lavaud ended his speech at the opening of the session of 1848 by saying: "Be motivated by good spirit, set aside your personal interest but always have in mind the welfare and nothing other than the welfare of the country".<sup>103</sup>

All the representatives of the protecting power who came to Tahiti had one idea in common: That of ensuring the economic and social development of the country. Their goal was "to inculcate in the natives some of the values of French civilisation... This obsession with the "development" of the Tahitians was common to all of them".<sup>104</sup> Consequently the Commissioners got involved in the internal and external affairs of the Kingdom, acting as "the right hand and the left hand for a people which could develop itself only by maritime commerce and agriculture".<sup>105</sup>

The strategic reasons of the origin of the Protectorate gave way gradually to arguments based on the economic possibilities of the country. Bruat even thought that Tahiti and its dependencies would be able to provide land for those deported from the penal colony of the Marquises.<sup>106</sup>

The Commissioners had then more and more recourse "to commerce and to the plantations to obtain revenues destined on the one hand to cover the costs of assimilation and on the other to justify vis-à-vis the Metropolis the advantages of their policy".<sup>107</sup>

But the central administration was little receptive to these theories based on development because of the ambiguous legal status of the Protectorate under the

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102 See Danielsson, above n 100.

103 *BOEFO*, 1848, p 24.

104 Above n 16, p 99.

105 Above n 104. De la Richerie to the Minister for Algeria and the Colonies, 12 November 1860, CAOM, Oceania, A 68, C 13.

106 Above n 104. Bruat to the Navy Minister, 27 June 1850.

107 Above n 16, p 100.

agreements of 1842. Consequently the support given by Paris to these projects was minimal because so long as Tahiti and its dependencies was not a colony "there was no legal guarantee that the protecting power could, without serious risks, follow any investment on a large scale".<sup>108</sup> For these reasons and despite the requests made by successive Commissioners, the central government refused to allow for assisted immigration to Tahiti.<sup>109</sup> This ministerial position did not change until the time of annexation. Chasseloup Laubat, the Navy Minister from 1859 to 1867, thought that Tahiti was only a staging point for French vessels and that it was necessary "to lead Tahiti to self-sufficiency and to develop in it a civilisation in as narrow a manner as possible".<sup>110</sup> Commissioners thus had great latitude to develop the Kingdom of Tahiti in their own way but little means to do so and they had no precise instructions from the central government.

From 1850 Bonard decided therefore to "galvanise the natives into action"<sup>111</sup> so that agricultural production for export would be encouraged. From this point of view it seemed indispensable that traditional society be transformed by developing private land holdings.<sup>112</sup> This would permit also the regular sale of land to foreigners who wished

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108 Above n 104.

109 Above n 104. Ducos, Navy Minister in 1854 wrote: "In this confused situation, we can ... neither sufficiently control the territory in the interests of hygiene of the native people and the development of their culture, nor organise a system of grants of land which would attract a population from outside ..." Note on Tahiti, 1854, CAOM, Oceania, A 69, C 13.

110 Above n 104. CAOM, Oceania, E 30, C 141.

111 Above n 104. Bonard to the Navy Minister, 16 July 1850, CAOM, A 68, C 13. In the speeches made at the opening of each session of the Assembly, the Commissioners and the Queen continually berated laziness and exhorted the population to work. For example, in the inaugural session of 1 March 1851 the Queen declared: "Our beautiful country is equal to those most favoured by nature ... What is lacking to take advantage of these wonderful resources? The Commissioner of the Republic has often told you and I am entirely in agreement with him on that, what we lack is the desire to work, activity.

Work is the principal and indispensable element for all our wealth; furthermore, experience shows that work is a guarantee of morality ... Therefore let us work, let us all work; let the adults give the children an example. Let's banish unemployment, the plague of our country, and we will have as a result, not only the increase in the material wellbeing of our country, but also a reduction in immorality, drunkenness and all the other vices ...

Take courage therefore, legislators, declare war on unemployment; and when you have put work in a place of honour by your laws and particularly by your example, when your bare lands are covered with abundant crops, when you will have given native workers places in all the industries which are today the exclusive domain of foreigners, you will see that you will not only have increased your own wealth, an element of the material prosperity of the country, but that you will have worked for public morality and religion" *BOEFO*, 1851, p 165, APF.

112 Commissioner De la Richerie declared that there could be no progress in the Protectorate while the native people remained committed "to this communal life in

to put it to good use.<sup>113</sup> The Assembly had therefore to study a series of proposals which aimed not only at reforming the land system of Tahiti but also at protecting the local market and the native population.

## A Land Legislation

Agricultural development of the country necessitated new laws concerning the registration of lands and common grazing rights.

### 1 Registration of lands

The Tahitian law of 24 March 1852<sup>114</sup> created a Commission for the registration of land and this established a distinction between land *fariihau* or common land linked to the rights of chiefs, and private land.

