

SESS. II.—1891.
NEW ZEALAND.

IMPORTATION OF INTOXICATING LIQUORS AT RAROTONGA

(CORRESPONDENCE RESPECTING).

Return to an Order of the House of Representatives, dated 16th June, 1891.

Ordered, "That there be laid before this House all correspondence between Sir William Fox, as President of the New Zealand Alliance, His Excellency the Governor, and the Hon. Mr. Ballance in relation to the importation into Rarotonga of intoxicating liquors, the repeal of the Prohibitory Act, at the instigation of Mr. Moss, and any other documents relating to the same subjects."—(Mr. JOYCE.)

No. 1.

MEMORANDUM for His EXCELLENCY.

Premier's Office, Wellington, 16th March, 1891.

At the request of Sir William Fox, President of the New Zealand Alliance, Auckland, the Premier begs to forward, for His Excellency's perusal, a letter that has been received from that gentleman in further reference to the action taken by Mr. Moss, Resident at Rarotonga, with reference to the liquor-traffic. The Premier has simply acknowledged the receipt.

J. BALLANCE.

Enclosure.

Sir W. Fox to the Hon. the PREMIER.

SIR,—

Office of New Zealand Alliance, Auckland, 5th March, 1891.

I beg to acknowledge the receipt of your letter of the 19th February.*

I am sorry that the New Zealand Alliance cannot acquiesce in your "regret that it should have described Mr. Moss's action as unduly hasty and indiscreet." It is true, as you observe, that Mr. Moss had been instructed by the Governor "to inquire into the liquor traffic in the protectorate;" but His Excellency does not appear to have authorised him to take any action towards abolishing the prohibitory law in force, much less towards establishing a unique and unprecedented licensing law in its place. With apparently very little inquiry he set to work at once to persuade the *ariki*s to adopt his very original proposal, the whole matter being disposed of in two sittings of the Council, during which he appears to have occupied a sort of vice-regal chair, from which he guided the proceedings of the members. It should be borne in mind that this was not only a reversal of a long-established law of the islands, but was in defiance of the policy of the Imperial Government towards populations in the position of these islanders, as is pointed out with great clearness by His Excellency in his comments on Mr. Moss's action, in his published despatch of the 25th February, 1891." In all similar communities he says: "Total prohibition has been found to work well, and should be maintained in Mangara, and any other island of the group where it is already in existence. . . . As a general principle, Her Majesty's Government desire, in all islands of the Pacific coming under Her Majesty's authority, to maintain total prohibition of the liquor-traffic with the natives. . . . Both the Imperial and the colonial Governments entertain very strong opinions on this subject, and will not readily tolerate any law, short of total prohibition, which cannot be shown to secure sobriety among the Natives. If this law does not prove effective, you are authorised to announce that some means will have to be devised of raising funds to pay the necessary officials who will have to be appointed to prohibit, absolutely, the importation of alcoholic liquors into Cook's Islands." It is evident from these expressions that His Excellency felt himself to have been placed by Mr. Moss's precipitancy in an extremely embarrassing position. His Excellency evidently saw that the obvious and common-sense method of maintaining the prohibitory law would have been not to repeal it and supersede it by a sort of mongrel licensing law, but to provide the machinery necessary for

* *Vide* parliamentary paper, A-1, Sess. II., of 1891, p. 17.

enforcing it; and this, we have the authority of the Rev. Mr. Chalmers for saying, could be absolutely and efficiently done if a competent European officer were appointed for the purpose; and he even went the length of naming a European resident in the Islands as well qualified for the task. It appears that Mr. Chalmers, in a letter enclosed by you, has modified his opinion so far as to say that such officer would require a staff. Then, let a staff be added. But we venture to suggest that there is no reason for this enlargement of Mr. Chalmers's proposal made to the Alliance. The work of the officer in question could not be very arduous. The amount of shipping resorting to the islands, according to Mr. Moss, is only seventy-one vessels in the year, barely three in a fortnight, and many of them, no doubt, very small, and all of which must, for want of other harbours, enter that of Rarotonga. It seems not unreasonable to believe that one competent man could superintend the whole business. At all events, it does seem that on the principle enunciated by His Excellency, as actuating Her Majesty's Government, some effort should have been made to give effect to a system under which Mr. Chalmers emphatically declared that the introduction of intoxicating liquors could be absolutely suppressed. That Mr. Moss made no such suggestion, but, after a very brief agitation, persuaded the native Council to abrogate the prohibitory law which had for twenty-five years been on their statute-book, and to inaugurate the unique licensing law devised by himself without first obtaining His Excellency's permission, when he had only been instructed to inquire into the subject, does seem to bear out our charge of undue haste and indiscretion. If Mr. Moss had spent a year in maturing some system for the maintenance of the prohibitory law which he found established, but not carried out, it would certainly have been better than the course he has pursued. As it is, he has by his precipitance missed an opportunity which may never occur again.

