

Form 59  
Rule 29.02(1)

## Affidavit

No. NSD711/2019

Federal Court of Australia

District Registry: New South Wales

Division: Corporations

**Lady Crown And On Behalf of Ngati Rangihou Corrangie Hapu dba Office of the Crown**

Creditor/Applicants

**PARRAMATTA CITY COUNCIL**

Debtor/ Respondents

Affidavit of: Lady Crown

Address: Office of the Crown. Unit 5, 114 Harris Street, Parramatta NSW 2150  
C/O Office of the Crown, PO Box 9144 Harris Park NSW 2150

Occupation: Community Service

Date: 15<sup>th</sup> July 2019

---

Filed on behalf of:	Lady Crown and on behalf of Ngati Rangihou Corrangi Hapu dba Office of the Crown
Prepared by:	Office of the Crown Legal Counsel
Law firm:	N/A
Tel:	02 9806 0091
Email:	<a href="mailto:participant999@protonmail.com">participant999@protonmail.com</a>
Address for Service:	Office of the Crown. Unit 5, 114 Harris Street, Parramatta NSW 2150 C/O Office of the Crown, PO Box 9144 Harris Park NSW 2150

## Contents

Doc No	Description	Paragraph	Page/s
1.	Annexure "a" being is a copy of Claim of Right 11 November 2018 to Scott Morrison MP & Parramatta City Council		10
2.	Annexure "b" being is a copy of the report from the House of Lords 3 <sup>rd</sup> April 1838	Para 3	1
3.	Annexure "c" being is a copy of the royal command House of Lords 16 <sup>th</sup> June 1837	Page 6	9

I, Lady Crown of Unit 5, 114 Harris Street, Parramatta NSW 2150 in the state of New South Wales, a humanitarian undertaking community services, do state and affirm to introduce the following:

1. This affidavit introduces the Claim of Right served on Scott Morrison MP, Susan Kiefel Chief Justice, and Mark Stapleton CEO Parramatta City Council 11<sup>th</sup> November 2018. Attached and marked annexure 'a' is a copy of the Claim of Right dated 11<sup>th</sup> November 2018.
2. Lady Crown call on the registrar to adhere, acknowledge and respect to the Claim of Right 11<sup>th</sup> November 2018 that is still to this day unrebutted having been filed into the Federal Court, Affidavit dated 6<sup>th</sup> May 2019.
3. This affidavit introduces the Report from the Select Committee of the House of Lords by Reverend Samuel Hinds. Quote *"No Power in the Crown originally; there is a Power in the Body requiring to be sanctioned by the Crown, but no Power originally granted to the Crown; the Power is in the Body with the Consent of the Crown."* Attached and marked annexure 'c' is a copy of the Report from the House of Lords dated 3<sup>rd</sup> April 1838.
4. This affidavit introduces the House of Lords Royal Command 1838. Quote *"Thus would the way be prepared for confiding to the people the trust of jurymen, in like manner as to the Chiefs of congress that of legislators, **when a generation should***

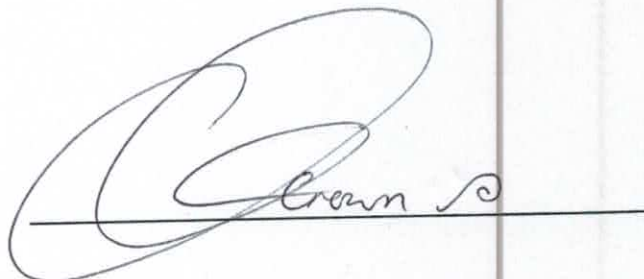
**arise sufficiently enlightened and virtuous to the capable of those high functions.** His Majesty's Government, the resident would be able to avail himself of all the aid which the information and experience of the whole body of missionaries and of settlers generally could afford." Attached and marked annexure 'c' is a copy of the House of Lords Royal Command 1838.

5. Lady Crown calls on the registrar to adhere, acknowledge and respect to the House Of Lords Royal Commands and as His Majesty's Government, avail yourself of all the aid which the information and experience of the whole body of missionaries and of settlers generally could afford.

subscribed to and affirmed before me this 15 day July month 2019ad, that Lady Crown appeared and known to me to be the live flesh and blood woman, whose name subscribed within this instrument and acknowledged to be the same.

affirmed by Lady Crown

at PARRAMATTA


A large, stylized handwritten signature in black ink, appearing to read 'Lady Crown', written over a horizontal line.

autograph of Lady Crown

on 15-07-2019

A handwritten signature in black ink, appearing to read 'Rosanna Gale', written over a horizontal line.

Rosanna Gale  
JP for NSW  
210842



This page and the following 10 pages is the document referred to as  
annexure 9

in the affidavit of Lady Crown affirmed at Parramatta.

Affirmed

JP Signature:  JP No:  210842

JP Stamp:  Date: 15.7.19.



**NOTICE OF UNDERSTANDING  
DECLARATION OF CLAIM OF RIGHT**

**To: Scott Morrison MP  
Parliament Office  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600**

**To: Susan Kiefel  
Chief Justice  
PO Box 6309  
KINGSTON ACT 2604  
Australia  
crogers@hcourt.gov.au**

**11<sup>th</sup> November 2018**

Greetings, peace and grace be with you.

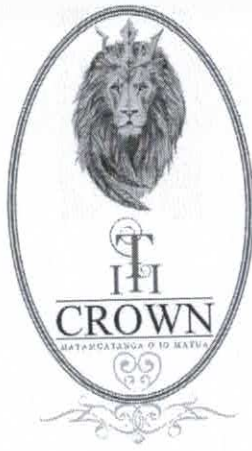
I serve herewith my Notice of Understanding and Declaration of Claim of Right for your understanding and action.

The enclosed statement is intact and complete for now and to which I affix my mark.

Yours truly and most respectfully,



**Crown  
PO Box 9144  
Harris Park NSW 2150**



**NOTICE OF UNDERSTANDING  
DECLARATION OF CLAIM OF RIGHT**

**To: Office of the CEO  
Mark Stapleton  
126 Church Street  
Parramatta NSW 2150**

**4<sup>th</sup> February 2019**

Greetings, peace and grace be with you.

I serve herewith my Notice of Understanding and Declaration of Claim of Right for your understanding and action.

The enclosed statement is intact and complete for now and to which I affix my mark.

Yours truly and most respectfully,



**HM Crown  
PO Box 9144  
Harris Park NSW 2150**

## UPON MY HONOUR – NOTICE OF UNDERSTANDING AND INTENT AND CLAIM OF RIGHT

IN THE MATTER OF: Claim of Right, arising from causing and resulting in any and all damage to  
"Sovereign with Divine Right and Authority" Crown  
Creditor Security No 1970115820 Creditor Born 18/08/1970

**Crown:** The woman Crown, currently residing in Parramatta, Australia, hereby sincerely and solemnly affirms that she is a living woman of flesh and blood as created by the creator. Crown has no corporate status within the government system. Crown has sworn an oath to be faithful to God, bare true allegiance and abide by God's Laws. There is no law higher than that of the creator. The only jurisdiction to which Crown wilfully and completely consents to is that of the creator. Any contracts generated by the Government with the intent of defrauding Crown, the rightful heir to title are fraudulent and as such, illegal under Common Law. Maxim in law; The law of God and the law of the land are all one.