Article 12 stipulated that "common lands are not the property of the French government; they are there to ensure, for the chiefs of the district and their family, the means of existence in relation to their elevated position". These lands could not be alienated without a decision of the Assembly, approved by the Queen and the Commissioner (article 13). The state of common lands was considered by a commission of 5 deputies, then submitted for ratification by the Tahitian parliament.

Private lands had to be declared to the Commission which would put them on a local register kept by the District Council. Where there was a dispute between owners, the matter was submitted to the Court of the Toohitu.

There were 7 registers held for each district<sup>115</sup> and the work of the Commission was not very demanding.<sup>116</sup> A third of the districts had been assessed by the Commission and many of the Tahitian owners were not then known. The Order of 5 November 1862<sup>117</sup> concerning the survey required the registration of all land titles before February 1863. Those who failed to comply faced a fine of 30 francs and unclaimed lands were to

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which there is no fixed domicile, no individualised names, and no private property in the French sense of the word" *Messenger de Tahiti*, 30 January 1864.

113 With this object, the Order of 15 October 1851 created the Department of Registration and Colonial Land. From that time on only a written and registered document would serve as proof, and disputes between natives and Europeans were heard before the Tribunal de paix. *BOEFO*, 1850-1852, p 235.

114 *BOEFO*, above n 113, p 314: Tahitian law on land registration.

115 The registers of the lands of chiefs, sales, transfers, settlements, gifts, inheritances, and committees.

116 As Newbury emphasised, "it seems obvious that in many cases the head of the family registered the lands in his name for all the family. There is no place where a family registered the lands separately in the names of the various members of the family... The Commission subdivided lands approximately in order to grant to each adult member of each family the gardens and plantations claimed by the entire family." See above n 16, p 127.

117 *BOEFO*, 1861, p 188.

fall within the Colonial Domain. Each owner had to draw up plans of his land. This attempt met with failure because few Tahitians wished to declare their rights. The result was that the plan caused disquiet among native owners and from then on there was a growing number of challenges which had to be settled by the District Councils and the courts. In fact more and more owners sought a judgment in order to guarantee their rights.

The problem of the land system related more to justice than to the survey. An appeal from the decisions of the District Councils was possible before the Tahitian Court of Appeal which was created in 1855 and those judgments could be challenged by the Toohitu. The decisions of that Court could in turn be overturned by a decision of the Commissioner or of the Queen. This very complex procedure was reformed by the Ordinance of 14 December 1865 and ratified by the law of 28 March 1866 on the organisation of the Tahitian judiciary.

Every attempt made by the administration to reform the Tahitian land system resulted in failure - it did not increase the amount of private property available for the growing of products for export. The free roaming of animals did not assist local agricultural production either.

## 2 *Common land*

Law 10 of the Pomare Code of 1842 related to "all animals which are on the mountain, in the gorges and in the valleys to eat the grasses of a different owner".<sup>118</sup> This text envisaged that farmers could kill the pigs or cattle which had eaten or destroyed their fruit, but it was necessary to share the carcass with the owner of the animal.

The Code of 1848 set out the limits of all properties and the first article of Law 14 said that it was necessary "that each person should enclose a piece of land and grow fruit."<sup>119</sup> Article 12 of Law 20 provided that the owner of an animal which had broken into an enclosure, committed an offence and was liable to pay for the damage caused by the animal.

In 1851, at the request of Commissioner Bonard, the Assembly approved a law which created public enclosed areas in each district.<sup>120</sup> These lands were cultivated by free labour, fines and taxes having been transformed into days of agricultural work. But the district chiefs diverted these work teams to the benefit of their open lands and thus they contributed nothing to local commerce.

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118 New edition of the Code of 1842, 1864, p 189.

119 *BOEFO*, 1848, re-edited in 1864, p 65.

120 Law of 14 March 1851, on public lands. *BOEFO*, 1851, p 144. Article 4 provided that when the penalties did not provide enough labourers for the maintenance of the public lands, the chief would call together all the inhabitants of the district or a certain number each day, in such a way that each individual provided some work. Finally, article 6 provided that the income from these lands belonged to the district.

In 1855 Commissioner du Bouzet had the Assembly abrogate the law on public enclosed spaces as well as that of 1842 on boundaries.

By that time animal husbandry had developed considerably in Tahiti and there were many animals moving around freely. In his opening speech for the session of 1851 Commissioner Bonard said:<sup>121</sup>

Some natives have told me of their desire to breed sheep and cattle. I am happy to assist them along this new path by lending them the animals that they can look after and which will enrich them. Within a few years it will be unnecessary to have horses come from afar; I very much hope that the other districts will follow this example.

These hopes were so well realised that in 1853 a petition was presented to the Commissioner by several European and Tahitian landowners. The text was put before the Assembly which studied it in its session of 1 July 1853.<sup>122</sup> The petitioners claimed that animals were wandering and were a plague for agriculture and demanded that the animals be impounded: "The ravages which these wandering animals daily make in the plantations cause each grower to despair and prevent every agricultural initiative and make cultivation of the land unprofitable...". The Assembly was asked to approve a law which "would set aside a place for horned animals near Papeete, and, as far as horses, donkeys, goats, pigs and chickens were concerned, require that these animals be kept and fed on the land of their respective owners under pain of confiscation". The petition was rejected by the Assembly because, according to the majority of the parliamentarians, the breeding of animals had proved itself and had enriched the population. Since agriculture was little developed the growers had to fence in their pieces of land. As one speaker said it was better to have only one enclosure round fields than to have 3 - one for pigs, one for horses, and one for cattle. However the legislators could not agree on who should have the duty of putting up the enclosures.

