

1898.

NEW ZEALAND.

# COOK ISLANDS:

CORRESPONDENCE RELATING TO REQUESTS FOR THE REMOVAL OF F. J. MOSS, ESQUIRE,  
BRITISH RESIDENT.

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

## No. 1.

Mr. F. J. Moss to His Excellency the GOVERNOR.

(No. 16/97.)

MY LORD,—

Cook Islands, British Residency, Rarotonga, 16th September, 1897.

In my despatch 15/97, of the 21st August, I informed your Excellency that Parliament had referred Federal Court Bill—at the suggestion of the Arikis of Rarotonga—to a meeting of all the Arikis of the different islands to be convened in Rarotonga. Their decision was to be adopted by Parliament and to be final. No date for the meeting was proposed, nor would they agree that one should be named.

The Arikis of the whole federation form its Government, but have no legislative powers. Their decision was a foregone conclusion, and the shelving of the Bill certain. Success of that kind would have led to similar tactics next year, and delay have been made indefinite. Parliament members themselves made no secret to me at the conference held with them on the 16th August that they would put the Bill off from year to year till their children knew English and were able to be judges. They would not have more white men.

To counteract this I drew up an amended Bill—copy enclosed. This Bill met many of the objections which they have raised, and contained a clause—24—which made it law on the 1st January next unless the Arikis took certain action therein defined before that date. I also offered to leave the Bill to your Excellency's decision instead of acting upon my own judgment. The Bill, thus amended, was laid before Parliament on the 26th August.

It was all fruitless. The Arikis and the Judges, and some few of the white people, were afraid of the Bill. They believed that it might be used to check corrupt practices in the Governments of the different islands, but, above all, that it would in the end be used to make them pay debts, and, as they finally were persuaded, to take from them their land to pay such debts if necessary. The Chairman of the Parliament is there only because he is the husband of one of the Arikis. By birth he is said to be English, but he calls himself an American. He would certainly not be chosen by either Europeans or Maoris, but in the absence of electoral machinery was put in by his wife, the Ariki of Aruangi.

This gentleman, Mr. J. M. Salmon, and his friend, a Mr. Goodwin, an old trader here, whom he has succeeded in getting temporarily employed by the Parliament as its Clerk, have been and are among the most active intriguers against the Bill. Other influences, to which I shall have to refer in another despatch, have been brought to bear, and to it all may be added a good deal of detraction towards myself and a continued assertion that the only object in my case was to add to my personal importance and increase my own power by destroying the mana of the Arikis and chiefs.

The Maori—the Ariki section especially—is ignorant and credulous. The Arikis and the Parliament held continual and, in many cases, secret meetings. From all that I can learn they admitted that—up to now—I had done much for them in all ways. They had nothing but the kindest feeling towards me, but why did I want the Bill? Why not have had it long ago if it was necessary? Hard questions these to answer unless they could be convinced, as I am, of the corruption that is again creeping in, and the inability of the Courts in any case to deal with the matters now brought before them. The Bill must not become law. That was their final decision, conveyed to me on the 31st August, and replied to by me at their next meeting on the 2nd September—both herein enclosed. I may observe that I thought at one time of referring to your Excellency's despatch to me of the 8th July (received on the 10th August), but in the circumstances, as they then stood, such reference would only have led to renewed misrepresentation and the despatch being met with disregard and disbelief.

The Bill has occupied the whole session between the 9th July and the 31st August. On the 6th September the Clerk of the Parliament, Makea Daniela, son of Judge Tepou, and who, trained to the work by me, has acted as Clerk to Parliament and to Government and as Paymaster since 1891, disgusted, as he says, with the waste of time, and the things into which Mr. Salmon was leading them, with which they had nothing to do, resigned, and Mr. Goodwin was at once appointed in his place. I declined to agree to his resignation: but the practical result is that I now only hear occasionally of what takes place in Parliament, and cannot with certainty say what has since occupied them, beyond a general discussion of all kinds of grievances against myself.

The Bill being rejected, a turning-point in Cook Island affairs has been reached, and the next steps to be taken becomes a serious question. The islands are small, but with a somewhat dense population—that of Rarotonga, for example, being at least a hundred to the square mile, and others about the same. Communication between them is irregular and tardy, and in the absence of harbours is likely to be so. Each island has its own system of land-tenure, and its own political and social peculiarities. Each island differs also commercially, and in the character of its people, from the other. In Rarotonga there are 147 persons of nationalities other than Maoris or Pacific Islanders. In all the other islands together there are not a dozen foreigners, but the population is purely Maori, with a few scattered traders of different nationalities.

These are the considerations that prompted me to make the experiment of the federation, which has healed old jealousies and brought the different islanders together, imbued them with new ideas and a broader conception of life. In my humble opinion it is still well worth preserving, if not the only practical way for establishing law and order without the friction that, in my judgment, would be sure to follow any attempt to rule from any particular centre, and which would soon call for the exercise of force in its train. The schools, in which English is now being taught, are the hope of the future, but meanwhile the ignorance of the natives in many respects, and the combined ignorance and inflated ideas of the Arikis especially, together with the whites ready to impose upon them, have to be taken into account.

After the most anxious consideration, and setting aside all personal feeling at the sudden change that has been produced in the minds of the Arikis, I am bound to say that there seems to me no system better suited to the conditions of these islands than that now in force; provided that there were in reserve a power near at hand that could be appealed to and relied upon for prompt and effective action if necessary. Such a power, I venture to suggest, would be found if the Governor and Council of New Zealand had full authority to legislate for, tax, and control at any time these islands. I believe that the knowledge of such a power being in existence would go far to render its use unnecessary. The federation might then continue—its Parliament might legislate, and its Government exist. The various islands could retain their local Governments, and the Maori, continuing to take part in governing, would continue to advance politically, socially, and commercially.

If, on the other hand, any system be adopted incompatible with federal legislation, each island would have to collect its own revenue, and Rarotonga, Aitutaki, and Mangaia would each require a British officer, for no Maori could be trusted in that position. The remaining islands (Atiu, Mitiaro, and Mauke) are nearer to each other, and one official would do for all three. The revenue could not be raised by direct taxation, for the Maoris would not pay, and they are wonderful adepts at passive resistance, with not a little readiness for violence if they are excited or deem it likely to succeed.

The adoption of any policy which did not give a large share of the work to the Maoris themselves would also arrest their development, lead to their decay, and end in reproach to the British name and nation. I venture to suggest that this is an aspect of the question to be kept in view, and also that though unhappily these kindly and clever Maoris are an ignorant they are nevertheless an advancing people.

Much important work is yet to be done among them. A better and more secure land-tenure to encourage cultivation, and the creation of machinery for the conduct of the elections which their Constitution pre-supposes in all the representative bodies, are the two most immediately needed, and will have to be gradually approached. To carry either would be as hopeless as the Federal Court Bill as matters at present stand.

In conclusion, if your Excellency should decide on any radical change from the present system I would respectfully recommend that a Royal Commission should be sent to make inquiry and suggestion. I do not feel competent to advise in that direction alone, but respectfully ask that if a Royal Commission be sent I have in it such a position as would prevent its being regarded or represented here as a censure on myself or my conduct of affairs.

