

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

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Filed on behalf of: Lady Crown and on behalf of Ngati Rangihou Corrangie Hapu  
dba Office of the Crown  
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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 PACIFIC ISLANDERS PROTECTION ACT, 1872 & 1875. (38 & 39 Vic, c. 51.)
2. **An Act** to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen, intituled "**An Act for the prevention and punishment of criminal outrages upon natives of the islands in the Pacific Ocean.**" Attached and marked annexure "a" is a copy of the Pacific Islanders Protection Act 1872. Attached and marked annexure "b" is a doctored copy of the Pacific Islanders Protection Act 1875. Attached and marked annexure "c" is a true copy of the Pacific Islanders Protection Act 1875.
3. **Section 7 '1875'**. Saving of rights of tribes. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, her heirs and successors\* with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to



**derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion,** and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session.

4. **Section 6 '1875'**. Power for Her Majesty to exercise Jurisdiction over **British subjects** in islands of the Pacific Ocean. Office of High Commissioner.- It shall be lawful for **Her Majesty to exercise power and jurisdiction over Her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions**, nor within the jurisdiction of any civilized power, in the same and as ample a manner as if such power or jurisdiction had been acquired by the cession or conquest of territory, and by Order in Council to create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority, in Her name and on Her behalf, **to make regulations for the government of Her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.**
5. **Section 6 '1875'**. Power to Her Majesty to **erect a court of justice for British subjects in the islands of the Pacific**.-It shall be lawful for Her Majesty, by Order in Council, to create a court of justice with civil, criminal, and **Admiralty jurisdiction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects** within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in and may be exercised by the court of any British colony designated in such Order, concurrently with the High Commissioner's court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and



places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

6. **Section 6 '1875'**. Power to make ordinances.-It shall also be lawful for Her Majesty, **by any Order or Orders in Council, from time to time to ordain for the Government of Her Majesty's subjects, being within such islands and places, any law or ordinance which to Her Majesty in Council may seem meet**, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.
7. **Section 6 '1875'**. High Commissioner to have powers of consular officer.-The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and **duty vested in or imposed upon any British consular officer** by the principal Act or by any other Act having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British consular officer.
8. **Section 7 '1875'**. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest **Her Majesty, her heirs and successors, with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes, or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion**, and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session. [emphasis added]
9. **Section 10 '1875'**. Proclamation of Act.-This Act shall be proclaimed **in each Australasian colony** by the governor thereof within six weeks after a copy of it has

been received by such governor, and shall take effect in the said colony from the day of such proclamation.

10. Australasian colonies to mean **New South Wales, New Zealand**, Queensland, South Australia, Tasmania, Victoria and Western Australia.

11. **Fact** - For and On the Record -The archival records of the original Act 1872 as passed by the UK Parliament. It is clear that the deliberate exclusion of **'her heirs and successors'** from that which has been circulating in Australia is tantamount to an **Act of Treason**, interfering with an act of the ruling State, that being at the time the UK Parliament.

12. **Fact** - For and On the Record -The intentions of the UK Parliament and the Order in Council is beyond doubt in its intent and purpose **to commit the heirs and successors to uphold this law as part of the Australian colonial law.**

13. **Fact** - For and On the Record -Discussions with Parliamentarians confirm that as law-makers themselves, now presiding in the UK Parliament, an Order in Council supported by an Act is law and given that all the colonial laws of Australia came from England, so too did the intention of the Pacific Islanders Protection Act become law within the Australasian colonies, which were identified in the principal Act, that being the 1872 Pacific Islanders Protection Act.

14. **Fact** - For and On the Record -As far as the English are concerned this remains law within Australia. This is confirmed from the Statute Law (Repeals) Act 1986 where there was a saving clause in the entitlements to the Act at Chapter 12:

- a. 2. (4) Subject to subsection (3) above [ i.e. the Dentists Act 1878 and the Medical Act 1886] this Act does not repeal any enactment so far as the enactment forms part of the law of a country outside the British Isles; but Her Majesty may by Order in Council provide that the repeal of this Act of any enactment specified in the Order shall on a date so specified extend to any colony.



**15. Fact - For and On the Record - No such Order in Council has been given by the ruling Monarch, Elizabeth II, in which case the law of **our dominion and sovereignty is affirmed to this day.****

16. Lady Crown welcomes the registrar to call in and uphold the truth of this matter to usurp the land that was gifted 20th November 1811 based on these facts in law. This law recognized our title and dominion to those lands, waters and natural resources therein, before and after 1875. It is not possible at all, based on this law that became part of the common law of England, for any Parliament in Australia, to claim any title to land without receiving free prior and informed consent and to compensate, if the people agreed to give up their land. Knowing this was never done, creates a legal battle ground for all Governments, Councils and Courts within Australia.

17. Lady Crown welcomes the registrar to recognise, acknowledge and respect that the Originee people never agreed to give up their land, as proven with the first ever illegal grant of land in Australia's history on the 22nd February 1792 to James Ruse, where he was granted 30 acres in Parramatta, with a slap on the back and a flick of a pen. Thereafter began the illegal trade of Originee lands. At no time were the Originee Barramattagul people given free prior and informed consent or compensation for the theft. Attached and marked annexure "d" is a copy of the James Ruse Land Grant Excerpt 22nd Feb 1792.

18. Lady Crown welcomes the registrar to recognise, acknowledge and respect that the only land in Australia's history that was given with free and informed consent, was the Rangihou Land that was gifted to King Te Ruki Kawiti on the 20th November 1811 by Barramattagul Chief Corrangie.

19. Lady Crown welcomes the registrar to recognise and accept that no other land in Australia's history was ever gifted, other than Rangihou Lands - past, present and future. A true gift from 'one Sovereign to another Sovereign'. A true gift from 'one Sovereign Nation to another Sovereign Nation'. Therefore, in accordance with this act, direct that you uphold our title and dominion to these lands, waters and natural resources therein.

20. Lady Crown welcomes the registrar to call in and uphold the settlement offer for compensation of 1% of the Statutory Demand, in accordance with the settlement

offer, affidavit dated 25th June 2019 in the Letter to Sparke Helmore Lawyers dated 19th June 2019.