From then on the question of the abolition of common pasturage came up again in the debates of each session. In his opening speech for the session of 1857 Commissioner Bouzet said:<sup>123</sup>

I would like to see the local population also seriously involved in the breeding of animals... because on this depends the feeding of the town of Papeete. But to raise animals without harming agriculture it is necessary not to let them roam about as they do today... The Hui Raatira must get together to put up fences.

In 1860 a proposal hostile to common pasturage was put before the Assembly to satisfy several Tahitian growers. A petition with the same object was also presented at the request of several European farmers.<sup>124</sup>

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121 *BOEFO*, 1851, p 67.

122 *Messenger de Tahiti*, 17 July 1853.

123 *BOEFO*, 1857, p 132.

124 *Messenger de Tahiti*, 2 September 1860, p 158.

When the proposition was discussed Deputy Huoue advised his colleagues against it using arguments which were aimed at influencing all those who enjoyed good living: "If you close in the horned animals it will be necessary also to fence in the pigs and this is a step that will deprive us of these good things".<sup>125</sup> A little later he spoke against common pasturage: "I have only seen herbs being sold and not beef. We have never seen the boats of Moorea bringing cargoes of beef to the market: they only bring fish".<sup>126</sup> At which Deputy Taumihau exclaimed: "Let the cattle not be closed in because they are our parents".<sup>127</sup>

Finally the Legislation Committee suggested that the proposal be entrusted to the executive power:<sup>128</sup>

The Committee thinks that it is too great a task for us and that we would not know what measures to implement. The Committee also thinks that it is necessary to ask the Assembly to request the Queen and the Imperial Commissioner to take the matter into their consideration. This work will be done in the coming months and at the next Legislative Assembly a proposal will be presented to you.

Confronted by this statement of the inability of the legislators Deputy Teaatore reacted strongly:<sup>129</sup>

Have you heard this proposition? I think that as this is something which we have demanded for a long time in previous Assemblies without coming to any conclusion and it is now proposed to put the matter again in the hands of the Queen and Imperial Commissioner; I think that we must not accept that but take a decision immediately.

Deputy Opura spoke in the same sense: "Let us not send this matter to the Queen and Imperial Commissioner because every year it has been remitted to them and still nothing has been done".<sup>130</sup> But it was Deputy Maitaitai who made the decisive point: "I think that we must not be in too much of a hurry to fence the animals in because the owners of most of the herds in Tahiti are foreigners ...".<sup>131</sup> This delicate question which involved foreigners necessitated the intervention of the Commissioner.

Indeed the legislators wanted to make a subtle distinction between animals according to the nationality of their owners. Deputy Hamana took up the matter: "Let us fence in the horned animals but leave the pigs free because they are our stock, but the horned animals and the horses belong mostly to foreigners".<sup>132</sup> This solution did not appear very effective and finally the Assembly entrusted the executive with the task of drawing

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125 Above n 124, p 103.

126 Above n 124, p 115.

127 Above n 126.

128 Above n 126.

129 Above n 126.

130 Above n 126.

131 Above n 126.

132 Above n 124, p 116.

up a proposal. From the end of 1861, an Ordinance of the Commissioner and the Queen forbade common pasturage in several districts.<sup>133</sup>

At the following session in 1866 the Ordinance of 1861 was presented for the ratification of the Assembly and the Commissioner proposed a law extending the law to Tahiti and Moorea. He justified the proposal by saying:<sup>134</sup>

In order to avoid the devastation, which follows from the taking of an unjust and excessive liberty many inhabitants have been obliged to make a veritable fortress of their properties. All cultivation is impossible in these conditions.

The Government Delegate reminded the Assembly that before totally suppressing free pasturage it was necessary to avoid endangering the public food supply and therefore necessary to proceed slowly and gradually.<sup>135</sup> The proposal submitted to the parliamentarians left for the Commissioner and the Queen the task of regulating by way of Ordinances the gradual application of a law for the abolition of common pasturage in Tahiti and Moorea.

More than 40 people spoke in the debates, for the subject concerned most of the legislators and dealt with an activity of an everyday nature for a population which was essentially a rural one. Here again private interests tended to dominate every other consideration. Deputy Teupoo declared: "I do not want pigs to be fenced in; but as for horned animals, they can all be killed, as far as I am concerned".<sup>136</sup> The Government Delegate drily replied:<sup>137</sup>

Doubtless you do not have any... The Government could not accept any proposal which had the result of the destruction of the animals. What we are trying to find is a way of extending cultivation without seriously harming the interests of those who raise animals.

