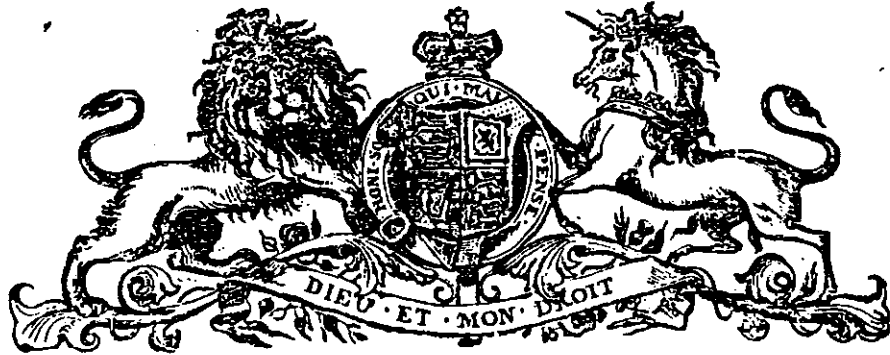


No. 2 of 1896.



VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India.

## QUEEN'S REGULATION

*(Made in the name and on behalf of Her Majesty by Her Majesty's High Commissioner for the Western Pacific, under the provisions of the Pacific Order in Council, 1893.)*

FOR THE PROTECTION OF NATIVES ENTERING INTO CONTRACTS.

[L.S.] JOHN B. THURSTON.

Interpretation.

No action to be brought against natives.

Native may bring action for recovery of money paid.

1. IN this Regulation the word "native" shall mean aboriginal native of any island in the Pacific not being a trader.
2. No action shall be brought in the High Commissioner's Court against any native in respect of any contract entered into after the coming into force of this Regulation.
3. If a native enter into a contract with a non-native person (subject to the jurisdiction of the High Commissioner's Court), such native, whether he has fully performed his part of the contract or not, may, with the leave of the Court, bring an action for the recovery of any money paid, and for the value of any work done or goods or produce supplied, and the Court shall give judgment for the same subject to the deduction hereinafter provided. The Court may deduct a *quantum meruit* for the performance by the non-native party of so much of his

his part of the contract as he has actually performed. If the Court is of opinion that the contract is a fair and reasonable one, and that it has not been carried out owing to the default of the native party, the Court may deduct a sum by way of damages for breach of contract. No contract shall be deemed reasonable if it is one which the native party would in the ordinary course of events have difficulty in performing.

4. It shall be lawful for any person to enter into a contract with a native for the repair of a boat or vessel with the proviso that such boat or vessel may be detained until the repairs are paid for. Contracts for repairs to vessels. Provided that such native is either the owner of such boat or vessel or has proper authority to enter into such contract. And in the event of an action being brought in the High Commissioner's Court for the delivery of any such boat or vessel, the Court may order the payment by the native party of the value of the repairs done as a condition precedent to the return of such boat or vessel. If any such native is a person subject to the jurisdiction of the High Commissioner's Court, the other party may apply to the Court for an order for the sale of the boat or vessel, and the Court may order that if by a certain date the value of the repairs be not paid the boat or vessel shall be sold, and the amount due for repairs and costs shall be deducted from the proceeds and paid to the party executing such repairs. If the proceeds are not sufficient to meet the amount due no proceedings for the recovery of the balance shall be taken against the native party.

5. Notwithstanding any agreement to the contrary the Court may in any proceedings under this Regulation inquire into the Court may inquire into adequacy of consideration. adequacy of the consideration moving from the non-native party.

This Regulation may be cited as the "Native Contracts Regulation, 1896." Short title.

Published and exhibited in the office of the High Commissioner this twenty-sixth day of June, 1896.

*By Command,*

WILFRED COLLET,  
Secretary to the High Commissioner.

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