

1924.

NEW ZEALAND.

COOK AND OTHER ISLANDS.

(In continuation of Parliamentary Paper A.—3, 1923.)

Presented to both Houses of the General Assembly by Command of His Excellency.

MEMORANDUM.

SUMMARIES of the annual reports of the Cook Islands and Niue Administrations are attached hereto.

It was my privilege and pleasure to pay a long-deferred visit to Rarotonga towards the end of last year. Five weeks were spent in the Group, and during this period I availed myself of an opportunity to visit the Island of Aitutaki. Unfortunately, it was not possible in the time and with the facilities at my disposal to call at any other of the outer islands. This was my first visit to the Cook Islands after an interval of nearly five years. I was received with the greatest cordiality by the Native and European residents, and was most hospitably entertained by them. I found the utmost good will and harmony existing between the Administration and all sections of the people, and ample evidence of a warm regard and attachment for New Zealand.

The trade of the Group was well maintained during the year, and only fell short of the total for the preceding period by about £2,000; but as compared with last year the balance of trade was against the Islands.

Administratively, the year has been one of marked progress. The facilities for handling the trade of the port of Avarua have been greatly improved. The Administration is indebted to the naval authorities for a detailed survey of the roadstead, which was carried out by Lieutenant R. K. Dickson, R.N., and a party from H.M.S. "Veronica." The old wooden jetty has been replaced by a fine ferro-concrete wharf, which is longer and in every way more convenient for loading and discharging cargo than the old structure. It was my privilege to drive the first pile. A new ferro-concrete slipway has also been provided for handling the launches and lighters when the latter are being overhauled and repaired. These works were carried out to the entire satisfaction of the Administration by the Union Steamship Company. A powerful light has also been installed on the wireless mast at Aorangi, and is proving a boon to shipping in enabling them to pick up their bearings when approaching the island.

While at Rarotonga I considered and approved a scheme of education for the islands of the Northern Cook Group submitted by the representative of the London Missionary Society. A vote of £500 will be found on the estimates of the Cook Islands Department, and for this subsidy the London Missionary Society will provide trained full-time Native teachers, will observe our school hours and holidays, will adopt our syllabus, and will agree to the schools being open at all times for inspection by any duly appointed Administration official. The instruction will, of course, be given in the vernacular. We have thus linked up the last of New Zealand's Pacific territories with the Dominion education system.

Authority has been given for an out-patients' department to be built in the hospital grounds and for other substantial improvements to be carried out in the hospital building.

The refrigerating plant and cool store which were provided about four years ago are inadequate to meet the present-day requirements of the community. They are being improved and enlarged to cope with all demands. The provision of cool storage has added greatly to the health and comfort of the residents.

Last year I referred to the serious handicap which has been imposed on trade with the more important islands of the Lower Cook Group owing to the lack of means of quick communication, and I expressed the hope that this disability would be removed in the case of Aitutaki and Mangaia during this season. I am glad to say that at the present time our experts are engaged in equipping these islands with wireless installations, and that communication has already been established with the former. These stations will work with the Rarotonga radio, and will be operated by Rarotongan scholarship pupils who were brought from St. Stephen's College for Maori Boys, Auckland, after gaining their proficiency certificates and trained at the Wellington Wireless College by the Cook Islands Department. These youths show great aptitude for the work, and give every promise of making successful operators. If this experiment proves the success that I anticipate a new and most interesting career will be opened for the youth of the Cook Islands.

The installation of these wireless plants at Aitutaki and Mangaia should help to greatly lessen the loss of fruit cargoes which have been occasioned in the past owing to the absence of reliable advice as to the movements of the cargo-steamers through the Group.

It is also gratifying to me to be able to report that after many attempts we have succeeded in arranging for a steamer to maintain the service between Auckland and Niue Island. The s.s. "Rama"

made her first trip in April, and will make such further voyages during the season as may be necessary. Needless to say, the arrival of a steamer proved a most welcome surprise to the islanders. I am sure we can rely on the latter to do their utmost by increasing production to ensure the continuance of a steamer in the trade. The loss of still another contract auxiliary schooner, the "Kaeo," towards the end of last year again emphasized the urgent need for replacing this type of vessel with a well-found steamer. We were fortunate in having the Samoan Administration's steamer, the "Lady Roberts," available to make an emergency trip between Apia and Niue on that occasion.

The isolation of Niue Island will be further greatly diminished by the installation of a radio-telephone equipment this year. The apparatus has been thoroughly tested and proved by the experts of the Post and Telegraph Department in the Dominion, and is now in course of erection at Niue. The new station will work through the Apia radio, and the latter is being provided with the necessary transmitting-gear to enable conversation to be maintained between the two territories.

M. POMARE,
Minister for the Cook Islands.

REPORT OF COOK ISLANDS ADMINISTRATION.

Rarotonga, 14th April, 1924.

FINANCE.

The revenue for the year amounted to £19,137 7s. 10d.; the expenditure was £18,430 18s. 4d., leaving a margin of £706 9s. 6d.

The Revenue and Expenditure Accounts are set out hereunder, from which it will be seen that the year's operations resulted in a cash credit balance of £3,509 3s. 11d.

Statement of Revenue and Expenditure for the Year ended 31st March, 1924.

Revenue.		£	s.	d.	Expenditure.		£	s.	d.
Balance as at 31st March, 1924	..	2,802	14	5	Aitutaki—Salaries	..	598	6	11
Aitutaki Wharf Account	..	116	3	1	Atiu—Salaries	..	345	10	0
Copra duty	..	2,134	2	10	Audit Account	..	65	0	0
Customs duties	..	10,986	5	1	Arorangi School (new building)	..	1,148	2	11
Cinema licenses	..	15	0	0	Agricultural classes	..	25	0	0
Cartage, Shooks Account	..	27	19	2	Atiu—New Building Account	..	8	12	6
Diving licenses	..	40	0	0	British Empire Exhibition	..	79	2	2
Dog-tax	..	130	0	0	Contingencies	..	672	2	0
Fruit-inspection	..	1,261	3	4	Courts	..	1,296	13	3
Film censorship	..	9	17	3	Education	..	927	4	4
High Court fees and fines	..	1,046	6	6	Experimental farm	..	275	5	2
Hall licenses	..	2	0	0	Freezer Account	..	231	18	6
Marriage fees	..	31	6	0	Furniture	..	743	11	0
Mofor fees	..	92	10	0	Government buildings—Upkeep, exten- sions, &c.	..	1,310	9	2
Native Land Court fees	..	98	1	0	Medical Department	..	2,970	4	8
Passport fees	..	14	0	0	Lepers	..	417	15	4
Post-card sales	..	4	9	5	Lunatics	..	129	5	6
Post Office boxes	..	7	1	0	Mail subsidy	..	20	0	0
Rents	..	193	16	8	Mangaia—Salaries	..	404	10	0
Road rates	..	76	2	6	Manihiki—Salaries	..	284	0	0
Shell duty	..	274	19	2	Mauke—Salaries	..	384	0	0
Shipping fees	..	3	17	0	Mitiaro—Salaries	..	75	0	0
Stamp-sales	..	1,027	12	5	Penrhyn—Salaries	..	320	0	0
Trading licenses	..	576	4	0	Police	..	1,018	17	4
Water rates	..	422	6	6	Post Office	..	658	14	3
Wireless Account	..	288	17	4	Prisoners	..	299	12	3
Ammunition Account	..	44	4	8	Public works	..	397	18	8
Liquor Account	..	88	5	6	Pukapuka—Salaries	..	14	0	0
Printing Account	..	124	17	5	Resident Commissioner's Office	..	903	3	4
					Roads and bridges	..	986	0	2
					Subsidy—Flying-foxes and rats	..	218	19	0
					Telephones	..	170	8	10
					Treasury and Customs	..	751	0	7
					Truck Account	..	177	19	7
					Water Account	..	16	9	0
					Whare	..	23	19	6
					Wireless students	..	62	2	5
							18,430	18	4
					Balance as below	..	3,509	3	11
							£21,940	2	3

PARTICULARS OF BALANCE.				£	s.	d.
Cash in bank	..	..	..	151	5	9
Cash in hand	..	..	..	621	17	5
Cash on deposit	..	..	..	1,000	0	0
				£	s.	d.
Amounts due to Administration	..	..	..	2,354	10	1
Less amounts owing	..	..	..	484	2	2
				1,870	7	11
Less Freezer Accounts	..	..	..	134	7	2
				1,736	0	9
				£3,509	3	11

The following cash statement takes into account the amounts due to and owing by the Administration as at the close of the financial year, and shows an estimated credit balance of £6,538 2s. 9d.

Cash Statement as at 31st March, 1924.

<i>Assets.</i>		£	s.	d.	<i>Liabilities.</i>		£	s.	d.	
Cash in hand	.. .. .	621	17	5	Sundry creditors	.. .. .	484	2	2
Cash in bank	.. .. .	151	5	9	Contingent losses—	£ s. d.			
Cash on deposit, Bank of New Zealand	.. .. .	1,000	0	0	Fruit-case Account	.. .. .	36	0	10
Sundry debtors	.. .. .	2,354	10	1	Fruit-case Account, Mangaia	.. .. .	381	5	9
Proceeds of Customs due from New Zealand, due 31st March, 1924 (estimated)	.. .. .	2,000	0	0	Fruit-case Account, Aitutaki	.. .. .	25	13	6
Stamp-sales, New Zealand (estimated)	.. .. .	300	0	0					
High Court fees outstanding	227	9	6	Sundry debtors estimated as bad debts		21	17	3
Native Land Court fees outstanding	831	19	6	Cash balance		6,538	2	9
		<u>£7,487</u>	<u>2</u>	<u>3</u>				<u>£7,487</u>	<u>2</u>	<u>3</u>
Balance	£6,538	2	9						

The balance-sheet set out hereunder takes into account the value of all Administration assets throughout the Group as at the 31st March, 1924, and all liabilities as per the cash statement, and shows an excess of assets amounting to £62,679 17s. 10d.

Statement of Assets as at 31st March, 1924.

<i>Assets.</i>		£	s.	d.
Land and buildings	.. .. .	40,755	10	0
Waterworks	.. .. .	6,000	0	0
Furniture	.. .. .	6,011	0	0
Plant, machinery, and type, Printing Office	.. .. .	450	0	0
Stocks—				
Drugs and instruments, hospital	.. .. .	454	0	0
Public Works Department	.. .. .	1,069	9	6
Printing Office	.. .. .	308	7	0
Freezer	.. .. .	185	18	7
Ammunition	.. .. .	6	8	6
Liquor	.. .. .	262	1	6
Tools, &c., outer islands	.. .. .	64	0	0
Motor-vehicles	.. .. .	575	0	0
Cash as per cash statement	.. .. .	6,538	2	9
		<u>£62,679</u>	<u>17</u>	<u>10</u>

Liabilities.

Nil.

TRADE.

For the year ended 31st December, 1923, the value of imports was £131,590, and of exports £118,710. For the previous year the figures were—Imports, £116,726; exports, £135,802.

