

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

31st July, 1923.

Hon. Sir M. Pomare.

COOK ISLANDS AMENDMENT.

ANALYSIS.

Title.

- | | |
|---|--|
| 1. Short Title.
2. Prisoners transferred to New Zealand pursuant to section 275 of the principal Act may be further transferred from New Zealand to Western Samoa.
3. Authorizing transfer of prisoners direct from Niue Island to Western Samoa. | 4. Native Land Court to have jurisdiction to determine whether any Ariki or other Native chief is lawfully holding office. Repeal.
5. As to medical certificates in respect of persons of unsound mind. |
|---|--|

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:—

Short Title.

1. This Act may be cited as the Cook Islands Amendment Act, 1923, and shall be read together with and deemed part of the Cook Islands Act, 1915 (hereinafter referred to as the principal Act).

2. (1.) Any prisoner from the Island of Niue who, before or after the passing of this Act, has been brought to New Zealand pursuant to section two hundred and seventy-five of the principal Act, may, by warrant under the hand of the Minister of Justice, be transferred to a prison in Western Samoa named or described in the warrant.

Prisoners transferred to New Zealand pursuant to section 275 of principal Act may be further transferred from New Zealand to Western Samoa.

(2.) In pursuance of such warrant the prisoner shall thereupon be taken in custody from New Zealand to Western Samoa by any ship belonging to His Majesty or by any British ship, and there forthwith delivered to the Gaoler of the prison named or described in the warrant.

(3.) The warrant shall be delivered to the said Gaoler, together with the certificate relating to the conviction signed by a Judge of the High Court of the Cook Islands, as referred to in section two hundred and seventy-five of the principal Act.

(4.) The several periods during which the prisoner has been in custody since he left the Cook Islands until his delivery to the Gaoler in Western Samoa shall, for all purposes, be computed as part of the term of his imprisonment.

(5.) Every person so transferred to Western Samoa shall be imprisoned in Western Samoa in the same manner in all respects and shall be subject in all respects to the same laws, so far as applicable, as if he had been sentenced by the High Court of Western Samoa and committed to prison by that Court on the like grounds for the residue

of the term of his sentence or commitment, commencing on the day of his delivery to the Gaoler of a prison in Western Samoa under the aforesaid warrant.

(6.) Every such prisoner, if he is a Native or an Asiatic, shall, so soon as he is entitled to his discharge, or so soon thereafter as may be, unless he is under sentence of exile therefrom, be deported to the Cook Islands in pursuance of a warrant signed by the Administrator of Western Samoa, and in the meantime shall be detained in custody in a prison in Western Samoa appointed by such warrant. 5

(7.) Every prisoner from the Cook Islands who, before the passing of this Act, has been transferred to a prison in Western Samoa shall be deemed to have been lawfully so transferred. 10

Authorizing transfer of prisoners direct from Niue Island to Western Samoa.

3. (1.) The powers conferred by section two hundred and seventy-five of the principal Act with respect to the transfer of prisoners from the Cook Islands to New Zealand are, in the case of prisoners from the Island of Niue, hereby extended to authorize the transfer of such prisoners from the Cook Islands to Western Samoa, and the said section shall, with the necessary modifications, apply to every such case accordingly. 15

(2.) For the purposes of this section the said section two hundred and seventy-five shall be construed as follows:— 20

(a.) References therein to New Zealand shall be read as references to Western Samoa :

(b.) The reference in subsection five to the Supreme Court of New Zealand shall be read as a reference to the High Court of Western Samoa : 25

(c.) The reference in subsection six to the Minister of Justice shall be read as a reference to the Administrator of Western Samoa.

Native Land Court to have jurisdiction to determine whether any Ariki or other Native chief is lawfully holding office.

4. (1.) Section four hundred and nine of the principal Act is hereby amended by adding the following paragraph:— 30

“(f.) To hear and determine any question as to the right of any person to hold office as an Ariki or other Native chief of any island.”

Repeal.

(2.) Section sixty-seven of the principal Act is hereby repealed. 35

As to medical certificates in respect of persons of unsound mind.

5. (1.) Section five hundred and seventy-four of the principal Act is hereby amended by omitting the words “A Chief Medical Officer,” and substituting the words “Any Medical Officer.”

(2.) Section five hundred and seventy-five of the principal Act is hereby amended by omitting the words “a Chief Medical Officer or an Assistant Medical Officer,” and substituting the words “a Medical Officer.” 40

(3.) Section five hundred and eighty-three of the principal Act is hereby amended by omitting the words “the Chief Medical Officer,” and substituting the words “a Medical Officer.” 45

(4.) Section five hundred and eighty-four of the principal Act is hereby amended by omitting the words “a Chief Medical Officer,” and substituting the words “a Medical Officer.”

(5.) Section five hundred and eighty-five of the principal Act is hereby amended by omitting the words “a Chief Medical Officer,” and substituting the words “a Medical Officer”; and by omitting the words “the Chief Medical Officer,” and substituting the words “the Medical Officer.” 50