21. Lady Crown would like to remind the registrar that she is not a British Subject.
22. Lady Crown would like to remind the registrar that Ngati Rangihou Corrangie Hapu [Tribe] are not British Subjects.
23. Lady Crown would like to remind the registrar that Mauri and Originee are not British Subjects.
24. Lady Crown would like to inform the registrar that the Office of the Crown is a lawful entity, an inclusion of Tino Rangatiratanga Foundation, a non government organisation. She chooses to ensure that the organisations that she is affiliated with are not part of the illegal corporations.
25. Lady Crown takes offence to Sparke Helmore Lawyers trying to make Lady Crown, the Hapu and her Office, out to be an illegal entity because she is not a corporation, a dead entity, a legal fiction, a body corporate, an infant, a human [monster], a body politic, or an artificial entity. Lady Crown reminds the registrar and the lawyers that a dead entity [corp – oration][dead man speaking] has no power over a live sovereign [soul reign] and that the sovereign is above dead entities, including the Lawyers.
26. Lady Crown is a Sovereign Woman - "Soul Reign". Her Sovereignty gives rise to her being a legal practitioner of her licences issued by her governance, created by the Tino Rangatiratanga Pure Trust. Lady Crown has the privilege of using the Tino Rangatiratanga Pure Trust written instruments which include **Allodial titles** (*proper original land titles*), **Plea in Bar** (*defeating any legal challenge at merit*), **Letters of credit** (*money and or any legal tender according unto CoFR Art 18*), **Law suit** (*redress of grievance*), **Liens**, (*tax, land, personal, etc.*), **Letter of Rogatory** (*reciprocal response in any issue*), **Uniform Commercial code** (UCc Remedy) e.g., **UCc 1-308 Without Prejudice** (*signature qualifier and courtroom remedy*), **3-503, 504, 505** (*Notice of Dishonor*) and not excluding any other lawful instrument including the creation of government provisions, their laws and all necessary entities thereof. The Uniform Commercial code (UCc) is foundation law created by the latter.



27. Lady Crown would like to remind the registrar that she is a sovereign woman, child of god, ambassador for the lord, with a claim of right, an heir and successor of His Majesty King George III, an heir and successor of King Hongi Hika and Queen Turikatuku II.

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

on 15-07-2019



autograph of Lady Crown



Rosanna Gale  
JP for NSW  
210842



This page and the following 6 pages is the document referred to as  
annexure 9

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 PACIFIC ISLANDERS PROTECTION ACT,  
1872.

(35 & 36 Vict. c. 19.)

*An Act for the Prevention and Punishment of Criminal Outrages upon  
Natives of the Islands in the Pacific Ocean.* [2213]  
[27th June, 1872.]

The short title was given to this Act by the Short Titles Act, 1896 (c. 14).  
See, also, short title given in Schedule (A.) of this Act, p. 724, *post*.  
As to the combined citation of this Act with the Pacific Islanders Protection Act,  
1875 (c. 51), see s. 1 of that Act, p. 725, *post*.

Whereas criminal outrages by British subjects upon natives of islands  
in the Pacific Ocean, not being in Her Majesty's dominions, nor within  
the jurisdiction of any civilized power, have of late much prevailed  
and increased, and it is expedient to make further provision for the  
prevention and punishment of such outrages: [2214]

[S. 1 *rep.* 38 & 39 Vict. c. 51, s. 11.]

2. Definition of terms.—The term "Governor" shall include the  
officer for the time being administering the government of any of the  
Australasian Colonies, and "Governor in Council" shall mean the  
Governor acting by and with the advice of the Executive Council of  
the Colony under his Government:

The term "Australasian Colonies" shall mean and include the  
colonies of New South Wales, New Zealand, Queensland, South  
Australia, Tasmania, Victoria, and Western Australia:

The term "vessel" shall include a ship or boat:

The term "master" shall include any person for the time in com-  
mand or charge of a vessel. [2215]

The definition of "Australasian Colonies" has been extended to include the colony of  
Fiji by s. 3 of the Pacific Islanders Protection Act, 1875 (c. 51), p. 728, *post*.  
Part of s. 2 as to "oaths" was repealed by the S. L. R. (No. 2) Act, 1893 (c. 54).

3. No British vessel to carry native labourers unless the master has  
given a bond and received a license.—It shall not be lawful for any  
British vessel to carry native labourers of the said islands, not being  
part of the crew of such vessel, unless the master thereof shall, with one  
sufficient surety to be approved by the Governor of one of the said  
Australasian colonies, or by a British consular officer appointed by Her  
Majesty to reside in any of the said islands or by any person appointed  
by either of those officers, have entered into a joint and several bond  
in the sum of five hundred pounds, to Her Majesty, in the form con-  
tained in Schedule (A.) to this Act annexed, or in such other form as  
shall be prescribed by the legislature of any of the Australasian colonies  
in respect of vessels sailing from the ports of such colony, nor unless he  
shall have received a license in the form contained in Schedule (B.)  
to this Act annexed from any such Governor or British consular officer.  
[2216]

S. 2 of the Pacific Islanders Protection Act, 1875 (c. 51), p. 725, *post*, provides  
for forms of Bonds and Licences when British vessels carry native labourers for the  
purpose of carrying on any fishery, industry, or occupation in connection with such  
vessel.

4. Penalty of bond how recoverable.—The said penal sum of five  
hundred pounds shall be due and recoverable notwithstanding any  
penalty or forfeiture imposed by this Act, and whether such penalties  
or forfeitures shall have been sued for and recovered or not. [2217]

Heirs + Successors  
is Missing

~~TREASON~~

Interfering with an Act of  
the ruling State, that  
being at the time the  
UK Parliament.



5. Power to Governor and consular officer to grant licenses.—It shall be lawful for any such Governor or British consular officer as aforesaid, upon being satisfied that a bond has been duly given by the master of any British vessel under the third section of this Act, to grant, if he shall think fit, to such master a license in the form contained in the said Schedule (B.) [2218]

For alternative form of licence, see s. 2 and Schedule (B.) of the Pacific Islanders Protection Act, 1875 (c. 51), pp. 725, 729, *post*.

