

Enclosure No. 5.

From PARLIAMENT to the BRITISH RESIDENT.

Parliament House, 6th August, 1897.

SALUTATIONS! We have received your letter to the Chairman of the Parliament, which was read to us, and we see in it that you wish to know the reasons we rejected the Federal Court Bill. It is good you wish to know our thoughts. These are our reasons:—

In looking back to the commencement of Parliament in 1891,—

1. The power to approve all laws is with the British Resident.
2. The making of all laws is with the British Resident.
3. In this Federal Court Bill the additional power vested in the President will also go to the British Resident.
4. The British Resident, when President, will also have the appointing of a substitute if he should go away.
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 *pouri* 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.

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 see and hear 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 Commissioner's 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 *pouri* [inability to understand] and ignorance of foreign ways." This 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 *pouri*, 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