**Crown:** Let it be known that Crown is living and standing on the land. Crown is not an imaginary, artificial or abstract person. Crown, standing in front of you can breath; has a backbone; is flesh and blood and has substance. Crown is a godly manifestation of God and an Ambassador for our Lord Jesus. Crown reminds you that all lands are vested in the Crown. Crown reminds you that Crown owns all Crown Entities. Crown reminds you that she wears three Crowns - birth, bloodline, re-birth.

**Claim of Right:** Crown has revoked and denies consent to be represented by the Government. Crown exists free of government control and statutory restraints. Under Section 53 of the Crimes Act 1961 establishes a Claim of Right as a lawful excuse. If Crown is in possession of personal property it is justified that she appoint anyone to protect that property with protection from criminal responsibility for defending that property, even against a person entitled by law to possession of it and that factual truth is expressed in Section 53 of the Crimes Act 1961.

**Interface:** Out of necessity, compassion and consideration for my fellow man, in the best interests of keeping the peace for all of those who believe that only the laws of man exist and apply to all, I allow myself to be seen by systems created by man through the interfaces that those systems provide without, nevertheless, me consenting to their jurisdiction over me and without prejudice to my rights as a sovereign woman under Common Law. Equality before the law is paramount and mandatory. Maxim in Law: He who mistakes is not considered consenting

**Government:** The only form of government recognized as lawful in the area commonly referred to as Australia is a representative one. All governments are corporations which provide services. The Corporation is a legal fiction and requires another legal fiction with which to transact. [*Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any [government] law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them.*] [PENHALLOW v. DOANE'S ADMINISTRATORS]. Since the government is a creation of the people, it cannot possibly have jurisdiction over its creators, unless by consent. Statute enacted by government legislation requires consent from each man and woman in order to be valid. All governments and corporations, including all of their agents, are bound by the Crimes Act 1961.

**Police officer's** swear an oath to uphold common law and keep the peace. Section 22 of the Policing Act 2008... Oath "i, name, swear that I will faithfully and diligently serve Her Majesty Queen Elizabeth the Second, Queen of Australia, her heirs and successors, without favour or affection, malice or ill-will. While a constable I will, to the best of my power, keep the peace and prevent offenses against the peace, and will, to



*the best of my skill and knowledge, perform all the duties of the office of constable according to law. So help me God.*

**Judge's** swear an oath to protect a man's right to Common Law and are in dishonour if they do not uphold and protect that right. Oath; *and I will do right to all manner of people after the laws and usages of Australia without fear or favour, affection or ill will. So help me God. Cf. 1908, No. 151, s. 4.* In swearing an oath to God, Judges and Police Constables accept God's law and are bound by it.

**The Births Deaths and Marriages Act 1933** created a legal person by way of a legal fiction.

**The Law Societies and Bar Associations of Australia** are the ones who create the statutes and therefore they are applicable only to their members and to those that consent.

**Fiction/Living/Artificial:** Fictional creatures of the State have status, whereas living men and women with flesh and blood, arms and legs have standing. The artificial person has no standing.

**De facto Legal:** Any living man or woman who acts in the role of a legal person is an accommodation party in joinder with the fictional legal person. This joinder creates an indivisible duo (individual), and by this artifice the living jurisdiction (de jure lawful) is surrendered and replaced by the statutory jurisdiction (de facto legal).

**Legal Person:** A legal person is a fictional creation of the State, and therefore it is controlled by the State. The legal person is the government's property, employee, debtor and servant, bound to comply with the government's statutes (acts, bills, rules and regulations), which are the terms and conditions of its status. The legal person has no consciousness; it is a juristic person - *Ens Legis*, a name/word written on a piece of paper.

**Contracts:** All law is a contract. A contract requires an Offer, Consideration and Acceptance. A contract cannot be enforced on a party by force or decree. Intimidation used to force compliance with Statute/Acts is a breach of Common Law. Without specific terms to the contrary, all contracts can be terminated by a party serving notice. Contracts may be varied by consent of the parties. Contracts can only be made between like entities; real human to real human or fictional person to fictional person [NB, a corporation is a person, the Crown is a corporation]. The law of agent and principal applies, therefore, service upon one is service upon both. Statute is Commercial Law/ Mercantile Law and derived from Old Admiralty Law. Acts are statutes restricted in scope and applicability by the Constitution Act. A statute is defined as a legislated rule of society which has been given the force of law. A society is defined as a number of people joined by mutual consent to deliberate, determine and act for a common goal. For something to exist legally, it must have a name. *Maxim in Law:* Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.

**Crown Entities:** The Crown entities are required to obey statute.

**Representation:** Representation requires mutual consent. In the absence of mutual consent neither representation nor governance can exist.

**Right to disobey statutes:** Section 107 of the Crimes Act 1961vi acknowledges the right to disobey statutes if one has a lawful excuse, or a Claim of Right. Contravention of statute 107 Contravention of statute. (1) Everyone is liable to imprisonment for a term not exceeding 1 year who, without lawful excuse, contravenes any enactment by wilfully doing any act which it forbids, or by wilfully omitting to do any act which it requires to be done, unless— (a) some penalty or punishment is expressly provided by law in respect of such contravention as aforesaid; or (b) in the case of any such contravention in respect of which no penalty or punishment is so provided, the act forbidden or required to be done is solely of an administrative or a ministerial or procedural nature, or it is otherwise inconsistent with the intent and object of the enactment, or with its context, that the contravention should be regarded as an offence. (2) Nothing in subsection (1) applies to any contravention of any Imperial enactment or Imperial subordinate

legislation that is part of the laws of Australia, or to any omission to do any act which any such Imperial enactment or Imperial subordinate legislation requires to be done. (3) In subsection (2), the terms **Imperial enactment** and **Imperial subordinate legislation** have the meanings given to them by section 2 of the Imperial Laws Application Act 1988.]

**Right to disobey court orders:** Section 56C of the Judicature Act 1908vii acknowledges the right to disobey court orders if one has a lawful excuse, or a Claim of Right. i 56C Contempt of court (1) If any person— (a) assaults, threatens, intimidates, or wilfully insults a Judge, or any Registrar, or any officer of the court, or any juror, or any witness, during his sitting or attendance in court, or in going to or returning from the court; or (b) wilfully interrupts or obstructs the proceedings of the court or otherwise misbehaves in court; or (c) wilfully and without lawful excuse disobeys any order or direction of the court in the course of the hearing of any proceedings— any constable or officer of the court, with or without the assistance of any other person, may, by order of the Judge, take the offender into custody and detain him until the rising of the court. (2) In any such case as aforesaid, the Judge, if he thinks fit, may sentence the offender to imprisonment for any period not exceeding 3 months, or sentence him to pay a fine not exceeding \$1,000 for every such offence; and in default of payment of any such fine may direct that the offender be imprisoned for any period not exceeding 3 months, unless the fine is sooner paid. (3) Nothing in this section shall limit or affect any power or authority of the court to punish any person for contempt of court in any case to which this section does not apply.

*But above all things, my brethren, swear not, neither by heaven, neither by the earth, neither by any other oath: but let your yea be yea; and your nay, nay; lest ye fall into condemnation. John 5:12 King John Version (KJV)*<sup>12</sup>

i, Crown as a Living woman on the land have;

1. lawfully revoked consent and exist free of statutory restrictions, obligations, and limitations. Acting peacefully within Common Law standards is not unlawful.
2. operate with full responsibility and am not a child or infant of the state. I do not need to ask permission to engage in lawful/legitimate and peaceful activities, especially from those who claim limited liability.
3. am legally entitled to claim my title as sole Beneficiary and Executor of the trust held in the name of *Jenny Robin Sullivan*, born 18th August 1970 [NZ Bill of Rights Act 1990, Imperial Laws Application Act 1988, Magna Carta, British and NZ Case Law.]
4. am legally entitled to access the trust held in the name of *Jenny Robin Holt*, born 18th August 1970. *I am Land as God had created me from the dust of the earth.* Maxim in Law; he who fails to assert his rights has none.
5. Sound knowledge that all transactions of security interests require the consent of both parties.

