

SCHEDULE B.

					\$	c.
Interpreting and clerical assistance	...	...	...	...	99	20
General contingencies	...	...	...	...	469	17
Printing, stationery, &c.	...	...	...	...	139	69
Parliament House	...	...	...	...	68	32

Approved. To come into operation forthwith.

\$776 38

FREDERICK J. MOSS, British Resident.—11th August, 1894.

Enclosure No. 4.

DECLARATION AS TO LAND.

WE, the Parliament of the Cook Islands Federation, having regard to the great importance of all matters connected with the land, hereby declare the customs of the Maori in that matter from time immemorial to the present day. These customs can only be changed by laws made for that purpose by the Council of the Island in which is situated the land about which the law is to be made.

We, the Parliament, cannot make such laws. We can only say what is now the Maori law and custom on these islands, and we do so because we find that the laws and customs of foreigners are different to ours in this great matter. We wish all people to know those differences, so that none may be misled.

THE OWNER.

The land is owned by the tribe; but its use is with the family who occupy that land. The family consists of all the children who have a common ancestor, together with the adopted children, and all the descendants who have not entered other tribes.

The control of that land rests with the head of the family; but it is for the support of all the family, and all children have a right to that support, as well as the others of the family who may be in distress from sickness, weakness, or old age. We are told that, among foreigners, the man or woman in whose name the land is placed can lease or sell that land and keep the money. Also, that he can pledge that land in security for borrowed money, and that, if he fail to pay back that money, or to pay the interest upon it, or if he owe money for goods or other things, the creditor can take that land and leave the family in poverty and dependent upon others for their support. We wish all men to know that this is not the Maori custom or law, but that the land is for the family, for their support, and cannot be taken from them.

SELLING LAND.

This has always been prohibited in the Cook Islands. No Maori can sell to another Maori, or to a foreigner. Therefore on that point we need not say more.

LEASING LAND.

Land has been leased in two ways: (1) For fixed periods, and with rent to be paid in money; (2) for indefinite periods on the Maori tenure, and with rent to be paid in services or in kind.

Those leases for land which has been openly occupied, and is occupied now, are agreements which the law must uphold. But they are to be interpreted according to Maori law, and not according to foreign laws or customs. Thus, the Maori law will not help or know any one who takes a lease merely to make money by selling that lease to some other person. The land is for the shelter and support of the family, and must be used for that purpose, or the family will become burdens on strangers and other people. Also, the lease to such land cannot be taken away by a creditor; nor must it be sold to another unless the person who holds that lease, and who wishes to sell, make at the same time proper provision for the sustenance of those who have been dependent upon him and upon that land. To care for them is the first thing to be considered in any changes that the law may make.

Also, the right of access to water on that land, and the right to a road through it, can never be taken from the people without a special law of the Council of the Island in which the land is situated, and that law being approved by the Council of Arikis and the British Resident.

But as to such roads, the lessee has a right at any time to call on the Government to mark off that road, so that if he wishes to fence and improve that land he may do so without fear that his work will be thrown away.

We, the Parliament of the Federation, speak of the past and of the present in order that all people may understand the Maori law in this great matter of the land. As to the future, it is for each Island to make its own laws, which must be approved by the Council of Arikis and the British Resident. But we ask the Councils never to depart from the Maori maxim that the land is for the support of all, and that every one must have enough for the maintenance of himself or herself and the children and others dependent upon them. If the Councils depart from this maxim, who, we ask, will provide food and shelter for those who have no land, and who are weak or sick, or old, or unable to get work from strangers and other people?

FENCING LAND.

This is another great matter. Who will plant for a future day unless sure that he or his children will reap the fruit of his labour? Will he plant merely for other people's cattle or horses or pigs to destroy the work he has done? It is not for us, the Parliament, to deal with this matter, but for the Councils of the different Islands. We speak of it only because we are met here from all the Islands, and can consider together what concerns them all. So we ask the Arikis and the Councils to protect from cattle and horses and pigs those people who wish to plant coffee and other valuable products which would make these islands and their people rich and prosperous.

Dated at Rarotonga, this 3rd day of August, 1894.