

Enclosure.

ESTABLISHING COOK AND OTHER ISLANDS LAND TITLES COURT.

RANFURLY, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this seventh day of July, 1902. Present: His Excellency the Governor in Council.

WHEREAS by the sixth section of "The Cook and other Islands Government Act, 1901," it is enacted that the Governor, by Order in Council, may from time to time establish a tribunal or appoint an officer or officers with such powers and functions as he thinks fit in order to ascertain and determine the title to land within the Islands situate within the boundary-lines set forth in the Schedule to the said Act, distinguishing titles acquired by Native customs and usage from titles otherwise lawfully acquired, and may provide for the issue of instruments of title, and generally make such provision in the premises as he thinks fit:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities conferred by the said Act, and by and with the advice of the Executive Council of the said colony, doth hereby order as follows:—

I. *Interpretation.*

1. In this Order in Council, if not inconsistent with the context,—

"Said Act" means "The Cook and other Islands Government Act, 1901," or any Act to be hereafter passed in lieu thereof, or any Act or Acts amending the same respectively:

"Alienation" means any sale, lease, contract, or other disposition, absolute or limited, mortgage, charge, lien, or encumbrance:

"Certified plan" means a plan certified to by a duly authorised surveyor as correct for the purposes of the said Court:

"Chief Judge" means the Chief Judge of the said Court:

"Court" means the Cook and other Islands Land Titles Court:

"European" means a person other than a Native:

"Islands" means the Islands situate within the boundary-lines set forth in the Schedule to the said Act:

"Judge" means a Judge of the Court, and includes the Chief Judge:

"Land" means any land in the said Islands owned, held, or occupied by any person, whether under Native customs and usages, or lease, or otherwise howsoever, and includes any estate or interest therein:

"Native" means an aboriginal native of the said Islands:

"Order" means order of the Court in the form prescribed for any proceeding by rules made under this Order in Council, or in any form approved of by the Chief Judge, or to the effect thereof respectively, authenticated by the signature of a Judge and the seal of the Court:

"Party" means any person or number of persons appearing to support or to oppose, or to protect his or their interests in respect of, any application made to or proceeding in or before the Court, and includes every applicant:

"Person" means any person, whether Native or European, and includes a corporation:

"Prescribed" means prescribed by rules or regulations under this Order in Council:

"Registrar" means Registrar of the Court, and includes a Deputy Registrar:

"Resident Commissioner" means the Resident Commissioner under the said Act:

"Successor" means the person who on the death of any Native is, according to Native custom, or, if there be no Native custom applicable to any particular case, then according to the law of New Zealand, entitled to the interest of such Native in any land or personal property.

II. *Creation and Constitution of Court.*

2. There shall be within the said Islands a Court of Record to be called "The Cook and other Islands Land Titles Court," which shall have the jurisdiction and powers hereinafter set forth.

3. The Court shall consist of such Judges, not less than two, as the Governor may from time to time appoint. One of such Judges shall be the Chief Judge, who shall be a European. There shall also be such Registrars, Deputy Registrars, Clerks, Interpreters, and other officers as may be required for the conduct of the business of the Court, and as may be appointed by the Governor under the provisions of the said Act.

4. The jurisdiction of any Judge other than the Chief Judge may, except in the case of a rehearing as hereinafter provided, be limited to any one or more of the said Islands.

5. The Chief Judge may from time to time appoint any fit and proper Native to act as Assessor for the assistance of the Court at any sitting or sittings of the Court, as the Chief Judge may determine.

6. The records, plans, and documents relating to the business of the Court shall be deposited, and the official or administrative work carried on, at such place or places in the said Islands as the Chief Judge, with the approval of the Resident Commissioner, shall appoint.

7. Registers shall be kept by the Court in which shall be recorded minutes of all applications made to the Court, and orders and proceedings made and had thereon.

8. Registers shall also be kept by the Court in which shall be entered particulars of all instruments of title issued by the Court, and of all deeds, documents, writings, and other matters requiring to be registered in connection with such instruments of title.