6. Seizure, etc. of vessels carrying native labourers without license, etc.—All the provisions of this Act with respect to the detention, seizure, bringing in for adjudication before any Vice-Admiralty Court, trial, condemnation, or restoration of vessels suspected of being employed in the commission of any of the offences enumerated in the ninth section of this Act shall, *mutatis mutandis*, apply to any British vessel which shall be found carrying such native labourers without a license or in contravention of the terms of any license which may have been granted to the master thereof. [2219]

Extended to include goods and effects found on board such vessel by s. 3 of the Pacific Islanders Protection Act, 1875 (c. 51), p. 726, *post*.

7. Penalty for carrying natives without a license.—The master of any vessel carrying such native labourers without such license or in contravention of the terms of any license which may have been granted to him, shall be liable to a fine of not exceeding five hundred pounds, which may be sued for and enforced in and by any court of justice of the Australasian colonies; but nothing herein contained shall be taken to affect the liability of such master for any offence committed by him under the ninth or tenth sections of this Act: Provided always, that the aggregate sum imposed or recoverable by way of penalty under this Act shall in no case exceed the sum of five hundred pounds. [2220]

8. Vessels complying with provisions of Colonial Acts not liable to seizure, etc.—Nothing herein contained shall be taken to affect the provisions of an Act passed by the legislature of Queensland, intituled "An Act to regulate and control the introduction and treatment of "Polynesian labourers," nor of any Act of a like kind passed or which may be passed by the legislature of any of the Australasian colonies not being inconsistent with the provisions of this Act; and the provisions of this Act in respect of vessels carrying native labourers without a license or in contravention of the terms of a license, shall not apply to any vessel which has complied with the regulations and conditions imposed by the said Queensland Act or by any other Act of a like kind passed or which may be passed by the legislature of any of the Australasian colonies as aforesaid, proof of which compliance shall lie upon the master of such vessel. [2221]

9. Colonial courts empowered to try certain offences.—If a British subject commits any of the following offences that is to say,

1. Decoys a native of any of the aforesaid islands for the purpose of importing or removing such native into any island or place other than that in which he was at the time of the commission of such offence; or carries away, confines, or detains any such native for the purpose aforesaid, without his consent, proof of which consent shall lie on the party accused:
2. Ships, embarks, receives, detains, or confines, or assists in shipping, embarking, receiving, detaining, or confining, for the purpose aforesaid, a native of any of the aforesaid islands, on board any vessel either on the high seas or elsewhere without the consent of such native, proof of which consent shall lie on the party accused:
3. Contracts for the shipping, embarking, receiving, detaining, or confining on board any vessel for the purpose aforesaid any such native without his consent, proof of which consent shall lie on the party accused:



4. Fits out, mans, navigates, equips, uses, employs, lets, or takes on freight or hire any vessel, or commands, or serves, or is on board any such vessel with intent to commit, or that any one on board such vessel should commit, any of the offences above enumerated :
5. Ships, lades, receives, or puts on board, or contracts for the shipping, lading, receiving, or putting on board of any vessel money, goods, or other articles, with the intent that they should be employed, or knowing that they will be employed, in the commission of any of the offences above enumerated :

he shall for each offence be guilty of felony, and shall be liable to be tried and punished for such felony in any Supreme Court of justice in any of the Australasian colonies, and shall, upon conviction, be liable at the discretion of the court to the highest punishment other than capital punishment, or to any less punishment, awarded for any felony by the law of the colony in which such offender shall be tried. [2222]

10. Punishment of accessories.—Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender. [2223]

11. Venue in respect of offences by persons.—Any offence against this Act may be described in any indictment, information, or other document relating to such offence in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed within Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, town, or place in which the trial is held. [2224]

12. Courts may issue commissions for examination of witnesses.—In all cases of indictment or information laid or exhibited in the Supreme Court of any of the Australasian colonies for any offence under this Act, such Supreme Court upon motion to be made on behalf of the prosecutor or accused, may order a commission or commissions to issue for the examination of witnesses upon oath, and to receive proof at any place or places out of the jurisdiction of such court, concerning the matters charged in such indictment or information ; and the said Supreme Court is hereby required and authorised by the same or any subsequent order or orders to make such rules and give such directions as to the time, place, and mode of executing such commission or commissions, and as to the notice thereof to be given to the party accused, and as to the proper return of the depositions taken and the matters done thereunder, as to the said court shall seem fitting and proper, and the depositions being duly taken under such commission or commissions and returned to the said court shall be allowed and read as if the witness so deposing had been present. sworn, and examined *vivâ voce* at any trial for such offences as aforesaid in the said Supreme Court, any law or usage to the contrary thereof notwithstanding. [2225]

Jurisdiction was extended to the High Court of Admiralty of England and every Vice-Admiralty Court of His Majesty's dominions out of the United Kingdom, by s. 4 of the Pacific Islanders Protection Act, 1875 (c. 51), p. 726, *post*. Colonial Courts of Admiralty supersede Vice-Admiralty Courts and the jurisdiction of the Admiralty Division of the High Court in England ; see the Colonial Courts of Admiralty Act, 1890 (c. 27). Vol. 1. *THE ADMIRALTY*, p. 21.

13. Powers to secure attendance of native witnesses.—In all cases of indictment or information laid or exhibited in the Supreme Court of any of the Australasian colonies for any offence under this Act, the Governor in Council of such colony may authorise and empower the commander of any of Her Majesty's ships or vessels, or the master of any ship or vessel trading with the inhabitants or natives of the said islands, to obtain the attendance as a witness of any native of any of the said islands for the purpose of giving evidence either before the said Supreme Court or before any commission for the examination of



witnesses ordered by such court, and to transport and convey such witness to the colony in which such offence shall be tried or to the place where such commission shall be held, and also to remunerate such witness by such sum of money or other remuneration as the said Governor in Council shall see fit to authorise for his attendance to give evidence as aforesaid, and for his reconveyance back to the island or place from whence he shall have been so brought. [2226]

See note to s. 12, *ante*.

