

in our Supreme Court. The third course would be the simplest, and would only necessitate an alteration in the High Court Act (Cook Islands). My Government is desirous to meet your wishes as far as possible in this matter, but if the Appeal Court were held in Rarotonga the expenses incurred by the Judge would have to be met by the Cook Islands.

(5.) In conclusion, I would point out that the High Court as at present constituted—the British Resident being Chief Justice, with no appeal—places absolutely autocratic power in the one individual's hands, and it is somewhat difficult for him to carry out the double office, first, as Adviser to the Cook Islands Government, when he may have to recommend a prosecution, and, secondly, as Chief Justice, to decide the case in Court.

(6.) Needless to say, such a case should not be permitted, but as there is no means of providing a suitable salary for a Chief Justice, and the British Resident performs the work gratuitously, it has been the only course open. Neither is there in these islands any person who, even if a modest salary were forthcoming, would be fit to hold such an appointment. The British Resident has himself expressed the difficulties of the position.

(7.) I should be glad to be further informed whether the prerogative of mercy rests with the Governor of New Zealand.

The Right Hon. J. Chamberlain,  
Secretary of State for the Colonies.

I have, &c.,  
RANFURLY.

MY LORD,—

Downing Street, 6th April, 1900.

I have the honour to acknowledge the receipt of your despatch of the 5th January, suggesting the establishment of a Court to which appeals can be carried from the High Court of the Cook Islands.

I agree with you as to the desirability of providing a Court of Appeal, and I am of opinion that the appeal should lie to the Supreme Court of New Zealand. An Act passed in the Cook Islands will be sufficient to effect this purpose, whether a New Zealand Judge visits the Cook Islands or (a course which I should prefer) the trial of the case on appeal takes place in New Zealand.

Your question as to the prerogative of mercy is difficult to answer, except as regards cases tried before the Resident in his capacity of Judicial Commissioner; for such cases the prerogative is vested in the High Commissioner for the Western Pacific by section 80 of the Pacific Order in Council of 1893, of which a copy is enclosed. The best course will probably be to enable the Chief Justice of the Cook Islands, by an amendment of the High Court Act, to send any criminal cases for trial to the Commissioner's Court. When he possesses this power he should exercise it in all cases of importance, and it would then be possible to provide a satisfactory settlement of the difficulty by an amendment of the Pacific Order in Council to the effect that in cases tried before the Judicial Commissioner the powers mentioned in clause 80 of the Order in Council shall be exercised by the Governor of New Zealand.

It will probably be desirable to make a further amendment of the Order in Council, in order to provide for an appeal to the Supreme Court of New Zealand from the judgments of the Judicial Commissioner in whose Court cases in which Europeans are concerned are tried.

I shall be glad to learn whether your Ministers concur in these suggestions.

Governor the Right Honourable the Earl of Ranfurly.

I have, &c.,  
J. CHAMBERLAIN.

SIR,—

Government House, Wellington, 12th July, 1900.

In reply to your despatch of the 6th April, 1900, relative to the question of a Court of Appeal for the Cook Islands, my Government considers that it is better to leave this question over, pending Her Majesty's decision as to the annexation of this group and the possible extension of New Zealand boundaries to include these islands.

The Right Hon. J. Chamberlain,  
Secretary of State for the Colonies.

I have, &c.,  
RANFURLY.

SIR,—

Government House, Wellington, 29th September, 1900.

I have the honour to inform you that both Houses of the Legislature of New Zealand have passed the enclosed resolution regarding the extension of the boundaries of the colony.

I propose to leave to-morrow, the 30th September, in H.M.S. "Mildura," to inform myself as to the aspirations of the inhabitants of the various islands in the Cook Group, and Savage Island, and I propose, should I deem it to meet the views expressed in your despatches, to proclaim them annexed to Great Britain and to hoist the British flag.

I have received in the past few days further petitions desiring annexation, and I believe that this is the true desire of those islands with which I am personally acquainted.

The Right Hon. J. Chamberlain,  
Secretary of State for the Colonies.

I have, &c.,  
RANFURLY.

Enclosure.

THAT, whereas it is desirable, in the best interests of the colony and of the inhabitants of certain islands of the Pacific hereinafter mentioned, that those islands should be annexed to this colony, this Council therefore approves of the alteration of the boundaries of this colony, and consents to