**Cesti Que Vie Act 1666:** The government of the day did pass the Cesti Que Vie Act 1666, wherein all men and women were declared dead and lost beyond the seas.

**Claim for damages:** Without consent, private property was taken by the Government into trust and held until such time as a real person returned to make claim; wherein not only was title to the property to be returned, but claim could also be made for damages.

**The trust:** The trust held in the name of *Jenny Robin Sullivan* is henceforth, no longer in the control of the Government. With Crown as Trustee, the government is to convey to me the full status and remaining monies of the trust.

**Estoppel:** A permanent estoppel by acquiescence is created barring any peace officer or prosecutor from bringing charges against Crown, under any Act is created if this claim is not responded to in the stated fashion and time herein under, and;

**Crown Intention:** Therefore be it resolved and known to any and all concerned and affected parties, that i, Crown, a Sovereign-on-the-Land, do hereby state clearly, specifically and unequivocally my intent;

1. To peacefully and lawfully exist free of all statutory obligations and/or restrictions, and maintain all rights at law to trade or exchange, and,
2. To travel peacefully and lawfully on the geographical area commonly known as Australia and Aotearoa and the Commonwealth by whatever means I deem necessary, and;
3. To be a steward of the land and waters of the geographical area commonly referred to as Australia and Aotearoa and the Commonwealth and to any land for which I may lay claim.

**Furthermore it is a claim of Crown:** That these actions are not outside my neighbour's standards and will in fact support said neighbour in our common desire for truth and maximum freedom, and;

1. The right to engage in these actions and further claim that all personal property held by me is held under a Claim of Right in accordance with Section 53 of the Crimes Act 1961, and;
2. The right to, at any time, appoint peace officers to protect me/or my personal property from anyone who would attempt to take it, and;
3. The inalienable right to use deadly force to protect my life, family and property, and; Maxim in Law: A personal injury does not receive satisfaction from a future course of proceeding.
4. That anyone, their principals or their agents who interfere with my lawful activities after having been served notice of this Claim of Right and who fail to properly dispute or make lawful counter-claim is breaking the law, cannot claim good faith or colour of right and that such transgressions will be dealt with in a properly convened court de jure, and;
5. That the courts of *Australia* are de facto and are in fact a profitable business of conducting, witnessing and facilitating the transactions of security interests and I further claim that they require the consent of both parties prior to providing any such services, and;
6. That my consent to perform on any statutory obligation can only be granted by a written and Notarised document, and;
7. That I do hereby deny consent to any transactions of a security interest issued under any Act for as herein stated as a I am not subject to any Act, and;
8. The unlimited right to travel freely and unmolested throughout the geographical area commonly referred to as Australia, Aotearoa, the United Kingdom and the Commonwealth realms and that evidenced perfection of this Claim will act as sufficient documentation for entry and travel to and on the geographical area commonly referred to as *Australia*, the United Kingdom and the Commonwealth realms, and;
9. The right to enjoy the unmolested pursuit of my activities and free use of the streets, avenues, highways and public roads, and;
10. The free, exclusive, unlimited and unrestricted right to use my personal property, and;
11. The right to direct my life and all of my activities the way I see fit in accordance with Common Law, and;
12. The right to generate lawful excuse, which is a general term, which includes all of the defences which the Common Law considers sufficient reason to excuse a human being from criminal liability, and;
13. The right to claim an area of uninhabited land anywhere in the geographic area commonly referred to as Australia, and;
14. The right to de-register anything that has been registered by the legal fiction Jenny Robin Sullivan, and;
15. The right to establish for me or anyone under my care TERMS & CONDITIONS Reference Number: A0015678 and FEE SCHEDULE A as attached;
16. The right to choose a lawful method of payment upon demand, and;
17. The right to use a Notary Public, commissioner or any two (2) people not related to me by blood or marriage to secure payment of the aforementioned FEE SCHEDULE against any transgressors who by their actions or omissions harm me or anyone under my care or my interests, directly or by proxy in any way, and;
18. The right to engage the services of a Notary Public or commissioner for taking affidavits and/or any two (2) people not related to me by blood or marriage to attest to my signature for verification purposes, and which does not constitute adhesion, contract or change in status in any manner, and;
19. The right to convene a proper court de jure in order to address any potentially criminal actions of any peace officers, government principals or agents or justice system participants who having been

served notice of this claim fail to dispute or discuss or make lawful counter-claim and then interfere by act or omission with the lawful exercise of properly claimed and established rights and freedoms, and;

20. The right to provide for myself or anyone who wants it, any service provided by the Government;
21. The right to use any service provided by the Government of Australia that I deem necessary without it affecting my status as Crown, and;
22. The right to keep and use as I see fit any and all inheritances given to me, and;
23. The right to determine what is best for me, my family and anyone under my care, and;
24. The right to govern myself accordingly, and;
25. The right to deal with any counter-claims or disputes publicly and in an open forum using discussion and negotiation and to capture on video or audio tape said discussion and negotiation for whatever lawful purpose as I see fit, and;
26. The right to refuse any service or intervention by any level of government, and;
27. The right to have, in the event of my death, all of my personal property and inheritances that I pass on, protected by this Claim and that my Will is my final word.

**Offer made in good faith;** i, *Crown* make the following good faith offer without prejudice to all rights and remedies, to assist in the better keeping of the peace and of good order to better assist Government Corporations, businesses and their employees understanding the implications of my Crown standing and reduce unnecessary delay, enquiry and expense, to make an offer as to suggestions which would facilitate employees understanding and at the same time, preserve and protect my standing as a Sovereign-on-the-Land. Such suggestions are invited for consideration.

#### **Directions for response**

1. Affected parties wishing to dispute the claims made herein or to make their own counter-claims must respond appropriately within TEN (10) DAYS of service of notice of this action. Responses must be under Oath or attestation, upon full commercial liability and penalty of perjury and registered in the notary's office herein provided no later than TEN (10) DAYS from the date of original service as attested to by way of certificate of service, and;
2. Failure to register a dispute against the claims made herein will result in an automatic default judgement securing forevermore all rights herein claimed and establishing permanent and irrevocable estoppel by acquiescence forevermore barring the bringing of charges under any Statute or Act against myself Crown, and;
3. Use of a notary is for attestation and verification purposes only and does not constitute a change in status or entrance or acceptance of foreign jurisdiction.

The place of Claim of Right, geographical area known as *Rangihou Parramatta NSW Australia*

Signed and witnessed this 4<sup>th</sup> day of the month of February in the year of our Lord Two Thousand and Nineteen.

*Crown*

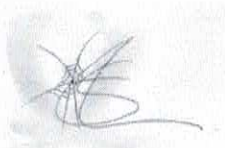
Seal:



All rights reserved.

In witness to the above signature:

Witness: Pokapū Pungawerewere



Signed: \_\_\_\_\_

Send counter-claims and/or disputes to:  
Chief Advisor  
PO Box 9144  
Harris Park NSW 2150

# TERMS & CONDITIONS

REFERENCE NUMBER: A0033999

Respondent/s: Mark Stapleton & Government Agents  
126 Church Street  
PARRMATT A NSW 2150 Australia

Proponent: Chief Advisor on behalf of Crown  
Post Office Box 9144  
Harris Park NSW 2150 Australia

## Parties:

These Terms & Conditions are applicable to the above named parties, also including but not limited to colleagues acting for or on behalf of the named parties:

## Applicability

Whereas Crown is a Sovereign of the Land, and acts in the capacity of a private individual.