**14. Mode of taking evidence.**—In all cases in which an oath may be lawfully administered to any person either as a witness or deponent in any proceeding under this Act, it shall be the duty of the court or commissioner, or officer administering the same, to ascertain, as far as possible, in what form such oath will be binding on the conscience of such witness or deponent, and to administer such oath in such form accordingly; and the court before which such proceedings shall take place or a commissioner under any commission as aforesaid may declare in what manner the evidence shall be taken of witnesses or deponents who are ignorant of the nature of an oath, and the evidence or deposition taken in any such form or manner as aforesaid shall be as valid as if an oath had been administered in the ordinary manner. [2227]

**15. Punishment of persons giving false evidence.**—Every person who shall wilfully and corruptly give false evidence in any examination, deposition, or affidavit had or taken in any proceeding under this Act shall be deemed guilty of perjury, and upon conviction thereof shall be liable to the pains and penalties to which persons convicted of wilful and corrupt perjury are liable, and every such person may be tried either in the place where the offence was committed, or in the Supreme Court of any of the Australasian colonies. [2228]

**16. Powers to seize suspected British vessels.**—Any British vessel which shall upon reasonable grounds be suspected:

- (1) Of being employed in the commission of any of the offences enumerated in the ninth section of this Act; or
- (2) Of having been fitted out for such employment; or
- (3) Of having during the voyage on which such vessel is met been employed in the commission of any such offence,

may be detained, seized, and brought in for adjudication upon the charge of being or having been so employed or fitted out as aforesaid before any Vice-Admiralty Court in any of Her Majesty's dominions by any of the following officers: that is to say,

- (1) Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the Governor or officer administering the government of such possession:
- (2) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer:
- (3) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer:
- (4) Any consul or consular agent appointed by Her Majesty to reside in any island not within the jurisdiction of any civilised power. [2229]

This was extended to include goods and effects found on board such vessel by s. 3 of the Pacific Islanders Protection Act, 1875 (c. 51), p. 726, *post*.

**17. Powers of officers authorised to seize ships.**—Any officer authorised to seize or detain any vessel in respect of any offence against this Act, may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of Her Majesty's army or navy, or marines, or any excise officers or officers of customs, or any harbour master or dock-master, or any officers having authority by law to make seizures of vessels, and may put on board



any vessel so seized or detained any one or more of such officers to take charge of the same and to enforce the provisions of this Act, and any officer seizing or detaining any vessel under this Act may use force, if necessary, for the purpose of enforcing seizure or detention. [2280]

[S. 18 *rep.* 38 & 39 *Vict. c.* 51, s. 11.]

19. Payment of costs, etc.—When any detention or seizure shall be made under this Act, and proceedings instituted in any Vice-Admiralty Court in respect of such detention or seizure, it shall be lawful for the Treasury, if to their discretion it shall seem meet, to direct payment to be made of the whole or any part of the costs, damages, and expenses which may be incurred in such proceedings. [2231]

This section and s. 20 were applied to the Pacific Islanders Protection Act, 1875 (c. 51), p. 726, *post*, by s. 5 of that Act, and extended to proceedings in the High Court of Admiralty of England by *ibid.* See further note to s. 12, p. 721, *ante*.

20. Indemnity to officers.—Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a vessel by the Vice-Admiralty Court, no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any vessel in pursuance of this Act. [2232]

See note to s. 19.

[S. 21 *rep.* 38 & 39 *Vict. c.* 51, s. 11.)]

22. Act not to affect 9 Geo. 4, c. 83.—Nothing in this Act contained shall be taken to affect the powers vested in the Supreme Courts of New South Wales and Tasmania under the Australian Courts Act, 1828. [2233]

For the Australian Courts Act, 1828 (c. 93), see p. 230, *ante*.

## SCHEDULES.

### SCHEDULE (A.)

Sect. 3.

FORM of BOND to be entered into by Masters of Vessels under the Kidnapping Act, 1872.

Know all men by these presents, that we A.B. of \_\_\_\_\_ and C.D. of \_\_\_\_\_ are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

Whereas it is enacted by the Kidnapping Act, 1872, that no British vessel shall carry native labourers of islands in the Pacific Ocean not being within the jurisdiction of any civilised power unless the master of such vessel together with one sufficient surety to be approved by the Governor of one of Her Majesty's Australasian colonies, or by a British consular officer, or by any person appointed for the purpose by either of those officers, shall have given to Her Majesty, her heirs and successors, a bond in the sum of five hundred pounds for the prevention of kidnapping, and for the due observance of the requirements of the said Act and of the license which the said master is hereby required to obtain.



Now the condition of this obligation is this, that if in respect of the vessel , whereof the above bounden *A.B.* is master, all and every the requirements of the said Act and of the license issued thereunder to the said master shall be well and truly performed, and if the above bounden *A.B.* shall satisfy the governor of any of Her Majesty's Australasian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or connived at by any person on board of or connected with said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed,

*A.B.* and *C.D.* in the presence of  
*E.F.* of

(L.S.)

[2234]

The short title, given by the Short Titles Act, 1896 (c. 14), to this Act (here referred to as the Kidnapping Act) is the Pacific Islanders Protection Act, 1872.  
As to amendments in this form, see the Pacific Islanders Protection Act, 1875, (c. 51), s. 9, p. 728, *post*.

Sects. 3, 5.

SCHEDULE (B.)

(Royal Arms.)

LICENSE for the Carriage by Sea of Native Labourers.

*A.B.*, Master of the , the vessel more particularly described below, having duly given to Her Majesty Queen Victoria the bond required by the Kidnapping Act, 1872, for the prevention of kidnapping and the due observance of the requirements of the said Act, I, (the Governor of the Colony of or Her Majesty's consul of , as the case may be,) do hereby, in exercise of the authority for that purpose conferred on me by the said Act, license the said vessel to carry not more than native labourers from to

Should this vessel be found to answer the subjoined description and appear to be strictly engaged in the lawful pursuit of the above-mentioned object it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage nor in the shipment or landing of her native passengers.

This license shall not be transferable, and shall be available only for the voyage from to aforesaid, and for a period not exceeding days from the date hereof.

