

(7.) That the Bill aims at extorting from the Cook Islands Government the absolute power of administering its laws, and at handing it over to the proposed President of the Federal Court, who in terms of his office is not responsible to the Parliament.

Wm. Taylor.  
Wm. B. Craig.  
John Wilson,  
W. M. Fitzgerald.  
William Brown.

Cook Is. Trad. Co.,  
per C. Kohn.  
Emi. Piltz.  
W. H. Oliver.

George Craig.  
H. Ellis.  
G. Monteiro.  
A. C. Avenell.

R. J. Jessop.  
Steve Savage Saville.  
Fredk. Goodwin.  
H. S. Neumergen.

Enclosure No. 2.

PETITION FROM MERCHANTS AND OTHERS IN FAVOUR OF THE FEDERAL COURT BILL.

SIR,—

Rarotonga, 29th July, 1897.

The undersigned merchants and others, resident in Rarotonga, view with great regret the rejection by the Cook Islands Parliament of the Federal Court Bill, and the Juries Bill by which it was supplemented. We desire to state that we have no sympathy whatever with the petition signed by a few persons against it, but regarded the Bill with hope as likely to lead to the establishment of a Court whose proceedings would be public and intelligible, whose records would be properly kept, and whose judgments would be prompt and in accordance with the principles which prevail under the British flag.

The Arikis' Courts, on which we are now dependent, cannot be expected to deal with other than the most primitive cases, and are notoriously swayed by external influences of different kinds.

The present position has become intolerable, and we appeal to you, as British Resident, to insist on some change that will give us confidence in the administration of justice in the Cook Islands.

And your petitioners will ever pray, &c.

FACTORY S.C.O., Rarotonga.  
DONALD AND EDENBOROUGH.  
WM. DODGE.  
And 27 others.

Frederick J. Moss, Esq., H.B.M. Resident, Rarotonga.

(Reply.)

GENTLEMEN,—

2nd August, 1897.

I have to acknowledge the receipt of your petition, dated 29th July, with reference to the Federal Court Bill put by me before the Federal Parliament.

Your petition cannot fail to have good weight, and I have communicated its contents to the Parliament, which has not any Standing Orders to debar the Bill being brought up for recommendation.

I have, &c.,

FREDERICK J. MOSS, British Resident.

Messrs. Donald and Edenborough, the Société Commerciale l'Océanie, Mr. Wm. Dodge, and the other gentlemen who signed the petition to me on the 29th July.

Enclosure No. 3.

From the BRITISH RESIDENT to the PARLIAMENT of the Cook Islands.

Rarotonga, 2nd August, 1897.

SALUTATIONS! I have received a letter signed by thirty merchants and others resident in Rarotonga, who write that they "view with great regret the rejection by the Cook Islands Parliament of the Federal Court Bill, and the Juries Bill by which it was supplemented." They "desire to state that they have no sympathy whatever with the petition signed by a few persons against the Bill, but regarded it with hope as likely to lead to the establishment of a Court whose proceedings would be public and intelligible, whose records would be properly kept, and whose judgments would be prompt and in accordance with the principles which prevail under the British flag." They consider that the Arikis' Courts "cannot be expected to deal satisfactorily with other than the most primitive cases, and regard the present position as intolerable." Therefore they hope that "some change will be made which will give confidence in the administration of justice in the Cook Islands."

I agree entirely with the sentiments and opinions expressed in this petition. I am anxious to see the Arikis' Courts conserved as the means of administering justice in the simple cases among the Maori people; but this will be impossible unless other and more suitable means are provided to deal with the more difficult cases which occur among merchants and others accustomed to a different system in other countries.

I therefore ask the Parliament to set earnestly to work to devise some other means, if they persist in the rejection of the Bill which was submitted to them.

FREDERICK J. MOSS, British Resident.

Enclosure No. 4.

From the BRITISH RESIDENT to the CHAIRMAN of the Cook Islands Parliament.

SIR,—

British Residency, Rarotonga, 30th July, 1897.

I have the honour to acknowledge receipt of your letter of this date, informing me that the Federal Court Bill has been rejected by Parliament.

The Constitution Act of 1891 provides that all laws shall be made by the British Resident and the Parliament, who have therefore always constituted the Legislature. In previous sessions the Parliament has rejected measures submitted to them, but they were not of an urgent character, and the Resident raised no objection. With the Federal Court Bill the case is different, for the reasons stated in the opening message of the Government to the Parliament, and it is desirable that some course should be adopted for guidance on this and similar occasions.

I suggest, therefore, that the proper course would be for Parliament to state to the British Resident, in writing, what are the objections to the Bill in question (with the Juries Bill as its necessary addition), in order that the objections of Parliament may if possible be met, and a Bill drawn up to which both the Parliament and the Resident may agree.

I have, &c.,

FREDERICK J. MOSS, British Resident.

J. M. Salmon, Esq., Chairman of the Cook Islands Parliament.

Enclosure No. 5.

From PARLIAMENT to the BRITISH RESIDENT.

Parliament House, 6th August, 1897.

SALUTATIONS! We have received your letter to the Chairman of the Parliament, which was read to us, and we see in it that you wish to know the reasons we rejected the Federal Court Bill. It is good you wish to know our thoughts. These are our reasons:—

In looking back to the commencement of Parliament in 1891—

(1.) The power to approve all laws is with the British Resident.

(2.) The making of all laws is with the British Resident.

(3.) In this Federal Court Bill the additional power vested in the President will also go to the British Resident.

(4.) The British Resident, when President, will have also the appointing of a substitute if he should go away.