I have, &c.,

FREDERICK J. MOSS,

British Resident.

His Excellency the Earl of Ranfurly, Governor of New Zealand, &c.

### Enclosures.

From PARLIAMENT to the BRITISH RESIDENT.

SIR,—

Parliament House, Rarotonga, 31st August, 1897.

Salutations! The Federal Court Bill, as amended, has been laid before us. We have read and given it much consideration, and our thoughts are still the same as when we threw out the original Federal Court Bill. We still say, Leave it now, and we will look slowly for some substitute for this Bill. We will not agree to this work being done quickly. Leave it so that it may be done carefully. It will then be a good law, and our thoughts on it will be enlightened.

Enough. Salutations!

V. MAOATE, Chairman (*pro tem.*).

[Reply to the above from the British Resident.]  
From the BRITISH RESIDENT to the PARLIAMENT.

*Federal Court Bill.*

SALUTATIONS! I received your letter saying that you will not agree to the Federal Court Bill as amended, in order that the Arikis might be left to say whether it should or should not be made law on 1st January next. So be it. The work will not now rest with you or me, but with the Queen's Government in England, to whom my report will go.

I have worked for seven years to build up a Parliament and a Government which should have the Maori people taught and trained so that they might become fit leaders, teachers, and missionaries for other islands, and their name become great in all the islands of the sea. The foundations for such a Government must be the prompt administration of justice to all men. Your Judges understand Maori troubles, but are quite unable to deal with those of the Europeans, which grow in number and importance every year. I offered to do that work to relieve them until you could afford to pay a Judge for yourselves. Your not agreeing with the Bill will save me much labour and care. On that ground I am content, but grieve that you should pull down the house which you and I have worked so long together to build.

You ask for more time, but you know well that neither you nor your Arikis will be able to judge better for yourselves one year hence than you can now. Therefore I accept your decision as final. There is no occasion to talk more, and no use now in your Arikis meeting, as you proposed, in Rarotonga. It will be for the Government of Her Majesty Queen Victoria to say what is to be done for securing the proper administration of justice to the Europeans as well as Maoris in the Cook Islands.

Your friend,

FREDERICK J. MOSS,  
British Resident.

Rarotonga, 2nd September, 1897.

---

No. 2.

Mr. F. J. Moss to His Excellency the GOVERNOR.

(No. 17/97.)

MY LORD,—

Cook Islands, British Residency, Rarotonga, 17th September, 1897.

I have the honour to enclose,—

- (1.) Letter to myself (7th September) covering copy of a petition (in English only) from the Arikis of Rarotonga asking for "my withdrawal," &c.
- (2.) Letter to me (13th September) covering a petition in English and Maori from the Cook Islands Parliament, also asking for my recall.
- (3.) Counter-petition and letter (16th September) from Makea a Vakatini a Makea.
- (4.) Counter-petition from merchants and others (dated 9th September), but received by me this day.

With reference to the Arikis' petition (No. 1), I wrote to Makea on the 7th asking her to make it clear to me whether I was to send a copy, or they intended to send the original petition themselves. I have not received a reply, but understand that they will send the original by some person to act as a special deputation from themselves, if possible.

I would respectfully point out that if the Arikis depart in this matter from the proper course, or seek to communicate otherwise than through me, any plea of ignorance which they may set up will be without foundation. They are for the time in the hands of people acting with malice *prepense*, and who aim at making themselves as great in the eye of these Arikis and the British Resident as small as possible.

As to the prayer of the petition, I can only say that the yearning after the good and the just might have found appropriate vent in supporting the Federal Court Bill, and that their plea for forbearance on account of their ignorance of foreign customs is merely an echo of what is known here as "missionary talk." The solution of the whole difficulty is simple if Native customs could only be adopted. I ought to kill a pig and send it to the Arikis. They would then kill many pigs, and, with a great feast, welcome back their wandering brother. All would be pleasant—but on the implied understanding that I should never again mention that nasty Federal Court Bill.

With reference to the petition from the Parliament (No. 2), I enclose the letter sent by them to me on 31st August, and my reply, 2nd September, after having patiently reasoned with them many times from the 9th July, when the Bill was brought before them. A gross misrepresentation of this reply, in keeping with the whole proceedings on the part of their advisers, is the ground of the statement of anger on my part, on which the petition is based. The statement of their being elected from the different islands is a fiction which has been so far unavoidable, but a fiction nevertheless. Mr. John Mortimer Salmon, the Chairman, would certainly not stand the least chance of election by either Maoris or others. He is put in solely by his wife, the Ariki Tinemana, and is not an ignorant Maori to claim consideration, but an Englishman born, who has always ostentatiously called himself an American. Mr. Salmon's admiration for the British flag, as displayed in this petition, is new-born and refreshing. If it be half as sincere as his violent opposition to the Federal Court Bill the British flag will have gained a new supporter. In reality he is a mere tool of the small clique of Europeans which has lost no chance of reviling the British Resident and misleading the Arikis in every possible way during the last two years. Mr. Salmon, as Chairman of the Parliament, has so lent himself to that clique as to allow one of its most vituperative members, by prearrangement, to be present in Parliament, to be called on to make a statement, and in that statement to speak of the British Resident as having "told a direct lie," with other abuse of a similar kind, which he then, as Chairman, called upon the Clerk to specially place in the records of the Parliament. Disgust at this led Makea Daniela, the Clerk, to resign, when Mr. F.

Goodwin, who has been from his youth a trader in these islands, and who has been an active member of the clique, and a violent opponent of the Bill, was promptly installed in his place. These are the conditions which rendered it impossible for me to hold any conference with the Parliament, with whom the Arikis have become curiously mixed. I observe also that Judge Tepou, though not a member, has signed the petition as Judge. He has always expressed himself to me as most anxious to get rid of the European work, which he did not understand, and the trouble of which was very great. His opposition to the Bill is even more pronounced than that of many to whom it would not bring even such a shadow of relief.

I pray your Excellency that I may here be pardoned for a digression which will serve to throw more light on the present position than much elaborate statement could effect. Judge Tepou has always been regarded by me as a valuable help in the work I have taken in hand. One of the ablest Maoris here—big-hearted and progressive—he entered heartily into all my plans, and has been—and I hope one day will again be—one of my best friends. But in many points the Judge is still too simply Maori, and he knows it. In the kindest way I have more than once remonstrated with him for charging a fee on liquor permits issued as the Arikis' agent for a Maori to obtain liquor. He has always assured me that he issued many without a charge at all, and that when he did charge it was chiefly to prevent the person coming to him too often. Moreover, did not Mr. John Mortimer Salmon, who issued permits for the Arikis Tinomana, and who was European, do the same? And Judge Muoute, of Ngatangia? Why speak to him alone?—in other words, why not bring down the whole house about my ears? And that, too, prematurely, and without prospect of permanent good. I mention these traits to show that Judge Tepou is certainly no fool. Yet it was he, and no other, who finally, in a most ludicrous way, removed all doubts from the assembled Arikis, and got them to sign the petition and become my deadly foes for the time. They were hesitating. They could not believe that I meant them harm, though certainly that Federal Court Bill was a thing that looked unpleasant, and was intended, they were told by many whom they knew, to make the Resident great and themselves small. The psychological moment had come. Tepou drew from his breast-pocket a cutting from some verses headed "King Richard's Royal Progress," which appeared in an Auckland paper in July. In his sonorous voice he read to them a Maori translation, carefully prepared in advance, of the intention to—

Annex some South Sea islands, especially Samoa;  
They will do for our opponents when they get to be a bore.  
Or, like Moss, of Rarotonga, if the future trouble brings,  
We can live among the niggers—we can all be little kings.