During the year 138,857 cases of oranges, 70,206 cases of bananas, and 24,578 cases of tomatoes were exported, and it is considered that with suitable shipping facilities for the coming year the export of these fruits will be increased.

The growers throughout the Group are pleased with the new alternate cargo service to Auckland and Wellington, which gives them the choice of markets, which they have been asking for for some years; but, on the other hand, they are apprehensive that, owing to the accelerated San Francisco mail-service, they may be deprived of the shipping-space desired on the mail-steamers to Wellington. This is a most essential service, as it brings our fruit very quickly to what our growers consider their best market. Every effort should be made to secure increased shipping facilities to our best markets, in the hope that increased exports may so improve our financial position as to give us an opportunity of becoming more self-supporting in the future.

The following is a summary of imports and exports for 1923, together with a return for the last nine years:—

PORT OF AVARUA.

Return of Imports for the Year ended 31st December, 1923.

		£			£
New Zealand	.. .. .	93,756	Canada	.. .. .	91
United States of America	.. .. .	23,139	Italy	.. .. .	1
United Kingdom	.. .. .	3,906	Suva	.. .. .	5
Tahiti	.. .. .	1,579	South Africa	.. .. .	5
Australia	.. .. .	3,838	Samoa	.. .. .	86
France	.. .. .	126			
Germany	.. .. .	58			
					<u>£131,590</u>

Return of Exports for the Year ended 31st December, 1923.

Article.	Where exported.	Quantity.	Value.
Oranges	New Zealand	138,857 cases	£ 43,464
Bananas	"	70,206 "	32,719
Tomatoes	"	24,578 "	10,033
Limes and lemons	"	375 "	221
Mandarins	"	588 "	271
Kumeras	"	90 "	29
Coffee	"	19 sacks	95
Taros	"	10 "	3
Mangoes	"	2 "	1
Pines	"	107 "	16
Avocado pears	"	10 "	2
Coconuts	New Zealand	2,213 "	
	Tahiti	1,338 "	
	United States of America	1,176 "	
		4,727 "	1,400
Copra	New Zealand	196 $\frac{1}{4}$ tons	
	Tahiti	508 $\frac{1}{4}$ "	
	United States of America	1,182 $\frac{3}{4}$ "	
	Apia	131 "	
		2,018 "	26,205
Shell	United Kingdom	30 $\frac{1}{4}$ "	
	New Zealand	32 $\frac{1}{4}$ "	
	United States of America	1 $\frac{3}{4}$ "	
		64 $\frac{1}{4}$ "	2,251
			£118,710

Return of Imports and Exports for the Nine Years 1915 to 1923, inclusive.

Year.	Imports.	Exports.	Total Value.
	£	£	£
1915	65,590	63,057	128,647
1916	58,478	68,146	126,624
1917	80,061	60,190	140,251
1918	99,632	82,708	182,340
1919	142,925	127,729	270,654
1920	177,911	94,697	272,608
1921	112,974	69,301	182,335
1922	116,726	135,802	252,528
1923	131,590	118,710	250,300

VISIT OF THE HON. MINISTER OF THE COOK ISLANDS.

The visit of the Hon. Minister, accompanied by the Secretary of the Cook Islands Department, from the 30th September to the 2nd November last, was productive of much good, for, besides the many business matters which were discussed and settled, a much better feeling was promoted amongst all sections of our community, both European and Native. There will be recognized in this report many new projects which are the direct result of the visit.

The hope has been generally expressed that the Minister will, if possible, visit us annually, as so many of our matters require consideration and adjustment on the spot in the light of our peculiar local circumstances and conditions.

OBITUARY.

It is with regret that the death, on the 24th November last, of Mr. Thomas Duncan, Resident Agent at Mangaia, has to be recorded. The late Mr. Duncan joined the service in 1913 as Resident Agent at Aitutaki, and he was transferred to Mangaia in a similar capacity in 1919. The loss of such a zealous, conscientious, and capable official is being very widely and keenly felt.

MEDICAL AND PUBLIC HEALTH.

The health of the people has remained satisfactory throughout the year.

Provision is being made on this year's local estimates for alterations and extensions to the hospital at Rarotonga, including the provision of a detached out-patients' department, as approved by the Minister during his visit to Rarotonga.

Attached hereto are extracts from the annual report of Dr. R. S. Trotter, the Chief Medical Officer :—

Hospital.—The in-patients for the year numbered 113, with an average stay of twenty-one days. You are already familiar with the classes of cases treated, as these are given with the monthly reports. There were two deaths, both cases dying shortly after admission.

Out-patients : 398 visits and attendances were paid upon Europeans and 11,246 upon Maoris during the twelve months. The heaviest work was in August, when 88 visits and attendances were given to Europeans and 2,671 to Maoris. This was during an epidemic of influenza, introduced from Tahiti, which was soon got under control through hard and persistent work. The following month the attendances had dropped to 23 and 751 respectively. The lightest month was October, with 25 attendances upon Europeans and 572 upon Maoris.

The most troublesome thing we had to deal with during the year has been ascaric lumbricoides, a very large number of children and a few youths being affected. This will never be eradicated until dogs are exterminated. There is no trouble of this sort in the islands free from dogs, except in an occasional case which has visited the dog islands. All dogs should be destroyed.

Suspensions have been aroused from time to time in regard to ankylostomiasis, a disease caused by another very troublesome worm, and our Assistant Medical Officer, Dr. McKenzie, has found the worm here in the stools of patients taken into the hospital for observation. He has not yet found either the ova or the worms in the dog here, but they have been found in the cat in Moorea (Society Group). Investigations are also being made by Dr. McKenzie in regard to the mosquitoes carrying filaria.

Systematic injections of Novarsenobillon and Neokharsivan are being given for yaws with good results, both in Rarotonga, where one morning a week is set aside for this work, and in the outer islands as the occasions of our visits to them fit in.

The settlements generally are in a clean and healthy condition, but there are odd houses here and there to which we have to draw the attention of the occupants from time to time. The schools generally are clean, and the scholars also, and the teachers co-operate in trying to bring to our notice any unhealthy pupils they see. Sores and bad teeth are the chief affections.

Outer Islands.—All have been visited by the Medical Officers with the exception of Manuae (a labour island), whose labourers have been inspected before going and on their return, and no disease found amongst them ; Nassau, another labour island, with labourers from another group, who may or may not have been inspected in Samoa before going to Nassau ; Suwarrow, uninhabited at present ; and Takutea, also uninhabited.

Palmerston and the northern islands were found to be healthy, and the settlements kept in a cleanly condition. There is a marked decrease in the incidence of tuberculosis in these islands.

There was a slight outbreak of influenza in Mauke, with which the Assistant Medical Officer dealt on the spot. Cases of yaws were treated there and in Atiu, as also in Aitutaki and Mangaia.

There was an outbreak of influenza in Aitutaki, and as there was no Medical Officer there at the time the Island Nurse, Miss Blackie, had the handling of it.

A case of yaws got to Manihiki from Aitutaki just before my arrival there. It was segregated and dealt with at once when found, but another case (a sister of the former) had gone on to Rakahanga before I got to know of it, and there was no opportunity of getting back there to deal with it. This is regrettable, as these northern islands have been clear for years.

The teeth of the children in Palmerston and the northern islands are good ; in Aitutaki and Mauke, indifferent ; in Mitiaro, Atiu, and Mangaia, fairly good.

Lepers.—There has been no increase in the total number of lepers during the year. The case at Palmerston died. All are segregated, and all are under treatment with the ethyl esthers of Chalinooogra oil. Some of the cases show distinct improvement, but one cannot say that any are cured. Some remain, as far as one can judge, *in statu quo ante*, and an odd one is worse.

General Remarks.—On the whole the Islands have been healthy throughout the year, the only epidemic disease anywhere having been influenza of a comparatively mild type in the islands mentioned.

VITAL STATISTICS.

Attached hereto are returns supplied by the Registrar of Births, Deaths, and Marriages :—

Island.	Births.				Deaths.				Marriages.		Remarks.
	European.		Maori.		European.		Maori.		Euro- pean.	Maori.	
	M.	F.	M.	F.	M.	F.	M.	F.			
Rarotonga ..	4	3	54	70	1	..	30	33	3	32	..
Aitutaki ..	..	..	19	25	..	..	15	14	..	10	To 31 Dec., 1923.
Mangaia ..	1	..	18	10	1	..	9	7	..	8	..
Atiu ..	..	..	16	23	..	..	7	11	..	7	To 31 Mar., 1924.
Mauke ..	..	..	13	8	..	..	13	7	..	3	..
Mitiaro ..	..	..	1	3	..	..	1	2	..	..	To Oct., 1923.
Manihiki ..	..	..	5	7	..	..	7	3	..	4	To 31 Dec., 1923.
Rakahanga ..	..	..	8	..	..	..	3	3	..	2	..
Penrhyn ..	..	..	11	4	..	..	3	8	..	4	To 31 Dec., 1923.
Totals ..	5	3	145	148	2	..	88	88	3	70	

MIGRATION.

The following shows the migration to and from Rarotonga for the period from 1st April, 1923, to 31st March, 1924 :—

Arrivals.—Europeans : Adults—51 males, 42 females ; children—3 males, 2 females. Natives : Adults—30 males, 20 females ; children—5 males, 12 females. Total for year, 165.

Departures.—Europeans : Adults—35 males, 26 females ; children—3 males, 4 females. Natives : Adults—10 males, 6 females ; children—1 male, 2 females. Total for year, 87.

EDUCATION.

The work of education is being improved and extended throughout the Group.

A European schoolmaster and his wife as assistant are being provided for the schools at the Island of Mangaia, in succession to Mr. and Mrs. Geoffrey Henry, Mr. Henry having been transferred at his own request to a position in the Registrar's Office at Rarotonga. It is also proposed during this year to provide a European schoolmaster at the Island of Atiu.

The new arrangement decided upon during the Minister's visit with the London Missionary Society, by which the schools of all the islands of the northern group—viz., Penrhyn (two schools), Manihiki (two schools), Rakahanga, Pukapuka, Palmerston—will be properly conducted by the society under the supervision of our Superintendent of Schools, the Administration providing a subsidy and certain equipment, should result in considerable benefit to the 350 children who, it is estimated, will be enrolled in those schools.

The Agricultural School at Rarotonga has been re-established, and good work is being done under the supervision of Mr. E. A. Reid, Chief Fruit Inspector and Officer in Charge of Agriculture Department.

Arrangements are also being made to teach elementary hygiene in all the schools.

The scholarship boys and girls attending St. Stephen's, Otaki, and Hukarere Colleges are making excellent progress.

The proposal mentioned in the last annual report that our Native and other pupil-teachers should have an opportunity of completing their course of study at a training college in New Zealand has been finally approved by the New Zealand Education Department. In the future we shall thus be able to provide for suitable teachers from our own people.

The annual report of Mr. J. C. M. Evison, Superintendent of Schools, is appended :—

Attendance (Lower Group Schools).—As the whole of the returns from three of the outlying islands are not yet forward, the following particulars are only approximate :—

Roll number at the beginning of the year	..	..	..	..	1,344
Roll number at the end of the year	..	..	..	..	1,411
Mean average daily attendance for the whole Group	..	..	..	..	1,297.34

In the outlying islands the daily attendance is very creditable indeed, but in Rarotonga, where it would be expected that parents would be keenly interested in the educational welfare of their children, a great deal of trouble is experienced in maintaining a high degree of regularity in this direction.

