

14. That the British Resident is hereby empowered to appoint from time to time such person as he may think fit to be his Private Secretary, and who may act also as Registrar of the Federal Court, and that a sum not exceeding one hundred pounds sterling per annum is hereby appropriated for these purposes.

15. That the President of the Court is also authorised to appoint a bailiff, and such other officers, and incur such other expenditure as may be found necessary, and a sum not exceeding sixty pounds per annum is hereby appropriated accordingly.

*Jurisdiction of the Court.*

16. That the jurisdiction of the Federal Court shall be exclusive,—

(a.) In all cases of murder or of assault with intent to commit murder, and all cases of manslaughter.

(b.) In all criminal charges against foreign residents.

(c.) In all offences against the Federal laws.

(d.) In all cases between foreign residents, or between foreign residents and Maoris, in which the plaintiff may, with consent of the President, begin an action in the Federal Court, or may, with the same consent, seek redress for wrong alleged to have been done to him or her by any local Government in any of the islands of the Federation.

17. That the Federal Court may also rehear any case referred to it by an Ariki's Court, and, if the judgment of the Ariki's Court be confirmed, may make the judgment a rule of the Federal Court and enforce it accordingly.

18. That on the application of either party to a suit in an Ariki's Court the Judge of the Ariki's Court, on application being made to him by either party to the suit before beginning the hearing, shall refer the said suit to the Federal Court: Provided that the Judge may also refer to the Federal Court any case after it has been begun before him if he thinks fit so to do.

19. That the Federal Court may appoint suitable persons as solicitors, who shall be answerable to the Court, and who may at any time be removed if guilty of misconduct in the performance of their duties.

20. That solicitors so appointed shall have power to act and to plead for parties before the Court; but this shall not debar any person from pleading his own cause, or from appointing specially for the conduct of his case, and with consent of the Court, such person other than a solicitor whom he may prefer.

21. That the Court shall have all the powers over person and property needful for enforcing its judgments which are possessed by the Supreme Court of New Zealand, and may for the maintenance of order in its proceedings, and obedience to its judgments, punish any person guilty of contempt by fine or imprisonment: Provided that no judgment as to contempt of Court shall be given until after open hearing within not less than twenty-four hours after the offence has been committed.

22. That in the absence of a public gaol the Court may declare any dwelling-house or other suitable place a temporary gaol for a special time and purpose.

23. That on the application of either party, and with consent of the President of the Court, a jury of four may be empanelled in any case before the Court.

24. That this Act shall come into operation on the 1st January, 1898: Provided, however, that if the Arikis of the Federation assembled in Council in Rarotonga as the Government of the Cook Islands, shall, on or before that Act shall from and after the said first day of January, one thousand eight hundred and ninety-eight, be in full force day, notify to the British Resident through the Chief of the Government that they do not consider any change in the existing Federal Court to be necessary, then this Act shall be null and void; but if no such notification be sent, this and effect.

26. That a sum not exceeding forty pounds is hereby appropriated to meet the expense of the meeting of the Arikis in Council as aforesaid.

Dated at Rarotonga, this 28th day of August, 1897.

(24.)

PROCLAMATION.

WHEREAS on the 4th day of April, 1891, Proclamation was made by the Right Honourable the Earl of Onslow, Governor of New Zealand, that he had received the commands of Her Majesty the Queen to inform the Arikis and people of these islands that it had not been deemed necessary to incorporate them into Her Majesty's dominions, or to transfer the jurisdiction of the inhabitants generally from their native rulers to the British Crown, but that for the present at least British authority would retain the form of a Protectorate:

And whereas the Arikis and people were further informed in the said Proclamation that the undersigned, Frederick Joseph Moss, had been appointed by command of Her Majesty to be British Resident in the said islands, and that no new laws would be recognised unless countersigned by him, and that he was to give advice and assistance at all times to the Arikis and people:

And whereas these islands were at that time without union, public revenue, regular Legislature, public administration, or public records, and the administration of justice was of the rudest and most unsatisfactory kind:

And whereas for the better government of the islands, the Resident, as soon as possible after assuming office, counselled a Federation of the Cook Islands with a Legislature and Government, which came into operation on the 5th day of June, 1891, whereby many evils were amended, but the administration of justice has continued in a state so unsatisfactory that it became incumbent on the Resident urgently to advise measures for its improvement, of which advice the disregard has led to the present complications:

And whereas, having due regard to the ignorance in such matters of the Arikis and people, it was specially provided in the Constitution of the Federation that all laws should be made by the British Resident and the Parliament, and be so expressed, and not valid till approved by the said Resident:

And whereas the Arikis have in many cases persisted in nominating at their own pleasure the members of the Federal Parliament instead of having them elected in accordance with the provision of the Federation, and the people, holding their lands at will from the said Arikis, have been compelled to acquiesce: And whereas the said Arikis and the Parliament have moreover sought to appoint to positions of trust and power persons in whom the Resident had no confidence, and have thereby attempted to control the administration of the laws and the finance, and to evade the conditions on which the privileges of a more effective self-government were accorded to these islands, and the Resident has refused his assent to such appointments:

And whereas on the 26th August the estimates of expenditure for the year ending the 30th June, 1898, were passed by the Parliament, and members have since returned to their homes in the various islands until only two were left to attend the last meeting of the Parliament, held on the 27th September, when it was finally resolved that the Appropriation Act embodying the said estimates should not pass (*vide* extracts from minutes attached):

And whereas the Chief of the Federal Government, Makea Ariki, was advised by me personally and in writing on the 24th instant to call together the Government of the Cook Islands in order to consider the position and devise means for resuming payments of public money which have ceased since the 30th June, and the advice so given has not been accepted: And whereas it has become necessary that action should not be longer delayed:

Be it known that I, Frederick Joseph Moss, British Resident and the representative of British authority in the Protectorate of the Cook Islands, have taken temporarily upon myself the responsibility of administering the expenditure in accordance with the said estimates hereto attached, and with the Act of 1892 providing for unauthorised expenditure in certain cases:

And I enjoin upon the Paymaster, Auditor, and bankers to take due heed of this Proclamation, and to make no payments save and except on vouchers duly certified by me, or by some person appointed by me by public notification to act in my behalf. And I further declare that this Proclamation shall remain in force until the pleasure of Her Majesty the Queen may be made known.

Dated at the Residency, Rarotonga, this 29th day of September, in the year of our Lord, one thousand eight hundred and ninety-seven.

(L.S.)

FREDERICK J. MOSS.