In the absence of government statutes and other corporate contracts, the only instrument that will compel performance between private individuals is a lawfully binding contract.

## Responsibilities

It is Chief Justice and government agents onus and responsibility to provide proof of claim in the form of a Sufficient Verified Response of a lawfully binding contract, presumed or claimed to exist between the parties. Additionally any claimed contract must possess all elements of a lawfully binding contract including but not limited to; offer, acceptance, true reliable statements of fact, intent and consideration, and that these elements have been knowingly, willing and intentionally disclosed to Proponent.

Absent a lawfully binding contract, this document notices terms and conditions between the parties which upon acceptance will form a lawfully binding contract between the parties.

It is Respondents responsibility to inform and advise any colleagues acting for or on behalf of Respondent of these terms and conditions.

See Schedule A for contractual obligations arising from acceptance of these terms.

## Sufficient Verified Response

Owing to the seriousness of the matter, only a response that meets the following criteria qualifies as a Sufficient Verified Response must:

1. Be duly registered verified and sworn documentation of standing, authority, value, and rebuttal of every point with specificity and particularity;
2. Exhibit written delegation of authority signed by the Respondent if response is by another;
3. Use words defined within common dictionaries (e.g. Webster's or Oxford).

No correspondence will be entered into by telephone.

## Method of Rejection

No contract shall be considered entered where government agents does not do or perform any of the actions listed in Schedule A. *No action, No contract.*

## Method of Acceptance

A lawfully binding contract is knowingly entered into by government agents doing or performing any of the actions listed in Schedule A. *Action is Acceptance.*

## Terms of Acceptance

Acceptance is with government agents consent to the following:

1. Agreement with all terms and conditions stipulated herein;
2. Unreserved acceptance of charges payable stipulated in Schedule A;
3. Government agents irrevocably and unconditionally waives any and all rights of objection, immunities or defenses.

# FEE SCHEDULE A

**Currency:** Australian Dollars

**Collection fees:** Collection fees for any unpaid invoices are additional.


Item	Charges Description	*Rate (Dollars)
1	Any claim absent a lawfully binding contract between the parties, the penalty will be TEN THOUSAND DOLLARS (\$10,000) <b>per hour and/or per occurrence</b> or any portion thereof	\$10,000
2	Enforcing or attempting to enforce any prior issued instrument on a Sovereign [de jure], the penalty will be TEN THOUSAND DOLLARS (\$10,000) <b>per hour and/or per occurrence</b> or any portion thereof	\$10,000
3	Unlawful repairable Damage or Destruction to the Proponent's private property or goods instigated by or caused by the Respondent, the penalty will be TEN THOUSAND DOLLARS (\$10,000) <b>per occurrence</b> or any portion thereof	\$10,000
4	Each telephone call made by Respondent in the pursuit of any claim absent a lawfully binding contract between the parties, the penalty will be TEN THOUSAND DOLLARS (\$10,000) <b>per hour and/or per occurrence</b> or any portion thereof	\$10,000
5	Detention for questioning, interrogation, detained in any way, harassed or otherwise regulated, the penalty will be TEN THOUSAND DOLLARS (\$10,000) <b>per hour and/or per occurrence</b> or any portion thereof	\$10,000
6	Restrained, handcuffed, transported, incarcerated or subjected to any adjudication process ignoring our Inherent Rights, the penalty will be (TEN THOUSAND DOLLARS (\$10,000) <b>per hour and/or per occurrence</b> or portion thereof	\$10,000
7	Subjected to undue force or afflicted by and suffer the effects of any "non-lethal" weapon such as a Taser, the penalty will be TWO HUNDRED THOUSAND DOLLARS (\$200,000) <b>per occurrence</b>	\$200,000
8	Forcefully compelled to undergo any ingestion of energies or substances into or onto the body whether under the guise of medication or otherwise, without my express written consent, the penalty will be TWO HUNDRED THOUSAND DOLLARS (\$200,000) <b>per occurrence</b>	\$200,000
9	False statements of any crime or infraction or mis-quoted, or attributed anything we did not actually speak, write or do, or our written or spoken communications are shown to be tampered with in any way, the penalty will be ONE MILLION DOLLARS (\$1,000,000) <b>per occurrence</b>	\$1,000,000
10	Unlawful entry or Trespass on Proponent's private property or goods, the penalty will be ONE MILLION DOLLARS (\$1,000,000) <b>per occurrence</b>	\$1,000,000
11	Operating or perpetuating any and all private money systems, issuing, collection, legal enforcement systems, operating SLAVERY SYSTEMS of and against the Sovereign Proponent [De Jure], the penalty will be ONE MILLION DOLLARS (\$1,000,000) <b>per occurrence</b>	\$1,000,000
12	Forced to suffer the effects of the use of any lethal weapon, fists, boots or any other method of torture to the body, the penalty will be TWO MILLION DOLLARS (\$2,000,000) <b>per occurrence</b>	\$2,000,000
13	KIDNAPPING and/or DEATH due to the use of lethal force by ANYONE, intentional or accidental, acting under the colour of law or otherwise, the penalty will be TEN BILLION DOLLARS (\$10,000,000,000) to be paid to the surviving Heirs and Successors	\$10,000,000,000

**Note:** Units of increment will determine number of incidences invoiced. **Changes to Terms and Conditions:** Terms and conditions may change at any time. Respondent will be offered new terms that will supersede and cancel any previously issued terms and conditions.

This page and the following 1 pages is the document referred to as  
annexure b

in the affidavit of Lady Crown affirmed at Parramatta.

Affirmed

JP Signature:  JP No: 210842

Rosanna Gale  
JP for NSW  
210842

JP Stamp: \_\_\_\_\_ Date: 15-07-2019



REPORT FROM THE SELECT COMMITTEE OF THE HOUSE OF LORDS, APPOINTED TO INQUIRE INTO THE PRESENT, STATE OF THE ISLANDS OF NEW ZEALAND, AND The Expediency of regulating the Settlement of British Subjects therein; WITH THE MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE, AND AN INDEX THERETO. Ordered to be printed 3d April 1838.  
Evidence of the Reverend SAMUEL HINDS, D.D

But in the present Instance what is meant by the Cession of Sovereignty amounts to this—that we purchase the Right to participate in the Sovereignty with them; we do not wish to exclude the, but pay them a Price to partake in the Sovereignty with them. Of course, in the first instance, the civilized Man will be the only Sovereign, but that is because he only will be fit and capable of exercising Sovereign Rights. As the Savage advances in Civilization he will come in for his Share; and I see no Reason, as soon as the New Zealander is capable of it, against his being Chief Justice, Governor, or Bishop, or holding any other Office. It is not, therefore, that we take the Sovereignty from him; we purchase the Right of participating with him in the Sovereignty, and by so doing we enable him to become the Sovereign of the county, which he is not at present.

**No Power in the Crown originally; there is a Power in the Body requiring to be sanctioned by the Crown, but no Power originally granted to the Crown; the Power is in the Body with the Consent of the Crown.**  
Those Appointments must be confirmed by the Crown? Yes. The Commissioners are allowed a Right of Appointment, subject to a Veto on the Part of the Crown; it is nothing more in effect than the Power of recommending, —the Privilege of exclusively recommending. It is evident that unless a Privilege of that Sort were granted, —for I will not call it a Power,—the Commission would be inadequate to the Purpose for which it is constituted. Have the goodness to state why?