Syllabus of Work.—The beginning of the year marked an era in educational progress, when, for the first time, a definite syllabus of work was put into force. In the opinion of those competent to judge it is an excellent syllabus, and, provided it is interpreted in the right spirit by all teachers, will be the means of laying such a sound and true foundation that pupils thoroughly taught along the lines laid down in it will be fully competent to tackle the work of a senior scheme which it is intended the junior scheme will lead up to.

Buildings.—Towards the end of the year a good start was made with the erection of a new school at Arorangi. It is intended to have two concrete buildings similar to those at Ngatangia. The old stone building now used as a school will then be pulled down. As is usual in these islands, the people of Arorangi are contributing a certain amount of labour towards the new buildings.

Staffs.—In April last Mr. and Mrs. W. M. Dane took charge of the school at Aitutaki, and have created a very excellent impression by the way in which they have faced their difficult task. Their school is now the largest, as far as numbers are concerned, in the whole Group.

Mr. Geoffrey Henry, who has had charge of the three schools at Mangaia, was, owing to health reasons, compelled to resign his position there.

Northern Group.—During the visit of the Hon. Minister to Rarotonga he authorized the payment of a subsidy to enable the children in those far-off islands to reap some of the benefits of education. The London Missionary Society's leaders will control the seven schools up there. The Administration will equip them on the understanding that when it is thought advisable it may take over the entire control of them. Pending the fruition of that idea, your officers are to have the right of entry to all the schools for the purposes of inspection, examination, and instruction.

Grading of White Teachers.—In October last an Inspector of the New Zealand Education Department, Mr. John Robertson, B.A., visited the schools of Rarotonga for the purposes of grading those teachers who hold certificates under that Department. Both teachers and taught thoroughly enjoyed his stay ; the only fault to be found with it was that it was all too short.

Training of Native Teachers.—A start was made to give tuition to these teachers. A class held every Saturday morning met at Avarua, when the majority of those showed a great amount of interest in the work of the class.

Senior School.—At Avarua a senior class of boys and girls was instructed every afternoon from 2 to 4, when some very good work was done.

PUBLIC WORKS.

During the year the main school building at Arorangi was completed, and a start made upon the erection of the smaller building. The cost to date for material and labour is £1,148 2s. 11d.

The other main activities of this Department have been as follows: Maintenance and repair of roads and bridges, £986 0s. 2d.; repairs and extensions to Government buildings, £1,310 9s. 2d.; making of furniture, &c., for Government buildings and residences, £677 2s. 4d.; construction of telephone to wireless station (with Australian hardwood poles), £283 17s. 2d.

New Works.—The following are the principal new works which are contemplated: Erection of a new Residency at the Island of Atiu (estimated cost), £1,200; hospital alterations and extensions, £1,500; schoolmaster's house, Avarua, £1,200; quarters for single officers, Rarotonga, £200; telephone extensions, Matavera and Arorangi, £400; new freezer, plant, &c., £1,500; improvements to "Whare Manuhiri," £250; completion of Arorangi School, £350; repairs and extensions to other Government buildings, £1,000.

Roads.—As indicated in the last report, the work on the main road has been done by our own working gang, and the change from the old contract system has proved quite satisfactory. It is contemplated that the expenditure upon upkeep, repair, and new work on roads and bridges will cost £1,200 during the coming year.

Telephones.—The lines in Avarua, and from Avarua to the wireless station, have been reconstructed with Australian hardwood poles and a heavier-gauge bronze wire during the year, and the whole system is now in much better order. It is hoped by the end of the coming year to complete the lines to Arorangi on the one side and Matavera on the other, thus giving about eight miles of new work.

LAWS.

Regulations have been made by Order in Council providing for proper inspection and audit of the accounts and transactions of Native companies.

The Trades and Industries Regulations have been made by Order in Council, conferring upon the Resident Commissioner authority to make investigation into any matter relative to any industry carried on or proposed to be carried on in the Cook Islands, and for the purpose of obtaining information which may be required for the due control, regulation, and maintenance of the industries of the Cook Islands; the due observance and enforcement of the laws thereto; the discoveries of breaches of those laws; the prevention or suppression of monopolies, unfair competition, and other practices detrimental to the public welfare; the proper regulation, in the public interest, of the prices of goods and the rates of services; or for any other purpose relative to the industries of the Cook Islands.

A Local Ordinance has been passed in Rarotonga prohibiting, for health reasons, the keeping of pigs within any village or within 150 ft. from any dwellinghouse.

HIGH COURT.

Criminal Jurisdiction.—The total amount of fines inflicted was £964 5s., of which £573 0s. 6d. has been paid and £215 8s. 6d. worked out by imprisonment leaving the total outstanding for the year £175 16s. The balance of outstanding fines for the previous year was £65, but of the total outstanding it is considered that some £38 3s. is irrecoverable, so that the actual asset under the heading of outstanding fines is £202 3s.

Civil Jurisdiction.—The total number of cases heard was 233, made up of applications for divorce, breaches of contracts, debts, &c. The position of cash receipts during the financial year is as follows: Fines paid for the year ending 31st March, 1924, £573 0s. 6d.; amounts paid on account of fines for the year ending 31st March, 1923, £101 13s. 6d.; civil fees, £31 6s. 6d.; sundry fees, £3 8s.: total cash receipts, £709 8s. 6d.

Return of Offences.—A total of 764 cases were heard for criminal offences, breaches of regulations, and for breaches of Local Ordinances, as follows: Wilful damage, 7; contempt of Court, 3; animals trespassing, 52; theft, 28; drunkenness, 99; manufacturing intoxicating liquor, 36; selling intoxicating liquor, 2; consuming intoxicating liquor, 271; gambling, 6; assault, 18; adultery, 1; being in possession of intoxicating liquor, 1; insulting language, 5; profane language, 2; actual bodily harm, 1; breaking and entering, 1; smuggling, 10; bribery, 1; setting fire to house, 2; mental case, 1; breaches of Fruit Regulations, 92; breaches of Education Regulations, 25; breaches of Noxious Weeds Regulations, 6; breaches of Local Ordinances, 94: total, 764. Of the above total cases heard 86 were sentenced to imprisonment, 562 convicted and fined, 23 convicted and discharged, 92 dismissed, and there was 1 mental case.

NATIVE LAND COURT.

The most important work done during the year was the somewhat lengthy hearing of the dispute over the succession to the Ariki title of Makea-nui. The Court's judgment determined the position of the present law and Native custom in all matters regarding Ariki titles, including the relative rights of an Ariki, the Ariki family, the Mataiapos, priests, rangatiras, and the common people, in relation thereto. As this judgment is one of great interest and value, a copy appears as an appendix to this report.

During the year the Court held sittings at Rarotonga, when the following work was done: Succession order made, 1; partition orders made, 2; confirmations of alienation, 2; hearing dispute as to title of Ariki, 1; cases adjourned, 2.

Fees.—Total fees imposed for new work, £8 2s. 6d. Fees collected during year: Court fees, £34 14s. 6d.; office fees, £12 2s.: total, £46 16s. 6d. Total outstanding fees on 31st March, 1924, £840 2s. (including amount of £8 2s. 6d. for new work).

WIRELESS.

The plants for the substations to be erected at the islands of Aitutaki and Mangaia have arrived, and it is expected that these stations will be in working-order within the next few months.

Four Rarotongan scholarship boys have been transferred from St. Stephen's College to the Wireless College at Wellington, and it is hoped that they will be able to satisfactorily take charge of and work these stations.

The New Zealand Government has generously provided a vote of £1,500 towards the cost, so that the cost to the local Administration should not be more than £500 or £600.

SHIPPING.

Wharf.—The Union Steamship Company's new wharf and the new boat-slip at Avarua have both been completed, and are greatly facilitating the handling of the cargo and lighters.

Shipping-lights.—An electric lamp of 40 candle-power has been erected on the wireless mast at a height of 145 ft. above sea-level, with a visibility of twelve to fifteen miles. During the visit of H.M.S. "Laburnum" the astronomical position of the wireless mast was fixed.

The lights mentioned in the last report for the islands of Aitutaki, Atiu, and Mangaia have been erected. All these lights are proving of considerable convenience to shipping-masters.

NATIVE FRUIT COMPANY.

This company, referred to in the last annual report, is still being carried on under the supervision of Mr. Reid. The membership has been increased to 397, and the exports for last year were: Oranges, 3,035 cases; bananas, 7,301 cases: total, 10,336 cases. The selling-price f.o.b. Rarotonga averaged 6s. 9d. per case for oranges and 11s. per case for bananas.

The net proceeds for the year amounted to £3,984 14s. 3d.

It is expected that the membership for the coming year will exceed five hundred.

AGRICULTURE.

Experimental Farm.—This is being carried on in good order. During the year Mr. C. J. Boucheir was appointed Assistant Fruit Inspector, in order that more attention could be given to fruit-inspection, and to assist growers in the cultivation of fruit plants and trees, both in Rarotonga and the Group islands. A campaign against noxious weeds has been inaugurated, and Mr. Boucheir has been successful in having a large number of properties cleared up.

METEOROLOGICAL.

The total rainfall at Avarua for the year ended 31st March, 1924, was 95·87 in., the highest recorded for twenty-four hours being 4·53 in. on the 25th March, 1924.

The highest reading of the Fahrenheit thermometer in the shade for the year was 87°, on the 1st January, 1924, and the lowest was 57°, on the 18th August, 1923. The mean of the maximum was 86·3°, and the mean of the minimum was 75·15°.

REPORT OF NIUE ISLAND ADMINISTRATION.

Niue, 1st April, 1924.

FINANCE.

The year was commenced with a credit balance of £972 18s. 9d. Revenue amounted to £4,642 4s. 10d., the main items being—Customs duties, £1,857 19s. 7d.; stamp-sales, £831 11s. 9d.; copra export duty, £701 19s.; and aid to revenue, £487. Expenditure amounted to £4,403 0s. 1d., leaving a balance at 31st March, 1924, of £1,212 3s. 6d. The Resident Commissioner estimates the revenue for the coming year at £4,000. Stamp-sales will show a drop, as will also Native Land Court fees and the Ammunition and Liquor Accounts. As to these last two, the credits shown for this year are largely due to a decrease in stocks held. Expenditure for the coming year has been estimated at £4,075. It is apparent that unless some fresh source of revenue is found little further progress can be made, at any rate with works which will mean added upkeep expenses in future years, such, for instance, as further schools. The revenue available is now very little more than sufficient to cover the ordinary working-expenses of the Administration, whose activities have increased considerably of recent years, and there is but little money available for new works. The establishment of a fruit trade appears to be the only practicable solution of the difficulty, and in the meantime it is very necessary, in considering new works, to study the question of future upkeep even though there should be money available for the initial work. This matter will be referred to again under "Education."

STATEMENT OF REVENUE AND EXPENDITURE FOR THE YEAR ENDED 31ST MARCH, 1924.