The proposal aimed at excluding wandering animals from the coastal area, where most of the cultivation was, and putting them in a certain number of valleys whose owners would be compensated. This was only one step towards the eventual abolition of common pasturage in Tahiti and Moorea. After a number of oratorical jousts between owners of the valleys and the breeders, the latter not wishing to compensate the former, the proposal was adopted by the Assembly on 3 April 1866. According to Newbury "The immediate result was the mass destruction of all the cattle in the region and this forced Tahiti to look to Hawaii for the provision of fresh meat".<sup>138</sup>

Thus the fears of the Government Delegate were confirmed: Many growers had killed the animals wandering on their land.

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133 Papenoo, Haapape, Arue, Faaa, Punaauia, Paea.

134 Danielsson, 1866, above n 47, p 14.

135 See Danielsson 1866, above n 47, p 154.

136 Above n 135.

137 Above n 135.

138 Above n 16, p 124.



In conclusion the reforms concerning the registration of land, the survey and boundaries, as well as those concerning common pasturage did not succeed in getting Tahitians to change their traditional methods of production. Polynesian society, extremely cautious in any matter affecting land, also wished to benefit from a certain degree of protection in the economic circumstances that existed.

## *B Protection of the Local Market and the Native Population*

### *1 Liberalism or interventionism*

From the opening of the 1851 session Commissioner Bonard explained that local commerce must not develop to the detriment of the native population.<sup>139</sup>

In order that you may get into commercial activities gradually without learning at your expense, a committee of agriculture and commerce has been created. Its members are paid by the French Government; they can have no profit either from you or from the sales; while taking account of the products of each district they will ensure the free flow of products by ships through the port of Tahiti.

Many deputies made proposals which had the object of fixing the prices of production for different local products and thus withdrawing them from the law of supply and demand. There were many debates between those who supported liberalism and those who supported the intervention of public authorities in economic matters. Thus in 1851 the Deputy of Faaa, Poroi, proposed that the price of oranges sold to the captains of American ships be fixed. The fruit were resold in California, a rich country and this inspired Poroi to say: "Since nature gave them goldmines it put them in a position to do things comfortably and it is necessary to profit from that. Since California needs our oranges let it pay for them and heavily".<sup>140</sup> He suggested fixing the price at 10 francs a hundred, that is to say between 3 and 5 times the current local price. Anyone who would sell more cheaply would be punished by a heavy fine. After looking at the proposal the rapporteur Ote explained the reasons for rejection of the proposal by the Legislation Committee.<sup>141</sup>

What! Would we adopt measures which would have the effect of distancing us from foreigners and chasing their ships from our shores! They gain money by dealing with us. Much money. So much the better! The more that they gain the more they will come... in exchanges of this kind nobody suffers, everybody is made richer.

After some deputies spoke in support of the project of Poroi, Deputy Arahū showed parliamentarians that the proposal detrimentally affected property rights.<sup>142</sup>

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139 *BOEFO*, 1851, p 168. The money produced by these sales was the property of the districts and was used to encourage agriculture, either by provision of tools or by giving monetary rewards to the most active farmers.

140 Cited by P O'Reilly, 1975, above n 1, p 59.

141 Above n 140.

142 Above n 140.

There is no reason to fix the price of oranges any more than of any other object. You are going to limit the most inviolable of all rights, the right of property. What would your legal price be if not a violation and usurpation of my right? Your law is not only bad it is ridiculous.

In the end Chief Honoré invited the Assembly to reject the proposal calling on the good sense of parliamentarians:<sup>143</sup>

Some narrow-minded spirits have imagined that because a few ships come to take loads of oranges because they sell at two or three francs a hundred they could triple or quadruple their profit by making a law which would fix the price at ten francs. It would be the opposite that would happen if this stupid law were adopted. May each of us reflect what he would do if a merchant decided to triple the price of his cloth - you would go elsewhere wouldn't you? The ships which take loads of oranges from Tahiti would do exactly the same thing...

At the 1860 session there were about 10 propositions relating to the fixing of prices. One deputy asked that cloth be fixed at 10 piastres a measure, another suggested that cloth be taxed 20 sous per 2 metre length, including silk and some even proposed the fixing of the price of oil and of coconuts.<sup>144</sup>

All these proposals were rejected by the Assembly, but they show the confusion that confronted a number of Tahitian producers who did not understand the commercial rules very well and who found those rules working against them.

## 2 *Giving of credit and labour contracts*

Similarly on several occasions the deputies proposed the prohibition of giving of credit to natives. Unscrupulous traders profited from the credulity of the native people by allowing them to run up debts without limit.

In 1860 Deputy Mahutia asked "that it be forbidden to contract debts for the future and that one must pay faithfully all those that exist at present and that one should no longer run up debts and that anyone who failed to comply should be prosecuted".<sup>145</sup>

This proposition of the deputies of the Tuamotu was the subject of a law which was adopted on 30 December 1861. From 1 January 1862 it was prohibited for Polynesians to buy goods on credit from French people or foreigners, and consequently "no court of the States of the Protectorate could demand from native peoples the payment of debts contracted in those circumstances".<sup>146</sup> Deputy Roura approved the text:<sup>147</sup>

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143 Above n 140.

