

- (5.) The President will not be under the Cook Islands Government, but under that of Great Britain.
 (6.) It is annulling the procedure of Maori law, and bringing that of British law.
 (7.) Too much expense will be incurred in the payment of officers.
 (8.) It (the Bill) is taking away the power from the Arikis, Mataiapos, and all the people of the Cook Islands, in everything—as we look at this Bill.
 (9.) The Bill is too heavy; beyond the comprehension of the Maoris, on account of their *poiri*, and ignorance of foreign ways.

The above are the reasons we have rejected this Bill. Enough.

For the Parliament of the Cook Islands,
 J. M. SALMON, Chairman.

Enclosure No. 6.

The BRITISH RESIDENT to the PARLIAMENT of the Cook Islands.

British Residency, Rarotonga, 7th August, 1897.

SALUTATIONS! I am glad to receive your letter of yesterday's date about the Federal Court Bill.

You have spoken your thoughts freely. I will do so too. Then we may be able to find out what is best to be done for the good of the people of all races in the Cook Islands. You say,—

(1) and (2). "That the making of all laws is now with the British Resident." Not so. The Resident cannot make laws without the Parliament, nor the Parliament without him. They check one another, and such checks are created in all civilised countries.

(3.) "That the additional power to be vested in the President of the Federal Court will also go to the British Resident." This is true, but only while the British Resident acts as President. When the Parliament can find the money to pay some other President they will do so. In any case, the Juries Bill will be a great check upon the President, whoever he may be. Again, one or two, or more, Maori Judges will sit with the President. They will hear and see all that is done. If the President does wrong they can protest, and the Parliament can join them in complaining to Her Majesty Queen Victoria through the Governor of New Zealand.

(4.) "That the British Resident, when President of the Court, will have the power of appointing a substitute." This only applies when he goes away for a short time, or is ill. Is it not right that this should be so?

(6.) "It is annulling the procedure of Maori law, and bringing that of British law." Not so. The 12th section provides that established Maori laws and customs shall be sustained. The Bill only provides for dealing with those cases which are "too hard" for the Arikis' Courts to take in hand. (See Deuteronomy, 1st, 16th, and 17th verses.)

(7.) "That too much expense will be incurred in the payment of officers." Not so. There will be fees towards paying these expenses. The Parliament must remember that it is not proposed to give the Judge £160 a year, and let him pay all expenses and take over the Court, as they seem to have been told; it is only proposed to let him have such money as he may require, and which he must account for to the Parliament, and the money must not in any case be more than £160 a year; probably for the first year little more than half that sum will be required.

(8.) "That it is taking away the power from the Arikis, Mataiapos, and all the people of the Cook Islands." Not so. The Federal Court will belong to the Parliament and the people of the Cook Islands, and will not have more power than the High Commissioners' Court when it sits here, and in which the Arikis, Mataiapos, and Parliament have no say at all.

(9.) "That the Bill is too heavy, beyond the comprehension of the Maoris, on account of their *poiri* [inability to understand], and ignorance of foreign ways." That is just the reason why the Federal Court is required. By-and-by, when the Maori people have learned English and their children are lawyers—as some of the Maori people in New Zealand are now—they will cease to be *poiri*, and will be able to do all their own work. Meanwhile the good of the Europeans here, and of the other people, must not be neglected. Justice must be given to all, or the Government and the Parliament cannot stand.

In conclusion, let me remind the Parliament that the British Resident already does very much work in connection with the Parliament, the Councils, and other matters which is no part of his duty as Resident. He does so gladly, in the hope that in time the Maoris will be able to do all for themselves. For the same reason he is willing to add to his work the responsibility and labour of temporary President of the Federal Court, if one be established. But, if he do so, it is right that he should be relieved by the assistance of a Private Secretary, who could also act as Registrar of the Court. The appointment of such a Private Secretary would rest with him and not with the Government; and this is the rule in all countries.

FREDERICK J. MOSS, British Resident.

(No. 15/97.)

FEDERAL COURT BILL.

SIR,—

21st August, 1897.

I have the honour to acknowledge receipt of your Excellency's despatch of the 8th July, informing me of the wishes of the Secretary of State for the Colonies as to the establishment of a higher Court in these islands, and asking my opinion on the subject.

A radical change in the administration of justice has become necessary, and the Federal Court Bill, reported in my despatch No. 7, of the 22nd July, will have already placed your Excellency in possession of my ideas on the subject.

I have also written on the 10th August (No. 11/97), in anticipation of a possible visit to the other islands by H.M.S. "Goldfinch," and consequent absence when the mail left. I therein reported the rejection of the Bill, and the proceedings taken by me thereupon.

A conference was held by a Committee of the Parliament with me on the 16th, which ended in a meeting of the Arikis being held on the 20th. I deemed it better not to attend the latter, as it appeared to me only a device for continued delay. In this opinion I am confirmed by the result, which was only a resolution to summon all the Arikis of the group—who form the legal Government of the Federation—to meet in Rarotonga at a date not fixed.

I have agreed to the meeting, provided that the date fixed be early, and that Parliament pass an Act delegating the power necessary to the Government to give effect to the Bill, and offering in that case to submit it to your Excellency for instructions as to my approval or otherwise.

Some such measure is, in my opinion, indispensable if the Government is to stand. The position is difficult, and rendered more so by intriguers, acting from various motives. The great majority of the European population are strongly in favour of the change; but that fact is far from helping me with the natives, to whom the desire is represented as a sign of the Bill being injurious to them.

Negotiations with the Parliament are to be resumed, and time and patience may yet succeed. Meanwhile I have declined to assist in bringing forward any other business till this is disposed of.

I have, &c.,

FREDERICK J. MOSS, British Resident.

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

FEDERAL COURT BILL.

(No. 16/97.)

MY LORD,—

16th September, 1897.

In my despatch (No. 15/97) of the 21st August I informed your Excellency that Parliament had referred the Federal Court Bill (at the suggestion of the Arikis of Rarotonga) to a meeting of all the Arikis of the different islands, to be convened in Rarotonga. Their decision was to be adopted by Parliament, and to be final. No date for the meeting was proposed, nor would they agree that one should be named.