<i>Revenue.</i>			<i>Expenditure.</i>		
	£	s. d.		£	s. d.
Balance in hand at 31st March, 1923	972	18 9	Education	46	7 11
Aid to revenue	487	0 0	Foreman, Public Works	225	0 0
Ammunition Account	Cr. 68	8 11	Furniture, officers' quarters	107	19 2
Copra export duty	701	19 0	Government buildings	271	4 0
Customs duties	1,857	19 7	Hakupu—Teacher's residence	577	2 10
Dog-tax	44	17 6	Interpreters	120	0 0
High Court fees and fines	241	5 3	Jetty	26	1 4
Licenses	155	15 0	Library	10	18 0
Liquor Account	Cr. 153	8 10	Matiu trial—Expenses of Inspector Bennett	181	4 3
Native Land Court fees	84	10 0	Medical service	912	17 10
Registration fees	15	9 0	Miscellaneous services	124	7 8
Stamp-sales	831	11 9	Niue Island Council	60	0 0
			Police	355	0 5
			Printing and stationery	53	12 7
			Prisoners' food and supervision	212	5 1
			Rent, officers' quarters	40	10 0
			Reservoirs	82	2 10
			Roads	806	4 0
			Transport	190	2 2
				4,403	0 1
			Balance—	£	s. d.
			Cash in hand	921	15 10
			Bank of New Zealand	290	7 8
				1,212	3 6
	£5,615	3 7		£5,615	3 7

SHIPPING.

During the year the "Ysabel" made five trips to Niue from Auckland, the "Lady Roberts" called once, and the ill-fated "Kaeo" was wrecked here on her first trip. In addition H.M.S. "Chatham" and H.M.S. "Laburnum" visited Niue once each, and in March the American tourist steamer "Buford" spent a few hours here. After the "Ysabel" had made four trips she was taken off the run and the "Kaeo" replaced her. Her mails and inward cargo were ashore, and she had taken on board some 50 tons of copra when she was wrecked at Tuapa. Tuapa is admittedly difficult to work, but vessels with and without power have loaded and unloaded there successfully for the last half-century. Niue is acquiring an unenviable reputation for wrecks, but the Resident Commissioner gives it as his opinion as to those vessels which have met with misfortune there of recent years that the island has done very little to earn it. Salvaging operations were commenced immediately, and part of the copra, together with ship's fittings and stores, engine-parts, &c., were brought ashore before the vessel went over on her side, where she rapidly broke up. Captain MacDonald and two of his men made the trip to Apia in the ship's lifeboat, with the result that the Samoan Administration's steamer "Lady Roberts" was promptly to hand. Orders for the hurricane season were forwarded by the lifeboat, and these goods came to hand in the "Ysabel" at Christmas time; otherwise there would have been a shortage of food and general supplies. This Administration and, indeed, every one in Niue are deeply grateful to all concerned for the promptness with which relief was afforded. This emphasizes once more the necessity for wireless in an island such as Niue. In this case Captain MacDonald was fortunate enough to make Apia without mishap, but it is unfair to ask or permit men to run risks of that nature. The Resident Commissioner has twice been faced with this situation during his term here, and on the previous occasion—the wreck of the "Awanui"—he declined to permit Captain Anderson to make such an attempt, as it was during the hurricane months, and had disaster attended this boat he could not but have felt partly responsible. There are, of course, emergencies of other kinds where wireless might be no less than a vital necessity.

TRADE.

Imports for 1923 amounted to £18,388, and exports to £13,227, a total trade value of £31,615, as against £30,540 in 1922. 702 tons of copra were exported, but at least another 200 tons were in the sheds ready for shipment at the end of the year. The wreck of the "Kaeo" deprived the islanders of the opportunity of shipping another 100 tons or more. It is to be hoped that there will be facilities to clear the island at the end of this season. The export of hats is small. There is a glut in these articles in New Zealand, while tariffs and the competition of cheap Asiatic hats prevent entry to other markets.

The fact that the promised steamer service did not materialize was a heavy blow to the island. A fruit trade is the only road to progress here, and it has already been abundantly proved in the Pacific that copra alone is not sufficient to make an island prosperous. A number of Natives planted bananas extensively in view of the proposed service, and it has been suggested that, should a regular steamer service not eventuate this year, a steamer should call at least once late in the year to ship what bananas are available and also remove any balance of copra lying in the sheds.

PORT OF ALOFI.

Return of Imports for the Year ended 31st December, 1923.

	£		£
New Zealand	14,737	Switzerland	99
United Kingdom	1,067	United States of America	783
Australia	1,627	American Samoa	3
Canada	1		
Western Samoa	69		
Tonga	2		
			£18,388

Return of Exports for the Year ended 31st December, 1923.

Article.	Where exported.	Quantity.	Value.
Coconuts	New Zealand .. .. .	.. .. .	£ 1
Copra	New Zealand	689½ tons	}
	Western Samoa	12½ „		10,979
		702 „	162
Fancy goods	New Zealand .. .. .	.. .. .	}
	Western Samoa .. .. .	.. .. .		92
Fungus	New Zealand	3,317 lb.	
Hats	New Zealand	2,900¾ doz.	
	Western Samoa	22 „	
		2,922¾ „	1,881
Taro	New Zealand	2 cases	1
Re-exports .. .. .	.. .. .	.. .. .	111
			£13,227

SUMMARY.				£
New Zealand .. .. .	.. .. .	.. .. .	.. .. .	12,960
Western Samoa .. .. .	.. .. .	.. .. .	.. .. .	267
				£13,227

HIGH COURT AND NATIVE LAND COURT.

During the year 478 criminal cases were dealt with by the High Court. One prisoner was sent to New Zealand on conviction for indecent assault on a child. Otherwise there was no serious crime. Civil work was, as usual, negligible. Fees and fines for the financial year amounted to £241 5s. 3d.

The provisions of section 9 of the Cook Islands Amendment Act, 1921, led to an abnormal number of applications for adoption, and eighty-seven were granted during the year. Otherwise no Native Land Court business came before the Court.

COUNCIL.

Four meetings of the Island Council were held during the year, and the following Ordinances were passed :—

The Emigration Ordinance Repeal Ordinance, which does away with the tax of £1 paid by Niueans leaving the island. The old Ordinance failed in its purpose, as the fee was not large enough to deter Natives from leaving, while at the same time it caused a good deal of resentment. This matter is, however, gone into more fully elsewhere in this report.

The Water-supply Ordinance, which sets apart certain of the waterholes and caves for drinking purposes only. Hitherto all such places were used indiscriminately for bathing, washing clothes, and drinking.

The Debt Limitation Ordinance.—There was a similar Ordinance in force here before the Cook Islands Act came into operation, and it worked well. A meeting of traders requested the Resident Commissioner to attempt to reinstate it, and the Natives agreed. Traders are now allowed to give credit to Natives only in certain special cases, and always under a contract made before the Resident Commissioner, who estimates that a sum of £4,500 was due to the traders by the Natives when this Ordinance came into force, or well over £1 per head of population. But once the initial hardship of paying off this sum is over he is satisfied that nothing but good can result. The Ordinance is working smoothly, and there have been no complaints, while substantial reductions have been made in the amounts owing in at least some of the villages.

EDUCATION.

It will be observed that a sum of only £46 7s. 11d. has been expended under this heading during the year. At the 1st April, 1923, the New Zealand Government took over the payment of the salaries of all teachers, and further refunded a sum of £150 on account of pay of one teacher for the previous year. These facts account for the low expenditure. Mr. Bolton, M.A., at present in charge of both schools, states that the equipment is adequate, so that working-expenses should not be heavy in future.

A residence has been erected for the head teacher at Hakupu, and special care has been taken to make this a comfortable dwelling as some compensation for living in a back village with little or no contact with other Europeans.

Mr. Reeves, headmaster at Tufukia, left Niue in November last for dental treatment, and at the same time Mrs. Reeves, who had been on the staff of that school, resigned her position. Since then Mr. Bolton, while continuing his duties at Hakupu, has given some supervision to the work at the larger school. Thirty-six of the older pupils were dismissed in the meantime, but otherwise the staff has managed to cope with this emergency, and the Resident Commissioner thanks them all for their willing assistance.

At the 31st March the Tufukia School roll stood at 155, and Hakupu at eighty-five; but on the return of Mr. Reeves no doubt many of the thirty-six pupils above referred to will come back to school.

An exhibit of handwork, writing, drawing, &c., from both schools was added to the island exhibit for the British Empire Exhibition, and forwarded during the year.

Educational work has been entirely satisfactory. Special attention has been given to classes in Native arts and crafts; the Technical School continues to turn out useful articles of furniture; and another innovation is that all children are now taught to read also in their own tongue.

On last year's estimates appeared an item of £200 towards the erection of a school at Mutulau, and this sum again appears on this year's estimates of expenditure. The balance of the cost of erection would fall on the Natives concerned, in the form of Native building-material and labour. As mentioned under the heading of "Finance," this is a matter with which the Resident Commissioner is not prepared to go ahead unless there are prospects of revenue to justify further extension. Equipment for the school will cost about £250, a teacher's residence about £700, furniture for same (say) £100, and there is also a reservoir to be provided. It would, of course, be folly to build the school unless this further expenditure could be met in the near future. As soon as a steamer service is assured the matter will be further considered.

PUBLIC WORKS.

A good deal of new roadwork has been completed during the year. The coast road to Tamakautoga was finished in June, and has proved quite satisfactory. There was very little rain for some months after it was finished, and in consequence the grass did not grow on it very well, necessitating repairs; but the whole length of the road is now well grassed, and will give little further trouble. Two wayside tanks have been provided on this road. During February and March Hikutavake Village has been employed on a road to link the village up with the main road around the island. Hitherto the only connection was a branch road. This work is within a reasonable distance of completion, and includes a hill on which the village has done excellent work. The grading and crowning leave nothing to be desired, and the constant repairs necessary on other hill roads in Niue should not be necessary here. Liku effected repairs on three miles of their road to Alofi, and the prisoners have done a considerable amount of work in the vicinity of Alofi, notably on Peta Hill.

As to Government buildings, the teacher's residence at Hakupu is the principal work completed. It consists of four rooms, with kitchen, storeroom, and bathroom in addition, the whole surrounded by a 12 ft. veranda. A concrete tank remains to be built, and there are a few other details to be attended to, but the house will be ready for occupation during April. The bond-shed has been enlarged from a floor-space of 27 ft. by 34 ft. to 27 ft. by 60 ft., and concrete has been substituted for wooden flooring. This was done in anticipation of the steamer service. The prison-cell building has been re-erected in reinforced concrete. Painting has been carried out at several buildings, and all have now been attended to during the past eighteen months. Minor repairs and improvements have been effected where necessary.

Two concrete tanks have been erected at the Residency, one at the house and one at the new office building. All residences have now either a reservoir or a concrete tank to draw on.