*Description of the Vessel above referred to.*

Tons (registered tonnage),  
Rig (*i.e.* ship, barque, brig, etc.),  
How painted,  
Name painted on stern,  
Whether any poop,  
Whether any quarter galleries,

Whether a top gallant forecastle,

Name of chief officer,

Number of officers and crew, including surgeon, if any,

Bound from to , and intending to call at and

Given under my hand and seal }  
at this day }  
of 187 }

Governor or Consul, as  
the case may be,  
(L.S.)

To the respective Flag Officers, Captains, and  
Commanding Officers of Her Majesty's  
Ships, and to all others whom it may  
concern.

[2235]

See note to Schedule (A.), as to the Short Title and alteration of forms, p. 721, *ante*.

This page and the following 2 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



and by Order in Council to create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority, in Her name and on Her behalf, to make regulations for the government of Her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

**Power to Her Majesty to erect a court of justice for British subjects in the islands of the Pacific.**—It shall be lawful for Her Majesty, by Order in Council, to create a court of justice with civil, criminal, and Admiralty jurisdiction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in and may be exercised by the court of any British colony designated in such Order, concurrently with the High Commissioner's court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

**Power to make ordinances.**—It shall also be lawful for Her Majesty, by any Order or Orders in Council, from time to time to ordain for the Government of Her Majesty's subjects, being within such islands and places, any law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

**High Commissioner to have powers of consular officer.**—The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British consular officer by the principal Act or by any other Act having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British consular officer.

So much of this section as authorizes Her Majesty to confer Admiralty jurisdiction on any court was repealed by the Colonial Courts of Admiralty Act, 1890, s. 18 and Second Schedule, title Admiralty.

Under the Western Pacific Commission a High Commissioner exercises jurisdiction over the islands in the Western Pacific, which are not within the limits of the Colony of Fiji, the States of New South Wales or Queensland, or the Dominion of New Zealand, or under the protection of any civilized power.

By Parallel Order in Council, March 15, 1891, jurisdiction was extended to foreigners and to some natives.

*Pacific Islanders Protection Act, 1875 (Imperial). s. 8-11.*

The Protectorate formerly included the Togaan (or Friendly Islands) and Savage Island (Niue), but by S.R. & O. 1901, No. 511, the boundaries of New Zealand were extended to include islands of the Cook Group and Niue.

The Orders and Rules Islands Protectorate was amended and made a colony by the Gilbert and Ellice Islands Order in Council, 1915 (S.R. & O. 1915, 111 p. 215); see also Orders in Council, January 27, February 29, 1916 (S.R. & O. 1916, Nos. 99, 107); Order in Council, 1915 (S.R. & O. 1915, No. 773).

As to determination of the question whether a place is an island in the Pacific Ocean not being within His Majesty's Dominions or within the jurisdiction of any civilized power, see *X. v. Fox* (1895), 6 Q.L.J. 215.

**7. Saving of rights of tribes.**—Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion, and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session.

This section is printed as amended by the Statute Law Revision Act, 1893 (61 & 62 Vict. c. 25).

**8. Amendment of definitions in 35 & 36 Viet. c. 19.**—The term "Australian colonies" in the principal Act and this Act shall mean and include the colony of Fiji.

Subject to the provisions of any Act or ordinance passed by the Legislature of the colony of Fiji, the provisions of the principal Act and this Act shall continue to apply and be deemed always to have continued to apply to natives of Fiji in like manner as if they were natives of islands in the Pacific Ocean not being in Her Majesty's dominions nor within the jurisdiction of any civilized power.

**9. Alteration of Forms.**—The forms in the schedules to the principal Act shall be altered by the substitution of a reference to the Pacific Islanders Protection Acts, 1872 and 1875, for the reference therein to the principal Act.

**10. Proclamation of Act.**—This Act shall be proclaimed in each Australian colony by the governor thereof within six weeks after a copy of it has been received by such governor, and shall take effect in the said colony from the day of such proclamation.

**11. This section, which was repealed, except as to any part of Her Majesty's dominions out of the United Kingdom, by the Statute Law Revision Act, 1883 (46 & 47 Vic. c. 39), repealed as 1, 18 and 21 of The Pacific Islanders Protection Act, 1872, ante.]**

Heirs + Successors MISSING.

Heirs + Successors MISSING



PACIFIC ISLANDERS PROTECTION ACT, 1875.

(38 & 39 Vic. c. 51.)

[Imperial.]

AS AMENDED BY

The Statute Law Revision Act, 1883 (46 & 47 Vic. c. 39).

The Statute Law Revision (No. 2) Act, 1888 (56 & 57 Vic. c. 54).

The Statute Law Revision Act, 1898 (61 & 62 Vic. c. 22).

An Act to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen, intitled "An Act for the prevention and punishment of criminal outrages upon natives of the islands in the Pacific Ocean."

[2nd August, 1875.]

1. Construction of Act and short title.—This Act shall be construed as one with the Act of the session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen, (in this Act referred to as the principal Act) and the expression "this Act," when used in the principal Act, shall be deemed to include this Act.

The principal Act and this Act may be cited together as the Pacific Islanders Protection Acts, 1872 and 1875, and each of them may be cited separately as the Pacific Islanders Protection Act of the year in which it was passed.

For the Pacific Islanders Protection Act, 1872, see this title, ante.

2. Amendment of 35 & 36 Vict. c. 19 s. 3, as to the carrying in British vessels of native labourers. Schedule B. Schedule A.—The license mentioned in sections three and five of the principal Act may authorise a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and may for that purpose be in the form contained in the Schedule B to this Act, in lieu of the form contained in Schedule B to the principal Act, and the bond mentioned in section three of the principal Act shall in such case be in the form contained in Schedule A to this Act in lieu of the form contained in Schedule A to the principal Act.

If a native labourer, carried in pursuance of a license issued under this section, is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with the Merchant Shipping Act, 1854, and the Acts amending the same, the engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council, but in all cases the name of the labourer engaged shall be entered in the official log with particulars sufficient to identify such labourer.

The Merchant Shipping Act, 1854, has been replaced by the Merchant

Pacific Islanders Protection Act, 1875 (Imperial). s. 3-6.

3. Amendment of 35 & 36 Vict. c. 19 ss. 6 and 16, as to seizure of suspected British vessels.—Where a British vessel may, under the principal Act, be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication by such officer, either with or without such vessel; and all the provisions of the principal Act referring to the seizure or detention of a vessel shall, so far as is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects.