144 *Messenger de Tahiti*, 10 June 1860, p 103.

145 Above n 144.

146 Above n 36, p 30.

147 Above n 146.

This law gives us protection from false accounts which often follow purchases on credit. If I take for five piastres goods from a dishonest person and I do not pay for it, afterwards I am very likely to be prosecuted for the sum of ten piastres.

The same law sought to control labour contracts between Polynesians and French people and foreigners. This protected local workers and article 4 provided that "where there was any dispute about the execution of these contracts, the parties had to take the matter to court".<sup>148</sup> Article 5 provided for weekly rest and holidays: "The natives would be free on Sundays and holidays which are recognised or those proclaimed by the Government such as the August festival".<sup>149</sup> Article 6 provided that oral agreements could not require the moving of native people out of their district for more than 8 days. In the case of displacement for a longer period the contracts had to be written and authorised by the government (article 7) and no other agreement would be recognised by the courts (article 8).

This law is interesting from a number of points of view. First of all it was made at the request of the deputies while most of the texts approved by the Assembly in fact were Government proposals. Secondly it was a text which protected the local population against the risks of indebtedness and thus limited the profits of the traders who formed an important pressure group. Finally it was a social law of some originality for the time and the region, since it aimed at protecting the local work force against abuse by unscrupulous employers.

It is remarkable that this text was adopted without the least intervention by the Government Delegate. It was therefore possible for the parliamentarians to take the initiative for important laws and to have them adopted by the Assembly. If the example was not followed very often that was because of the lack of desire on the part of the legislators.

Many other laws which had economic and social development as their goal were voted by the Assembly.<sup>150</sup> Like those already discussed they failed in their attempt to bring about the change in the local mentality that was necessary to economic development in the framework of the policy of getting some dynamism into the local people. This is without doubt what inspired the reflection of Deputy Tematua in 1866. Having recalled that the Commissioners had always had the best intentions regarding the Polynesians but that the latter had never followed their advice, Tematua gave a brief historical sketch of the past failures:<sup>151</sup>

Mr Bonard proposed a law for enclosed public areas and we accepted it. It is true that this institution did not succeed but that was not his fault. He made this law in our interest. Later we demanded that it be changed and we created private closed areas.

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148 Above n 146.

149 Above n 146.

150 The law of 1850 on work; laws of 1851 on public work and the maintenance of roads; laws of 1861 on public works, on the building of houses and the compulsory planting of coconuts, tamanu and maiore.

151 Danielsson, 1866, above n 47, p 120.

That did not succeed either; almost no one made the areas. Was that the fault of the Governor? No, it was ours. Finally, not long ago there were the ordinances on the grouping of villages and the construction of metric houses. The Imperial Commissioner without doubt still with good intentions towards us did it but it did not succeed: today the metric houses are still not completed. Is that the fault of the Imperial Commissioner? No".

Another deputy Haereotahi spoke in similar vein:<sup>152</sup>

Since the establishment of the Protectorate and the government of Mr Bruat whose memory is dear to us we have had several governors who have all wished to do well by us. It is true that none of them worked as hard as Count de la Roncière in the interests of all and we regret his departure very much.

Convinced of the justice of these statements, the Assembly in the last sitting of the last legislative session 1866, unanimously approved a petition asking for the extension of the term of duty of Commissioner de la Roncière. The latter was then maintained in his post until 1869, but by irony of fate he did not call together the parliamentarians who had so much wanted his continuance in office in Tahiti.

## V THE END OF THE ERA OF THE ASSEMBLY

In conclusion, if the Tahitian Legislative Assembly ceased to be used from 1866 it was principally because its activities had allowed it to attain the objects for which it was created and developed after 1842.

The Assembly had done its job as a counterpoise to the Tahitian royal power perfectly. When the practice of the institutions of the protectorate had reduced the prerogatives of the sovereign, as the result of the total involvement of the French representative in Tahitian affairs, it was no longer necessary to meet.

Also the Commissioners had successfully directed the legislative work so that the progressive introduction of French law into Tahiti had been largely realised by 1866.

Furthermore the way the parliamentary debates evolved reduced the Assembly to being nothing more than a simple chamber of formal approval which limited itself to ratifying the decrees of the executive. The legislators adopted the habit of remitting everything to the good advice of the representative of the protective power once it was clear the debates had little chance of reaching a conclusion on complex questions raised.

Finally when the land reforms and the laws concerned with the development of the country "had failed to cause the Tahitians to make any considerable change in their culture the only possibility that remained for the administration to create agricultural enterprises and to exploit them, was a somewhat disparate white population".<sup>153</sup>

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<sup>152</sup> Danielsson, 1866, above n 47, p 122.

<sup>153</sup> Above n 16, p 132.

