

Hon. Dr. Pomare.

COOK ISLANDS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Cook Islands Act, 1915.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Cook Islands Amendment Act, 1921, and shall be read together with and deemed part of the Cook Islands Act, 1915 (hereinafter referred to as the principal Act). Short Title.
2. Section two of the principal Act is hereby amended by inserting, Definition of "public place," in section 2 of principal Act, amended. after the word "jetty" in the definition of the term "public place," the words "any vessel at a wharf or jetty or within one mile of the shore."
3. The power to make regulations with respect to the elective membership of an Island Council conferred on the Governor-General European representation on Island Councils. by section sixty-four of the principal Act shall be deemed to include the power to provide by regulations for the election of one or more European members of an Island Council as representatives of the European population.
4. (1.) Every one is liable to *two* years' imprisonment who, Abduction. without the consent of the father, or mother, or other person having lawful charge of an unmarried girl under the age of eighteen years, or without other lawful authority (the proof whereof shall lie on him), takes that girl or causes her to be taken out of the possession of her father, or mother, or such other person as aforesaid.

(2.) It shall be no defence in a prosecution for an offence against this section that the girl was taken with her own consent, or at her own suggestion, or that the offender believed the girl to be of or over the age of eighteen years.

New.

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(3.) No proceedings for an offence against this section shall be taken in the event of the subsequent intermarriage of the offender and the girl in respect of whom the offence has been committed.

Resisting constable in execution of his duty.

5. Every one is liable to imprisonment for *six months or to a fine of twenty pounds* who resists, or assaults, or wilfully obstructs, or incites or encourages any person to resist, assault, or obstruct, any constable in the execution of his duty, or any person acting in aid of any constable. 10

Profane, indecent, or obscene language.

6. Every one is liable to *six months' imprisonment or to a fine of twenty pounds* who uses any profane, indecent, or obscene language in any public place or within the hearing of any person in a public place. 15

Amendment of provisions as to laying informations.

7. (1.) Section two hundred and eighty-four of the principal Act is hereby amended by inserting, after the word "Judge," the words "or Registrar."

(2.) Section two hundred and eighty-five of the principal Act is hereby amended by omitting the words "the Judge before whom the information is laid, or any other Judge," and substituting the words "any Judge." 20

Special provisions as to adoption by Native custom in certain cases prior to coming into operation of principal Act.

8. In any case where, prior to the date of the coming into operation of the principal Act, any child was adopted by Native custom and since that date and before the passing of this Act the adopting parent has died, such adoption shall, notwithstanding anything to the contrary in the principal Act, for all purposes have the same operation and effect as that which is attributed by Native custom to adoption by Native custom. 25

Modifying in certain cases provisions of principal Act with respect to adoption of children by Natives.

9. (1.) Notwithstanding anything in Part XV of the principal Act, the Native Land Court, on application made to it by the adopting parent at any time within two years from the passing of this Act, may, if it thinks fit, make an order for the adoption of a child by a Native in any case where the Court is satisfied that such child was adopted by Native custom at any time prior to the passing of this Act. 30 35

(2.) Nothing in paragraphs (a) and (b) of section four hundred and sixty-one of the principal Act shall apply in the case of an application for an order under this section.

(3.) An order of adoption may be made under this section notwithstanding that the person in respect of whom it is made is then over the age of twenty-one years. 40

(4.) Every order duly made under this section shall for all purposes have the same force and effect as an order of adoption lawfully made under Part XV of the principal Act, and the person named therein as the adopted child shall be deemed to have been lawfully adopted from the date of his adoption by Native custom, or, where that date has not been proved to the satisfaction of the Court, from such date as may be specified in the order. 45

(5.) Section four hundred and sixty-four of the principal Act shall apply to every adoption under this section. 50

Struck out.

10. (1.) Section five hundred and twenty-seven of the principal Act is hereby amended as follows:—

(a.) By omitting the words "is a Native or an Asiatic and";

(b.) By omitting the words "with a Native or an Asiatic"; and

(c.) By inserting, before the words "take proceedings," the words "if one of the parties to the marriage is a Native or an Asiatic."

(2.) Section five hundred and thirty of the principal Act is hereby amended by inserting at the beginning thereof the words "Save as otherwise expressly provided in this Act."

Extending jurisdiction in divorce of High Court.

New.

10. (1.) Any married person (hereinafter called the petitioner) who, at the time of the institution of the suit, has been domiciled in the Cook Islands for not less than two years may take proceedings in the High Court for the dissolution of his or her marriage with the other party to the marriage (hereinafter called the respondent) on any ground that is for the time being a ground for the dissolution of a marriage in New Zealand.

Grounds of divorce and jurisdiction of High Court.

(2.) Section five hundred and twenty-seven and section five hundred and thirty of the principal Act are hereby repealed.

Consequential repeals.

11. Section six hundred and one of the principal Act is hereby repealed.

Repeal.

12. Section six hundred and two of the principal Act is hereby amended by repealing subsections four, five, six, and seven thereof, and substituting the following subsection:—

Section 602 of principal Act (as to sale of liquor) amended.

"(4.) Any liquor so imported may, in accordance with regulations, be sold for medicinal, sacramental, or industrial purposes, but for no other purpose."

13. (1.) It shall not be lawful for any person, firm, or company to carry on the business of banking in the Cook Islands, except under the authority of an Order in Council and in accordance with the terms and conditions prescribed by that Order.

Banking.

(2.) It shall not be lawful for any bank to issue bank-notes in the Cook Islands.

14. (1.) Section thirty-two of the Board of Trade Act, 1919, shall extend to and be in force in the Cook Islands.

Section 32 of Board of Trade Act, 1919, to be in force in Cook Islands.

(2.) In the application of that section to the Cook Islands—

(a.) Offences punishable on summary conviction under that section shall, if committed in the Cook Islands, be punishable by the High Court in the course of its ordinary jurisdiction;

(b.) The reference to the Board of Trade in subsection six of that section shall be read as a reference to the Minister for the Cook Islands; and

(c.) An appeal shall lie to the Supreme Court of New Zealand from any final judgment of the High Court under this section.

15. The Governor-General may make regulations providing for the making of agreements between a Resident Commissioner and any Native planters in the islands under his administration for the sale by the Resident Commissioner on behalf of such Native planters of copra and other products of the Cook Islands, and for the carrying-out and enforcing of such agreements.

Sale of island products by Resident Commissioner on behalf of Native planters.