1908. NEW ZEALAND.

COOK AND OTHER ISLANDS

(ORDINANCES OF THE).

Presented to both Houses of the General Assembly in pursuance of Section 9 of "The Cook and other Islands Government Act, 1901."

RAROTONGA LOCAL ORDINANCE No. 7. THE RAROTONGA BUILDINGS ORDINANCE, 1907.

An Ordinance in reference to Regulations for Buildings in Rarotonga.

BE IT ENACTED by the Island Council of Rarotonga as follows:-

1. The Short Title of this Ordinance shall be "The Rarotonga Buildings Ordinance, 1907."

2. It shall be lawful for the Resident Commissioner to make, alter, or repeal regulations in connection with the construction and repair of buildings within any settlement in Rarotonga, and by such regulations to fix such penalties for breach thereof as may be deemed necessary. Such regulations may authorise any officer appointed by the Resident Commissioner to pull down, remove, or alter any work, material, or thing erected, or being in contravention of any regulation hereunder, and to recover from the person committing the breach all expenses incurred in connection with such pulling-down, removal, or alteration, in addition to any penalty incurred by reason of such breach.

3. Such regulations shall be published in the Cook Islands Gazette, and when so published shall be deemed part of this Ordinance, and shall have the force of law.

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Passed this twenty-seventh day of July, one thousand nine hundred and seven.

S. SAVAGE, Clerk to Council.

Assented to in the name and on behalf of His Majesty.

14th September, 1907.

PLUNKET, Governor.

FEDERAL ORDINANCE No. 21.

THE RAROTONGA ROADS ORDINANCE, 1907.

An Ordinance to make Better Provision for the Maintenance and Repair of Roads and Bridges within the Island of Rarotonga.

BE IT ENACTED by the Federal Council of the Cook and Northern Islands as follows:-

1. The Short Title of this Ordinance shall be "The Rarotonga Roads Ordinance, 1907."

2. For the purposes of this Ordinance the Island of Rarotonga shall be divided into four districts—namely, Avarua, Arorangi, Titikaveka, and Ngatangiia (the two latter being the Electoral District of Takitumu). The boundaries of each district shall be those set forth in the Schedule hereto.

1-A. 3A.

- 3. Within each district the Ariki thereof and the member of the Barotonga Island Council representing such district shall be responsible for the construction, repair, and maintenance of all public roads and bridges within their district, and shall have power to call upon every able-bodied adult within such district to assist in such construction, repairs, and maintenance: Provided that married women, whose presence is required in their homes, children under the age of fourteen years, and feeble old men and women, shall not be required to assist in any work under this Ordinance.
- 4. The Resident Commissioner shall have power to call on the people of any district to repair the public roads and bridges within any such district whenever, in the opinion of the Resident Commissioner, such work is requisite and has been neglected by the Ariki and member for such
- 5. The Resident Commissioner shall have power to call on the people of any outlying district to assist in repairing the Main Beach Road or any part thereof within the district of Avarua, such road being used by the people of outlying districts, but such assistance shall not exceed two days in any one year for the people of any one outlying district.

 6. No person shall be required to work under sections three and four hereof for more than ten

days in any six months from January to June and July to December, both inclusive.

7. Except in case of accident requiring immediate repairs, two days' notice of any work required to be done in pursuance of the preceding sections shall be given; and any person refusing or neglecting to attend and work in pursuance of such notice shall be liable to a fine not exceeding two shillings for each day on which such person shall so refuse or neglect to attend

8. Any person may pay into the Treasury at Avarua the sum of eight shillings for each six months from January to June and July to December, both inclusive, in any year, and such person shall then be exempt from any work under the preceding sections of this Ordinance for such period of six months for which payment is made. All moneys received under this section shall be placed to the credit of the "Public Works Fund," and shall be expended, with the authority of the Resident Commissioner, in the improvement of roads, bridges, and other public works only within

the Island of Rarotonga.

9. The heads of any tapere in a district may, with the consent of the Ariki and member for such district, clear or form any inland road or roads in such district from the Main Beach Road or the Ara Metua to the mountain, or to any valley in the mountain, provided that such road shall be of general benefit and for the use of the public. For such purpose the Ariki of the district may call upon the people living in or having land in such tapere to assist in such work. Any person refusing or neglecting to attend and assist in such work shall be liable to a fine of five shillings. Before any such work is proceeded with, the Ariki of the district may request the Resident Commissioner to have the proposed road surveyed, and such survey shall be made under the authority of the Cook and other Islands Land Titles Court.