Calls us niggers (*kerekeres*); and he is our king! *Kare, kare, kare rai!* All doubt was ended, and the petition for my recall unanimously adopted.

I have myself a shrewd suspicion that Tepou is not such a fool as he looked on this occasion, and from what I hear some of the Arikis are beginning to think the same. I tell the tale, however, just as it was told to me by the Government interpreter on the occasion, and vouches for its truth—of which I am myself thoroughly convinced. The case is especially hard upon one who has been contending in papers to the Anthropological Institute, as I have done, that my observations induced me to regard the Maoris as a white race like ourselves. That, however, they cannot know.

The petition (No. 3) from Makea a Vakatine a Makea, generally styled Makea Daniela, is from a Maori, the son of Judge Tepou, who was happily grounded in English by the Rev. James Chalmers when resident missionary in Rarotonga many years ago. Daniela is a chief of high rank, and the only Maori on whose official services I have been able to depend. He has been Clerk to Government and Parliament and paymaster since the Government began. He was the Clerk of Parliament who resigned in disgust at Mr. Salmon's new way of conducting the business. I value the petition of Makea Daniela very highly as a spontaneous tribute from one with whom I have worked from the first, and whom I have trained to do good service. I have profound pleasure in presenting it to your Excellency. He could have obtained Maori signatures, and offered to do so, but I begged him not to get men to commit themselves whom I would not be in a position to defend, for the time, against the Arikis whose anger they would incur.

The next petition (No. 4), from merchants and others, is to me extremely gratifying, and to some extent a surprise. It is signed by people of whom some have often believed me too "forbearing," and I have too strong a leaning to the Maori. They represent the best elements of society in these islands. Their petition speaks for itself, and needs no comment from me.

I may be allowed to say, in conclusion, that the present outburst is not on my part altogether unexpected. Assiduous attempts to poison the minds of the Natives, and to annoy and defame the British Resident in all possible ways, were bound sooner or later to come to a point. I have treated them and the actors in them in the only way possible—with contempt, keeping as clear of them as the narrow limits of the island allowed. What has now brought them to a head is the accession of strength gained by recruiting a clever Maori woman, married at different times to English-speaking people, and two young Edinburgh doctors. The Maori woman has been an excellent go-between to keep the clique in touch with the Arikis. The doctors, who have not yet been six months here, have been most active of all. Their only possible ground of offence against the British Resident is that, after they have made a bargain with the Hospital Board which they appear to deem unprofitable, and with which neither he nor the Government has or have the least to do, he declined to appropriate more from the Customs revenue than the sixth part, which the Hospital Board already received. These two new recruits have proved extremely valuable from their skill in the discovery and use of half-truths and from their power of personal abuse, which compelled the British Resident some weeks ago to decline further communications of any kind with them. But their special service has been in the maintenance of an ostentatious friendship with the Mission—by which is meant the oldest, that of the London Missionary Society. The natives could not but believe, therefore, when they saw these two new champions among the most loud and active of the opponents of the Federal Court Bill, that they had the Mission with them.



This impression was so universal that I am bound to say great additional force was given to the opposition to the Bill. I wrote to the Rev. J. Hutchin that I should mention this belief on one of the great difficulties in my way in seeking to pass this most necessary Bill, and received from him a reply, which, with a copy of the original letter, I enclose herein for your Excellency's information.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Earl of Ranfurly, K.C.M.G., Governor of New Zealand.

### Enclosures.

From the ARIKIS to His Excellency the GOVERNOR.

Rarotonga, 7th September, 1897.

WE, the undersigned Arikis of Rarotonga, Chief of the Rarotonga Government, Chief of the Cook Islands, do pray and petition that you and your Government will accede to our petition to withdraw F. J. Moss, Esq., British Resident here, and do further petition that you will appoint a Resident who will teach us what is good and just.

You will wonder what has caused us to make this request to you. Mr. F. J. Moss is not suited to us, and should you wish for an inquiry we shall be pleased and prepared to answer all that you may deem necessary.

What we desire here is a Resident who will bear with us in our ignorance of foreign custom, and teach us to carry out our laws for the good of all, and to be just in so doing.

A copy of this petition has been sent to F. J. Moss, Esq., to be forwarded to you.

And the petitioners will ever pray, &c.

TINOMANA, Chief of the Government, Rarotonga.

MAKEA, Chief of the Government, Cook Islands.

IA MA KAINUKU, Ariki of Takitumu.

KARIKA, Ariki.

NGA MARU, Ariki.

His Excellency the Right Hon. the Earl of Ranfurly, K.C.M.G.,  
Governor of New Zealand, &c.

### [TRANSLATION.]

From the COOK ISLANDS PARLIAMENT to the BRITISH RESIDENT, F. J. Moss, Esq.

SIR,—

Parliament House, Rarotonga, 15th September, 1897.

We send you herewith a petition to the Governor of New Zealand, which we ask you to send to him by this week's steamer.

We send you also a copy in English and Maori. Enough.

From your obedient servant,

J. M. SALMON,

Chairman, Cook Islands Parliament.

### Cook Islands Parliament.

The Right Hon. His Excellency the Earl of Ranfurly, K.C.M.G., &c.,  
Chief, and Governor of New Zealand.

SALUTATIONS! And may the great love of God and His Son Jesus Messiah be on you until your end.

We, the members of this Cook Islands Parliament, elected from the different islands and the people of this group, did not think that Queen Victoria's Government would take notice of these small islands, and it could not have been through any other cause than friendship. We have as a proof of this your British flag and protection from any outside enemies that might come here to make trouble. It is still over us, and we are pleased. You have also sent us a British Resident to see that the honour of the flag is upheld and to lead us in the right.

When the British Resident came here first he constituted a Parliament for the Cook Islands and explained its method of working. He made the laws and put them before the Parliament for consideration, and told us it was for us to consider whether they should be accepted or not. The Parliament and the British Resident have done this work together from the commencement and up to the present time. But in this year 1897 the trouble has sprung up, and this is why we are writing to you, the Chief and Governor of New Zealand.