Henceforth the Assembly had no longer to play this as a "precious instrument"<sup>154</sup> whose decisions would be readily accepted by the local population, since the latter had henceforth a more reduced role in development. Indeed the administration subsidised small French and foreign planters from 1860 so that they would produce coffee, cotton and sugar cane. Local labour was costly and immigration was used to develop some plantations. It is in this way that an Irishman name William Stewart developed cotton in the Atimaono plantation<sup>155</sup> which had its time of glory during the American Civil War. In 1864 Stewart was authorised to bring to Tahiti 1000 Chinese coolies and then 500 Polynesians from different islands of the Pacific. Thus the administration's politics between 1850 and 1866 which were "aimed at making a plantation colony out of the protectorate"<sup>156</sup> by relying on the local population, had allowed the putting in place of a development based on immigration.

Even if the legislative work of the Assembly did not produce all the results expected, it remains true that the Assembly played a political role of a quite original kind in the sub-tropical islands of Oceania and also in the France of the 19th century. The debates show that the Polynesian parliamentarians were able to express themselves freely during the 20 or so sessions on all the essential questions which were presented by a society in change, even if the conclusions of their work escaped them sometimes. Tahitian legislators were involved at each stage of the development and transformation of their country. The very fact that the representatives of the protecting power called the Assembly together on 13 occasions during the protectorate shows that it had, to borrow the expression of Bonard, its practical uses. Thus the Commissioners were obliged to call the Assembly each time that they wanted to make a substantial reform in Tahiti. It is particularly true of the last legislative session in 1866 where the vote of the parliamentarians was absolutely indispensable to the assimilation of the Polynesians into the French world. Indeed "the legislation of 1866 which put an end to the Tahitian Code gave France the key to Tahiti: Chessé in arranging the annexation had only to open the door".<sup>157</sup>

## VI THE GENERAL COUNCIL OF THE FRENCH SETTLEMENT IN OCEANIA 1885 - 1903

The General Council of the French Settlements in Oceania was established by decree of 28 December 1885, 5 years after the annexation by France of the Kingdom of Pomare V. After a reform in 1899 this institution was finally abolished by decree of 19

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154 Bonard to the Navy Minister, 16 July 1850, CAOM, Oceania, A 68, C 13, cited in above n 16, p 105.

155 Stewart reigned over a domain of 8500 hectares of land he had bought or leased, but there was only 2000 acres of arable land. The plantation collapsed in 1872, when the price of cotton fell. See above n 16, p 138.

156 Above n 16, p 154.

157 The administration of French Oceania, 1842-1846, thesis, Australian National University, Canberra, 1956, p 245. According to Rear-Admiral Cloué, Navy Minister in 1880, "after the death of Pomare IV, the need to protect the economic interests of the French in the area, in the context of the project for the construction of the Panama Canal, necessitated annexation". Cited in above n 16, p 241.

February 1903. For 18 years local political life followed the rhythm of the sessions of this Assembly, a body whose disorderly functioning ended in its abolition. In 1885 the French Settlements of Oceania included the Society Islands, the Tuamotu Islands, Rapa, the Tubuai Archipelago, the Marquises and the Gambier Islands. It is necessary to make a legal distinction between these groups insofar as the nature of the power exercised by the Metropolis was concerned.

The Marquises and the Gambier Islands, as well as Rapa, had been annexed to France over the years and their inhabitants were French subjects. They maintained that status for the whole of the period under review.

As far as the Society Islands, the Tubuai and the Tuamotu groups were concerned they formed part of the Kingdom of Pomare V. The cession of that kingdom to France was ratified by statute of 30 December 1880 and that gave French nationality as of right to all the subjects of King Pomare.

The French Settlements in Oceania were regulated until 1880 by the organic law of Guyana which had been declared applicable to the Protectorate by a Ministerial instruction of 26 June 1860. They were administered by a Commander Commissioner of the Government to the Queen or to King Pomare. After annexation of the archipelagos to France the decree of 5 July 1881 replaced the Commander with a Governor.

The Head of the Colony was assisted by a Director of the Interior, a Head of the Judicial Services and of the Council of the Administration. When this Council prepared the budget and set the taxes and the levies it constituted a Finance Committee sitting with the Colonial Council.

Finally a decree of 28 December 1885 organised the General Council. Thus 5 years passed before the central power decided to give to Tahiti the liberal institutions which existed in other French colonies.

The decision to set up a General Council in Tahiti was only made at the end of a long period of reflection which followed the inactivity of the local institutions. The Colonial Council was the first elective assembly created in the colony and it disappeared only with the establishment of the first General Council in 1884. The dysfunctional nature of the Colonial Council was one of the reasons for the creation of the General Council. The policy of assimilation followed by the Republican Government provided the ideological basis for this decision. The Colonial Council was set up by local Orders of 30 June 1880 and 5 August 1881. Its role was to prepare the local population for the administration of its own affairs pending the establishment of a General Council.

