

whom they were enacted, and in one of them the Short Title is also omitted. I enclose a form by which you will be good enough to be guided in passing these Ordinances in future. I also enclose a number of covering-sheets which you will use in forwarding the Ordinances of the Federal Council, or the Island Councils, in future for the Royal assent. Enclose each Ordinance in one of the sheets, writing the name of the Ordinance and signing your name below in the space provided at the top of the sheet.

I have, &c.,

W. C. WALKER,
For the Premier.

The Resident Commissioner, Rarotonga.

No. 95.

SIR,—

Premier's Office, Wellington, 22nd March, 1902.

Referring to your letter (No. 28) of the 20th November last, bringing under notice a complaint made by the people of Omoka (Penrhyn) concerning a judgment delivered by Captain Macalister, of H.M.S. "Torch," during his last visit to that island, I have now to forward you a copy of a communication received from His Excellency the Admiral, and copy of Captain Macalister's report of the proceedings of the Deputy Commissioner's Court held at Penrhyn, in which case you will find a copy of the judgment referred to. No. 58.

I am advised by the Solicitor-General that Captain Macalister had jurisdiction, and I think, therefore, his decision should not lightly be interfered with. If, however, the defendants still feel aggrieved, their only remedy would be to appeal to the Supreme Court.

I have, &c.,

R. J. SEDDON.

The Resident Commissioner, Rarotonga.

Enclosure.

MY LORD,—

"Royal Arthur," at Portland, Victoria, 12th February, 1902.

I have the honour to acknowledge the receipt of Your Excellency's despatch of the 31st January, 1902 (114/02), enclosing a copy of a letter from Lieut.-Colonel Gudgeon, Resident Commissioner for the Extended Boundaries of New Zealand, in which he reports the complaint made to him by the people of Omoka (Penrhyn) concerning a judgment delivered by Commander Macalister, of His Majesty's ship "Torch," during his last visit to that island. No. 58.

It will be convenient first to state for Your Excellency's information the circumstances in which Commander Macalister was sent to Penrhyn and other islands now included within the boundaries of New Zealand.

In 1900 my predecessor received from the High Commissioner of the Western Pacific requisitions—in May and July—for the next man-of-war visiting Penrhyn Island and Manihiki to inquire into certain cases, the reports of which accompanied the High Commissioner's letter. These reports were transferred to me by Admiral Pearson, and the "Torch" was set apart to carry out this service on the termination of the Royal visit to New Zealand.

In my orders to Commander Macalister, dated from Adelaide on the 9th July, he was directed to proceed to Rarotonga and there communicate with the British Resident, Colonel Gudgeon, relative to the islands which had been included by the late Proclamation within the extended boundaries of the Colony of New Zealand. He was further directed, with regard to the request from the High Commissioner for the assistance of the captain of a man-of-war at Penrhyn and Manihiki Islands, to act as his discretion might direct after conference with Colonel Gudgeon, to whom I presumed jurisdiction over these islands had then been transferred. I gave these instructions especially to guard against any misunderstanding or friction which might arise from the fact that no official communication from any source whatever had reached me as to the incorporation of these islands into the Colony of New Zealand. It was not till the 13th August that I got the Order in Council of the 13th May from the Admiralty, and not till the 12th December that I received from the High Commissioner the notification announcing the termination of his jurisdiction over the islands annexed to New Zealand.

Commander Macalister, in the report of his proceedings to Captain Kingsmill, states that on his arrival at Rarotonga he called on Colonel Gudgeon and obtained from him all the information on the islands to be visited that he had to offer. Apparently Commander Macalister left Rarotonga in the full belief that he could act in his capacity as Deputy Commissioner for the Western Pacific, and I think that, in the absence of any official notice or instructions to the contrary, he was justified in so doing.

With reference to the complaint made by the people of Omoka to Colonel Gudgeon, and to Your Excellency's doubt as to the impartial trial of the case, I have the honour to attach for Your Excellency's information a copy of the report made to me by Commander Macalister of the trial of the case, and I have also directed that copies of the whole of Commander Macalister's reports on the islands visited shall be made and sent for Your Excellency's information.

I have, &c.,

LEWIS BEAUMONT, Rear-Admiral,
Commander-in-Chief.

His Excellency the Earl of Ranfurly, G.C.M.G., &c.,
Governor of New Zealand.

Deputy Commissioner's Court, Penrhyn, 3rd September, 1901.

I THIS day opened a Court in the Courthouse at Omoka. The Au was reported to be fully assembled, together with all the male inhabitants over age in the island. The following cases were heard, and evidence, as well as the judgments given, are entered below.