As to work for the coming year, repairs are required on several short stretches of road. The rainfall during the hurricane season has been abnormal, and some of the roads have suffered in consequence. The reservoir at Mutalau is to be duplicated, and, if funds permit, that at Liku also. A force-pump is to be tried at a deep waterhole in Hikutavake, and if this proves successful other waterholes will be similarly fitted. An experiment of fencing in cement, with a pipe railing, has been tried on part of the Residency grounds. Fencing in wood has meant continual repairs, and it is proposed to provide these permanent walls for all Government grounds as occasion arises. Should a steamer service still eventuate, an enlargement of the jetty, erection of fruit-sheds, and shutes to carry the cases to the wharf will have to be considered.

POPULATION.

The following table shows the births, deaths, and marriages for the past five years:—

	Births.	Deaths.	Marriages.
1919	110	126	71
1920	92	104	45
1921	103	97	46
1922	99	82	47
1923	106	103	42

As to migration, 30 persons, including 13 Europeans, arrived, and 32 persons, including 17 Europeans, departed.

Appended is a table showing the population of the island at various dates and including all available figures :—

Year.	Population.	Remarks.	Year.	Population.	Remarks.	
1859	..	4,300	1902	..	4,051	} Census, June.
1864	..	5,010	1906	..	3,801	
1875	..	5,076	1911	..	3,943	Census, November.
1883	..	5,126	1916	..	3,876	Census, October.
1884	..	5,070	1921	..	3,761	Census, April.
1887	..	4,726	1921	..	3,781	} Registrar's records, 31st December.
1891	..	4,482	1922	..	3,779	
1893	..	4,463	1923	..	3,780	} Registrar's records, 31st March.
1895	..	4,433	1924	..	3,796	
1900	..	4,015				

Vital statistics are complete from the 1st April, 1901, to the 31st March, 1924, and these disclose the fact that deaths exceeded births during that period by 19 only. Yet from the above table it appears that since 1900 there has been a drop of 219 in population. It is therefore clear that migration and not an excessive mortality is the real danger in Niue. It is also fair to assume that the big drop visible in the mission period is largely due to migration. If further proof be wanted, the settlements of Niueans in Rarotonga, Apia, Pago Pago, and the larger islands of the Tongan Group provide confirmation. Other Niueans are spread through the remaining islands of the Pacific; many are at sea as sailors; and there is also a large colony in Auckland, whence a few of the hardier spirits are beginning to scatter through New Zealand. The majority of the Natives who are away are now permanently domiciled in the islands in which they reside; many have, through marriage, acquired homes and plantations, and some of the younger Natives have even forgotten their own tongue. The prospect of seeing them again in Niue is therefore remote. Formerly practically every young man spent some time at sea or abroad. Also, the scope for day labour in Niue is small. Therefore the younger men are clamorous to go; and, though they are willing to promise to return, the Resident Commissioner is satisfied that such promises for the most part would not be honoured. It is only a lack of shipping which has kept these men here of late years. In his report for 1922 the Resident Commissioner at Rarotonga recommended that there should be ample power to prevent Natives from leaving these islands without good reason, and such authority is urgently needed here. Such a step will no doubt be regarded by some as an unwarrantable liberty with the freedom of British subjects, but personally the Resident Commissioner regards these people as children—in a state of tutelage and as yet unfit for a full freedom. As they themselves have not yet acquired a regard for the future welfare of their own island, it is surely our duty to take some such step in their own interest.

MEDICAL SERVICE.

During the year an extensive campaign has been carried out against yaws, as a result of which the island can now be said to be fairly clean. The cases that remain are for the most part in the form of cracked feet, which is not an infectious form of the disease, and has accordingly been left to the last. Dr. Dorset, of the Western Samoa Administration, who relieved Dr. Collins in November, brought a simpler and less painful method of injection, which has found much favour with the Natives. Another important advance was the discovery by Dr. Dorset of the existence of hookworm in Niue. So far as can be ascertained, this disease has never been treated here, but the probabilities are that it is extremely common, and that the very prevalent cases of anæmia are due to it. Fortunately the treatment is both simple and cheap, and immediate steps are being taken to provide it. It is proposed to treat the whole population, village by village, for this complaint.

It will be observed that the deaths for 1923 are 103, as against 82 the previous year.

During the year Tupeli, the Samoan probationer nurse who was on loan to this Administration, completed her term and was returned to Samoa. Dr. Dorset is of opinion that the Niuean probationers are superior to the Samoan, and that there will be no further need to look outside the island in staffing the hospital.

During the year 144 patients were treated at the hospital, the average stay being seventeen days; 2,383 persons visited the dispensary, and the Medical Officer visited out-villages on 224 occasions, in most cases more than one patient being visited. In addition 846 injections for yaws were given.

POSTAL.

The following figures show the postal business transacted during the year, the total volume of business amounting to £5,566 3s. 7d. Money-orders—issued, £846 14s. 3d.; paid, £547 15s. Savings-bank—deposits, £2,017 14s.; withdrawn, £626 11s. Postal notes—issued, £90 3s. 11d.; paid, £12 17s. 6d. Miscellaneous payments, £1,038 1s. 8d.

METEOROLOGICAL.

Summarized, the readings for 1923 are as follows: Barometer (mean for year), 30.03. Thermometer—highest, 98, in February; lowest, 56, in October; mean maximum, 83.71; mean minimum, 68.48. Rainfall, 84.71 in. Rain fell on 115 days.

There is nothing special to chronicle under this heading. The hurricane season passed without the least semblance of a blow. The rainfall was abnormal, but there was very little of the oppressive heat usual at that time of year.

VITAL AND MIGRATION STATISTICS FOR THE YEAR 1923.

	Aboriginal Natives.		Persons other than Aboriginal Natives.		Total.
	Male.	Female.	Male.	Female.	
Arrivals	13	4	8	5	30
Departures	12	3	9	8	32
Births	56	47	1	2	106
Deaths	43	60	..	..	103

Population.—At 31st December, 1922, 3,779; at 31st December, 1923, 3,780.

Births and Deaths for the Year 1923.

Village.	Births.			Deaths.		
	Male.	Female.	Total.	Male.	Female.	Total.
Alofi	13	6	19	3	8	11
Makefu	4	3	7	3	1	4
Tuapa	4	4	8	5	11	16
Hikutavake	0	1	1	3	6	9
Mutalau	7	7	14	9	16	25
Lakepa	3	3	6	1	3	4
Liku	5	7	12	3	3	6
Hakupu	7	8	15	6	6	12
Fatiau	1	..	1	1	1	2
Avatele	7	4	11	3	4	7
Tamakautoga	5	4	9	6	1	7
Europeans	1	2	3	..	..	..
Totals	57	49	106	43	60	103

Births include 9 illegitimate.

Return showing Ages at Death, under Villages, for Year 1923.

Village.	Under 1 Year.	1-4 Years.	5-9 Years.	10-14 Years.	15-19 Years.	20-24 Years.	25-29 Years.	30-34 Years.	35-39 Years.	40-44 Years.	45-49 Years.	50-54 Years.	55-59 Years.	60 and over.	Total
Alofi .. .. .	..	2	..	1	..	1	1	..	..	..	1	..	1	4	11
Makefu	1	..	..	..	..	..	1	1	..	..	..	..	..	1	4
Tuapa	2	1	..	..	2	1	..	1	..	1	..	1	2	5	16
Hikutavake	1	..	..	..	2	2	1	..	..	1	..	1	1	..	9
Mutalau	3	1	..	..	1	..	..	1	1	1	2	1	2	10	25
Lakepa .. .. .	..	1	..	..	..	..	..	1	..	..	1	..	1	..	4
Liku .. .. .	..	1	..	..	1	..	..	..	..	..	..	1	..	3	6
Hakupu .. .. .	..	..	1	1	..	..	3	..	..	..	1	1	..	5	12
Fatiau .. .. .	..	..	..	..	..	..	..	1	1	..	..	..	..	..	2
Avatele	1	1	..	..	..	1	..	..	..	..	..	..	..	4	7
Tamakautoga	1	..	..	..	..	..	..	..	..	..	1	..	1	4	7
Totals	9	7	1	2	6	7	6	5	2	3	6	5	8	36	103

Return of Marriages for the Year 1923.

Marriages performed by—

London Missionary Society .. .. .	..	..	..	..	..	27
Resident Commissioner .. .. .	..	..	..	..	..	14
Registrar .. .. .	..	..	..	..	..	1
Total .. .. .	..	..	..	..	..	42

HIGH COURT OF THE COOK ISLANDS, NIUE.
Return of Criminal Cases for Year 1923.

Offence.	Males.		Females.		Total.
	Convicted.	Acquitted.	Convicted.	Acquitted.	
<i>Under Cook Islands Act.</i>					
Assaults	37	3	15	3	58
Indecency	11	..	5	..	16
Adultery	44	5	44	6	99
Libel	5	3	17	6	31
Theft	42	4	16	2	64
Mischief	8	..	..	..	8
Obscene language	19	2	13	4	38
Disorderly conduct	5	1	6	..	12
Breaking and entering	2	..	..	..	2
Furious driving	2	..	..	..	2
Contempt of Court	1	..	..	..	1
Wandering animals	30	..	2	..	32
Trespass	13	2	7	..	22
Indecent assault	1	..	..	..	1
Cruelty to animals	1	..	..	..	1
Carnal knowledge	1	..	..	..	1
Practising witchcraft .. .. .	..	..	1	..	1
Polluting water	5	..	2	..	7
<i>Under Regulations.</i>					
Birth registration	1	..	..	..	1
Protection of birds	2	..	..	..	2
Education	1	..	..	..	1
<i>Under Ordinances.</i>					
Morality	22	2	24	4	52
Copra	4	..	2	1	7
Road-weeding	2	..	2	..	4
Public health... .. .	1	..	..	..	1
Traffic	3	..	..	..	3
Sanitation	2	1	..	..	3
Dog-tax .. .. .	..	2	..	..	2
Coconut-cleaning	6	..	..	..	6
Totals	271	25	156	26	478

Civil Cases.

	Judgment.	Dismissed.	Total.
Debt	2	1	3
Judgment summons	1	..	1
Divorce—Decree <i>nisi</i>	5	..	5
Divorce—Decree absolute	8	..	8
Miscellaneous	2	..	2
Totals	18	1	19

NATIVE LAND COURT.

Applications for adoption granted, 87.

APPENDIX.

JUDGMENT OF THE NATIVE LAND COURT *RE* RANGI MAKEA ARIKI (DECEASED) ON THE APPLICATIONS FOR SUCCESSION TO THE ARIKI TITLE AND ARIKI LANDS.

DELIVERED AT AVARUA, 29TH SEPTEMBER, 1923.

Claimants : (1) Tinirau ; (2) Ngoroio.

THE main question for the Court to decide is as to the person properly entitled to succeed Rangi Makea in the office of Ariki.

The following is a summary of the principal events from the time of Te-Pa-Atua-Kino down to the present time, based on the findings of this Court thereon from the evidence adduced in this case, and from various documents and records which will be referred to.

The Court's findings may in some respects differ from tradition, but it must be remembered that the Court is bound to a very large extent by sworn evidence rather than by statements made at various times by persons who were not on oath, and who probably were, in some cases, interested in giving a particular version for their own purposes.