Another feature of Mr. Moss's proceedings, on which we feel obliged to remark, is the importance which he attaches to the Europeans in the islands, and which induced him to invite some of them to the discussions where they had no constitutional right to be, and apparently conferred upon them the privilege of voting; and we are rather surprised to learn from Mr. Chalmers's letter enclosed by you, that he considers that it would be an uncalled-for hardship on such white traders to prohibit their having what they required for their own use. Mr. Chalmers informed the Alliance that there were only forty Europeans and fifteen Chinese in the whole group of islands (the latter all sly grog-sellers) among a total population of about six thousand aborigines. Many of these are no doubt of a class, well known to all residents in the Pacific, who frequent the beaches of the various islands, and have no stake in the country which should entitle them to a voice in the making of its laws. It is quite certain that the conferring of special privileges on these persons would defeat, to a great extent, any attempt to promote the sobriety of the natives.

The practical point, however, which the Alliance desires to press on the Government of New Zealand, is that, assuming that Mr. Chalmers's assertion is true (and Mr. Moss has nothing to contradict it), that the prohibitory law hitherto in existence could be effectually enforced by the appointment of an inspector, and that the natives are scarcely prepared to tax themselves for the salary of such an officer, could not the colonial Government, whose officer the Resident practically is, and whose salary is paid by it, contribute the moderate sum which might be necessary to secure the services of such an official with or without a staff. It is presumed that, in authorising the appointment of a Resident, the British Government understood that it assumed a considerable amount of responsibility, which it has virtually devolved on the colonial Government. Is it too much to suggest that the latter should not only undertake the responsibility of nominating the Resident and paying the salary of his office, but should appropriate at least in part such an amount of revenue as may enable effect to be given to the principle which His Excellency has referred to as always guiding the Imperial Government—that of maintaining prohibitory laws?

In conclusion, I may inform you that the interference of the New Zealand Alliance has not been an impertinence on its part. It has been the result of a correspondence originated by Queen Makea, of Rarotonga, imploring our interference to prevent the exportation of strong drink from our shores to the ruin of her people. That much of it is conveyed to Rarotonga by New Zealand vessels, and landed in defiance or evasion of the prohibitory law, and if continued will for the future supply the legitimate demand for it, under Mr. Moss's licensing law, imposes a responsibility on the colony which it cannot evade. It might have been possible, while prohibition existed in Rarotonga, for the General Government of New Zealand to take steps to prevent the exportation of liquors by ships leaving its ports, but, under Mr. Moss's system, no excuse could be made for such interference. The trade is no longer a contraband one, but authorised by the law of Rarotonga under Mr. Moss's arrangements, and it may be safely predicted that, in spite of all attempts to limit its consumption to persons licensed to drink by the Queen, or by the officer in charge, all that is sent from this colony, or anywhere else, will find a ready market.

As your letter under acknowledgment was written by His Excellency's command, I shall be obliged if you will communicate this to him.

Yours, &c.

WILLIAM FOX,

President of the New Zealand Alliance for the
Suppression of the Liquor-traffic.

The Hon. J. Ballance, Premier, &c.

No. 2.

Mr. A. WILLIS to Sir W. Fox, Auckland.

SIR,—

Premier's Office, Wellington, 14th March, 1891.

I am directed, by the Hon. the Premier, to acknowledge the receipt of your communication of the 5th instant, which, in accordance with your request, has been forwarded to His Excellency the Governor.

I have, &c.,

ALEX. WILLIS.

Sir W. Fox, K.C.M.G., President, New Zealand Alliance, Auckland.

No. 3.

MEMORANDUM for His EXCELLENCY.

Premier's Office, Wellington, 18th March, 1891.

THE Premier has the honour to forward, for His Excellency's perusal, a further letter received from Sir William Fox on the subject of the action of Mr. Moss at Rarotonga.

J. BALLANCE.

Enclosure.