4. Jurisdiction of courts in regard to vessels, goods, and effects seized under 35 & 36 Vict. c. 19, or this Act.—The High Court of Admiralty of England and every Vice-Admiralty Court in Her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to Her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the principal Act or of this Act, and on restoring the same to award such damages in respect of the detention and seizure of such vessel, goods, and effects, or any of them, and of any person on board such vessel, and in respect of any act or thing done in relation to such detention or seizure, or in respect of any such matters, and in any case to make such order as to costs, as, subject to the provisions of the principal Act and this Act, the court may think just.

For the purposes of the principal Act and this Act, any court mentioned in this section shall have the same powers as are by sections twelve and thirteen of the principal Act (which sections relate to the issue of commissions for the examination of witnesses and other matters relative to obtaining evidence) vested in the Supreme Court of any of the Australasian colonies, and further all powers which such court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction under any other Act or otherwise.

The reference to Vice-Admiralty Courts must now be read as to Colonial Courts of Admiralty (Colonial Courts of Admiralty Act, 1895, s. 2 (3)), the Admiralty).

5. Adaptation of 35 & 36 Vict. c. 19, ss. 19 and 20, to this Act.—Sections nineteen and twenty of the principal Act, which relate to proceedings instituted in and an award of damages by a Vice-Admiralty Court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court of Admiralty of England, and to any such proceedings and award, either in that Court or any Vice-Admiralty Court, in respect of the seizure or detention of any goods or effects authorised by this Act to be seized or detained.

See note to s. 4, ante.

6. Power for Her Majesty to exercise jurisdiction over British subjects in islands of the Pacific Ocean. Office of High Commissioner.—It shall be lawful for Her Majesty to exercise power and jurisdiction over Her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any



This page and the following 5 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

ss. 1, 2. *Pacific Islands*. [Vol. VI]  
**PACIFIC ISLANDERS PROTECTION ACT, 1875.**  
**(38 & 39 Vic, c. 51.)**  
*(Imperial.)*  
AS AMENDED BY

The Statute Law Revision Act, 1883 (46 & 47 Vic. c. 39).  
The Statute Law Revision (No. 2) Act, 1893 (56 & 57 Vic. c. 54).  
The Statute Law Revision Act, 1898 (61 & 62 Vic. c. 22).

**An Act to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign  
of Her present Majesty, chapter nineteen, intituled  
"An Act for the prevention and punishment of criminal outrages upon natives of the  
islands in the Pacific Ocean."**

[2nd August, 1875]

**1. Construction of Act and short title.**—This Act shall be construed as one with the Act of the session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nineteen, (in this Act referred to as the principal Act) and the expression "this Act," when used in the principal Act, shall be deemed to include this Act.

The principal Act and this Act may be cited together as the Pacific Islanders Protection Acts, 1872 and 1875, and each of them may be cited separately as the Pacific Islanders Protection Act of the year in which it was passed.

For the Pacific Islanders Protection Act, 1872, see this title, *ante*.

**2. Amendment of 35 & 36 Vict. c. 19 s. 3, as to the carrying in British vessels of native labourers. Schedule B. Schedule A.**—

The license mentioned in sections three and five of the principal Act may authorise a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and may for that purpose be in the form contained in the Schedule B to this Act, in lieu of the form contained in Schedule B to the principal Act, and the bond mentioned in section three of the principal Act shall in such case be in the form contained in Schedule A to this Act in lieu of the form contained in Schedule A to the principal Act.

If a native labourer, carried in pursuance of a license issued under this section, is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with the Merchant Shipping Act, 1854, and the Acts amending the same, the engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council, but in all cases the name of the labourer engaged shall be entered in the official log with particulars sufficient to identify such labourer.

The Merchant Shipping Act, 1854, has been replaced by the Merchant Shipping Act, 1894, title SHIPPING. to agreements engaging seamen, see *ibid.*, ss. 113 *et seq.*  
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*Pacific Islanders Protection Act, 1875 (Imperial)*. ss. 3-6,

**3. Amendment of 35 & 36 Vict. c. 19 ss. 6 and 16. as to seizure of suspected British vessels.**—Where a British vessel may, under the principal Act, be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication by such officer, either with or without such vessel; and all the provisions of the principal Act referring to the seizure or detention of a vessel shall, so far as is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects.



**4. Jurisdiction of courts in regard to vessels, goods, and effects seized under 35 & 36 Vict. c. 19. or this Act.-** The High Court of Admiralty of England and every Vice-Admiralty Court in Her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to Her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the principal Act or of this Act, and on restoring the same to award such damages in respect of the detention and seizure of such vessel, goods, and effects, or any of them, and of any person on board such vessel, and in respect of my act or thing done in relation to such detention or seizure, or in respect of any such matters, and in any case to make such order as to costs, as, subject to the provisions of the principal Act and this Act, the court may think just.

For the purposes of the principal Act and this Act, any court mentioned in this section shall have the same powers as are by sections twelve and thirteen of the principal Act (which sections relate to the issue of commissions for the examination of witnesses and other matters relative to obtaining evidence) vested in the Supreme Court of any of the Australasian colonies, and further all powers which such court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction under any other Act or otherwise.

The reference to Vice-Admiralty Courts must now be read as to Colonial Courts of Admiralty (Colonial Courts of Admiralty Act, 1890, S. 2 (3), title ADMIRALTY).

**5. Adaptation of 35 & 36 Vict. c. 19. ss. 19 and 20. to this Act.-** Sections nineteen and twenty of the principal Act, which relate to proceedings instituted in and an award of damages by a Vice-Admiralty Court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court of Admiralty of England, and to any such proceedings and award, either in that Court or any Vice-Admiralty Court, in respect of the seizure or detention of any goods or effects authorised by this Act to be seized or detained.

See note to s. 4, ante.