1. Genealogies given by Tinirau and his witnesses show that Te-Pa-Atua-Kino had three wives, from whom have sprung the Ariki families of Makea-nui, Makea Karika, and Makea Vakatini. Tinirau's side assert that Te-Pa-Atua-Kino's first wife was Puara, and his descendants are the present Makea-nui line ; that the second wife was Pouna, from whom have sprung the present Karika line ; and that the third wife was Ngamarama Apai, from whom the Vakatini line is descended.

Tepuretu's evidence, given on behalf of the Mataiapos and Ngoroio, is to the effect that Te-Pa-Atua-Kino's first wife was Pouna, and the second wife Puara. He does not show any third wife.

The questions raised by the difference in evidence on these points between Tinirau and Tepuretu are—first, whether the present Vakatini line sprung directly from Te-Pa-Atua-Kino ; and, secondly, whether Karika or Makea-nui is the senior line ; but it is not necessary for this Court to give a definite finding on these questions in order to settle the matters which are at issue in this particular case.

2. Keu was the son of Te-Pa-Atua-Kino and Pouna. From Keu the Karika line is descended.

Pini (or Puni) is the son of Te-Pa-Atua-Kino by Puara, and from him come the Makea-nui descendants.

There is a question as to how the title of Makea-nui came to be bestowed on Pini. Tepuretu asserts that the Mataiapos of Tupapa, who were then at Arai te Tonga, but attached to Pa Ariki of Takitumu, took Pini and made him an Ariki because his mother, Puara, was grieved that the child of Pouna and Te-Pa-Atua-Kino was an Ariki and her child was not.

The following extract from the judgment of Judge MacCormick *re* Sections 33, 35, 36, and 37, Avatiu (Minute-book 5, page 167A), is of interest, though not of particular importance in this case :—

The Court believes that the evidence of Raea Rupe is the most correct of all the witnesses for Makea. He says, "When the fight took place between Ngati Makea and Takitumu, Makea was driven out. After peace was made, Pa and Kainuku and the Mataiapos of Tupapa got Makea to come back, and the land was given back to Makea and the rangatiras as if there had been no conquest. He went back into the position he had been in before the conquest. According to some writers, this Makea was Pori, although it was Tinirau who was taken into captivity.

This took place after the establishment of Pini.

Tinirau's version is that Te-Pa-Atua-Kino had issue from each of his three wives, and that to save any trouble or jealousy he bestowed the title of Ariki upon the first-born of each wife, and also gave them their portions of land.

Tinirau's evidence is supported by the judgment of Colonel Gudgeon in the case of Sections 83 and 84, Takuvaine (*vide* Minute-book 2, page 22). In this judgment the Court said :—

Makea Te-Pa-Atua-Kino divided his authority and Arikiship between his three sons, creating three titles instead of one—viz., Makea, Karika, and Vakatini—each of whom should be independent of the other.

Whichever version is true, the undisputed fact is that Pini became an Ariki, but without Mataiapos, as it is shown clearly by the evidence that the Mataiapos of Tupapa remained attached to the Arikis of Takitumu until Christian times.

Makea Tinirau was the son of Pini (or Puni), and it was during his time that the Gospel came to Rarotonga. During the building of a large church at Avarua, in which the whole island joined, a dispute arose between the Mataiapos of Tupapa and Takau, a leading Mataiapo of Pa Ariki, in regard to certain of the work, and because the Mataiapos considered they had been insulted they left Pa and joined Makea (said by some writers to be Pori). Prior to that they were not under the Makea Ariki in any sense. They owed the whole of their allegiance to Pa and Kainuku of Takitumu, and their lands were in Takitumu. This point will be of importance when we consider the terms of the alliance between Makea Ariki and the Mataiapos, as a very important question in this case is as to the relative powers of each at the present day.

In Minute-book 4, page 316, in the case concerning the Te Areroa partition, Tepuretu gave evidence as follows :—

I will speak first of the first coming of the Mataiapos of Tupapa. When they all lived under Pa Paretu the work doing at Takitumu was the building of a church. All the Arikis and Mataiapos of Takitumu did the work. When work was finished Pa Paretu came to see it, and found it carelessly done. Vakapora's work was especially bad, and that Ariki tore down the bad work, and this action greatly annoyed the Mataiapos, and that is why the Mataiapos left Takitumu and came to Arai-te-Tonga. Makea Pini was at Arai-te-Tonga, and six Mataiapos left Takitumu and came to Arai-te-Tonga. Taraarc, Vakapora, Uirangi, Te Ava, Tamaiva, and Tepuretu were the six.

This evidence was given in 1908, and is clearly wrong, because Tepuretu says the Mataiapos joined Pini. Pini lived in heathen times when there were no churches.

3. Pori was the son of Tinirau (who died in 1826), and to him descended the Makea Ariki title. Pori's first wife was Takau, of the Karika family, and the issue were—Davida (died 1845); Te-vaerua (died 1857); Daniela (died 14th December, 1866); Apera (died 24th September, 1871); Enuu.

Tepuretu states that Pori's wife was named Poro-iti, and also that Daniela was senior to Te-vaerua. He appears to be wrong on both these points: See the evidence of Pori, grandson of Daniela, given before Judge MacCormick in 1912, in the case of Vaimutu Uri 81, Avarua (Minute-book 5, at page 193), in which he shows that Takau was the wife of Pori and the mother of the child named Te-vaerua, who was the second-born. This evidence will be again referred to in paragraph 6.

The statement signed by Makea Takau on Resident Commissioner's file 323 states also that Pori's wife was Upoko Takau, the daughter of Makea Takau (Karika).

4. The title of Makea passed from Pori (who died in October, 1839) to his son Davida, and from him to Te-vaerua, and from Te-vaerua to Daniela (on 3rd August, 1857), from Daniela to Apera (in 1866), and after Apera's death to Makea Takau (Queen Makea, the daughter of Davida). The evidence shows that Daniela left no will. (Note: The dates of death in the foregoing paragraph are from the headstones on the various graves.)

5. It will be seen that Enuu, the fifth child, did not hold the title. It appears to be common ground that he was adopted into the family of Vakapora.

6. It was set up by Tinirau that Daniela was the share of his mother Takau, and that he went over to the Karika side, losing for himself and his descendants any rights under Makea-nui.

It is established that Daniela held (or was custodian of) the Karika Ariki title, and that whilst holding that title he became Makea-nui, giving the Karika title over to Pa Ariki. Daniela held the Makea title till his death. The evidence of Tinirau's side is to the effect that Daniela became the Makea-nui because of a wish expressed by his mother, Takau, that all her sons should in turn enjoy that title.

It appears that Pori had two wives when the missionaries arrived here, and because of Christian teachings he decided to divorce or discard one of them. He put Takau aside, keeping his second wife; and, if the evidence is true, Takau, as some compensation, requested that all her children should in turn hold the title of Makea-nui.

The evidence of Pori (Minute-book 5, page 193) states that when the missionary, Mr. Buzzacott, came here Makea Pori had two wives, and that he was required to divorce one. The evidence proceeds:—

So he sent Takau away and kept Kopu. Takau took all her children and effects back to her father's house. She placed her son Daniela in the position of Karika Ariki. Takau's brother married, and his son was Pa Tuaiva, whose son was Tavake, whose daughter is the present Karika Takau. Daniela was in charge of the title of Ariki for some time, and then Te-vaerua Ariki died, and so Daniela went back and took the other Makea Ariki title, and gave the title of Karika Ariki to Pa Tuaiva. When Daniela went back to be Makea-nui the Karika elders gave Ngoroio, his son, shares in the Karika lands, and appointed him a rangatira under Karika family. And these lands have descended to me. This land (Vaimutu Uri) is part of these lands. The lands given were those of Te Pou, son of Makea Keu, who died without issue. The lands and title passed to Karika, and the elders gave them both to Ngoroio, who thus became Te Pou.

This is the evidence of Pori, the grandfather of the present claimant, Ngoroio, and it must have an important bearing on the questions to be decided.

Ngoroio's side has been unable to supply the Court with any evidence as to any family land derived or held by his family from the Makea-nui side. Daniela, of course, held the Ariki land by virtue of his office, and he in due course passed them on to the next Ariki. The title and lands held by Tui will be referred to later. The fact that since the time of Daniela his family have not eaten of the Makea-nui lands is very strong evidence that Daniela's family definitely went over to Karika's side, and this was pointed out to Tepuretu several days ago, but he is apparently unable to supply the Court with any evidence on this point which will assist his side.

Anautoa, a leading rangatira of Karika, states that Daniela's family definitely left Makea-nui altogether, and that they are under Karika and holding Karika lands.

7. Makea Takau held office as Ariki for forty years. She died on the 1st May, 1911, leaving a will dated 26th April, 1911, by which she gave her title of Ariki to Rangi Makea, the son of Apera. This will is attached to the Resident Commissioner's file No. 323.

On the 5th April (prior to the making of her will) she sent for the Resident Commissioner, Captain J. Eman Smith, in order to express her wishes regarding the Makea title. On the Resident Commissioner's file above mentioned is the statement, signed by herself, and witnessed by the Resident Commissioner and his Private Secretary, Mr. Twiss. Mr. Savage was present as interpreter. The following is an extract from Makea Takau's written statement:—

I desire to tell the Resident Commissioner my wishes regarding the title of Ariki. I feel that I am sinking, and want to express my wishes to you, the representative of my King. Two of my family are left now— myself and Rangi Makea. If I die I wish Rangi Makea, my cousin, to succeed me. I want you, Captain Smith, to know this and carry out my wishes in this matter.

She then went on to express her wishes in regard to certain lands and property, and some of these are covered by her will.

It is significant that no mention was made by her of Pori, the grandson of Makea Daniela, who was then alive, nor of any other member of that family. She said, "Two of my family are left now," thus expressly passing over Daniela's descendants.

It was stated by Tepuretu (Minute-book 9, page 290) that not very long before her death Makea Takau expressed the wish that on her death the Ariki title should go to Pori, and that Pori declined, as he was then a pastor. If this is correct it is strange that Makea Takau made no mention of Pori

to the Resident Commissioner on the 5th April, 1911, nor in her will on the 26th of that month. Moreover, the Mataiapos do not appear to have set up any claim on behalf of Pori at that time, either on the selection of the new Ariki (Rangi Makea), nor on his crowning, which took place some months after.

On the 5th July, 1911, the Island Council unanimously elected Rangi Makea as the new Ariki, in accordance with section 1 of Federal Ordinance No. 26. No mention appears to have been made of Pori. The statement of Makea Takau referred to in paragraph 3 contains the following:—

Makea Daniela had descendants by his two wives. His children by his first wife are amongst the family of their mother—that is, on Makea Keu's side. (He was a son of Te-Pa-Atua-Kino.) 'Tu-a-Maroka was Daniela's first wife.

This statement of Makea Takau's was produced to Colonel Gudgeon in the Native Land Court in connection with the ownership of Taputapuatea, and he made a note on it in his own handwriting relative to the succession to the Makea Ariki title. His own words are: "Pori and his brother (Tui) I won't have." As the reason he gave might give offence to that family, the Court declines to put it on record in this judgment, but it is open for inspection on Resident Commissioner's file 323 if any interested party cares to see it.

