

No. 1.

(No. 3.)

SIR,—

Government House, Wellington, 12th January, 1900.

A—2, 1900,
No. 23.

With reference to your despatch (New Zealand—General) dated the 12th October, 1899, relative to the twenty-fifth anniversary of the foundation of the Postal Union, I have the honour to inform you that this colony will be represented by its Agent-General at the Festival which is to be shortly held at Berne.

I have, &c.,

The Right Hon. J. Chamberlain,
Secretary of State for the Colonies.

RANFURLY.

No. 2.

(No. 5.)

SIR,—

Government House, Wellington, 15th January, 1900.

I have the honour to inform you that some appeal seems to be necessary from the judgments of the High Court, Rarotonga. As it exists at present, I am advised that there is no appeal to any Court, nor to the Governor of New Zealand.

2. As was to be expected at the first institution of the Court, there have been a large number of cases, and Colonel Gudgeon has in each case sent me a copy of the evidence and his decision. I consider that the judgments have been extremely fair, and without partiality, and that he has filled his difficult position in an exemplary manner. The persons convicted have in almost every case appealed to me; one case, however, involved an important principle, "*Kohn v. The Union Steam Ship Company of New Zealand*," which has clearly demonstrated to me that some appeal is necessary.

3. There seems three courses possible, if an appeal is allowed: (1) An appeal to the High Commissioner, Western Pacific; (2) an appeal to the Supreme Court of New Zealand; (3) an Appeal Court to be held as required at Rarotonga by a New Zealand Judge.

4. As the affairs of the Cook Islands are to a large extent under the Governor of New Zealand, I am strongly in favour of the adoption of either the second or third suggestion. The second course would enable the Governor to keep himself thoroughly acquainted with the operations of justice there, but it would necessitate either the boundaries of New Zealand being made to extend beyond the Cook Islands, or a special (British) Act of Parliament to enable the cases to be heard in our Supreme Court. The third course would be the simplest, and would only necessitate an alteration in the High Court Act (Cook Islands). My Government are desirous to meet your wishes as far as possible in this matter, but if the Appeal Court were held in Rarotonga the expenses incurred by the Judge would have to be met by the Cook Islands.

5. In conclusion, I would point out that the High Court as at present constituted, the British Resident being Chief Justice, with no appeal, places absolutely autocratic power in the one individual's hands, and it is somewhat difficult for him to carry out the double office: First as Adviser to the Cook Islands Government, when he may have to recommend a prosecution; and, second, as Chief Justice to decide the case in Court.

6. Needless to say such a case should not be permitted, but as there is no means of providing a suitable salary for a Chief Justice, and the British Resident performs the work gratuitously, it was the only course open. There is not either in these Islands any person who, even if a modest salary were forthcoming, would be fit to hold such an appointment. The British Resident has himself expressed the difficulties of the position.

7. I should be further glad to be informed if the prerogative of mercy rests with the Governor of New Zealand.

I have, &c.,

The Right Hon. J. Chamberlain,
Secretary of State for the Colonies.

RANFURLY.