Sir W. Fox to the Hon. the PREMIER.

SIR,—

Office of the New Zealand Alliance, Auckland, 12th March, 1891.

In continuation of my letter to yourself, dated the 5th current, in which I stated that the New Zealand Alliance could not acquiesce in your expression of regret that it had described Mr. Moss's action as unduly hasty and indiscreet, I beg your attention to the following remarks :—

Almost immediately after I had dispatched the above letter I received from Mr. Moss (to whom I am greatly obliged for his attention) a copy of the parliamentary paper A.—3, Sess. II., 1891, containing his reports to His Excellency the Governor, and other matters relating to his late visit to Rarotonga. I find, on careful perusal of these documents, that they add the most forcible evidence that the Alliance was perfectly justified in the view it took of Mr. Moss's action as "hasty and indiscreet." For, in the instructions given to him by His Excellency the Governor, he is not only limited to "inquiring and reporting" on the condition of affairs in Rarotonga, but he is most emphatically and repeatedly prohibited from taking any action whatever. In a telegram to Her Majesty's Secretary of State, dated the 27th October, 1890, His Excellency says of Mr. Moss's mission that he was "proceeding unofficially, reporting to me personally on return." In a letter to Queen Makea His Excellency says, "Mr. Moss will leave at once to visit Rarotonga in an unofficial capacity. He will report to me on his return, when he will receive instructions, and then return to take up his duties in Rarotonga." In a telegram to Mr. Moss, at the moment of his departure, His Excellency says, "You will please to understand that you have no authority to advise or act on behalf of Her Majesty, and that your visit is entirely unofficial, and that on your return you will report to me upon the state of affairs, &c., with especial reference to the importation of spirituous liquors, and the possibility of aiding the local authorities to put a stop to it." In a despatch to the Imperial Secretary for the Colonies His Excellency again says, "I have given Mr. Moss to clearly understand that in his present visit he is purely unofficial, and that he is not empowered in any way to act or advise on behalf of Her Majesty; and I have heard from Mr. Moss that he will be guided by those instructions." All this Mr. Moss was fully informed of, as he admits in one of his reports. "My instructions were only to inquire and to report. I was pressed on all sides not to return to New Zealand without advising at least what should be done; and, after careful consideration, came to the conclusion that I should not be justified in evading the responsibility of giving them all the assistance and moral support in my power;" in other words, of deliberately disobeying His Excellency's repeated instructions to do anything, not even to advise anything, till after my return to New Zealand, and further instructions from him. And then he immediately proceeded to convene a meeting of foreign residents, and invited them to elect one of their number to represent them in the Council, which they had no right to do, and he had none to advise; and he further proceeded to persuade the Council to revolutionise their constitutional law in its most important features, especially repealing the long-established prohibitory law against the sale of strong drink, and enacting a licensing law to legalise and regulate its sale, unprecedented, we believe, in any part of the world, and, as we think, extremely unlikely to have any beneficial effect.

Surely Mr. Moss's action would justify not only the use of our expression "hasty and indiscreet," but much stronger language, if we had thought proper to apply it.

I have, &c.,

The Hon. J. Ballance, Premier, &c.

WILLIAM FOX,
President of the New Zealand Alliance.

No. 4.

Mr. A. WILLIS to Sir W. Fox, Auckland.

SIR,—

Premier's Office, Wellington, 18th March, 1891.

I have been directed, by the Hon. the Premier, to acknowledge the receipt of your further letter of the 12th instant, relative to the action of Mr. F. J. Moss at Rarotonga, and to inform you that it has also been forwarded to His Excellency the Governor.

I have, &c.,

ALEX. WILLIS.

Sir W. Fox, K.C.M.G., President, New Zealand Alliance, Auckland.

No. 5.

The Hon. Mr. BUCKLEY to Sir W. Fox.

Premier's Office, Wellington, 27th May, 1891.

THE Premier has the honour to forward, for His Excellency's information, another letter from Sir William Fox, with enclosures, in reference to the liquor law at Rarotonga, and Mr. Moss's action in getting it passed.

P. A. BUCKLEY, for the Premier.

No. 6.

Sir W. Fox to the Hon. the PREMIER.

SIR,—

Auckland, 20th May, 1891.

In further continuation of previous letters on the same subject I have the honour to request you to lay before His Excellency the Governor the enclosed copies of letters received by me by the last mail from Rarotonga. They profess to be written by European residents in that island, and are, as you will observe, strongly condemnatory of the action taken by Mr. Moss.