10. The Ariki and member for the district shall keep a correct account of all fines under this Ordinance, and all fines shall be paid into the Treasury at Avarua and shall be placed to the credit of the "Public Works Fund," and may, with the consent of the Resident Commissioner, be repaid out of such fund to the Ariki and member of the district in which any such fine was inflicted, for

the purchase of food for those who assist in the work.

11. In the case of the refusal or neglect of any person to pay any fine to which such person is liable under this Ordinance, the same, together with costs of Court, may be recovered before the

High Court of the Cook Islands.

12. Any European or other foreigner whose name shall appear in the assessment roll under the provisions of "The Public Works Rating Act, 1899," shall be exempt from any work whatsoever under this Ordinance: Provided that no European or other foreigner snall be rated under the said Act at less than sixteen shillings per annum.

13. The following are hereby repealed: Sections four, five, six, seven, eight, and nine of "The Au Empowering Act, 1899," and section three of "The Au Empowering Act Amendment

Ordinance, 1904.

SCHEDULE

DISTRICT OF AVARUA: From the main boundary between the districts of Matavera and Avarua to the main boundary between the districts of Avarua and Arorangi.

District of Arorangi: From the main boundary between the districts of Ayarua and Arorangi

to the main boundary between the districts of Arorangi and Takitumu.

District of Titikaveka: From the main boundary between the districts of Arorangi and Takitumu to the main boundary between the districts of Takitumu and Ngatangiia-namely, from Toreaiva to Te Rauia.

District of Ngatangiia: From the main boundary between the districts of Takitumu and Ngatangiia to the main boundary between the districts of Matavera and Avarua—namely, from Taaka-

Passed by the Federal Council, this twenty-seventh day of July, one thousand nine hundred and seven.

S. SAVAGE, Clerk to Council.

Assented to in the name and on behalf of His Majesty.

14th September, 1907.

PLUNKET, Governor.

FEDERAL ORDINANCE No. 22.

THE OFFENCES ORDINANCE No. 1, 1907.

An Ordinance dealing with certain Offences contrary to Public Morality.

BE IT ENACTED by the Federal Council of the Cook and Northern Islands as follows:1. The Short Title of this Ordinance shall be "The Offences Ordinance No. 1, 1907."

- 2. Any man committing adultery with a married woman shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five pounds, or, in default, sixty days' hard labour.
- 3. Any married man committing adultery with a woman shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding two pounds, or, in default, thirty days' hard labour.

4. Any woman committing adultery shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one pound, or, in default, twenty days' hard labour.

5. Any person twice convicted within a period of three months of an offence under the preceeding sections may on such second conviction be sentenced to imprisonment with hard labour for the respective periods mentioned in such sections without the option of a fine.

6. No person shall be punished for an act of fornication where the woman is above the age of fifteen years; but any man who shall carnally know any girl under the age of fifteen years and above the age of twelve years shall be guilty of an offence, and shall be liable on conviction to a

fine not exceeding five pounds, or, in default, sixty days' imprisonment with hard labour.

7. Any man or woman who shall within the limits of any village cohabit together without being married to each other to the scandal of the community shall be guilty of an offence against public morality and each shall be liable on conviction to a fine not exceeding one pound, or, in default, twenty days' hard labour. No proceedings shall be taken against any European for an offence under this section without the consent of a European Judge of the High Court of the Cook Islands or a European Resident Agent first obtained.

8. Any man carnally knowing or attempting to carnally know any girl under the age of twelve years shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding twenty

pounds, or to imprisonment with hard labour for a period not exceeding two years.

9. Any man having or attempting to have carnal intercourse with a female by force shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred pounds, or to imprisonment with hard labour for a period not exceeding ten years. No man shall be convicted under this section on the unsupported testimony of the woman.

10. Any man indecently assaulting or attempting to indecently assault any female shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding ten pounds, or to

imprisonment with hard labour for a period not exceeding twelve months.

