

Enclosure No. 1.

COOK ISLANDS PARLIAMENT.—HIGH COURT BILL.

A BILL to create a High Court for the Cook Islands.

Short Title: "High Court Act, 1898."

BE it enacted by the Parliament of the Cook Islands, with the approval of the British Resident, as follows:—

1. That the Act to establish a Supreme Court (No. 4, 1891), and the Amendment Act (No. 2, 1894), are hereby repealed.

2. That a Court is hereby established, to be styled "The High Court of the Cook Islands."

Constitution of the Court.

3. That the High Court shall consist of a Chief Justice, and not more than two other Judges, to be appointed from time to time by the Government, with the approval of the British Resident.

4. That the Court shall meet at such times and at such places as the Chief Justice may direct.

5. That Judges of the High Court shall receive such salaries as are fixed by Act of the Parliament, and shall hold office during good behaviour, and shall only be removed by Act of the Federal Parliament approved by the British Resident: Provided that if Parliament be not in session the Chief of the Government, with the approval of the British Resident, may suspend a Judge, who shall continue to receive his salary without deduction till the decision of Parliament shall have been given.

6. That, in case of the illness or disability of a Judge, it shall be lawful for the Chief of the Government to appoint an Acting Judge, to hold office for a term not exceeding six months: Provided that the appointment may be renewed from time to time, subject both in appointment and renewal to the approval of the British Resident.

7. That the Chief Justice, sitting alone, may exercise all the powers of the Court, and proceedings may be continued before any Judge appointed to act in his place under the provisions of section 6.

8. That the Court may act on any testimony, sworn or unsworn, and may receive as evidence any statement, document, information, or matter which, in the opinion of the Court, may assist the Court to deal effectually with the matters before it.

9. That the Chief Justice may from time to time, with the approval of the British Resident, make, alter, and revoke rules of practice and procedure and forms of proceedings in the Court, and also regulations for the duties and functions of the officers, and also fixing the sittings of the Court, and the fees to be paid in respect of the proceedings and the mode of enforcing payment thereof.

10. That, subject to the provisions of this Act, the procedure of the Court shall be in accordance with the principles and practice of English Courts, so far as they can be applied with due regard to established Maori laws and customs prevailing at the time when and in the place where the cause of action arose.

11. That all fees of Court, fines, or other moneys received by the Court shall be Federal revenue, and treated accordingly.

12. That the Chief of the Government may from time to time, with the approval of the British Resident, appoint a fit person to be Registrar of the Court, and may fix his salary, not exceeding £100 a year.

13. That the Chief of the Government may also from time to time, with the approval of the British Resident, appoint a bailiff and such other officers of the Court as are deemed necessary, and may fix their salaries, not exceeding in the whole £60 per year.

14. That the salaries of the Registrar, bailiff, and other officers of the Court shall be paid out of moneys to be appropriated by the Federal Parliament.

15. That the jurisdiction of the Court shall be exclusive—

- (1.) In all cases of murder or assault with intent to commit murder, and all cases of manslaughter;
- (2.) In all criminal charges against foreign residents;
- (3.) In all offences against the Federal Laws;
- (4.) In all cases between foreign residents, or between foreign residents and Maoris, in which the plaintiff may, with the consent of the Chief Justice, begin an action in the Court, or may with the same consent seek redress for wrong alleged to have been done to him or her by any local Government in any of the Islands of the Federation:

Provided that the Chief Justice may send any case under subsection (2) for trial before a Court instituted under the provisions of the Pacific Order in Council.

16. That the Court may also rehear any case referred to it by an Ariki's Court, and if the judgment of the Ariki's Court be confirmed may make the judgment a rule of the Court, and enforce it accordingly.

17. That, on the application of either party to a suit in an Ariki's Court the Judge of the Ariki's Court, on application being made to him by either party to the suit before beginning the hearing, shall refer the said suit to the High Court: Provided that the Judge may also refer to the High Court any case, after it has been begun before him, if he thinks fit so to do.

18. That the Chief Justice may register suitable persons as solicitors of the Court, who shall be answerable to the Court, and who may at any time be removed if guilty of misconduct in the performance of their duties.

19. That solicitors so registered shall have power to act and plead for parties before the Court but this shall not debar any person from pleading his own cause, or from appointing specially for the conduct of his case, and with consent of the Court, such person other than a solicitor whom he may prefer.