At the making of Makea Takau's will there were present, amongst others, the Mataiapos, Taraare, and Vakapora. Taraare was also the priest (Potikitaua). They were the only Mataiapos present, and no objection was ever raised by the other Mataiapos. There is little doubt that Makea Takau would know the correct custom to observe, and the Kopu Ariki, the rangatiras, and the Mataiapos seem to have been satisfied.

8. The next event of importance is the death of Rangi Makea Ariki on the 24th July, 1921. The evidence shows that on the 5th July, 1921, Rangi Makea expressed a wish to make a will. First of all the Resident Commissioner, Mr. J. G. L. Hewitt, was sent for, and to him Rangi Makea said he wanted to make his will. Mr. Hewitt then sent for Mr. Savage to act as interpreter, and for Mr. Foster, his Private Secretary. Rangi Makea then gave his instructions openly, and so that every one could hear them. He wanted Tinirau to succeed to his Ariki title and his property. Mr. Hewitt then went back to his office to prepare the will, and returned with Messrs. Savage and Foster to get it executed. The evidence establishes that Tinirau went for Enuu Vakapora, Mataiapo, and Taraare Inaina, the supposed successor to Taraare as Mataiapo and priest. Inaina was away at Matavera, but her husband promised to go for her with a buggy. The evidence also shows that Karika Ariki, Vaiki (pastor), Putu, Pa Rereao, Ngarepa, Parau (now deceased), Manarangi the Potikitaua, and others were present. Tinirau did not stay in the room. Those who were present clearly heard what was said. Vakapora has admitted that he said that the will was quite all right and no one would contest it. Inaina was not actually present when the will was signed, but she arrived just after the Resident Commissioner had left, but all the others were still there. The will was read over to her, and she said it was all right. The same customs and formalities were observed in the making of Rangi Makea's will as were observed when Makea Takau (Queen Makea) made hers.

Although the other Mataiapos might have a right to be present, it seems to have been accepted that Taraare and Vakapora were the two who were usually sent for on these occasions, and it may be assumed that they represented the Mataiapos as a whole. It was clearly their duty, if they did not agree with the will, to raise an objection at the time. Further, it was their duty to acquaint the other Mataiapos with the terms of the will, and what had happened at the execution thereof. If they failed in these duties the fault was on the side of the Mataiapos, and not on that of the dying Ariki.

Rangi Makea did not die until the 24th July, and for a considerable time after the making of his will he was in a fit mental condition to have dealt with any matter which might have been raised regarding his title or lands. It is shown that the Mataiapos did not attend his death-bed until shortly before his death took place, and he was then unconscious. The fact remains that he took all proper and usual steps to establish his wishes by will, and he was allowed to die thinking that no one, whether belonging to the Kopu Ariki, the rangatiras, or the Mataiapos, would raise any objection.

9. Rangi Makea was buried on the 25th July, 1921. On the 28th of that month eight of the Mataiapos signed a document, addressed to the Resident Commissioner, stating that they appointed Ngorio Pori to take the Ariki title of Makea-nui, on the ground that he was from the oldest branch of the family.

After interviews with both sides, Mr. Hewitt, the Resident Commissioner, called a meeting in the Courthouse, at 2 p.m. on the 1st August, of all interested parties and the Arikis of the other districts. One of the matters for discussion was the question of Native custom regarding the succession to an Ariki title. A document purporting to set out the correct Native custom by the other Arikis, Kamoe Mataiapo, Potikitaua, and Messrs. Cowan, Goodman, and Paeara, members of the Island Council, was handed in at the meeting, and also a form of consent to the appointment of Tinirau, signed by the members of the Ariki family, and rangatiras. At the conclusion of the inquiry Mr. Hewitt decided that he would recognize Tinirau as the successor of Rangi Makea.

On the 17th September, 1921, the Resident Commissioner, Mr. Hewitt, issued a warrant, in accordance with section 67 of the Cook Islands Act, 1915, dealing with the constitution of Island Councils, determining and declaring that Makea Tinirau lawfully held office as Ariki in succession to Rangi Makea (deceased). It may be mentioned that on the 29th August a large number of Mataiapos of the district of Takitumu sent in to the Resident Commissioner a written objection to the document above referred to, purporting to set out the correct custom regarding Ariki succession.

The Mataiapos purported to anoint Ngorio on the 4th August, 1921, and Tinirau was anointed by his supporters on the 30th August, 1921.

10. It is clear that the Resident Commissioner had no jurisdiction to determine the dispute except so far as the constitution of the Island Council of Rarotonga was concerned.

The following is a summary of the old and present laws relating to the appointment of Arikis, and the settlement of disputes in regard to the Ariki titles :—

(a.) Regulations were made by the Resident Commissioner, Colonel Gudgeon, on the 5th November, 1905 (*Cook Islands Gazette* No. 172, of the 9th October, 1905, at page 264), providing thus :—

All Arikis, Kavanas, and Mataiapos shall hereafter be elected by a majority of the tribe or family whom it is intended they shall represent, and no person outside such tribe or family shall take part in such election.

A further provision was that—

A candidate for election shall be chosen from children (or the near relatives in default of children) of the deceased Ariki, Kavana, or Mataiapo, unless it be shown that the deceased had no right to the office for which he had been originally chosen, or that the children of the deceased were mentally or morally unfit for the position, of which condition the Resident Commissioner shall be the sole judge.

(b.) A Federal Ordinance, No. 26, was passed on the 24th October, 1908, to regulate the election of Arikis. The preamble is as follows :—

Whereas, since the annexation of the Cook and other Islands to the British Empire, the status of the Ariki has altered, and the Ariki has now only jurisdiction as an hereditary member of the Federal Council and of the Island Council, wherefore it is advisable that on the death or removal from office of any Ariki the new Ariki should be chosen from the best men of the Ariki family.

This Federal Ordinance provided that any Ariki to be elected shall be chosen by the unanimous vote of all the members of the Island Council. The Island Council was given the power to call before it an Ariki family or the people of any district to hear their views before choosing any person as Ariki.

Section 2 of the Ordinance provided that—

The person chosen for the Arikiship shall be of good character, and of pure Maori blood, and a recognized member of the Ariki family. The senior line of any Ariki family shall not be passed over without good and sufficient reason.

The Resident Commissioner was given power, in the event of any dispute between the members of the Island Council, to finally decide the matter at issue.

(c.) The Cook Islands Act, 1915, section 658, repealed all Ordinances, regulations, and other enactments and laws whatsoever then in force in the Cook Islands.

(d.) No provisions were substituted for the repealed Ordinance of 1908 except section 67, which, as already pointed out, only dealt with the constitution of Island Councils. This meant that Ariki successions in regard to Ariki land, and all other functions attached to the office of Ariki, except so far as the Island Council were concerned, were left to be determined according to Native custom.

(e.) By the Cook Islands Amendment Act, 1923, the Native Land Court was vested with jurisdiction to determine all disputes relating to the title of Ariki, and other Native chiefs. It is pursuant to this provision that this Court entered upon the hearing and determination of the dispute in question regarding the Makea-nui Ariki title.

Two main questions arise in this case, viz. :—

(1.) (a.) The right and power of an Ariki to devise his Ariki title by will.

(b.) The rights and powers of Mataiapos regarding such a will, and generally in regard to the appointment of a new Ariki in succession to the deceased.

(2.) Whether it is established that Ngoroio's line was definitely adopted into the Karika family so as to preclude this claimant from succeeding to the Ariki title of Makea-nui.

In regard to question No. (1), various opinions are recorded as to Native custom.

(a.) In November, 1895, the Arikis' Council met as the Upper House of the Rarotonga Council and unanimously adopted a report drawn up by Vakatine and Teariki Taraare, and affirmed it as a true statement of the old and unbroken law and practice relating to the succession of Arikis and the mode of election and installation. This report is set out in parliamentary paper A.-3 of 1896. It states that—

Only upon the death of an Ariki is it settled who is to succeed to the title. It is the business of the priests and Mataiapos of Rarotonga to select the proper person to be Ariki of Rarotonga, and such selection is to be made only from the nearest relations of the Ariki deceased. Should any Ariki be chosen without all the Arikis, priests, and Mataiapos of all the districts being present at the meeting, it must be proven satisfactory to them that the one chosen is a near relative of the Ariki deceased. If it is not so proven, the Arikis, priests, and Mataiapos from every part of Rarotonga shall meet together in one place, and it shall be for them to decide who is to be the new Ariki.

The last words of a dying Ariki (will): An Ariki may wish to appoint a successor on his or her death-bed. After the Ariki's death these words shall be carefully considered, and if it is found that the party named as a successor is the proper heir such words shall be confirmed, not otherwise.

This Court cannot agree with this report so far as it states that the Arikis, priests, and Mataiapos of all districts have a right to choose a new Ariki. This clearly could not be ancient custom, for in the old days the districts were frequently at war with one another, and it is not reasonable to suppose that one district would go outside its own boundaries in regard to the succession to a deceased Ariki. Confusion has probably arisen in regard to the selection and appointment of an Ariki, which is one thing, and the present-day ceremony of anointing and installation, which is quite a separate function.

(b.) Mr. F. J. Moss, who was for a long time British Resident of Rarotonga, in an article on the "Maori Polity in the Island of Rarotonga," published in the *Journal of the Polynesian Society*, stated as follows :—

The Ariki is supreme, but largely controlled by the Mataiapos. A new Ariki is named by the Arikis of the other tribes from the Ariki family, but the confirmation depends on the Mataiapos, as the installation rests with them. They regard the Ariki as only the first amongst equals.

(c.) In a letter written by Colonel Gudgeon (Resident Commissioner and Chief Judge of the Native Land Court) dated 30th July, 1909, to the people of Arorangi, he stated:—

It is therefore with regret that I have to comment on the foolish behaviour of the Mataiapos of Arorangi. You Mataiapos assume that you have a right to elect the Tinomana Ariki—a right that you certainly have not had for the last hundred years—and you deny the right of the Ariki family to select the elder-born of that family, and you have done these things knowing full well that the districts of Takitumu and Avarua have at least as much interest in the selection of Tinomana as you yourselves have.

It will be noticed that the statements (a) and (b) are quite different from the mode set out under the regulations and the Federal Ordinance above referred to. There seems to be considerable conflict of opinion as to the relative rights and powers of the Ariki himself, his Kopu Ariki, and the rangatiras and Mataiapos regarding the true mode of election of a new Ariki. This has no doubt arisen because in the past there have been few disputes in regard to succession, and it is quite likely that practices have grown up and been adopted as the proper custom which are not in accord with the laws and customs of ancient times.

In considering the powers of the Mataiapos it is necessary to refer to the time when Tangiia and Karika first arrived in Rarotonga from Avaiki. Tangiia came from Tahiti in the canoe called "Takitumu," and he had a large number of Mataiapos, whom he appointed at sea, and whom he re-established and appointed after landing in Rarotonga. He was really a fugitive, and the only member of his family with him was his adopted child Tai Teariki, son of Iro. This child was afterwards appointed by Tangiia the Pa-te-Ariki-Upokotimi. This was done at Pukuru-vaa-nui.