The cause of dissent is the Federal Court Bill. The British Resident made out this Bill and gave it to the Parliament for consideration. We went through the whole of the Bill and became alarmed and puzzled. We remembered the law that was made in the year 1891 styled "Supreme Court." In the year 1894 the name was changed to "Federal Court," and because therein there is no appeal it is now to be styled "Federal Court Bill." We have considered this Federal Court Bill, and let the British Resident know that we would not agree to it. What we wish to do is to let it stand over and take time in considering it, and not be too hasty, because we are not yet clear in the working of the foreigners. The British Resident persisted that we should pass this Bill this year. Our reply was, "Let it stand over for careful and calm consideration." Owing to our long deliberation, and not agreeing with the British Resident's wishes, he became angry, and informed us that it was not for us to talk on this matter, and that he would not talk to us any more. The talk is now with the British Government; that his talk would now go to that Government; and finished by stating that it will be for the British Government to say what is to be done for securing the proper administration of justice to the Europeans and Maoris thereafter in the Cook Islands.

We then knew that he had forsaken us, because he said that in the future his talk would go to the British Government. "Was it because it is his parent?" We remember it is also our parent. It was from the British bible that the Cook Islands were first enlightened, and from the British Government we got our flag—given to us to protect and shield us from enemies. This is how we know it is also our parent.

The British Resident has been too hasty in his anger, shown no forbearance, has hurriedly left us, and caused the estrangement.

And now (Sir), your Excellency, we know his ways; and what he has now done it is not pleasing to think of. What we all desire is that you will appoint another British Resident for us, because the present British Resident (Mr. F. J. Moss) is not at all suited to us.

This is our petition to you.

We have given copies in English and Maori to the British Resident, and with the request that he will forward this (the original) to your Excellency.

And your petitioners will ever pray, &c.

|                       |           |             |
|-----------------------|-----------|-------------|
| J. M. SALMON.         | ME TUARAU | } Aitutaki. |
| V. MAOATE             | NGAROHU   |             |
| TITA                  | NGAPO     |             |
| UTAKEA (his x mark)   | TUAPI     | } Mangaia.  |
| TUA                   | TANGI     |             |
| KAKETERA (his x mark) | TIRAAPU   |             |

Witnessed above signatures, written in the Parliament House, this 13th day of September, 1897, by Frederick Goodwin, Clerk of Cook Islands Parliament *pro tem*.

Rarotonga, 13th September, 1897.—TEPOU O TE RANGI, Chief Judge.

[TRANSLATION.]

SIR,—

Rarotonga, 7th September, 1897.

Salutations! This is the word of the Arikis to you. To give you this paper that you may see it and send it to the Governor of New Zealand. They will also send one to him. Enough.

From the Arikis of Rarotonga—that is to say,—

|                 |          |
|-----------------|----------|
| MAKEA ARIKI.    | KURIHA.  |
| TINOMANA ARIKI. | NGAMARU. |
| PA O KAINUKU.   |          |

MAKEA DANIELA V. MAKEA to Mr. F. J. MOSS

[TRANSLATION.]

SIR,—

Rarotonga, 16th September, 1897.

Salutations! I am enclosing a petition from me to His Excellency the Earl of Ranfurly, which will you kindly forward on to New Zealand? Enough.

Your obedient servant,

F. J. Moss, Esq., British Resident, Rarotonga.

MAKEA DANIELA V. MAKEA.

[TRANSLATION.]

To His Excellency the Earl of Ranfurly, K.C.M.G., Governor of New Zealand, &c.

I, of the undersigned name, a name which is unknown and seldom seen by your Government, but is now being brought before your notice and your day-book—a name which is small in its own country—I am calling to you and your Government from the midst of the torrent to make haste and help me out of it. May the petition of the Arikis of Rarotonga, and that of the Parliament, and those who hate the British Resident without cause, to withdraw F. J. Moss, Esq., from the Cook Islands, have no weight with you, as they know not what they do or say. The British Resident, F. J. Moss, Esq., leave him here till his days are done, to approve the laws for the good of the people and the children, and I will bury him in Rarotongan soil when his last day in this world arrives.

I am putting this before your face. It is for you to find who is right and who is wrong. May your servants find grace in your eyes.

Dated at Avarua, Rarotonga, this 16th day of September, in the year 1897.

MAKEA A VAKATINI A MAKEA.

MERCHANTS and OTHERS at Rarotonga to His Excellency the GOVERNOR.

His Excellency the Earl of Ranfurly, K.C.M.G., Governor of New Zealand, &c.

THE petition of the undersigned merchants and others, residents of Rarotonga, respectfully sheweth that we find with surprise and regret that a petition has been signed by the Arikis of Rarotonga asking for the withdrawal of the present British Resident, Frederick J. Moss, Esq., and that some other Resident may be sent who will bear with them in their ignorance of foreign customs and teach them to carry out their laws for the good of all, and to be just "in so doing." On the point of forbearance, we are bound to say that the natives certainly have no right to complain. The administration of justice by the natives has been borne with until a change was absolutely necessary. This led to the introduction into their Parliament by Mr. Moss of a Bill for the creation of a Federal Court, which we believe would have satisfactorily remedied many of the evils of the native administration, and of which Bill we heartily approve.

This Bill has been used as a handle by a few persons here notoriously influenced by private feeling and private considerations to incite in the Arikis a fear that their mana (*i.e.*, power) was to be entirely taken away from them. Intrigues of all kinds have been used, and the Bill has been most obstinately opposed in the Native Parliament, without whose consent under the present

constitutional government it cannot be passed. This contest has ended in the petition of the Arikis to which we have referred. We respectfully protest against its being allowed to be thought that any one holding the high office of British Resident is to be dependent on the good-will and pleasure of a few native chiefs entirely ignorant of the true work of government in every way.

We dissent altogether from the petition sent to your Excellency by the Arikis. We desire to express our full confidence in Mr. Moss, and our earnest hope that he will continue as Resident in these islands. We feel assured that the great majority of the natives would themselves join in this hope, but the tenure of their land places them so entirely at the mercy of the chiefs that independent thought or action is with them impossible.

And your petitioners will ever pray, &c.

Dated at Rarotonga, the 9th day of September, 1897.

|                                  |                             |
|----------------------------------|-----------------------------|
| R. Exham, for Captain Harries.   | A. K. Nicholas.             |
| Factories S.C.O., Rarotonga, per | G. R. Crummer.              |
| A. von. Heff.                    | (?) Pagnone.                |
| Horatio J. Gorth, Orchardist.    | Wm. Nicholise.              |
| E. W. Armstrong.                 | For Donald and Edinborough, |
| Charles Smith.                   | R. Exham.                   |
| G. A. Ennis.                     | Wm. Doyle.                  |
| F. Gelling.                      | Ah Sin.                     |
| Makea Daniela.                   | R. Exham, Lloyd's agent.    |
| P. H. McCowan.                   | J. Howe.                    |
| Thos. B. Short.                  | W. H. Petch.                |
| Thos. Shearman J. Scard.         | H. Ellis.                   |
| J. H. Garnier.                   | Ambrose Morgan.             |
| C. Renney.                       | J. D. Rice.                 |
| Henry Nicholas.                  | J. E. Caldwell, B.Ph., M.D. |

Mr. F. J. Moss to the Rev. Mr. HUTCHIN.

REVEREND SIR,—

British Residency, 15th September, 1897.