It would be transferring the Responsibility to the Crown. For instance, suppose an improper Appointment were made of a Chief Justice; neither the Crown nor the Public could say to the Commissioners, “You are blameable for it;” the Commissioners would reply, “It is not we who have done it, but the Crown.”

No; the originating of all Measures is claimed for the Commission; that is, I think, as little as we can claim for it; but there is a Veto on every thing allowed to the Crown, and in some Cases the Power is altogether vested in the Crown; it is so in the Appointment of the Bishop, and it is so in that of the Protector of the Natives. Supposing England made a Treaty of Peace with any Foreign Power, should you consider that the New Zealand Company would be bound to that Treaty? Decidedly; we are still subject to the Crown.


By your proposed Bill a local Government is to be settled, with a Council of Three Persons? With a Council of not less than Three. The Government will be in the Commission here; the Council are to represent their Authority, and the Delegation of Power is subject to the Control of the Crown.

The real Power of Administration would rest with the Government in the Colony? Precisely so; and the Commission claim the Power of Appointment, leaving to the Crown the Veto

This page and the following 9 pages is the document referred to as  
annexure C

in the affidavit of Lady Crown affirmed at Parramatta.

Affirmed

JP Signature:  JP No: 210842

Rosanna Gale  
JP for NSW  
210842

JP Stamp: \_\_\_\_\_ Date: 15-07-2019

# THE HOUSE OF LORDS,

OR PRESENTED BY ROYAL COMMAND,

IN THE

Session 1837-38,

(1° & 2° VICTORIÆ,)

ARRANGED

IN FIFTY-ONE VOLUMES.

---

**VOL. VIII.**

---

**ACCOUNTS AND PAPERS,**

(Fourteen Volumes.)

CONTINUED;

THE SUBJECTS ALPHABETICALLY ARRANGED.

---

SUBJECTS OF THIS VOLUME:

*East India Affairs; Emigration; Religion in Australia;  
Affairs of the Island of Malta; New Zealand.*

---

1838.

Enclosure (C.)

Enclosure (C.) LETTER from *James Busby, Esq.* British Resident at *New Zealand*, to the Honourable the Colonial Secretary of *New South Wales*.

(No. 112.)

British Residency, Bay of Islands,  
16th June 1837.

Sir,

I HAVE the honour to acknowledge the receipt of your Despatch of the 16th ultimo, which was delivered to me on the 27th of the same month by Captain Hobson of His Majesty's ship *Rattlesnake*.

By my letter of the 4th ultimo, No. 111, his Excellency Sir Richard Bourke would perceive that the fears I had formerly expressed, that war was about to break out in this immediate neighbourhood, had been realized; but that, contrary to all expectation, the conduct of the natives towards the British settlers had been on the whole most exemplary. I am happy to add, that it so continued up to the arrival of the *Rattlesnake*.

Under circumstances so favourable, an attempt was made by Captain Hobson, accompanied by a party of the missionaries and myself, to mediate between the contending parties, but without effect. The chiefs on Pomares' side, whom I formerly represented as being unfriendly to Pomares' procedure, although in a manner constrained to take part with him, were most favourable to the proposition, and requested that one of two persons whom they named, of the opposite party, should meet them to adjust the preliminaries; but Pomare himself turned a deaf ear to every argument that could be urged.

The overtures of the well-disposed chiefs were nevertheless delivered, but they were received by the Ngapulies in the most unfriendly spirit; and, on its being too evident that all attempts at mediation were fruitless, Captain Hobson concluded by cautioning them as to their conduct to British subjects, assuring them that if any violence should be offered

by

by either party to these, it would then become his duty to take satisfaction, and that he would do it effectually.

Since the date of my last Despatch, the war canoes have been almost every day in motion, but there have been only two encounters of the parties worthy of notice. In these two affairs about thirty persons were killed. The Ngapulies have lost another chief of the first rank, and in other respects have been the severest sufferers from the commencement of hostilities. The injury for which they took up arms has consequently been aggravated by every attempt to obtain reparation.

A fact has also come to my knowledge, which gives a greater colour of truth to Pomare's original accusation, than any circumstance of which I was previously aware, namely, that the woman of whom it was alleged that she had been murdered and eaten on being landed from the ship, had formerly been the wife of the person who was charged with her murder. It was in former times a very common case for a chief to put to death any of his wives who had deserted or been unfaithful to him.

But whatever may have been the real circumstances or motives which originated the present war, there is not the least probability of its being speedily brought to a termination. Pomare's party appear confident in the strength of their position, and the Ngapulies are evidently actuated by the most irritated and vindictive feelings; and there seems no reason to doubt that they will speedily be joined by the powerful tribe of Rarawa, from the more northerly parts of the island.

Under these circumstances, although the visit of His Majesty's ship *Rattlesnake* at this juncture is peculiarly important, as making it appear to the natives that a vigilant guardianship is maintained over His Majesty's subjects who are settled here, and that assistance is never at a great distance, should it be required; yet it is impossible to look to the continuance of this contest without the most serious alarm.

Titore, who was the most influential of the Ngapulie chiefs in preserving order in the town Kororakia, where the natives and British are mingled in the greatest numbers, died a few days ago; and in several instances already I have heard that the loss of his influence has been felt to the detriment of the British inhabitants. Whatever influence the other chiefs possess, will also be weakened when their provisions become exhausted; and as little or no cultivation will be attempted while things remain in their present position, it may naturally be expected that the natives will become reckless in proportion to their want of the means of subsistence.

Under these circumstances, his Excellency will be prepared for my entire concurrence in his opinion that any additional expenditure, with the view of giving increased efficiency to my office as at present constituted, would be altogether fruitless; nor would the Act of Parliament to which his Excellency refers, if the powers it was intended to impart should be limited to the controlling of British subjects, be of much service, in the state to which the affairs of this country have arrived. What is wanted is a paramount authority, supported by a force adequate to secure the efficiency of its measures.

Without the establishment of such an authority by some civilized state, I cannot, after a full consideration of every circumstance connected with the actual condition of this people, see the least prospect of any permanent peace being established amongst them whilst there remains a stronger man to murder his weaker neighbour. There are few persons so insignificant as not to have it in their power, at any time, to plunge the country into war. The crime of an individual involves his most distant connexions, as each of them is a legitimate object of retaliation to the connexions of the injured party. It is in vain to represent to them that the criminal alone should suffer; their answer is ready, and it is perfectly consistent with the dictates of natural justice, namely, that his tribe will not surrender him to suffer for his crime, and by standing up in his defence they have become participators in it; while, on the other hand, provided the criminal be not a slave, his connexions are never without a grievance, more or less ancient, which they bring forward as a justification of his crime. Thus, by every attempt to administer the law of retaliation—the rude justice of nature—the breach is made wider. New deaths involve more distant connexions. Tribe after tribe becomes a party to the contest; and peace, or rather an intermission of murders, can only be procured when one of the parties becomes too weak to continue the contest, or when the loss on both sides happens to be so nearly balanced, that neither party has an advantage over the other.

In this way has the depopulation of the country been going on, till district after district has become void of its inhabitants, and the population is, even now, but a remnant of what it was in the memory of some European residents.

