

Judicial Organization

The Judiciary comprises a High Court, a Native Land Court, and a Native Appellate Court. The High Court exercises civil and criminal jurisdiction throughout the Cook Islands, and the Native Land Court is concerned largely with litigation on lands and titles. The High Court consists of a Judge and two Commissioners in Rarotonga and the Resident Agents in their capacity of Commissioners in the outer Islands. There are two Judges of the Native Land Court (the senior Judge being also the Judge of the High Court), but there are no Commissioners at the present time.

The Native Appellate Court was established by the Cook Islands Amendment Act, 1946. This Court sits in the Cook Islands and hears appeals and applications for rehearings. Previously, appeals were required to be heard by the Supreme Court of New Zealand, and in practice Natives were usually unable to exercise their right of appeal on account of the expense involved. Rules of the Appellate Court were made in 1947, and the first Appellate Court sat in Rarotonga from the 8th September to the 21st October, 1948. The Native Appellate Court has jurisdiction to hear and determine appeals from any final order of the Native Land Court. By leave of the Native Land Court, an appeal shall lie to the Native Appellate Court from any provision or preliminary determination of the Native Land Court made in the course of any proceedings for the ascertainment of the title to customary land or partition.

Within twelve months of the commencement of the Cook Islands Amendment Act, 1946, the Native Appellate Court had jurisdiction to grant or direct a rehearing, before either the Native Appellate Court or the Native Land Court, where any person alleged he had been prejudicially affected by any order made before the commencement of the Cook Islands Amendment Act, 1946.

Chief Judge McCarthy and Judge Morgan, of the Native Land Court of the Cook Islands, and Chief Judge Morison and Judge Harvey, of the New Zealand Maori Land Court, comprised the Native Appellate Court of the Cook Islands in 1948.

Of 9 appeals lodged in respect of inhabitants of Rarotonga, 1 order was varied, 3 were heard and adjourned, 2 were heard and dismissed, and three still have to be heard.

Of a total of 102 rehearings, orders were made in 14 cases, 15 cases were dismissed, and 73 remain to be heard. There are also 36 applications for rehearing in respect of the outer islands still to be heard.

Chief Judge Morison and Judge Harvey returned to New Zealand on the 21st October, 1948, and the Native Land Court at Rarotonga commenced on the 10th January, 1949, to rehear cases directed by the Native Appellate Court.

High Court actions during the last five years are summarized as follows :—

—	1944-45.	1945-46.	1946-47.	1947-48.	1948-49.
Civil judgments : Rarotonga	60	35	51	42	52
Divorces granted : Whole Group	15	13	20	9	10
Criminal convictions: Rarotonga	1,401	1,195	1,179	1,762	1,436

A summary of Native Land Court proceedings for the last five years is as follows :—

—	1944-45.	1945-46.	1946-47.	1947-48.	1948-49.
Applications heard	124	169	123	244	381
Orders made	115	159	99	192	298
Applications outstanding—					
Rarotonga	401	454	502	589	518
Outer Islands	738	838	858	988	1,053