

1902.

NEW ZEALAND.

PACIFIC ISLANDS:

ORDINANCES PASSED BY THE FEDERAL COUNCIL OF THE COOK ISLANDS, AND ASSENTED TO BY THE GOVERNOR OF NEW ZEALAND IN THE NAME AND ON BEHALF OF HIS MAJESTY.

Laid on the Table of both Houses of the General Assembly pursuant to Section 9 of "The Cook and other Islands Government Act, 1901."

COOK ISLANDS, RAROTONGA.—ORDINANCE No. 1, 1901.

"THE Traders' License Act, 1898," and the regulations made thereunder, is hereby extended to and shall have force within the Island of Penrhyn as from the 31st day of December, 1901.

Passed by the Federal Council on the 10th day of December, 1901.

W. E. GUDGEON, Resident Commissioner.

[Assented to 21st March, 1902.]

COOK ISLANDS, RAROTONGA.—ORDINANCE No. 2.

WHEREAS many complaints have been received from persons of the native race and European residents in the district of Arorangi to the effect that their animals and crops have been maliciously destroyed or stolen: And whereas it would appear that the offenders are screened or defended by the people of their Tapere:

Be it enacted,—

1. The Short Title of this Ordinance shall be "The Protection of Property Ordinance."

2. This Ordinance shall apply to the Island of Rarotonga, but may, by resolution of the Federal Council, be made to apply to any island in the Federation.

3. In any case where it shall be proved before the Chief Judge of the High Court that property has been stolen or maliciously destroyed, and that there is reasonable cause to believe that the offenders are being screened or protected by the people of any Tapere, the Chief Judge aforesaid may ascertain the value of the property stolen or destroyed, and may impose a fine on one or more Taperes equivalent in value to the said property and the costs of the suit.

4. The Chief Judge of the High Court may order the Mataiapo of any Tapere to collect the fine imposed and pay it into the Court within the period named by the Court, and any person who shall neglect or refuse to carry out the order of the Court, or shall obstruct the collection of the fine, shall be guilty of contempt of Court, and liable to fourteen days' imprisonment with hard labour, or a fine not exceeding twenty shillings.

5. Any person who shall be found trespassing on the land of another without the permission of the owner or occupier shall, unless he or she can show sufficient reason for the trespass, be liable to a fine of not exceeding forty shillings, or in default one month's imprisonment with hard labour.

6. In any instance where it shall be shown that a landowner has been persistently annoyed by petty larcenies or malicious injury to his property, the Chief Judge of the High Court may call upon the Ariki of the district to call out the able-bodied inhabitants of the adjoining Tapere and fence in the land of the injured person with the ordinary wall of coral rock.

Ordinance passed unanimously at 10 a.m., 14th December, 1901.

S. SAVAGE, Clerk to Council.

[Assented to 21st March, 1902.]

COOK ISLANDS, RAROTONGA.—ORDINANCE No. 3.

WHEREAS many thousands of cocoanuts are stolen every year within the Cook Islands, and it is expedient that restrictions should be placed on the sale of this stolen property to Maori and Chinese tea-shops:

Be it enacted,—

1. The Short Title of this Ordinance shall be "The Sale of Cocoanuts Restriction Ordinance."

2. During the continuance of a *rahui* over the cocoa-palms of any island it shall not be lawful to sell any of the nuts thereof except by permission of a policeman, who may either signify in writing that the vendors are the rightful owners of the nuts, or attend the traders personally to authorise the sale.

Any Maori infringing the provisions of this section shall be liable to a fine of ten shillings, or in default hard labour for ten days.

Any European committing an offence against this section shall be liable to be fined five pounds and have his license cancelled.

3. Any policeman appealed to under the provisions of the last section shall satisfy himself that the person in possession of the nuts had come by them lawfully before he shall give his consent.

4. Traders shall in all cases keep the record required by section fifteen of "The Au Empowering Act, 1899," and shall be liable to a fine of twenty shillings for any neglect of this provision.