Karika, on the other hand (also a fugitive from Manu'a—Samoan Group), had no Mataiapos, and the only member of his family was his daughter Mokoroa-ki-Aitu, who at sea married Tangiia, and from this union the Taraarc line has descended. Karika had 140 warriors with him, and also the priest Takaia.

Tangiia's strength, therefore, rested to a large extent with his Mataiapos, especially as he came without members of his family, of his immediate blood. He himself was, however, a powerful man; but the relative powers of himself and his Mataiapos at that time can only be a matter of surmise. He afterwards sent for his son Mоторо (Tinomana line) and also Te Rei (still at Takitumu).

The Arikis of Karika, right down to the time of Te-Pa-Atua-Kino, had no Mataiapos. At Te-Pa-Atua-Kino the family branched, and from there to the present time the Karika Arikis have remained without Mataiapos.

On the Makea-nui branch the first Ariki was Pini (or Puna), and he had no Mataiapos, and it was not until Christian times, as shown in paragraph 2, that the Mataiapos of Tupapa seceded from the Arikis of Takitumu and joined the Makea-nui. Pharoah's evidence is to the effect that they joined Tinirau, but other writers assert it was Pori.

The terms of this alliance are not recorded, but it is hard to believe that the Makea-nui, who was then, according to traditions, a fairly powerful man, would have given over to the Mataiapos complete power at all future times to take into their own hands the selection and appointment of new Arikis.

The Makea-nui then had fairly numerous and powerful Kopu Ariki and rangatiras, and there seems to have been no necessity for him to put himself and them wholly into the hands of the Tupapa Mataiapos, as alleged by Ngoroio's side, and particularly by Tepuretu. No doubt, by the alliance between himself and the Mataiapos, Makea-nui gained a fair amount of strength, because his district was extended to embrace the lands of the Mataiapos.

Since the Cook Islands Act, 1915, came into force no will made by a Native has any force or effect with respect to his interest in any Native lands (see section 445). It is common ground that an Ariki holds certain lands by virtue of his office, and these lands are passed on to his successors in the office of Ariki. It is clear, therefore, that any will which affects the title or office of Ariki must also affect the Ariki lands. Section 445, therefore, appears to preclude the making of a will affecting the title or office of Ariki.

The position appears to be that what in the past has been called a "will" of an Ariki was in reality only an expression of his wishes regarding the Ariki title, made in the presence of certain necessary witnesses who had a right to confirm or dispute the same at the time, and which, if agreed to, would become a binding arrangement according to Native custom, and, as a matter of honour, one to be carried out in due course after the Ariki's death. This appears to be the true custom, and it is one to which the Court can give effect even at the present day. It is not the giving effect to a will which is precluded by section 445, but the giving effect to an arrangement made in accordance with, and sanctioned by, Native custom from ancient times.

In dealing with the will of Rangi Makea the Court does not consider it as a will made in accordance with European law and ideas, but simply as an expression of his wishes, an arrangement made in accordance with Native custom such as has just been mentioned. The question then remains whether such arrangement was made in accordance with Native custom, and, as a matter of honour, should now be carried into effect.

The real matter in dispute is as to the right of the Mataiapos to be present, and their power, if they should so wish, to veto any arrangement made by the dying Ariki with the approval of his Kopu Ariki and rangatiras. The Court is now dealing purely with the position as it arises in connection with the Makea-nui title.

It was contended by Tepuretu that the Mataiapos had absolute power to decide the succession to the Ariki title. It has been shown that the Makea-nui title was established at the time of Pini, who had no Mataiapos, and it was not until Christian times that the Mataiapos of Tupapa joined the Makea-nui Ariki. There is no record of evidence of the terms of this alliance, but the Court cannot believe that the Ariki of that time gave himself, his Kopu Ariki, and rangatiras wholly over to the

control of these Mataiapos. It is impossible to believe that, as the Ariki then had considerable power. It is reasonable, however, to believe that, as the Mataiapos brought him added strength, they would have their fair share of power in the decision of all matters pertaining to the welfare and government of the tribe, but the Court holds definitely that they had no supreme power as set up by Tepuretu.

In regard to the Makea-nui title, the wish of the ruling Ariki should be fully considered in regard to succession, provided that his choice of a successor is from the right Ariki line, and is a wise one according to all the circumstances of the case. Rangatiras of the Kopu Ariki in the case of Makea-nui should be consulted, and also the wishes of the Mataiapos. This would be a fair working arrangement considering the circumstances of the alliance between Makea-nui and the Mataiapos of Tupapa. If these conditions are carried out and there should be a dispute the Court would have little difficulty in giving a decision.

It is the opinion of the Court that the Mataiapos of Takitumu, considering the circumstances of their establishment in ancient times, would have considerable rights regarding the Ariki succession. The powers of the Mataiapos in that district were fully demonstrated when Pa Maretu was given the title of Ariki. As no case is before the Court in regard to Takitumu, nothing further need be said at present as to the power of the Mataiapos in that district.

Coming back to the particular case before the Court, one of the main matters to be considered is the arrangement made at the death-bed of Rangi Makea when he purported to make his will. The Kopu Ariki and rangatiras were present, and agreed with his wishes. Vakapora also agreed. Taraare expressed agreement immediately after the will was signed. These two Mataiapos were by custom the ones to be consulted by the Ariki. If they failed to carry out their duties properly the fault is on the side of the Mataiapos whom they represented, and not on the side of the Ariki.

Rangi Makea expressed his wishes, and an arrangement was made in the same way as was done in the case of Makea Takau; and, as he died without knowledge of any objection, and thinking that his wishes would be carried out, it appears to be a matter of honour that effect should be given to the arrangement.

1. To sum up, the decision of the Court in regard to question 1 is as follows:—

(a.) An Ariki is precluded by section 445 of the Cook Islands Act, 1915, from making a will according to European law and ideas.

(b.) He can, however, according to Native custom, give on his death-bed an expression of his wishes regarding the Ariki title. This must be made in the presence of certain necessary witnesses—viz., the priests, certain rangatiras of the Kopu Ariki, and representatives of the Mataiapos. This expression of wishes, if agreed to at the time, would become a binding arrangement according to Native custom, and, as a matter of honour, it would be carried out in due course after the Ariki's death.

(c.) At the death-bed any question or objection raised by any of the witnesses above stated would be considered at the time, and possibly an agreement or settlement arrived at.

(d.) Failing such a settlement, the matters in question might be considered after the Ariki's death, with a view to a settlement.

(e.) Failing a final settlement, the question at issue would be dealt with by the Native Land Court, pursuant to the Cook Islands Amendment Act, 1923, and in dealing with it the Court would give due consideration to the following matters:—

- (1.) The wishes of the deceased Ariki as recorded by any written statement or will, or any verbal expression made before his death, and properly recorded.
- (2.) The wishes of the rangatiras of the Kopu Ariki.
- (3.) The wishes of the Mataiapos and priests.
- (4.) The respective genealogies of the rival claimants. The new Ariki must be a recognized member of the Ariki family.
- (5.) The mental condition and moral character of the rival claimants.
- (6.) Any facts and circumstances which the Court considers should be taken into account.

If the deceased has left no will or expression of his wishes, the question of succession in the case of the Makea-nui title should be settled by the rangatiras of the Kopu Ariki and the Mataiapos and priests. Failing a settlement, the Court will give consideration to the matters in paragraphs (2) to (6) above mentioned.

Considering the conflict of evidence given in this case regarding the true custom, the Court considers that the above rules coincide as nearly as possible with the true ancient custom and also with present-day conditions.

It will be seen by this decision that the Mataiapos have been and will be recognized to the extent which the Court thinks proper.

2. From the facts found by the Court (see paragraphs 4, 6, and 7 as set out previously in this judgment), there seems to be no doubt that the descendants of Daniela have definitely gone over to the Karika side, and are thus precluded from holding the Makea-nui title. The evidence of Pori, father of the present claimant, Ngoroio, as set out in paragraph 6, is very strongly in favour of this view. He states (*inter alia*) that "the Karika elders gave Ngoroio (the son of Daniela) shares in the Karika lands, and appointed him a rangatira under the Karika family, and these lands have descended to me."

The written statement of Makea Takau, referred to in paragraph 7, states that the family of Makea Daniela by his first wife are amongst the family of their mother—that is, on Karika's side. In her statement to Captain Smith, Resident Commissioner, she stated that there were only two of her family left then—herself and Rangi Makea. The Court has already set this out fully in paragraph 7. It is clearly shown that Ngoroio's side are holding lands under Karika at the present day, and they are unable to show that they have been or are eating of the Makea-nui lands. It is true that Tui of that family held a rangatira title under Makea-nui, but it has been shown in evidence that he was

brought back into the family by Makea Takau. Tui could possibly have set up a strong claim to the Makea-nui title on the death of Rangi Makea, but the fact remains that he signed a consent to the title going to Tinirau. The Court does not hold that the mere holding of a rangatira title under one Ariki precludes that holder from being a successful applicant for another Ariki title. Tinirau is a rangatira under Tinomana on his mother's side. Had it been shown that he had gone over to that side of the family in the same way as Ngoroio's side went over to Karika, he would have forfeited any claim to the Makea-nui title. The whole crux of the question is whether the party concerned has definitely gone over to another family—that is, adopted into that family.

For the reasons above given, and considering all the evidence in this case, the Court is of the opinion that Ngoroio is precluded from holding the Makea-nui title. It will not, however, go so far as to say that it will be impossible in the future for any descendants of Daniela to hold that Makea-nui title. That would depend upon whether such descendant is definitely brought back into the Makea-nui family with the consent and approval of the members thereof.

There are other facts in favour of Tinirau which may be mentioned :—

(a.) He has shown, and his genealogy is not disputed, that he is descended from Makea Pini through the first-born of Pini's children. He has traced directly from Takau, the daughter of Pini. The Makea-nui line is from Tinirau, the second-born of Makea Pini.

(b.) In dealing with the question of succession to the Tinomana title Colonel Gudgeon, Chief Judge of the Native Land Court and Resident Commissioner, stated that although Tinirau should be the Tinomana, yet he was held back because "he was a promising young man, and would some day be the Makea." These words are in Colonel Gudgeon's own handwriting.

(c.) Makea Takau, who reigned forty years, and was a just Ariki, assumed that some day Tinirau would come into the Makea-nui title. From the fact that she did not mention Pori, but said that Rangi Makea was the only other one of the family left, it may be assumed that she intentionally passed over Pori, no doubt for the reason that she considered he was under the Karika family, holding the rangatira title of Tepou.

The Court has fully considered not only all the facts above set out, but also all the evidence at the hearing of this case, and all minutes in the Native Land Court books, and all records and writings which have a bearing on the matter at issue, and has come to the conclusion that the dispute before the Court should be settled in favour of Tinirau.

The judgment of the Court is that an order issue determining and declaring Tinirau to be the person lawfully entitled to hold the title or office of Makea-nui Ariki.

The question of making succession orders to the Ariki lands will be considered in due course.

29th September, 1923.

H. F. AYSON, Chief Judge.

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