11. No girl under the age of fifteen years shall be deemed capable of giving her consent to any offence under sections 6, 9, or 10 hereof, and such consent shall not be pleaded as an answer to any charge under the said sections.

12. Any person charged with an offence under sections 8 or 9 hereof, or with the offence of incest, shall be committed for trial before the High Court of the Cook Islands.

13. Any person who shall commit incest shall be guilty of an offence, and on conviction shall be liable to a fine not exceeding fifty pounds, or imprisonment with hard labour for a period not

exceeding five years.

14. The following are hereby repealed: Sections 3, 4, 5, and 6 of "The Statute of Mangaia, 1889"; sections 3, 4, 5, and 6 of "The Statute of Aitutaki, 1899"; sections 3, 4, 5, and 6 of "The Statute of Rarotonga, 1899"; sections 3, 4, 5, and 6 of "The Statute of Atiu, Mitiaro, and Mauke, 1899"; those sections of "The Criminal Code Act, 1893," of New Zealand, as adopted by "The Offenders Punishment Act, 1899," applicable to offences under this Ordinance; sections 13, 14, and 15 of "The Manihiki Ordinance No. 1," as applicable to the Islands of Manihiki and Rakahanga.

Passed by the Federal Council, this seventh day of December, one thousand nine hundred

and seven.

For approval, W. E. GUDGEON,

Resident Commissioner.

S. SAVAGE,

Clerk to Council.

Assented to in the name and on behalf of His Majesty.

17th January, 1908.

PLUNKET, Governor.

FEDERAL ORDINANCE No. 24.

THE ALIENATION OF LANDS ORDINANCE, 1908.

AN ORDINANCE to repeal certain Acts dealing with Alienation of Land; to validate certain Alienations confirmed by the Cook and other Islands Land Titles Court; and for other

WHEREAS by section 6 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 said islands, 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: And whereas by Order in Council made on the seventh day of July, one thousand nine hundred and two, under the powers in that behalf conferred upon the Governor in Council as before mentioned, the Cook and other Islands Land Titles Court was established with the powers and functions in the said Order in Council mentioned: And whereas owing to such establishment of the said Cook and other Islands Land Titles Court with such powers and functions there is now no necessity for and it is advisable to repeal the Acts hereinafter mentioned:

Be it therefore enacted by the Federal Council of the Cook and other Islands as follows:

1. The Short Title of this Ordinance is "The Alienation of Lands Ordinance, 1908."

2. The Act No. 1, 1895, intituled "An Act to Guard against Secret Dealings in Land," and "The Land Act, 1899," are hereby respectively repealed.

3. No alienation of land which has been confirmed by the Cook and other Islands Land Titles Court prior to the date of this Ordinance being assented to by the Governor shall be deemed invalid by reason of non-compliance with any of the provisions of "The Act to Guard against Secret Dealings in Land," or "The Land Act, 1899," hereby respectively repealed.

4. No alienation of land within the meaning of the said Order in Council hereafter made by a Native or by Natives shall be valid unless application be made in the prescribed manner to the Cook and Other Islands Land Titles Court for confirmation of the said alienation within four months of such alienation being made, and unless the said Court confirms the said alienation

accordingly. 5. Any person may have any deed or document entered on record by the Registrar of the Cook and Other Islands Land Titles Court upon payment of the prescribed fees; but such entering

on record shall not in any way give any such deed or document any additional validity.

6. No person shall have power to close any old watercourse or road or right-of-way without the consent of the Cook and Other Islands Land Titles Court. Every landowner through whose land any watercourse shall run shall at all times keep such watercourse clear. Any person infringing any of the provisions of this section shall be liable to a penalty not exceeding five pounds, to be recovered with costs in the High Court of the Cook Islands.

Passed by the Federal Council, this twenty-ninth day of February, one thousand nine

hundred and eight.

S. SAVAGE.

Clerk to Council.

Assented to in the name and on behalf of His Majesty.

4th April, 1908.

PLUNKET. Governor.

ORDINANCE No. 20.

THE NIUE ISLAND COUNCIL CONSTITUTION ORDINANCE 1902 AMENDMENT ORDINANCE, 1907.

WHEREAS it is expedient to increase the salaries of the members of the Niue Island Council:

Be it therefore enacted by the Niue Island Council, as follows:-

1. The Short Title of this Ordinance is "The Niue Island Council Constitution Ordinance 1902

Amendment Ordinance, 1907.'