5. The provisions of section two of this Ordinance shall continue in force even after the *rahui* over cocoanuts have been removed by notice in the *Cook Islands Gazette*, subject also to the following additional restrictions:—

(a.) That no nuts shall be purchased from any person who would appear to be under the age of sixteen years.

(b.) All nuts shall be paid for in coin, whether Chili or British, and shall not be bartered for tea, biscuit, or other goods.

6. This Ordinance shall apply to the Islands of Mangaia, Rarotonga, Atiu, Mauke, and Mitiaro, but shall not apply to Aitutaki until adopted by resolution of the Council of that island.

Ordinance passed unanimously, 14th December, 1901.

S. SAVAGE, Clerk to Council.

[Assented to 21st March, 1902.]

ORDINANCE No. 4.

WHEREAS it has hitherto been the custom to take and export from the Island of Penrhyn small and immature shell, to the injury of this valuable industry, and it is expedient to prevent the same, and generally to regulate this industry within the Pacific islands now included within the boundaries of New Zealand: And whereas the eighth section of the Cook and other Islands Government Act gives power to the Federal Council to make laws for the government and welfare of all the said islands and the people thereof:

Be it enacted,—

1. From and after the passing of this Ordinance no shell shall be removed from any of the waters of the lagoon, or exported from any of the said islands, unless such shell shall be of a diameter of not less than four and a half inches.

Any person convicted of a breach of this section shall, on conviction, be liable to a penalty of not exceeding twenty pounds sterling.

2. Any trader or other person who shall purchase shell of a less diameter than the four and a half inches before mentioned shall, on conviction, be liable to a penalty of not exceeding ten pounds.

3. It shall be the duty of the Resident Agent at Penrhyn to examine all shell before it is packed in boxes for export, and to facilitate this inspection every trader shall give due notice to the Resident Agent before packing any shell; and any person neglecting to give the required notice shall be liable to a fine of not exceeding five pounds.

4. The Customs Officer or Resident Agent at Penrhyn may inspect shell in any shed or warehouse at any time that he may consider it expedient to do so, and may make such local regulations as to his inspection as may be found necessary and shall be approved by the Resident Commissioner.

5. It shall not be lawful for any person to buy pearl-shell on the Islands of Penrhyn, Manihiki, or Rakahanga unless he shall have been duly licensed as a pearl-shell trader. Any person infringing this section shall be liable to a penalty of ten pounds, in addition to license fee.

6. The license fee shall be five pounds per annum from the first of July in each year, and shall be issued by the Collector of Customs at Penrhyn.

7. All shell shall be cleaned, as far as may be done, in the waters of the lagoon, in order that the small shells and spawn may be returned to the shell-beds.

8. The Customs Officer at Penrhyn may hear and decide all cases under this Ordinance, and may confiscate all shell under the four and a half inches before mentioned, provided that each act of confiscation shall be reported to the Resident Commissioner for his instructions.

9. Any trader may appeal against a decision of the Customs Officer to the High Court by giving that officer notice of appeal in writing, at the same time paying the fine into his hands.

10. It shall not be lawful for the owners of the lagoon, or any part thereof, to lease the same to any one man to the exclusion of the remaining traders. Any such lease shall be null and void.

11. The Resident Commissioner may, in the interest of the native owners, close a lagoon, or any part thereof, for a period not exceeding two years, and any person who shall take shell within the preserved limits during the continuance of the *rahui* shall be liable to a fine, on conviction, of not exceeding twenty pounds.

12. In default of the payment of any fine imposed under this Ordinance, a Judge of the High Court may order imprisonment, with or without hard labour, for any period not exceeding six months.

Passed on Monday, the 10th March, 1902.

MAKEA.

TINOMANA.

NGAMARU.

PA.

W. E. GUDGEON, Resident Commissioner

[Assented to 3rd April, 1902.]

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