It would, in relation to the subject on which I intend to enter in this Despatch, be an interesting and important question, did there exist means of bringing it to a satisfactory solution. How far this depopulation of the country, which has at least been rapid in proportion to the increase of its intercourse with the whites, was originated by the latter, and may justly be chargeable to them. My own opinion is, that all the apparent causes which are in operation are quite inadequate to account for the rapid disappearance of the people.

The introduction of fire-arms is alleged as one cause, but there seems good reason to doubt whether their wars were less sanguinary before fire-arms were introduced. The use of intoxicating liquors and tobacco are less questionable evils; and though their direct influence cannot, I think, be stated as at all remarkable, they are, in all probability, the original causes of diseases with which their immediate connexion is not apparent.

Veneral diseases are another means of undermining the constitution of the multitudes who, in one shape or other, are subjected to them: and besides these sources of disease and death, the abuse of the females who are sent by their masters or relations on board ships,

Sir R. Bourke to  
Lord Glenelg.  
9 September 1837.  
Enclosure (C.)

Sir R. Bourke to  
Lord Glenelg,  
9 September 1837.

Enclosure (C.)

and the murder of the fruits of this intercourse, which is believed by those likely to be best informed to be of frequent occurrence, are undoubtedly powerful checks to increase, and ought to be largely allowed for in estimating the causes which are in operation for the depopulation of the country. But, on the other hand, it must not be lost sight of that the mortality has not been confined to those who have been the victims of violence, or who have been exposed to the effects of vices or diseases of foreign origin. Disease and death prevail even amongst those natives who, by their adherence to the missionaries, have received only benefits from English connexions; and even the very children who are reared under the care of the missionaries are swept off in a ratio which promises, at no very distant period, to leave the country destitute of a single aboriginal inhabitant.

The natives are perfectly sensible of this decrease; and when they contrast their own condition with that of the English families, amongst whom the marriages have been prolific in a very extraordinary degree of a most healthy progeny, they conclude that the God of the English is removing the aboriginal inhabitants to make room for them; and it appears to me that this impression has produced amongst them a very general recklessness and indifference to life.

The foregoing picture of the actual condition of the New Zealanders will not, I think, be considered as overcharged by any one who has an intimate acquaintance with the state of their country. I have, as impartially as I could, stated both sides of the question; I do not concur in opinion with those who charge altogether upon their intercourse with British subjects, directly or indirectly, the present miserable condition of the New Zealanders; but I think the most favourable view of that intercourse from its origin, and independently of the distressing evils which I have pointed out in former Despatches, is just beginning to manifest themselves, as the consequence of the sale of their lands to British subjects will prove that the New Zealanders have at least some claim of justice upon the protection of the British Government; and certainly a very strong claim, not to be overlooked in those measures which are dictated by the present humane policy of the British Government towards the aboriginal inhabitants of countries where British settlements are established.

Unless the country should be taken under the efficient protection of Great Britain, or some other foreign power should interfere, the natives will go on destroying each other, and the British will continue to suffer the accumulating evils of a permanent anarchy. Nor can the latter make common cause against the natives with any prospect of promoting general security. The nature of their pursuits, the distance of their habitations, and, above all, the character of the majority of them, would render any combination for their general defence at once unworthy of reliance, and incompatible with the objects of their settlement in the country.

I have in former communications detailed so fully the relative situation of the British and the natives, and the frequent causes of contention existing between them, that I will forbear to enter upon the subject in the present Despatch. For the same reason I will avoid any reference to the importance of British interests, and the necessity for their protection, irrespective of the condition either of the natives, or of the British who have actually settled in their country. But I will proceed at once to submit the outline of a plan of government, which I humbly venture to think would give as great a degree of peace and security to all classes of persons in this country as is enjoyed by the inhabitants of the majority even of civilized states.

The plan which I would now more fully submit was suggested in my Despatch of 26th January 1836, No. 86. It is founded upon the principle of a protecting state, administering in chief the affairs of another state in trust for the inhabitants, as sanctioned by the treaty of Paris, in the instance of Great Britain and the Ionian Islands, and as applied, I believe, in various instances, on the borders of our Indian possessions.

All my experience subsequent to the date of that suggestion has strengthened my belief that the principle is peculiarly applicable to this country; and that the details could be arranged with a degree both of efficiency and economy which at first sight might appear far from probable.

The chiefs who were parties to the Articles of Confederation and Declaration of Independence in October 1835, together with those who have subsequently adhered to it, include, with very few exceptions, the whole of the chiefs of influence in the northern parts of the island, and the adhesion of the remainder could at any time be procured.

Whatever acts approaching to acts of sovereignty or government have been exercised in the country, have been exercised by these chiefs in their individual capacity as relates to their own people, and in their collective capacity as relates to their negotiations with the British Government, the only Government with which the chiefs or people of New Zealand have had any relations of a diplomatic character. Their flag has also been formally recognised by the British Government as the flag of an independent state.

The Articles of Confederation having centralized the powers of sovereignty exercised both *de jure* and *de facto* by the several chiefs, and having established and declared the basis of a constitution of government founded upon the union of those powers, I cannot, I think, greatly err in assuming that the congress of chiefs, the depositing of the powers of the state as declared by its constitution, is competent to become a party to a treaty with a foreign power, and to avail itself of foreign assistance in reducing the country under its authority to order; and this principle being once admitted, all difficulty appears to me to vanish.

The appearance of a detachment of British troops, in fulfilment of a treaty with the confederated chiefs, would not be a taking possession of the country, but a means of strengthening the hands of its native government; while, in return for this subsidiary force, it might be stipulated that the British settlers should be subject to the operation of no laws but such

as should emanate from or be consented to by their own Government, and exercised under the control and directions of its officers; and that the revenues of the country should be made applicable, in the first instance, to the support of a civil government, to be established by the protecting power, and the maintenance of the quota of troops stipulated for by the treaty.

Sir R. Bourke to  
Lord Glenelg,  
9 September 1837.

Enclosure (C.)

In theory and ostensibility the government would be that of the confederated chiefs, but in reality it must necessarily be that of the protecting power. The chiefs would meet annually or oftener, and nominally enact the laws proposed to them; but in truth the present race of chiefs could not be intrusted with any discretion whatever in the adoption or rejection of any measure that might be submitted to them, moral principle, if it exist amongst them at all, being too weak to withstand the temptation of the slightest personal consideration. The congress would, in fact, be a school in which the chiefs would be instructed in the duties required of them, and the authority confided to them as conservators of the peace in their separate districts, to which they would also carry the knowledge of the laws enacted during its sittings.

As conservators of the peace, a small salary would be given to them; and this, together with the distinction conferred by the employment, would secure beyond all doubt the entire devotion of the chiefs to the wishes of the resident. A medal containing the name of each chief, and of the district over which his authority extended, would be another highly esteemed distinction.

To complete the means of establishing an entire control over the population, it would be only necessary to establish a school in each considerable village, with a schoolmaster paid in proportion to the number of individuals he should have under his tuition during the year. Schoolmasters already exist in many villages, and could, without difficulty, soon be procured for the whole by the aid of the missionaries. An annual examination of these schools, and a distribution of prizes of trivial value, would bring the whole population under the supervision of the government; while a periodical newspaper might, at the same time that it conveyed the news of the day, be made the means of instructing the natives in those relative duties of the people and their rulers which are familiar to all ranks of the population under established governments, but of which the New Zealanders have scarcely as yet conceived an idea.