2. The salary of each member of the Niue Island Council shall be at the rate of five pounds (£5) per annum; and such salary shall commence on the day this ordinance be assented to by His Excellency the Governor of New Zealand.

3. Clause sixteen (16) of "The Niue Island Council Constitution Ordinance, 1902," in so far as it relates to the payment of salaries to members of the Niue Island Council, is hereby repealed.

Passed by the Niue Island Council, this seventeenth day of December, one thousand nine hundred and seven.

Togia, President of Niue Island Council.

Approved.

H. CORNWALL, Resident Commissioner, Niue.

Assented to in the name and on behalf of His Majesty.

20th February, 1908.

PLUNKET, Governor.

ORDINANCE No. 21.

THE NIUE ISLAND NATIVE MAGISTRATES AND POLICE ORDINANCE 1904 AMENDMENT ORDINANCE, 1907.

WHEREAS it is expedient to increase the salaries of the Native Magistrates and Police:

Be it therefore enacted by the Niue Island Council as follows:-

1. The Short Title of this Ordinance is "The Niue Island Native Magistrates and Police Ordinance 1904 Amendment Ordinance, 1907.'

2. Each Native Magistrate shall be paid a salary at the rate of ten pounds (£10) per annum, and each policeman shall be paid a salary at the rate of five pounds (£5) per annum.

3. The increased salaries referred to in clause two (2) hereof shall commence on the day this

Ordinance be assented to by His Excellency the Governor of New Zealand.

4. Clauses four (4) and twenty-seven (27) of "The Niue Island Native Magistrates and Police Ordinance, 1904," in so far as they relate to the payment of salaries to Native Magistrates and policemen, are hereby repealed.

Passed by the Niue Island Council this seventeenth day of December, one thousand nine

hundred and seven.

Togia, President of Niue Island Council.

Approved.

H. CORNWALL,

Resident Commissioner, Niue.

Assented to in the name and on behalf of His Majesty.

20th February, 1908.

PLUNKET,
Governor.

ORDINANCE No. 22.

NIUE ISLAND PUBLIC SCHOOL ORDINANCE, 1908.

Whereas it is expedient and necessary to establish a public school at Niue, and that land should be acquired as a site therefor, and a public schoolhouse, schoolmaster's residence, and other necessary buildings be erected: And whereas a suitable piece of land has been selected, being part of a block of land known as "Tufu," in the District of South Alofi. And whereas the said piece of land has been purchased from the owners thereof for the sum of one hundred and eight pounds, which sum was collected by public subscription by the Native people of Niue, and paid by them to the said owners, who, on the first day of April, one thousand nine hundred and eight, executed a deed of conveyance of the said piece of land to His Majesty King Edward the Seventh, his heirs and assigns: And whereas by the law of Niue no land can be alienated by sale:

Be it therefore enacted by the Niue Island Council as follows:—

1. The Short Title of this Ordinance is "The Niue Island Public School Ordinance, 1908."

2. The sale and conveyance of the piece or parcel of land at South Alofi, Niue, being part of the block of land known as "Tufu," the particulars whereof are set out in the deed of conveyance hereinbefore referred to, dated the first of April, one thousand nine hundred and eight, and delineated on the plan attached thereto, is, notwithstanding the before-mentioned law of Niue, hereby ratified and confirmed, without reserve or condition.

3. That, in consideration of the New Zealand Government providing and paying the salary of a qualified schoolmaster, the cost of erecting a public schoolhouse, schoolmaster's residence, and other necessary buildings and conveniences, and also the subsequent maintenance thereof, be paid

out of the Niue Island revenue.

The foregoing "Niue Island Public School Ordinance, 1908," was passed by the Niue Island Council, at Alofi, on the second day of April, one thousand nine hundred and eight

Approved.

President of Niue Island Council.

H. CORNWALL, Resident Commissioner, Niue.

Assented to in the name and on behalf of His Majesty.

13th June, 1908.

PLUNKET, Governor.

Approximate Cost of Paper.—Preparation, not given; printing (1.400 copies) £3 6s. 6d.

By Authority: JOHN MACKAY, Government Printer, Wellington.-1908.

Price 6d.]