I have no personal acquaintance with the writers, but the letters are undoubtedly genuine, and I therefore forward them for His Excellency's information, as requested by the writers.

I have, &c.,

WILLIAM FOX,

The Hon. J. Ballance, Premier, &c.,

President of New Zealand Alliance.

Enclosures.

SIR,—

Rarotonga, 19th February, 1891.

By the public prints of Auckland we notice that the onus of the introduction of the new liquor law in force in this group has been thrown upon the shoulders of the native authorities by Mr. Moss, the newly appointed Resident here, while the real fact is that Mr. Moss, aided by the Rev. Mr. Chalmers, may be said to have forced the new law upon the natives against their expressed wishes (see report in *Herald*, from that paper's special reporter at Rarotonga, in November, December, and January last) and against the desire of several of the residents, the reason given by Mr. Moss being that the natives "had no right to interfere with the liberties of the Europeans," or, as I perhaps should call them, of the foreigners, or to deprive them of drinking spirituous liquors if they wished. "I like my glass and do not think any one has the right to deprive me of it as long as I do not abuse it," and also, "It would be simply impossible to stop smuggling." Further, we notice that Mr. Moss says the law was passed by the unanimous vote of the authorities. Yes; but only when they were distinctly told they would be doing wrong not to pass it did they reluctantly give consent, and, as will be shown, that they still wish the introduction stopped. With such testimony before you we trust you will urge upon His Excellency the Governor to veto Mr. Moss's action and this obnoxious law, and so close this group from the curseful bane of liquor.

We are, &c.,

THOMAS B. SHORT.

H. NICHOLAS.

Sir William Fox.

T. BONAR.

G. R. CRUMMER.

DEAR SIR,—

Rarotonga, 7th March, 1891.

I take the liberty of writing to you to give an insight into the traffic, as I notice by the Auckland papers that you have taken up the cause on behalf of these islands, and I fervently wish you every success. The law that was made by Mr. Moss and colleague, and, I am not wrong in stating, forced on the chiefs. The law that was passed by the Queen and chiefs was for totally abolishing all liquors from this group. The way that the present law is being ignored is scandalous. Up to the above date there has been three stores fined for breaking the law. Yesterday one firm was fined in which I, with Mr. J. Harding, my partner in business, were called on as witnesses, having been in the store at the time and times of the selling of liquor. When we both were, separately, when being questioned by the Magistrate, Ma Tepo, grossly insulted by being called b——y liars. I am glad to say the accused was not a Britisher. Such false excuses that was offered by one that ought to see justice done to all parties is not excusable. You will see the account of the trial in print. The accused was convicted by the entries in his books, which I demanded should be produced, after being insulted. Some of the law-breakers are now banded together, and are using whatever means that they can against J. Harding and myself. They are going to bring a charge against me for trafficking in liquor, which is false, a thing which I have never done in my life. How it will end it is hard to say, as my accusers are not Britishers or men of principle. For instance, they are some of the band who were parading the streets disguised last night, and sending written invitations to come and meet a friend on urgent business, but these messages were not signed, although the handwriting is well known. This matter is now taken up by the authorities. I notice by the Auckland papers a statement by a reverend gentleman that it would be a great expense on the country to prohibit liquor from this group. If the New Zealand Government will help the authorities of this group to enforce a prohibition law I think it can be done. For my part, with the help and protection of either or both, the New Zealand Government and this, I am willing to give my services gratis for six months.

Hoping you will not rest contented until we can abolish it from this group,

I remain, &c.,

THOMAS B. SHORT, Shipbuilder, Rarotonga.

W. FITZGERALD.

ROBERT NICHOLAS.

H. NICHOLAS.

KAITARA NICHOLAS

J. W. HARDING.

Sir William Fox, President, Temperance League.

No. 7.

Mr. A. WILLIS to Sir W. Fox, Auckland.

SIR,—

Premier's Office, Wellington, 27th May, 1891.

I have been directed by the Hon. the Premier to acknowledge the receipt of your letter of the 20th instant, with enclosures, on the subject of the liquor law at Rarotonga, and to inform you that it has been forwarded for the information of His Excellency the Governor.

I have, &c.,

ALEX. WILLIS.

Sir W. Fox, K.C.M.G., President, New Zealand Alliance, Auckland.

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