**6. Power for Her Majesty to exercise Jurisdiction over British subjects in islands of the Pacific Ocean. Office of High Commissioner.-** It shall be lawful for Her Majesty to exercise power and jurisdiction over Her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any civilized power, in the same and as ample a manner as if such power or jurisdiction had been acquired by the cession or conquest of territory,

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*s. 6. Pacific Islands. [Vol. VI.*

and by Order in Council to create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority, in Her name and on Her behalf, to make regulations for the government of Her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

**Power to Her Majesty to erect a court of justice for British subjects in the islands of the Pacific.-**It shall be lawful for Her Majesty, by Order in Council, to create a court of justice with civil, criminal, and Admiralty jurisdiction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in and may be exercised by the court of any British colony designated in such Order, concurrently with the High Commissioner's court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

**Power to make ordinances.-**It shall also be lawful for Her Majesty, by any Order or Orders in Council, from time to time to ordain for the Government of Her Majesty's subjects, being within such islands and places, any



law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

**High Commissioner to have powers of consular officer.**—The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British consular officer by the principal Act or by any other Act having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British consular officer.

So much of this section as authorises Her Majesty to confer Admiralty jurisdiction on any court was repealed by the Colonial Courts of Admiralty Act, 1890, s. 18 and Second Sched., title ADMIRALTY.

Under the Western Pacific Commission a High Commissioner exercises jurisdiction over the islands in the Western Pacific, which are not within the limits of the Colony of Fiji, the States of New South Wales or Queensland, or the Dominion of New Zealand, or under the protection of any civilised power.

By Pacific Order in Council, March 15, 1893, jurisdiction was extended to foreigners and to some natives.

By the New Hebrides Order in Council, November 15, 1907, art. 9, jurisdiction was extended to the New Hebrides, the Banks and Torres Islands; see also the New Hebrides Order in Council (S.R. & O. 1922, No. 717; 1923, No. 356).

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*Pacific Islanders Protection Act, 1875 (Imperial). ss. 6-11.*

The Protectorate formerly included the Tongan (or Friendly Islands) and Savage Island (Nieuwe), but by S.R. & O. 1901, No. 531, the boundaries of New Zealand were extended to include islands of the Cook group and Nieuwe. The Gilbert and Ellice Islands Protectorate was annexed and made a colony by the Gilbert and Ellice Islands Order in Council, 1915 (S.R. & O. 1915, TII, p. 315); see also Orders in Council, January 27, February 29, 1916 (S.R. & O. 1916, Nos. 99, 167); Order in Council, 1919 (S.R. & O. 1919, No. 773).

As to determination of the question whether a place is an island in the Pacific Ocean not being within His Majesty's Dominions or within the jurisdiction of any civilised power, see *R. v. 770s* (1895), 6 Q.L.J. 215.

**7. Saving of rights of tribes.**—Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, **her heirs and successors\*** with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion, and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session.

*This section is printed as amended by the Statute Law Revision Act, 1898 (01 & 63 Vie. e. 22).*

**8. Amendment of definitions in 35 & 36 Vict. c. 19.**—The term "Australasian colonies" in the principal Act and this Act shall mean and include the colony of Fiji.

Subject to the provisions of any Act or ordinance passed by the Legislature of the colony of Fiji, the provisions of the principal Act and this Act shall continue to apply and be deemed always to have continued to apply to natives of Fiji in like manner as if they were natives of islands in the Pacific Ocean not being in Her Majesty's dominions nor within the jurisdiction of any civilised power.

**9. Alteration of Forms.**—The forms in the schedules to the principal Act shall be altered by the substitution of a reference to the Pacific Islanders Protection Acts, 1872 and 1875, for the reference therein to the principal Act.



**10. Proclamation of Act.**-This Act shall be proclaimed in each Australasian colony by the governor thereof within six weeks after a copy of it has been received by such governor, and shall take effect in the said colony from the day of such proclamation.

**[11. This section, which was repealed, except as to any part of Her Majesty's dominions out of the United Kingdom, by the Statute Law Revision Act, 1883 (46 & 47 Vic. c. 39), repealed ss. 1, 18 and 21 of The Pacific Islanders Protection Act, 1872, ante.]**

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Schs. A, B. Pacific Islands.[Vol. VI.  
SCHEDULE A.

For application of this Schedule, see s. 2, *ante*.

*Form of Bond to be entered into by Masters of Vessels under the "Pacific Islanders Protection Acts, 1873 and 1875."*

Know all men by these presents. That we, A.B., of , and C.D., of, fire held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals.

Dated thisday of 187 .

Whereas it is enacted by "The Pacific Islanders Protection Act, 1875," that a license may be given by the Governor of one of the Australian colonies, as therein defined, or a British consular officer, authorising a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel:

Now the condition of their obligation is this, that if in respect of the vessel , whereof the above bounden A.B. is master, all and every the require- ments of the said Acts, so far as they are applicable thereto, and of the license issued under "The Pacific Islanders Protection Act, 1875," to the said master shall be well and truly performed, and if the above bounden A.B. shall satisfy the Governor of any of Her Majesty 's Australian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or connived at by any person on board of or connected with the said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

} (L.S.) (L.S.)

Signed, sealed, and delivered by the above bounden A.B. and C.D. in the~ presence of E.P. of

SCHEDULE B.

For application of this Schedule, see s. 2, *ante*.

(*Royal Arms.*)

LICENCE for the Employment of Natives at Sea.

AB., master of the , the vessel more particularly described below, having shown to my satisfaction that he is engaged in the fishery [or industry or~ occupation, as the case may be,] of, in connexion with such vessel, and having given the bond to Her Majesty required by the Pacific Islanders Protection Acts, 1872 and 1875, I [the Governor of the colony of, or Her Majesty's Consul of, as the case may be,] do hereby, in exercise of the authority for that purpose conferred on me by the said Acts, license the said vessel to employ in the said fishery [or as the case may be] not more thannative labourers from the day of of18 .

Should this vessel be found to answer the subjoined description, and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage, nor in the shipment, employment, or landing of her native hands.

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Pacific Islanders Protection Act, 1875 (Imperial). **Sch B.**

This license shall not be transferable, and shall be available only for the period aforesaid.

Description of the Vessel above referred to.

Tons (registered tonnage) .....

Rig (i.e., ship, barque, brig, &c.) .....

How painted .....

Name painted on stern .....

Whether any poop .....

