

4. The master of such vessel shall, if required in writing by the Collector of Customs, give a substantial guarantee to an amount not exceeding fifty pounds for each person landed that such person will not within six months from the date of his landing become a burden to the Government or people of Niue.

5. If the master of such vessel shall neglect or refuse to make such report as aforesaid, or to give such guarantee when called upon so to do, he may be forthwith summoned before the Resident Commissioner of Niue, and shall be liable to a penalty for each offence not exceeding the sum of fifty pounds. Such penalty shall be recoverable from such master, and, failing him, from the owners of such vessel. The Collector of Customs or other officer shall not be bound to give any vessel a clearance until the master thereof shall have paid such penalty or shall have complied with the provisions of the two preceding sections.

6. If any person shall be brought to, or shall land, or remain in Niue, in contravention of section two (2) hereof, or if any person shall, within six months after his arrival in the island, be convicted of the charge of vagrancy as hereinafter mentioned, such person may be ordered by the Resident Commissioner to leave the island, and the master or owner of the vessel which brought such person to the island shall be bound to take such person away from the island, or, in default, the Resident Commissioner may deport such person to the place from which he came by any other vessel at the expense of the master or owner of the vessel by which he had been brought to the island, and such expense shall be recoverable from such master or owner. The Resident Commissioner may take all necessary steps to secure the deportation of such person, and for that purpose may authorise any constable of police to take such person into custody and to place him on board ship.

7. If any person shall become a burden to the Government or people of Niue (of which latter fact the declaration in writing of the Resident Commissioner shall be conclusive evidence), such person may be ordered by the Resident Commissioner to leave the island, and, failing his voluntary departure, the Resident Commissioner may take all necessary steps to secure his deportation, and for that purpose may authorise any constable of police to take such person into custody and to place him on board ship.

8. Any person other than a Polynesian Native, or other than a half-caste Polynesian living as a Native, living in Niue and having no visible lawful means of subsistence or support may be charged as a vagrant, and on conviction thereof may be sentenced to hard labour for a period not exceeding three months.

9. No Chinese or other Asiatic shall be allowed to land or reside in Niue, unless such person shall have first obtained the written permission of the Resident Commissioner of Niue, and shall furthermore have paid into the hands of the Collector of Customs the sum of one hundred pounds.

10. The master or owner of any vessel which shall bring Chinese or other Asiatics to Niue and shall allow any of them to land in contravention of section nine (9) hereof shall be guilty of an offence, and shall be liable, on a summary conviction before the Resident Commissioner's Court, to a penalty of not more than fifty pounds for each person so landed. In addition to the foregoing penalty of fifty pounds the said master or owner shall at his own expense remove such Chinese or other Asiatic to any place outside Niue, or, in default, the Resident Commissioner may do so, and the cost thereof shall be recoverable from the said master or owner.

11. It shall not be a defence to any action under section ten (10) hereof that the Chinese or other Asiatic was a member of the crew of the said vessel and not an immigrant within the ordinary meaning of the term.

12. Subject to the provisions of this Ordinance, it shall be lawful for any Asiatic member of the crew of any ship which has been duly entered at the Customs at the Port of Alofi to go ashore from time to time in the performance of his duties in connection with the ship, but for no other purpose.

13. In this Ordinance, if not inconsistent with the context, "master" means the person for the time being in actual command of a vessel.

14. All proceedings in respect of offences under this Ordinance shall be taken in the Resident Commissioner's Court.

Passed by the Niue Island Council, this thirty-first day of August, one thousand nine hundred and nine.

Approved.

H. CORNWALL,

Resident Commissioner, Niue.

Assented to by His Excellency the Governor on the 23rd October, 1909.

TOGIA,
President of the Niue Island Council.

No. 45.

SIR,—

Cook Islands Administration, Wellington, 17th November, 1909.

I have the honour to acknowledge the receipt of your letter of the 4th September last, forwarding copies of the Niue Island Undesirable Immigrants and Vagrants Ordinance, 1909, and, in reply, to return the Ordinances duly assented to by His Excellency the Governor.

I also forward 100 copies of the Ordinance in Niue and English.

The Resident Commissioner, Niue.

I have, &c.,
J. CARROLL.