You are aware that the effort to provide for the proper administration of justice within the federation by the proposed Federal Court has been unsuccessful. The defeat of the measure is due to the active exertions of a few persons notoriously moved by personal considerations, but who have succeeded in arousing the blind fear of the Arikis and Maori landowners that the Bill would destroy their mana and take away their land.

I regret to say that it will be my duty to report the universal impression among Europeans and Maoris—an impression which I myself have good grounds for sharing—that the party opposing this Bill has received from the first the sympathy and support of the London Missionary Society, through you, its agent here. It seems to me fair that you should be informed of this beforehand.

I have, &c.,

FREDERICK J. MOSS,  
British Resident.

The Rev. J. K. Hutchin, Mission House, Rarotonga.

Rev. Mr. HUTCHIN to Mr. F. J. Moss.

DEAR SIR,—

Rarotonga, 11th September, 1897.

I have to-day received a letter from you, dated the 10th September, informing me that you intend to report an impression that the party opposing the Federal Court Bill has received from the first the sympathy and support of the London Missionary Society through its agent here. I would desire to point out that the London Missionary Society is in no way connected with any action I may take as a private individual.

Some time ago, before the Bill was rejected, I told you of the strong feeling there was against the measure on the part of the natives; and, if the Parliament did not consider the Federal Court Bill a good measure, surely they had a right to modify it or reject it. I have not gone out of my way to speak to natives on the subject. Every one has a right to their private convictions, and every one has a right to give his opinion if asked for it. That is all I have done. However, I can prove that I gave advice to the natives other than you imagine me to have given.

I remain, &c.,

F. J. Moss, Esq., British Resident, Rarotonga.

JOHN J. K. HUTCHIN.

From PARLIAMENT to the BRITISH RESIDENT.

SIR,—

Parliament House, Rarotonga, 31st August, 1897.

Salutations! The Federal Court Bill, as amended, has been laid before us. We have read and given it much consideration, and our thoughts are still the same as when we threw out the original Federal Court Bill. We still say, Leave it now, and we will look slowly for some substitute for this Bill. We will not agree to this work being done quickly. Leave it so that it may be done carefully. It will then be a good law, and our thoughts on it will be enlightened. Enough. Salutations!

V. MAOATE, Chairman (*pro tem.*).

From the BRITISH RESIDENT to the PARLIAMENT.

*Federal Court Bill.*

SALUTATIONS! I received your letter saying that you will not agree to the Federal Court Bill as amended, in order that the Arikis might be left to say whether it should or should not be made law on the 1st January next. So be it. The work will not now rest with either you or me, but with the Queen's Government in England, to whom my report will go.

I have worked for seven years to build up a Parliament and a Government which should have the Maori people taught and trained so that they might become fit leaders, teachers, and missionaries for other islands, and their name become great in all the islands of the sea. The foundation for such a government must be the prompt administration of justice to all men. Your Judges understand Maori troubles, but are quite unable to deal with those of the Europeans, which grow in number and importance every year. I offered to do that work, to relieve them, until you could afford to pay a Judge for yourselves. Your not agreeing with the Bill will save me much labour and care. On that ground I am content, but grieved that you should pull down the house which you and I have worked together so long to build.

You ask for more time, but you know well that neither you nor your Arikis will be able to judge better for yourselves one year hence than you can now. Therefore I accept your decision as final. There is no occasion to talk more, and no use now in your Arikis meeting, as you propose, in Rarotonga. It will be for the Government of Her Majesty Queen Victoria to say what is to be done for securing the proper administration of justice to the Europeans as well as Maoris in the Cook Islands.

Your friend,

FREDERICK J. MOSS,  
British Resident.

Rarotonga, 2nd September, 1897.

### No. 3.

Mr. F. J. Moss to His Excellency the GOVERNOR.

(No. 19/97.)

MY LORD,—

British Residency, Rarotonga, 17th September, 1897.

I have just received the following letter :—

“Rarotonga, 17th September, 1897.

“SIR,—I have the honour to enclose to you a petition signed by myself and others, and addressed to His Excellency the Governor of New Zealand. I have to request that you will forward the same to His Excellency in your official capacity as British Resident at the earliest opportunity. A copy of the petition will be forwarded to His Excellency by me on the first outgoing mail.—I have, &c.,

“C. KOHN,

“Managing Agent, Cook Islands Trading Company (Limited).

“F. J. Moss, Esq., British Resident.”

The deliberate insult intended by the concluding paragraph of the above letter will be more apparent when I inform your Excellency that Mr. Kohn has, in season and out of season, on board of every steamer, to every Ariki or other person who would listen to him, delighted in speaking of me in the most insulting terms personally, and of my office in every way calculated to lower its prestige with the natives. I have held no personal communication with him for a considerable time, but accounts of his conduct reach me from every side, with warnings against him. He and his housekeeper, Tauepa Tauepo—the clever Maori woman to whom I referred in a former despatch by this mail—are the worst of the intriguers with whom I have to count. His animus is due entirely to my having refused to aid in a scheme for a banking monopoly, of which full accounts were sent by me to His Excellency Lord Glasgow, and my action approved. In other matters of less importance I have had also to cross this man, and his virulence has known no bounds.

Of the other signatories, let me get rid once for all. Mr. Taylor is extremely bitter because I had to refuse aid in his obtaining a divorce from his Maori wife when the law was clearly against him. Mr. Piltz I had to aid in getting fined—in one case £5—for breaking the liquor law, by getting out permits in the names of persons for whom it was not designed; and, in another case, a further fine of £22 10s., being the full amount authorised by the law for selling liquor to a man who was not only under prohibition, and who had not and could not have a permit, but who was on the verge of *delirium tremens* at the time. The man, I should add, was a European. Of the two doctors Craig, I hardly know how to speak. They have not been six months here, and have nothing to do with the Government, nor the Government with them. On the 29th March last Dr. George Craig entered into a deliberate agreement with the Hospital Board for one year. For no conceivable reason except that the Government had no funds to increase his pay, and thus make good the falling-off in the private practice which he at first had, Dr. George Craig (and his brother) have developed a hatred of the British Resident amounting almost to monomania, and have attacked and insulted him on every pretext and at every turn.

These are the people now joined with Mr. Kohn in the petition thus intentionally sent direct to your Excellency as well as through me. I have taken it upon myself not to send the petition by this mail, but to retain it for your Excellency's direction.

The continued and personal annoyance which these people have sought to put upon me is bad enough. Their continual and persistent efforts to make mischief with the natives and to obstruct the Government in order to harass the British Resident are worse.

I pray that your Excellency will therefore protect me in my office by compelling these people to send through the proper channel if they wish to lay complaints against me or the Government before you.

I have, &c.,

FREDERICK J. MOSS,  
British Resident.

His Excellency Earl Ranfurly, Governor of New Zealand, &c.

## No. 4.

(253/97.)

His Excellency the GOVERNOR to Mr. F. J. Moss.

Sir,—

Government House, Wellington, 7th October, 1897.

I have the honour to acknowledge the receipt of your despatch (16/97), dated the 16th September, 1897, and three enclosures.