Rig (i.e., ship, barque, brig, &c.) .....

Whether any quarter galleries .....

Whether a top-gallant forecastle .....

Name of chief officer .....

Number of officers and crew, including surgeon if any .....

Bound from to, and intending to call at  
and  
Given under my hand and seal at this  
day of 18 .

Governor or Consul [as the case may be].(L.S.)

To the respective flag officers, captains, and commanding officers of Her Majesty's ships, and to all others whom it may concern.


5

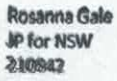


This page and the following 4 pages is the document referred to as  
annexure d

in the affidavit of Lady Crown affirmed at Parramatta.

Affirmed

JP Signature:  JP No: 210842

JP Stamp:  Date: 15-07-2019



## A BRIEF HISTORY OF JAMES RUSE

### PIONEER FARMER

James Ruse was born in Cornwall in 1760 of farming stock. He was sentenced to transportation to Australia for 7 years when he was twenty two for stealing " 2 silver watches value five pounds and other goods, value ten shillings from the house of Olive Thomas."

On January 26th 1788, the First Fleet to Australia under the command of Captain (Governor) Arthur Phillip, dropped anchor in Port Jackson in the colony of New South Wales. Later that day, Governor Phillip, Officers, detachments of marines and convicts landed, took possession and hoisted the British colours.

Included in this small group was a Cornishman, convict James Ruse, who later claimed he was the first man to set foot ashore. Newspaper reports of the day cannot agree whether he carried Colonel Johnston or Hunter ashore. At least four other people claim to have been the first to step on land.

In May, 1789, a party of convicts under George Suttor as overseer, planted wheat, maize and barley on the Government Farm, near the present Old Government House. James Ruse was amongst this party and subsequently claimed to have " sowed the first grain ."

Many officers thought that the land in New South Wales was incapable of growing crops after the continued failure to raise crops in Sydney Cove. It was as a result of these failures that Governor Phillip had searched for better land and founded Rosehill. The Government Farm at Rosehill had flourished and the attempt at farming at Sydney Cove was discontinued.

Phillip was convinced that New South Wales could be built into an agricultural settlement. He expressed an opinion in 1790 that within two years of placing a settler upon suitable ground he could be self supporting.

Governor Phillip was impressed with Ruse's work at the Farm at Rosehill and on November 21st, 1789 gave him 1½ acres of land and had a hut built for him. For fifteen months Ruse would be clad and provisioned from the Government stores. He was given a few tools, two pigs and six hens, and the most



important item of all - seed for the first years sowing.

The odds against Ruse's success were tremendous. The growing seasons were different from England, there were no ploughs, tools were crudely made, a drought struck the colony which lasted five months, and the food rations were insufficient for the labour required for farming. But in those days of near famine Ruse was better off than many others.

Ruse described in detail to Captain Tench how he prepared his land, trying to cultivate it by digging in ashes and rotted straw and constant hoeing. Back breaking work in blistering heat on meagre rations.

James Ruse planted the seed in May, 1790 and harvested in November the same year. The N.S.W. Pocket Almanack and Colonial Remembrancer 1806 states " Parramatta named June 4th, 1791. The first convict settler declined further assistance from the public stores (ibid) ".

This convict settler was James Ruse. As a reward for his success, Governor Phillip extended Ruse's land to thirty acres and he was given title to this grant in Vol. 1, page 1 of the Registrar Generals Title Reference, February, 22nd 1792. This was the first land grant in Australia's history and was name Experiment Farm by Governor Phillip.

Amongst the convicts who arrived on the transport " Neptune " in 1790 was Elizabeth Perry who seems to have been sent at once to work at Parramatta. She and Ruse were married by the Reverend Richard Johnson on 5th September 1790.

Elizabeth bore her husband five sons and three daughters. The census of 1828 shows no record of the sons. Two were known to have left the colony. Rebecca, the first born child was baptized at Parramatta in 1791. Elizabeth was born at the Hawkesbury in 1794. Mary was also born at the Hawkesbury. Thus by 1817, James Ruse's sons had died or left the colony and the surviving daughters married and leading their own lives.

Elizabeth Ruse, like her husband, made history, for she was the first woman convict to be given a warrant of emancipation in July 1792. The original text of Elizabeth's pardon can be seen at The Registrar General's Dept. Sydney, page 200 of the Grants Register - Vol. 1.



1793 was a disastrous season and Ruse was unable to continue farming. A long drought had destroyed nearly all the crops. Ruse sold his farm to Surgeon John Harris and left to seek employment.

Governor Phillip returned to England at the end of 1792 a tired and sick man. Two years after his departure the Hawkesbury District was opened up for settlement. James Ruse took up land at the junction of South Creek and the Hawkesbury. James Ruse's life from then on was a series of ups and downs. At one time he was forced to go to sea to earn his living leaving Elizabeth to manage with the children and the farm. For eight years James alternated between being a farmer and a sailor. The final blow came in 1806 when the river rose 50 feet above its normal level and years of hard work was swept away. Floods again devastated the Hawkesbury in 1808 and 1809. Ruse surrendered his land on the Hawkesbury in exchange for one hundred acres at Salt Pan Creek in the Bankstown area.

Years earlier Ruse had seen the first plough in the colony which was owned by John Macarthur. After months of hard work he finally built his own plough. A copy can be seen at Experiment Farm Cottage today.

Life started to improve for James Ruse. The colony was growing rapidly and so was the demand for food. He planted wheat, maize and corn. He and his wife bought half a farm on the Hawkesbury. When the Hawkesbury flood of 1817 occurred he was doing well enough to donate one pound to the relief fund ( Sydney Gazette, November 22, 1817 ).

In 1821 Ruse received his final grant at Macquarie Fields. The 1828 census recorded him as being overseer to Captain Brooks of Lower Minto.

Old age was catching up with him but he continued working. On May 27th 1836 his wife Elizabeth died at the age of sixty seven.

She was buried in St. John's Cemetery at Campbelltown. Ruse, who had been taught to read and write by his mother, now prepared his own tombstone. On September 5, 1837 he died and buried next to his wife, who had been his partner in agriculture and life for almost half a century.

His stone reads: