CHAPTER 51.

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." [2d August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction of Act and short title.

1. 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.

Amendment of 35 & 36 Vict. c. 19. s. 3. as to the carrying in British vessels of native labourers.

2. Whereas by section three of the principal Act it is enacted that it shall not be lawful for any British vessel to carry native labourers of the islands in the Pacific Ocean referred to in the said Act, not being part of the crew of such vessel, unless the master has given such bond as is therein mentioned, and has obtained from a governor of one of the Australasian colonies or a British consular officer a license in the form contained in Schedule B. to the said Act:

And whereas such license does not authorise the carrying in a British vessel of the said native labourers for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and it is expedient to authorise the same: Be it therefore enacted as follows:

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.

Amendment of 35 & 36 Vict. c. 19. ss. 6 and 16. as to seizure of suspected British vessels.

3. Whereas by sections six and sixteen of the principal Act provision is made with respect to the detention, seizure, and bringing in for adjudication of a British vessel suspected of being employed or found employed in the commission of the offences therein mentioned, or otherwise as in the said sections mentioned, and it is expedient to amend such provision: Be it therefore enacted as follows:

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.

Jurisdiction of courts in regard to vessels, goods, and effects seized under 35 & 36 Vict. c. 19. or this Act.

4. Whereas it is expedient to amend the provisions made by the principal Act with respect to the jurisdiction of the Admiralty Courts: Be it therefore enacted as follows:

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 of 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.

Adaptation of 35 & 36 Vict. c. 19. ss. 19 and 20. to this Act.

5. 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.

Power for Her Majesty to exercise jurisdiction over British subjects in islands of the Pacific Ocean.

Office of High Commissioner.

6. 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.

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.

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. High Commissioner to have powers of consular officer.

7. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, her heirs or 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. Saving of rights of tribes.

8. Whereas by reason of the cession to Her Majesty of the colony of Fiji, it is expedient to amend the definition of Australasian colonies in the principal Act: Be it therefore enacted as follows: 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 civilized power.

9. 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. Alteration of forms.

10. 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. Proclamation of Act.

11. Sections one, eighteen, and twenty-one of the principal Act are hereby repealed, without prejudice to anything duly done or suffered in pursuance of those sections, or any right or liability acquired, accrued, or incurred under those sections, or any investigation, legal proceeding, or remedy in respect of any such right or liability, or otherwise, commenced in pursuance of those sections, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed. Repeal of 35 & 36 Vict. c. 19. ss. 1, 18, and 21.

SCHEDULE A.

Form of Bond to be entered into by Masters of Vessels under the "Pacific Islanders Protection Acts, 1872 and 1875."

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, and administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this day 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 connexion 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 requirements 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.

Signed, sealed, and delivered by the above bounden *A.B.* and *C.D.*, in the presence of *E.F.*. of (L.S.)

(L.S.)

SCHEDULE B.

(*Royal Arms.*)

LICENSE for the Employment of Natives at Sea.

A.B., 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 than native labourers from the day of 18 to the day of 18 .

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.

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 - - - - - - - -
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.