Under all the circumstances, I consider your suggestion of appointing a Commission to be the most proper course, and with this view I have communicated with the High Commissioner at Fiji, and have asked him to appoint Sir H. G. Berkeley, Kt., as Commissioner to go into the whole affairs of the Cook Islands. I have consulted my Ministers over your despatches, and we have come to the conclusion that this gentleman, from his experience, would be the best suited to receive the confidence both of the natives and of yourself; and we consider it would be advisable that he should act alone, and so not give to the natives the impression that the Court was biased, which might be the case if you acted as a Deputy Commissioner. The adoption of this course is not intended as any censure on your part or management; on the contrary, my despatches by last mail will show you that my Ministers approve of your action. I have asked the High Commissioner to arrange, if possible, for the Commissioner to start forthwith. Until his report be received it would be premature to go into the alternative matters you propose regarding legislation.

F. J. Moss, Esq., British Resident, Rarotonga.

I have, &amp;c.,

RANFURLY.

## No. 5.

His Excellency the GOVERNOR to Mr. F. J. Moss.

(254/97.)

Sir,—

Government House, Wellington, New Zealand, 7th October, 1897.

I have the honour to acknowledge receipt of your despatch (17/97), dated the 17th September, 1897, containing four enclosures.

My answers to these are enclosed herewith, for transmitting to the petitioners.

I shall certainly not depart from the usual course, receiving only through you petitions and such-like communications. Any coming out of order will be returned by my Private Secretary.

F. J. Moss, Esq.

I have, &amp;c.,

RANFURLY.

## No. 6.

His Excellency the GOVERNOR to Mr. E. J. Moss.

( /97.)

The Arikis of Rarotonga.

Government House, Wellington, New Zealand,

7th October, 1897.

GREETING! I have to acknowledge the receipt of your petition, praying for the removal of the British Resident, Mr. Moss.

I have given it, and other petitions also received by the same mail, the most careful consideration, and I fail to see any reason for such a request being made.

I am, however, sending very shortly a Commissioner, who shall inquire into the whole question of your grievances. Enough.

RANFURLY.

## No. 7.

His Excellency the GOVERNOR to the COOK ISLANDS PARLIAMENT.

(254/97.)

Government House, Wellington, New Zealand, 7th October, 1897.

The Cook Islands Parliament.

GREETINGS! I am unable to recognise your petition, for on it I see the name of a foreigner. At the time of the proclamation of the Protectorate it was intended that the natives of the Cook Islands alone should make and administer their own laws, acting with the advice of the British Resident.

No foreigner of any nationality whatsoever must be allowed to interfere, and I can only advise you to constitute properly your General Council, as, till it is so constituted, none of its proceedings can be recognised by the British Government. Enough.

RANFURLY, Governor.

## No. 8.

His Excellency the GOVERNOR to MAKEA DANIELA V. MAKEA.

(254/97.)

Government House, Wellington, 7th October, 1897.

*Makea Daniela V. Makea.*

GREETINGS! I have received your petition, and have given it my fullest attention, and I am shortly sending a Commissioner, as requested both by the British Resident and the petitioners, to thoroughly investigate the matter. Enough.

RANFURLY, Governor.

## No. 9.

His Excellency the GOVERNOR to the MERCHANTS and OTHERS at Rarotonga.

(254/97.)

GENTLEMEN,—

Government House, Wellington, 7th October, 1897.

I have received your petition, and have given it my fullest attention, and I am shortly sending a Commissioner, as requested both by the British Resident and the petitioners, to thoroughly investigate the matter.

The Merchants, Cook Islands.

RANFURLY, Governor.

## No. 10.

His Excellency the GOVERNOR to Mr. F. J. Moss.

(256/97.)

SIR,—

Government House, Wellington, 7th October, 1897.

With reference to your despatch (19/97), I beg to enclose you a copy (257/97) of my reply to Mr. Kohn. I consider it would have been the best course if you had forwarded this petition, together with any comments and explanation you might desire to make thereon.

I have, &amp;c.,

F. J. Moss, British Resident, Rarotonga.

RANFURLY.

## No. 11.

The PRIVATE SECRETARY to Mr. KOHN and OTHERS, Rarotonga.

(257/97.)

GENTLEMEN,—

Government House, Wellington, 7th October, 1897.

I am directed by His Excellency the Governor to return you your petition. The petition should have been sent through the proper channel—namely, through the British Resident at Rarotonga.

Yours, &amp;c.,

Messrs. Kohn and others.

DUDLEY ALEXANDER, Captain,  
Private Secretary and A.D.C.

## No. 12.

Mr. F. J. Moss to His Excellency the GOVERNOR.

(326/97.)

MY LORD,—

British Residency, Rarotonga, 10th November, 1897.

I have the honour to acknowledge receipt on the 3rd instant of your Excellency's despatch of the 7th October (256/97), and in accordance therewith enclose: 1. The petition of Kohn, Piltz, and others. 2. My comments thereon.

Copies of the enclosures will be given to Sir H. Berkeley on his arrival.

I find that I have omitted to refer to the appointment of Registrar of Deeds, included in the petition. Mr. Seard was appointed on the 17th July, 1891, and has filled the office without complaint of any kind ever since. The payment is only by fee, and for some time past I find that only one deed per month has on the average been presented. Registration is only compulsory in dealings with native land, and the object is to secure publicity. In all other cases it is voluntary, and only to give security against loss of the original deeds.

I have, &amp;c.,

FREDERICK J. MOSS,  
British Resident.

His Excellency the Earl of Ranfurly, K.C.M.G., Governor of New Zealand.

## Enclosures.

(326/97.)

SIR,—

Rarotonga, 15th September, 1897.

We, the undersigned merchants and importers of the Cook Islands, do humbly pray that your Excellency will be pleased to grant a Royal Commission to inquire into the general administration of affairs in this group whilst under the general supervision of the British Resident, F. J. Moss, Esq. Our humble petition to your Excellency is made on the following grounds:—

(1.) That at a meeting of the Cook Islands Parliament in the year 1894 a resolution was passed that the Government bond, Customhouse, and post-office should be removed from the premises of Messrs. Donald and Edenborough and placed in a more central situation, and entirely away from any mercantile house. That this resolution was not approved by the British Resident, and thus could not become law. That this question was brought up at three separate sessions of Parliament, but was vetoed on every occasion by the British Resident, although the necessary funds for the purpose were guaranteed by Parliament.

(2.) That Messrs. Donald and Edenborough, to the detriment of all other merchants and traders, are the Government bankers, and have full control of all Government moneys.

(3.) That a private door connects the Government bond with the premises of Messrs. Donald and Edenborough.

(4.) That English coin has been declared the only legal tender, whereas other moneys are the current coin in circulation, and whereas English coin is not obtainable; and, further, that Messrs. Donald and Edenborough have, as Government bankers, thus greater facilities in paying their duties than other traders.

(5.) That the Government Auditor is also the local manager for Messrs. Donald and Edenborough, the Government bankers, and that all Government cheques on the said bankers have to be countersigned by the said Auditor before being payable.