So simple and primitive are the arrangements which, with entire confidence in their efficiency, I would propose for the government of the native population; nor could the expense of these arrangements, for several years at least, exceed 1000*l.* a year, allotting a more considerable salary to certain leading chiefs, to be elected by the congress, with the sanction of the resident, for the purpose of acting with him as a native council and executive authority, and providing also for the accession of more distant tribes, who would hasten to join the confederation when its objects should become understood, and whose adherence it is indeed, under any circumstances, highly necessary to procure, as a bar to the interference of any foreign power.

The influence of the government amongst the tribes south of the present confederation would of course be more limited than nearer to the seat of government. But there also the intercourse of British subjects, and the evils for which they are responsible, are less felt. As these extended, the occasion and the means would arise for making the government efficient throughout the island. But, even from the first, the existence of a power which would claim the right of deciding disputes and maintaining peace, would be most beneficially felt.

Although it would be absolutely necessary that the chiefs of the confederation should receive such a salary as, together with the distinction conferred by their being members of congress and conservators of the peace, would ensure their support of the measures of the resident, yet I do not conceive that there would be the slightest danger of any law which should be submitted to the chiefs being unpalatable to them: so little complicated are their social relations, that the most simple and obvious principles of natural justice and equity require only to be stated and explained, in order to form a code which would meet every case that is likely for many years to occur. That difficulties would for a time arise in the administration of the laws, there can be little doubt. It is scarcely to be expected that the chief of a tribe would be the instrument of apprehending a criminal immediately connected with himself; but, on the other hand, he would never think of affording him protection against a native police which could fall back upon the British troops for support. In many cases the vengeance of the laws might not overtake the guilty party, but the act of a single criminal would *at once and for ever cease* to be the occasion of civil war.

To those unacquainted with the actual status of a New Zealand chief, it may perhaps appear improbable that he would give up his own proper rank and authority, and become what would be, in fact, little better than an instrument in the hands of the British resident. But, in truth, the New Zealand chief has neither rank nor authority but what every person above the condition of a slave, and indeed the most of them, may despise or resist with impunity. It would, in this respect, be to the chiefs rather an acquisition than a surrender of power.

But the conduct of the chiefs in their individual capacity would of course be regulated by the laws enacted by themselves as a collective body, and provision might be made for punishing by a pecuniary mulct, by a temporary suspension from office as a conservator of the peace, or by a degradation from the rank of a chief of congress of any chief who should fail in the duties required of him. This could in almost all cases be done without risking the disaffection of his tribe, who would without any difficulty be induced to propose another of their leading men to be elected by the congress, and sanctioned by the resident in his stead.

It would of course rest with the wisdom of the British Government to determine what measures should be resorted to for the government of His Majesty's subjects; but all difficulties

Sir R. Bourke to  
Lord Glenelg,  
9 September 1837.

Enclosure (C.)

culties in the way of such an arrangement, are, I conceive, removed by the existence and recognition of a New Zealand government. Whatever laws His Majesty's Government should consider suitable for the protection and control of the King's subjects would be proposed to, and, as of course, become acts of the legislature of New Zealand.

Whatever courts of judicature His Majesty might deem necessary would be established under the same sanction.

Whether the British settlements in this country have as yet attained sufficient importance to require the establishment of a supreme court of civil and criminal jurisdiction may be doubted; but when the necessity of providing for the administration of justice amongst the natives, consequent upon the establishment of a government, and the enactment of laws, is considered, the question assumes a different aspect. The country itself, possessing no materials for such institutions, can look alone to the protecting power to afford this as well as the other means of making its government effective.

Amongst the missionaries and catechists of Church and the Wesleyan missionary Societies there is a number of persons qualified to act in this country as justices of the peace, and there could, at least in the case of those who are laymen, exist no objection to their acting in that capacity on the part of the societies to which they belong. There are even now also two or three of the settlers who are competent to the same office. The missionaries would prove an invaluable and almost indispensable adjunct to the judge of a criminal court, by acting as assessors in all cases in which natives should be concerned. The trials might also be conducted in the presence of a jury of natives, not constituted in any respect as judges in the case, but rather as compurgators with the accused, and as witnesses to the country of his having had a fair trial, conformably with what would appear from Sir F. Palgrave's researches to have been the original constitution of juries in England.

Thus would the way be prepared for confiding to the people the trust of jurymen, in like manner as to the chiefs of congress that of legislators, when a generation should arise sufficiently enlightened and virtuous to be capable of those high functions.

From amongst the missionaries and the settlers might be selected a council to advise the resident, consisting of two or three of the former, who might be nominated after communicating with their constituents at home, and two of the latter who would more immediately represent the interests and wishes of the settlers generally. By giving to the persons thus chosen the right, under such limitations as might be considered proper, of bringing under the consideration of the resident and such council any questions which they might deem of public importance, and of having their opinions, when they differed from those of the resident, recorded in its proceedings, and transmitted to His Majesty's Government, the resident would be able to avail himself of all the aid which the information and experience of the whole body of missionaries, and of settlers generally, could afford.

Unless a defined and specific share in the government of the country be allotted to the missionaries, the British Government has no right to expect that that influential body will give a hearty support to its representative. In points on which their own opinion is different from his, and these will constantly arise, they will persuade themselves that it is their duty to secede from him; and should they, in the character which they have assumed to themselves of guardians to the natives, conceive it to be their duty to use their influence in opposition to his measures, they will occasion him no little embarrassment, even when vested with the full powers of a government.

His Excellency is in part aware that I have already had some difficulties of this nature to contend with. But after the missionaries had joined the settlers in attempting to force upon me the adoption of a measure which, when subsequently ordered by His Excellency, they requested might not be adopted, because the short experience of the interval had clearly demonstrated the correctness of my opinion and the erroneousness of their own, I thought they would naturally conclude in future that it was possible for the conclusions of a single mind, when directed to one object, to be more correct than the collective opinions of many persons whose minds are altogether engrossed with the multitude of details which fill up the attention of men, occupied as they are, leaving neither leisure nor capacity for more enlarged and comprehensive views. I conceived that I had gained at least this point, that they would respect my opinions even when they might not feel disposed to second my measures. I am grieved to say that in this I have been disappointed, for no other reason that I can divine, than that I preferred my own opinion to theirs upon a point of duty which they took upon them to dictate to me; they have latterly kept aloof from any communication with me; and by their conduct in a recent instance they have put it out of my power, while our present relations continue, to make any further application or reference to them on matters connected with the King's service in this country. I had requested that a meeting of them and their Wesleyan brethren might take place at my house, in order to consult whether it might not be prudent for them to induce the chiefs to take the opportunity afforded by the delivery of the King's message to petition His Majesty for assistance in reducing their country to order, and establishing in it an efficient government. The Wesleyans sent a suitable apology; but the missionaries of the Church Missionary Society, with one exception, absented themselves without one word of previous or subsequent explanation.

Having been specially accredited to the missionaries of the Church Missionary Society, and directed to consult with them, it became my duty to make this explanation, and I have introduced it in connexion with the subject of this Despatch, because it is too important to be lightly considered in any future arrangements for the government of this country.

It is impossible that men could be found whose opinions and sentiments in general are more in accordance than those of the missionaries and my own; nor could any person adopt



adopt towards them a more conciliatory line of conduct than I have invariably done. But I have been placed with respect to them in a false position; on their side was the accumulated experience and influence of numbers acting in concert during many years of devotion to the secular as well as the spiritual interests of the natives, and with the command of whatever funds they might judge necessary to render their labours efficient.

