

Enclosure.

FEDERAL ORDINANCE No. 22.—THE OFFENCES ORDINANCE No. 1, 1907.

An ORDINANCE dealing with certain Offences contrary to Public Morality.

BE IT ENACTED by the Federal Council of the Cook and Northern Islands as follows:—

1. The Short Title of this Ordinance shall be "The Offences Ordinance No. 1, 1907."
2. Any man committing adultery with a married woman shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five pounds, or, in default, sixty days' hard labour.
3. Any married man committing adultery with a woman shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding two pounds, or, in default, thirty days' hard labour.
4. Any woman committing adultery shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one pound, or, in default, twenty days' hard labour.
5. Any person twice convicted within a period of three months of an offence under the preceding sections may on such second conviction be sentenced to imprisonment with hard labour for the respective periods mentioned in such sections without the option of a fine.
6. No person shall be punished for an act of fornication where the woman is above the age of fifteen years; but any man who shall carnally know any girl under the age of fifteen years and above the age of twelve years shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five pounds, or, in default, sixty days' imprisonment with hard labour.
7. Any man or woman who shall within the limits of any village cohabit together without being married to each other to the scandal of the community shall be guilty of an offence against public morality, and each shall be liable on conviction to a fine not exceeding one pound, or, in default, twenty days' hard labour. No proceedings shall be taken against any European for an offence under this section without the consent of a European Judge of the High Court of the Cook Islands or a European Resident Agent first obtained.
8. Any man carnally knowing or attempting to carnally know any girl under the age of twelve years shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding twenty pounds, or to imprisonment with hard labour for a period not exceeding two years.
9. Any man having or attempting to have carnal intercourse with a female by force shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred pounds, or to imprisonment with hard labour for a period not exceeding ten years. No man shall be convicted under this section on the unsupported testimony of the woman.
10. Any man indecently assaulting or attempting to indecently assault any female shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding ten pounds, or to imprisonment with hard labour for a period not exceeding twelve months.
11. No girl under the age of fifteen years shall be deemed capable of giving her consent to any offence under sections 6, 9, or 10 hereof, and such consent shall not be pleaded as an answer to any charge under the said sections.
12. Any person charged with an offence under sections 8 or 9 hereof, or with the offence of incest, shall be committed for trial before the High Court of the Cook Islands.
13. Any person who shall commit incest shall be guilty of an offence, and on conviction shall be liable to a fine not exceeding fifty pounds, or imprisonment with hard labour for a period not exceeding five years.
14. The following are hereby repealed: Sections 3, 4, 5, and 6 of "The Statute of Mangaia, 1889"; sections 3, 4, 5, and 6 of "The Statute of Aitutaki, 1899"; sections 3, 4, 5, and 6 of "The Statute of Rarotonga, 1899"; sections 3, 4, 5, and 6 of "The Statute of Atiu, Mitiaro, and Mauke, 1899"; those sections of "The Criminal Code Act, 1893," of New Zealand, as adopted by "The Offenders Punishment Act, 1899," applicable to offences under this Ordinance; sections 13, 14, and 15 of "The Manihiki Ordinance No. 1," as applicable to the Islands of Manihiki and Rakahanga.

Passed by the Federal Council, this seventh day of December, one thousand nine hundred and seven.

For approval,

W. E. GUDGEON,

Resident Commissioner.

S. SAVAGE,

Clerk to Council.

Assented to in the name and on behalf of His Majesty.

PLUNKET,

Governor.

17th January, 1908.

No. 14.

Rarotonga, Cook Islands, 2nd March, 1908.

SIR,—

I have the honour to forward enclosed for the approval of His Excellency—Federal Ordinance No. 24.

This Ordinance has been passed in order to clear off the statute-book one of the old Acts of the Federal Parliament, which, however useful and necessary at the time, has now been superseded by the Order in Council establishing the Land Titles Court.

The really useful provisions of the old Act which merely supplemented the powers given by the Order in Council above referred to have been retained.

I have, &c.,

W. E. GUDGEON,

Resident Commissioner.

The Hon. Jas. McGowan, Minister administering Islands.