(6.) That the said manager for Messrs. Donald and Edenborough assists the Postmaster in the sorting of letters, and also assists the Licensing Officer and Collector of Customs in his clerical work, and by so doing, in his capacity as Auditor, is auditing his own accounts.

(7.) That the said manager for Messrs. Donald and Edenborough is also a Government Registrar, and, during temporary absences of the Postmaster, Collector, acts in his place. At one time he acted for two months during the Collector's absence in New Zealand.

(8.) That the British Resident objects to any European representation in either Parliament or Council.

(9.) That members of Parliament and members of Council are not elected by ballot as provided by law.

(10.) That one-eighth of the revenue for 1896-97 has been expended on the British Residency, and that this money was not voted in the Appropriation Act, but was taken from votes for other purposes.

(11.) Since the creation of the Federation of the Cook Islands many laws have been enacted and approved by the British Resident, and that several of these laws have never been carried into effect.

(12.) That a hospital has been inaugurated against the wish of Parliament, and for that purpose a building has been purchased from Messrs. Donald and Edenborough, and 1 per cent. duty levied, which realises only the sum of £180 per annum. This is the only amount obtainable for the salaries of doctors and nurses, medicines and food, and all appliances for a hospital, and to give free treatment to a population of some six thousand inhabitants.

(13.) That harbour dues are collected, whereas no safe moorings are laid down, nor have been advised to be laid down, for the safety of vessels in the harbour.

(14.) That vessels sailing under the Protectorate flag of the Cook Islands are permitted to cruise without certificated masters, thus rendering life and property insecure.

(15.) That very unsatisfactory laws are in existence at the neighbouring islands of the Cook Group, much to the detraction of British trade; and that the British Resident makes no effort to modify such laws.

(16.) That a road-tax has been levied, whereas roads and bridges have not been properly attended to; and that during the past year the Arikis have taken the matter into their own hands, in preference to paying the said road-tax.

(17.) That public schools have been created, and taxes made for the same accordingly, whereas no certificated teachers have been appointed, no inspections made, and that, on the whole, the public schools have been a failure.

(18.) That the liquor laws framed by the British Resident have been very unsatisfactory. And your memorialists will ever pray, &c.

C. KOHN, Managing Agent.

EMIL PILTZ.

GEORGE CRAIG, M.B.

WILLIAM B. CRAIG, M.B.

WILLIAM TAYLOR, Agent for S. R. Maxwell.

His Excellency the Right Hon. the Earl of Ranfurly, K.C.M.G.,  
Governor of New Zealand, &c.

#### REMARKS ON THE PETITION OF MESSRS. KOHN, TAYLOR, PILTZ, DR. GEORGE AND DR. WILLIAM CRAIG.

##### *Removal of Public Offices.*

In July, 1894, the date to which petitioners especially refer, a petition was sent from Messrs. Muth, Kohn, Taylor, and Piltz, and forwarded by me to the Parliament on the 3rd July. It was accompanied by a letter to me, and, after making full inquiry, I replied on the 10th as follows:—

“Post-office.—From the first establishment of the office Mr. Garnier has been in the habit of receiving on occasions of pressure the friendly aid to which you refer—from Mr. Scard—and I am glad to find that you speak so highly of the gentleman by whom it is given. This aid was an incident in the transition from the system of dealing with letters before the Government was established, but provision will be made in the estimates for the payment of such assistance as may be necessary. . . . Mr. Garnier considers that a change from the present office is unnecessary.”

“Customhouse.—Mr. Garnier states that no invoices exhibited to him for import entry are or ever have been seen by any other person.”

To the above it is only necessary to add, by way of explanation, that in January, 1891, the bond was opened, and that the Licensing Officer was the only public officer employed. In April, 1891, I assumed office as British Resident. The Licensing Officer (Mr. Garnier) then took charge of the mails, which continued to be made up in the private office of Mr. Exham, managing partner of Donald and Edenborough at the time, and Acting Vice-Consul for some time previously. The stamps used were supplied to Mr. Exham by the Auckland Post-office, and continued to be so supplied till May, 1892, when the Cook Islands Post-office, with Cook Islands stamp, was first



opened. The bond had been established in an adjacent store of Donald and Edenborough's, which, was absolutely the only building to be obtained for the purpose. An extension of their store was afterwards built and hired as a post-office and bond ("public buildings," the petitioners call them) at a rental of £14 8s. per annum. They have been so occupied ever since, and, in my opinion, very suitably, as that end of the settlement was then the centre of all business with mails and shipping. This year the Union Company have built a wharf at the other end of the settlement, and a change will be desirable when suitable premises can be obtained. There is nothing to warrant the expense of putting up and maintaining what are spoken of as "public buildings."

In 1894, though personally opposed to the contemplated expenditure, I did not oppose it as stated, but, hoping to guide the young Parliament, induced them to form a committee to inquire and report to the next Parliament (1895). They did so. Judge Tepou was chairman, and they ultimately selected a site close to the present offices, and determined on building, but no further definite action was taken. Urged by outside pressure, the subject was annually raised by resolutions of an indefinite character, but no further action taken. I have always opposed such resolutions, and asked for reasons, which were not given.

*Advantage unfairly given to Donald and Edenborough by appointing them Government Bankers.*

On this subject I find that the petitioners, in 1894, were informed as follows: "The Government funds are derived from two sources—import duty and post-office. The import duty amounts on an average to about £750 a year, of which only one-third is paid in cash—the remainder in bonds at two and four months" (for the convenience of importers in the absence of a bank). "This duty is deposited with Donald and Edinborough as received, in accordance with the arrangement made on the 16th July, 1891." (See New Zealand parliamentary papers, Sess. II., 1891, A.—3a, page 10.)

*Post-office Revenue.*—The import duty was then paid in Chili dollars, but the stamps sold abroad were paid for in English money. The petitioners were informed on this point: "The post-office has yielded to the present time from its establishment in May, 1892, the sum of £738. Of this sum, £669, received in British money, has been placed to credit of a public account in the name of the Chief Postmaster with a bank in Auckland, and operated upon by him to make payments abroad. The small balance of £69 is all that has been paid into the bank account in Rarotonga. These arrangements have worked well, and proved economical to the Government. I do not think you could have been aware of the smallness of the amount involved when you propose the establishment of a separate public Treasury and erection of suitable Government offices as urgent at this early stage."

It is only necessary now to add to the above that, while the figures are larger and the adoption of British currency for all purposes has led to all the revenue being paid to the bank account in Rarotonga, the expenditure has also increased, and the balances in the bank have been affected proportionately. Nor should the present petitioners of 1897 have so carefully avoided reference to the important fact that for the whole of their import duties they now receive two months' credit, to enable them to obtain British money. In my judgment the arrangement is still good, and the saving effected by the absence of a Treasury office not to be thought of lightly, with the small revenue at our disposal, and which cannot be increased without the consent of the Maori Parliament, to whom any increase is most distasteful.

*Private Door between Bond and the Premises of Donald and Edenborough.*

All of the petitioners know well that there is no "private door," but that the door in question is secured by two bolts on the bond side and one bolt on the other, and does not give private access in any sense whatever.