After annexation the Minister for the Navy and the Colonies decided to give the Colony an administrative and financial organisation of a new kind. From 8 March 1881 instructions were given to Inspector Nesty for this purpose. Having recalled that the

local population "had already been initiated into parliamentary life",<sup>158</sup> the Minister described the role of the Inspector in Chief of the Colonies as follows:<sup>159</sup>

The first question that you will have to direct your mind to will be that of direct representation of the native people in the councils of the colony. All differences on the basis of origin having been swept away by the proclamation of our sovereignty, all the native people that the law has not affected must have on the same basis as the French of Europe, the right to take part in the direction and the management of the affairs of the country. It would appear therefore necessary to create a Colonial Council in Tahiti. However you may wish to consider whether it would be appropriate to ensure that the European element in the Council, at least for the beginning of the operation of this new state of affairs, has representation which is greater than the proportional number of inhabitants of European origin might require.

The organisation of the Council followed the wishes of the Minister. The election of the 12 members of the Colonial Council followed the pattern: one half were elected by French of European origin and the other half by French of Polynesian origin. Their mandate was for a period not exceeding a year and they represented only the islands of Tahiti and Moorea. The Colonial Council was a consultative body and it debated "the local duties, direct and indirect taxes, the customs regime, ... all matters of political economy, ... matters concerning private property and the resources of the Colony ... and the budget for the Colony".<sup>160</sup>

The Council had the right of initiative and could present proposals on all questions affecting the Colony and on all matters which were within the jurisdiction of General Councils of French Colonies.<sup>161</sup>

From 1882 the operation of this Assembly was not satisfactory and the administration looked to its abolition. The creation of a General Council to replace the Colonial Council was thus seen as a very useful step because it would put an end to the strange system then existing in Tahiti: the budget was first discussed by an Assembly called the Finance Committee being a joint meeting of the Colonial Council and the Council of Administration, that is a total of 17 members of whom 12 made up the Colonial Council and were elected by universal suffrage. Having been debated by the Finance Committee the budget was then set by the Governor in the Council of Administration, that is to say 5 members who had already taken part in the discussion in the Finance Committee could then change what has been adopted by the majority of an Assembly of which they were themselves members and in which they were perhaps the minority".

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158 Instructions to M Nesty, box 140 dossier A12, 8 March 1881, Oceania Collection, centre des archives d'Outre-mer d'Aix-en-Provence (CAOM). The Tahitian Legislative Assembly had in fact sat about 20 times between 1824 and 1866.

159 Above n 158.

160 Order of 30 June 1880, article 17.

161 "Note from the former Director of the Interior concerning the measures to take to ensure the development of the French establishments of Oceania" 1882, C140, A124 Oceania, CAOM.

From this curious arrangement a strong opposition developed between a consultative assembly elected on the basis of universal suffrage and the Government of the Colony which was made up of civil servants appointed by the Metropol. On 30 September 1884 Governor Morau stated that "the consultative character of the Assembly and the anomaly that exists between its mode of election and its powers explain the tendency it has to believe that it is a constituent body".<sup>162</sup>

The elected members of the Colony were quickly disappointed by the small amount of power which was given to them in the context of the Colonial Council. Given that the local Assembly was not operating, the Governor insisted to the Minister on the need to grant the Colony immediately "institutions which could satisfy public opinion and which could also avoid, by the legal separation of powers, the misunderstandings which had led to the existing situation".<sup>163</sup>

The Colonial Council was dissolved by order of the Governor as from 30 September 1884 and a General Council for the Colony was set up. This was itself dissolved on 2 March 1885 at the request of the Minister for the Navy and the Colonies. At its meeting of 15 July 1885 the Supreme Council of the Colonies addressed the question of the usefulness of creating a General Council in Tahiti: "For five years this question has been continuously studied by the local administration. It is proper to say that the matter now requires a decision and that it must be resolved...".<sup>164</sup> Consequently two decrees were published on 28 December 1885 and they set up the Government and the General Council of the Colony.

The Council was composed of 18 members elected for 6 years, half of the posts being renewable every 3 years. The Governor had the general direction of the senior management of the French Settlements in Oceania, subject only to the authority of the Minister of the Navy and the Colonies. The Governor had under his immediate orders the Director of the Interior, the head of the Judicial Service and three Departmental heads: the Head of the Administrative Service, the Treasurer, and the Director of Health.<sup>165</sup>

A Consultative Committee was composed of the Governor, the Director of the Interior, the Head of the Judicial Service and 2 Counsellors selected by the Governor from among French citizens. This private Consultative Council constituted itself as a Council for Administrative Disputes in order to decide matters between the administration and citizens.

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162 Extract from the record of decisions of the Council of Administration, sitting of 30 September 1884, C101, E34, Oceania, CAOM.

163 Above n 162.

164 Minutes of the sittings of the Supreme Council for the Colonies, 15 July 1885, C102, E39, p 13, Oceania, CAOM.

165 Articles 1 and 2 of the decree of 28 December 1885 concerning the Government of the Colony, BOEFO, 1886, p 114, APF.



The Governor alone held the executive power and he alone could order the implementation of decisions of the General Council. He had the power to settle the business of the General Council and it was only following such advice that the Council could debate matters.

The Governor had budgetary control over the actions of the Council and he was the controller of the budget of the Colony. The Governor also had the general oversight over decisions of the Council. The decisions could only become executory if after one month the Governor had not ordered their annulment for excess of power or illegality. Cancellation was by decree given on the report of the Minister for the Navy and the Colonies.

