

21. That the Court shall have all the powers over persons and property needful for enforcing its judgments which are possessed by any English Court, and for the maintenance of order in its proceedings and obedience to its judgments may punish any persons 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.

Dated at Rarotonga, this day of , 1897.

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Enclosure No. 3.
JURIES BILL, 1897.

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

1. That it is desirable to empanel juries to try causes in the Federal Court.
2. That the President of the Federal Court is hereby empowered to draw up a list of persons whom he may consider competent to serve as jurors.
3. That every person whose name appears on such list shall receive written notice from the President, or some person appointed by him for the purpose, notifying such person of his liability to serve as a juror.
4. That jurors shall be drawn by ballot, but not more than twelve jurors shall be summoned at one time, out of which four jurors shall be drawn by a second ballot to serve on the trial of the cause.
5. That the usual right of challenge may be exercised by the parties; but the President may at any time prevent the challenging of jurors should he consider that either party is using his right to prevent or delay the cause being heard.
6. That any person who shall approach or attempt to bribe or threaten a juror shall be fined in a sum not exceeding fifty pounds.
7. That jurors shall be summoned by notice in writing from the President or some other person appointed by him.
8. That the attendance of jurors when summoned is compulsory, and any juror neglecting to obey such summons may be fined in a sum not exceeding five pounds.
9. That the exemptions under this Act shall be: Infirmary, insufficient knowledge of the English language, or any other reason which the President may consider sufficient; but that no juror shall be exempt on account of his profession or nationality.
10. That jurors shall be paid ten shillings each for every cause heard by them, and that the party applying for the jury shall deposit with the President two pounds on the granting of his application for such jury.

Dated at Avarua, this day of .

(No. 11/97.)

FEDERAL COURT BILL.

SIR,—

10th August, 1897.

I have the honour to inform your Excellency that the Cook Islands Parliament is still in session. The time has been almost entirely occupied by discussions, in Parliament and among the people of the several districts, on the Federal Court Bill, which was rejected by unanimous vote on the 27th July.

External influences had been brought to bear by several Europeans, from various motives, to obstruct this Bill, but the large majority are in its favour. A petition against it was got up privately, and every effort made to obtain signatures, with small success. The chief point in the petition is an appeal to the sensitive jealousy of the Maori with regard to mana—an appeal made by persons from some of whom, in the interests of both races, better might have been expected.

On the rejection of the Bill becoming known a petition was at once addressed to me by thirty merchants and others resident in Rarotonga, urging the necessity of some such measure being passed.

I enclose for your Excellency's information papers which will, I hope, make the position sufficiently clear without comment on my part. There are no standing orders to prevent reconsideration of the Bill, and it may, in substance, still pass; but the Maori fear of losing mana, once excited, is not easily overcome. The papers enclosed are,—(1) Petition to Parliament against the Bill; (2) petition to me in favour of the Bill, and my reply; (3) letter from me to Parliament thereon; (4) letter from me asking Parliament to give reasons for rejecting the Bill; (5) then letter in reply; (6) my reply thereto.

I may be permitted to add that the "reasons" sent to me (Enclosure No. 5) were, I am assured, drawn up by an unaided committee of three Maori members, who compiled them from papers submitted by each of the other members. Whatever opinion there may be as to the force of these reasons, they mark a new advance in the transition from the old Maori system to a new. In the past five years the abandonment of their wasteful and obstructive opening "Council feasts," the establishment of records of proceedings, of a separation between the legislative and executive power, the decision by a majority of votes, and the adoption of a systematic finance, as well as the building of a Parliament House belonging to all the Islands, and a common meeting-place for all the tribes, have been marked changes.

The present new departure, with reference to the Federal Court Bill, is in the same direction, and may, in that sense, be regarded as an additional hopeful sign of the development—necessarily slow—of the free institutions planted among them.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Administrator of the Government, &c., New Zealand.

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Enclosure No. 1.

PETITION AGAINST THE FEDERAL COURT BILL.

WE print herewith the petition to Parliament against the Federal Court Bill sent in just before the rejection of the Bill on Tuesday. The petition was only in English, and has not yet been translated:—

To the Cook Islands Parliament now assembled :

We, the undersigned, residents in Rarotonga, humbly petition the Cook Islands Parliament to reject the Federal Court Bill, now before the House, on the following grounds:—

- (1.) The passing of such a Bill will effect a fundamental and undesirable change in the administration of the Cook Islands, as it will confer very important powers upon the President of the Court, without holding him responsible to the Parliament from which he derives these powers. (*Vide* Clause VIII.)
- (2.) That the Bill gives to the President of the Court the power of appointing officers paid with Government money, these officers not being responsible to the Cook Islands Parliament. (*Vide* Clauses X., XII., XIV., XV.)
- (3.) That if the Bill become law the Government will become involved in increased expenditure, which, in view of the recent statement of public finances, is not justifiable. (*Vide* Clauses XIV. and XV.)
- (4.) That the appointment of solicitors can serve no good purpose in a Court where it is desirable that the procedure should be as simple as possible. (*Vide* Clauses XIX. and XX.)
- (5.) That the passing of the Act may involve increased expense to litigants, as it gives the President of the Court the power to compel litigants to employ counsel. (*Vide* Clause XX.)
- (6.) The decision of the President of the Court is not affected by the dissent of any Judge who may sit on the bench with him. (*Vide* Clause XI.)