

Among the Europeans an objection was also raised to the additional power given to the British Resident. The objection would have more weight if he did not already possess the power of interfering with the decisions of Judges, and insisting, through the Government, on appeals, rehearings, and other indirect and slow means of remedying errors that are made. But to meet this objection the Juries Bill has also been introduced, providing for a jury of four. I enclose this Bill also for your Excellency's information.

I trust that the course proposed to meet the imperative need of change in the administration of justice, especially where Europeans are concerned, will meet with your Excellency's approval.

I have, &c.,

FREDERICK J. MOSS, British Resident.

Enclosure No. 1.

FEDERAL COURT.

(From the Opening Address, Cook Islands Parliament.)

"Experience has proved that, in the absence of Judge Tepou-o-te-Rangi, it is not possible to find a Judge sufficiently acquainted with European law and customs to deal with the increasing number of disputes, commercial and others, in which Europeans and Maoris, or Europeans alone, are concerned. This has given to us great anxiety and received our careful consideration. The principles and procedure of English law are required in such a Court, while a due regard must be paid to Maori customs and methods, especially as no trained legal assistance is available in the preparation of documents or in legal action among us. Without complete confidence in the efficiency and justice of our Courts, the whole Government must come to an end, and the Maoris submit to be governed by others instead of being a self-governing people. We are not yet prepared with measures on this important subject for your consideration, but hope to lay them before you during the session."

Enclosure No. 2.

FEDERAL COURT BILL, 1897.

A Bill to create a Federal Court for the Cook Islands.

*Short Title.*—"Federal Court Act, 1897."

Be it enacted by the British Resident and the Parliament of the Cook Islands:

1. That the Act to establish a Supreme Court (No. 4, 1891) and the Amendment Act (No. 2, 1894) are hereby repealed.

2. That a Court is hereby established, to be styled "the Federal Court" of the Cook Islands.

*Constitution of the Court.*

3. That the Federal Court shall consist of a President and of such Judges as the Chief of the Government may from time to time, with the consent in writing of the British Resident, approve.

4. That the British Resident for the time being is hereby declared, by virtue of his office, to be President of the Federal Court, with all the powers of a Judge.

5. That the Judge of the late Court, Tepou-o-te-Rangi, shall continue to act as a Judge of the Federal Court at the same salary as at present, and is hereby appointed accordingly.

6. That the Court shall meet at such times and at such places as the President may direct.

7. That the President may appoint in writing a deputy to act for him during absence or inability from any cause, or in special cases and that such deputy shall for the time being have the same powers as the President in the exercise of his office.

8. That, if the British Resident assume the duties of President he shall be responsible only to the Government of Her Majesty the Queen, from whom he holds the office of British Resident.

9. That Judges of the Federal Court appointed by the Chief of the Government as aforesaid shall hold office during good behaviour, and shall only be removed by Act of the Federal Parliament, approved by the British Resident: Provided that if Parliament, be not in session, the Chief of the Government with the approval of the British Resident may suspend a Judge, who shall continue to receive his salary without deduction till the decision of Parliament shall have been given.

10. That, in case of the illness or disability of a Judge, it shall be lawful for the Chief of the Government to appoint an Acting-Judge to hold office for a term not exceeding six months, provided that the appointment may be renewed from time to time, subject, both in appointment and renewal, to the approval of the British Resident.

11. That the President of the Court shall decide all cases brought before the Court, but that any Judge sitting with him and dissenting from the decision may record his dissent with the reasons thereof on the record of the Court.

12. That the President shall regulate the procedure of the Court and appoint its officers, and that such procedure shall be in accordance with the principles and practice of English Courts so far as they can be applied, with due regard to established Maori laws and customs prevailing at the time when, and in the place where, the cause of action arose.

13. That all fees of Court, fines, or other moneys received by the Court shall be Federal revenue, and treated accordingly.

14. That the British Resident is hereby empowered to appoint from time to time such person as he may think fit to be his Secretary and to act also as Registrar of the Federal Court, and that a sum of not exceeding one hundred pounds sterling is hereby appropriated as the yearly salary of any person so appointed.

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 begin an action in the Federal Court or seek redress for wrong alleged to have been done to him or her by any Arikis' Courts, or the Government of any of the islands of the Federation.

17. That the Federal Court may also rehear any case referred to it by an Arikis' Court, and, if the judgment of the Arikis' 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 Arikis' Court, the Judge of the Arikis' Court, on application being made to him by either party to the suit before the beginning of 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 party 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.