Sir R. Bourke to  
Lord Glenelg,  
9 September 1837,  
Enclosure (C)

In all respects, except the advantage of having acted in public business of some importance before my arrival in this country, my own situation was a painful contrast to theirs. In such circumstances it need not excite much surprise that they should prefer their own opinions to mine, and, on their being discordant, that they should pursue their own views of duty, and leave me to mine. But I am not more surprised than distressed at the inconsistency of their recent conduct, believing them, as I still do, to be faithful and sincere men, and zealous in the pursuit of their sacred duties.

With regard to the number of troops which it might be necessary to maintain, it would, I think, require little knowledge of military tactics to satisfy any one who has witnessed any thing of the warfare of the natives, that one hundred English soldiers would be an overmatch for the united forces of the whole islands. But in fact there is little risk of even two tribes uniting to oppose them. There is no dominion any where existing to rival that which would call the British government to its aid; nor is any chief possessed, as such, of any sovereign or territorial rights, in support of which he might induce others to join him in resisting the established power. The rights of property being once recognised, and measures taken to ascertain and fix those rights, I cannot conceive any object for which the smallest number of men could be induced to unite in resisting the government, unless in the administration of justice; and so great and manifest a blessing would, even under the least perfect system of government and judicature, prove to the distracted inhabitants of this country that the most influential men amongst them would succeed in inducing few indeed to resist its exercise. But there is no reason why a body of the English settlers might not be enrolled and trained as a militia to act with the regular troops in any emergency; nor could any objection exist to the training of a native force, although it appears to me that the natives are too independent in their circumstances to submit to military discipline for military pay.

Simultaneously with the establishment of a government, it would be absolutely necessary, that means should be resorted to for ascertaining and fixing upon equitable principles the titles of British subjects to land which they claim to have purchased from the natives. This is a subject of so much importance, and which involves so deeply the character of the British Government, that I humbly submit it might be proper for His Majesty to issue a special commission for this purpose to persons not connected or likely to be connected with this country.

After the present claims should be disposed of, it would be necessary to declare all purchases void, of which sufficient notice had not been given to the Government, in order that the real proprietors of the land might be ascertained. Humanity would also require that certain districts should be fixed in perpetuity in the native proprietors, and that it should be enacted that all claims to the possession of such lands by foreigners, howsoever acquired, should be absolutely null and void.

I have in previous communications indicated in part the sources from which a revenue might be raised to meet the expense of the arrangements above proposed. I shall not add to this already too extended Despatch by entering into any particulars upon this head. I shall simply state that the number of ships which visited the Bay of Islands alone during the year 1836 amounted to 151, and the number during the six months of the present year not yet concluded to 72, and most of them were of a large class.

A simple tonnage duty on these vessels would go a great way towards meeting the civil expenditure of a government such as I have proposed. But there is also a very extensive trade in spirits and tobacco, from which a revenue might be raised, not only without difficulty, but most beneficially for public morality and good order. In short, the trade of New Zealand is sufficiently extensive even now to afford ample means for the support of an efficient government, and the country possesses resources to meet whatever increase of expenditure its circumstances may require. It would only, perhaps, be necessary for the British Government to issue a small loan, chiefly for several necessary public buildings and immediate expenses in advance of the revenues of the New Zealand government, to be repaid by instalments when these revenues should be realized.

The above are principally the views which, in applying to His Excellency Sir Richard Bourke for leave to proceed to England, it was my object to bring under the immediate notice of the Home Government. I trust it will require no apology for having advanced them now, his Excellency in his last Despatch having recognised the necessity for some further measures with regard to this country. Although he has only instructed me to suggest such as should fall within the limits defined by His Majesty's Government, I have made an attempt to point out by what means the extension of efficient protection to His Majesty's subjects might be made, compatible with such a regard to the rights of the New Zealanders, as an independent state, as might satisfy the reasonable scruples of foreign governments, and thus remove the difficulties which I have humbly presumed might influence the Secretary of State in defining those limits.

It might well be considered presumption in me, even if qualified for such a task, should I enter into the question how far the just and legitimate possession of lands in a foreign country entitles the possessors of those lands to require from the actual sovereigns of the country the ordinary protection of a government, and, if this is from incapacity or other causes withheld, to obtain the aid of the parent state in governing themselves. If I am rightly informed, the whole coast line, from Cape Bult, including the noble harbour of the bay

Sir R. Bourke to  
Lord Glenelg,  
9 September 1837.

Enclosure (C.)

Bay of Islands, and extending as far as Wangaroa, forty miles to the northward of the bay, has, with trivial exceptions, passed from the possession of the natives into that of British subjects. Nor has the consideration given been in all cases so disproportioned to the value of lands in an unsettled country, or even to the returns which the capital thus invested is capable of yielding, as to stamp such transactions universally with the character of injustice. Most of the valuable forests in the interior have changed their ownership; and on the western coast an extensive territory is also claimed by British subjects.

When His Majesty's Government become aware of these facts, it is possible they may consider that the course of events has so altered the relation of this country to the rest of the world, as to demand the application of a different principle than that which, in an abstract view of its previous condition, may have been considered expedient and just; and that His Majesty may be advised to grant a charter of government to the colony of British subjects who are established in it, leaving the natives in the full possession of their abstract rights, so far as they have not conceded them to the colonists, and providing only against their suffering injustice at the hands of the latter.

There can be no doubt that the establishment of any authority whatever would be an incalculable advantage. But I cannot here avoid submitting, with all humility, a suggestion which has occurred to me, with no common force, in the course of my observations on the state of this country; namely, that it seems not more consistent with the arrangements of Divine Providence that an infant people which, by its intercourse with a powerful state, is subject to all the injury and injustice which weakness and ignorance must suffer by being thrown into a competition of interests with knowledge and power, should as naturally fall under and be not less entitled to the protection of the powerful state than the weakness of infancy and childhood is entitled to the protection of those who were the instruments of bringing it into an existence which requires such protection. I may go further, and submit that this would seem the instinct of natural justice, as exemplified by the reference which the chiefs made to the King of England in their declaration of independence. They prayed "that His Majesty would continue to be their parent, and that he would become their protector." The sentiment and the language were their own.

I have, &c.

(signed) *James Busby*,  
British Resident at New Zealand.

---

Enclosure (D.)

Enclosure (D.) LETTER from *James Busby*, Esq., British Resident New Zealand, to the Honourable the Colonial Secretary of New South Wales.

(No. 117.)

British Residency, Bay of Islands,  
13 July 1837.

Sir,

I HAVE the satisfaction to acquaint you, for the information of His Excellency Sir Richard Bourke, that peace has been concluded amongst the greater part of the parties who were engaged in the late war; and there seems, I think, no reason to doubt that those who are still inclined to continue it, will have to yield to the general voice.

With the exception of the few who still hold out, the connexions of those who were killed in the various encounters of the parties have foregone their right of retaliation, and the tribes with whom the war first originated remain for the present in the situation in which they were when hostilities commenced. But should the woman whose alleged murder was the ostensible cause of the war prove, on the return of the ship from which she was said to have been landed, to be still alive, in that case a portion of land belonging to Pomares' tribe is to be transferred to the other party, as a satisfaction for the woman murdered by Pomares' people.

It appears also from recent accounts from the southward, that peace had been made by the tribes of the Bay of Plenty.

I have, &c.

(signed) *James Busby*,  
British Resident New Zealand.

---

NEW ZEALAND.

COPY of a DESPATCH from Governor Sir *R. Bourke*, K.C.B., to Lord *Glenelg*, dated *Sydney*, 9 September 1837, relative to the Affairs of *New Zealand*;—with four Enclosures.

---

12th February 1828.

---