The powers of the Council were clear, but limited by the powers of the Governor. They were set out in articles 36 to 59 of the Decree of 28 December 1885. The most important of those powers were the following: To make decisions on the purchase, sale and the management of movable and immovable property of the Colony, in respect of all matters concerning roads and main communication routes, on all works projects executed with money of the Colony, on the granting of works contracts of Colonial interest, and on the creation of colonial institutions for public welfare.

The Council decided on taxes and levies which were necessary to the defray the expenses of the Colony. By article 46 of the Decree of 28 December 1885 the Council could refer matters of special interest to the Colony directly to the Governor or to the Minister through its President as well as give its opinion on the condition and needs of the various public services in the Colony. It could express opinions on all economic and administrative questions but not on political matters.

It was in the budgetary area that the General Council had its most important powers and their exercise gave rise to very animated debates which were dominated by the hostility of the Councils to any tax or new levy which could displease the electorate. Even here though the powers of the Council were seriously restricted by the very particular rules of public accounting which applied in the colonies.

A Colonial Commission set up by articles 60 to 75 of the Decree of 28 December 1885 was elected each year at the end of the ordinary session and was made up of 5 general councillors. It met once a month with the Director of the Interior and dealt with the matters which had been delegated to it by the General Council. It gave advice to the Governor on all these matters. At the opening of each ordinary session of the General Council, the Commission reported on its work and presented an explanation of the budget prepared by the administration. The Colonial Commission played a very important role in the preparation of the work of the General Council between its 2 sessions.

The work done by the General Council between 1886 and 1903 can be analysed differently according to the standpoint of the observer. During this period the general councillors who were elected on the basis of universal suffrage represented all the population of the Colony, and in particular the large majority of the Polynesians. Even though the Council was rapidly taken over by the colonists they had to take account of

the wishes of their electors to try to influence the politics of the Colonial administration. Most frequently those elected contented themselves with upsetting the action undertaken by the Governor by trying to block the normal functioning of the local institutions for religious tribal, or unexpressed personal reasons. Sometimes the victory of the general councillors over the Administration had positive consequences for the Territory. For example, they prevented the Central Government from transforming the Colony into a penal settlement for the most dangerous of criminals. After the passing of the Law of 1885 on recidivists, it had been envisaged that several ships full of criminals would be sent to the Colony. The General Council opposed this project very strongly in the interests of the greater good of the local population.

Equally, this assembly sometimes played a useful counter-balancing role by moderating and controlling the actions undertaken by the Administration, particularly for example in the fields of education, public works, security and immigration. The fact was that the general councillors represented a permanent element within the Colony while the Governors only served brief terms there. The Governors therefore were able to get information on the local situation from the notables who represented the population. From the point of view of the Administration in general and the Governors in particular, the work of the local assembly was essentially negative. Each time that the Governor tried to develop the local economy his action was undermined by the elected members who were more concerned with their re-election than the voting of the necessary taxes for ambitious development projects. Given this state of affairs there were many Governors and many Colonial Inspectors who requested the abolition of the General Council.

As early as 1893 the Governor was saying:<sup>166</sup>

The General Council has up till now been only a cause of problems within the country. The locals are unanimous, or almost, in requesting its abolition and nine-tenths of the Europeans think the same, saying that until now personal interests have always dominated the discussions of the assembly rather the matters of general interest which should be the concern of the local representation.

In 1895 Governor Papinaud requested the abolition of the Council and he "recommended petitions to get the General Council to vote for its own abolition".<sup>167</sup>

And so in November 1898 the local elected members unanimously requested the abolition of the local assembly. However, this vote of the General Council had a number of very precise conditions attached to it. The locals requested local administrative and financial autonomy and a new assembly in which they would hold the majority of posts. The Central Government rejected this proposition.

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166 Letter from Granier de Cassagnac to the Undersecretary of State for the Colonies, September 1893, C102, E45, CAOM.

167 PY Toullelan, *La France en Polynésie Orientale 1870-1914*, (Université Paris I 1983) p 440.

Over the next few years Colonial Inspectors and Governors repeated the view that the Council should be abolished and eventually that suggestion was accepted by the Minister for Colonies. The Decree of 19 May 1903 abolished the General Council and replaced it with an Administrative Council. From that time on the Governor had the means of creating the resources necessary for the development of the Colony. Furthermore the Administration had the majority within the new institution whose members were not chosen by universal suffrage. Only 3 members of the Administrative Council were elected: the Mayor of Papeete, the President of the Chamber of Commerce, and the President of the Chamber of Agriculture. The composition of the new organisation gave a great deal of power to the Governor and he no longer had to deal with a deliberative assembly but only with a consultative body.

The decree of 1903 also changed the organisation of the Colony. The archipelagoes ceased to be legally distinct entities and formed again part of a single colony under the authority of the Governor. In the Colony the political struggles and business rivalries continued as before, but the local politicians no longer had a forum in which to express their views.