*British Currency.*

To keep an adequate supply of British coin in the absence of a bank is not practicable; hence the conception of two months' credit on all duties, as above stated. The petitioners might do a great deal if they united in refusing to accept Chili coin, but of such union there is little prospect, I fear. When urged by me it has been found impracticable.

*Government Auditor.*

Mr. Scard was appointed on the 2nd July, 1891, being then in business as an accountant, and having charge of the books and accounts of rival trading firms, by whom he was thoroughly trusted. He offered to resign when joining Donald and Edenborough permanently, but was induced to continue. In December, 1891, a petition on various alleged grievances was sent by Piltz, Taylor, and others to the Governor (New Zealand parliamentary papers, A.—3, 1892, page 31), but no objection was made to the appointment then, nor, as far as I am aware, till the petition of 1894.

*Auditor auditing his own Accounts and assisting Postmaster.*

The Auditor receives £15 a year as a fee for auditing the receipts and payments. All payments, whether to Donald and Edenborough or other persons, are certified as correct (before going to the Auditor) by the person by whose authority the expenditure was incurred. The Auditor has to see that the certificate is in order, and that the Appropriation Act is not broken. The receipts are audited from the books and vouchers. There is nothing that can be called an Audit Department, nor is one necessary. The expenditure is chiefly in fixed appropriation, as the amounts show.

Mr. Scard acted for Mr. Garnier, as stated, during the only leave of absence the latter has taken since 1891. But the petitioners know perfectly well that a special arrangement was made whereby their invoices were exhibited to me, and not to Mr. Scard, for the purposes of import entry during that time. They know also the difficulty—it might be said the impossibility—of obtaining a suitable substitute in such cases.

*Electoral Rights to Europeans, &c.*

Each island makes its own arrangement for elections of Legislature, and none of them have—nor could any be induced to provide—ordinary electoral machinery, as we understand the term. There is no law requiring the ballot, and I do not understand to what the petitioners refer. Each island, in its constitution, gives the same rights exactly to Europeans of one year's domicile as to natives. The Federal Constitution merely leaves each island to send its members, elected as the island may think best.

*Expenditure on the Residency.*

I have frequently referred to the need of this expenditure in my despatches, and refrained from occupying the house for four years to avoid it, contenting myself with a small three-roomed cottage, in which I lived and had my office during that time.

*Laws not carried into effect.*

Too vague to admit reply.

*Hospital inaugurated against the Wish of Parliament, &c.*

An extraordinary statement, which I cannot understand. As to the building, it was purchased, on the recommendation of Dr. Caldwell, from Donald and Edenborough for the small and undoubtedly cheap price of £100. A further sum of £250 was afterwards spent in additions and fittings. It was never intended as a hospital in the sense in which the term is generally used, but only for emergency cases. The nursing is done almost invariably by the patient's family in the rare cases of resident patients, to whom free treatment, as well as to outdoor patients, has been practically abolished by the Hospital Board. As to the sufficiency of the income under existing conditions, it will suffice to quote the Board's official report, dated 9th July, 1897. The report is signed by Mr. Kohn, as chairman, and states that Dr. George Craig had been engaged for a term of twelve months from the 1st April, 1897: "The remuneration to be at the rate of £180 per annum, for which amount Dr. George Craig is to provide a suitable nurse, medicines, food, and attendance to all patients at the hospital as required." To this should be added that a new regulation of the Board at the same time raised the charge for indoor patients from the previous rate (7s. per week) for food and attendance to £1 per week, which is so much added to the £180 agreed upon. However, the Government, in September, 1896, handed over the hospital to the elected Board, and have nothing to do with it beyond collecting the import duty levied for its support.

*Harbour Dues collected, &c.*

On the 7th July, 1896, I wrote as follows to Mr. Kohn, in connection with a dispute between his company and the pilot, which had been referred to me: "There are no harbour regulations. The Government have nothing to do with the pilot nor with the harbour. I have always declined the responsibility, which would involve heavy and undesirable taxation from their peculiar character. The pilot has to find his own boat and crew, and is authorised by the Ariki from old time to make a certain charge when his services are made use of."

*Vessels sailing without Certificated Masters.*

This is true. Certificated masters are very rare in the Cook Islands, but no one is allowed charge of a vessel without reasonable proof of competency. Mr. Kohn on more than one occasion had uncertificated masters for the "Lorraine," and Mr. Piltz for his vessel.

*Unsatisfactory Laws in some of the Islands, to the detraction of British Trade.*

Too vague again for reply, but, in connection with "the detraction of British trade," I attach hereto the results of an inquiry instituted by me at the request of the Rev. W. Cullen, of Mangaia,\* to meet very strong charges against the Government of that island by two traders there. The case is typical of many made on the ground of injury to British trade.

*Road-tax levied and Nothing done, &c.*

The road-tax is only in Rarotonga, and the British Resident is in no way concerned in it. I find the amount received for 1895-96 was £25 14s. 11d, and for 1896-97 only £13 8s. 4d., with £10 or £12 to be probably added as paid in after the close of the financial year.

*Public Schools a Failure, &c.*

In this there is too much truth so far as their continuing to be "free" is concerned, and the case was fully represented to the Ariki's Council (Rarotonga) by me in August, as reported in my despatch, No. 18, of the 17th September. The tax collected for the two years that it has been in operation amounted to £227 17s. 2d.—far too little to support the free schools, with an attendance that ought to be five hundred children, which would be required. In any case, they have so far done good work that the Maoris have now an admittedly intense desire to have their children taught English, and if the schools fall after their short two years' existence there will be schools opened by the three missions now at work here, instead of education being dependent on the London Mission alone. The law for Rarotonga requires—and for the other islands also—that no schools shall be established in which provision for teaching English is not satisfactorily made.

*Liquor Law unsatisfactory.*

Too vague for reply. The subject has been exhaustively dealt with in my previous despatches to His Excellency the Governor of New Zealand.

Rarotonga, 7th November, 1897.

FREDERICK J. MOSS,  
British Resident.

\* This report—Mangaia—has already been sent in my despatch (22/97) of the 14th October.—F. J. M.

## No. 13.

His Excellency the GOVERNOR to his Honour Sir JAMES PRENDERGAST.

SIR,—

Wellington, 7th December, 1897.

(1.) As you are aware, in 1890 Her Majesty's Government established a Protectorate over the group of islands in the South Pacific Ocean known as the Cook or Hervey Islands, and in the same year Mr. Frederick Joseph Moss was appointed by such Government to be British Resident at Rarotonga in these islands—an office which he still holds.

(2.) For some time past dissatisfaction has existed among some of the inhabitants of these islands with regard to certain action taken or advocated by Mr. Moss, and, as it is important that Her Majesty's Government and the Government of this colony should be fully informed as to the causes of this, and be in a position to suggest remedies, I have deemed it advisable to appoint some person in whom full confidence can be placed to conduct the various inquiries referred to in this letter.

(3.) Having ascertained that you would be willing to perform this duty, I have the honour to request that you will, at your earliest convenience, proceed to Rarotonga, and there, or at such other place or places in the Cook Islands as you may deem expedient, conduct the several inquiries hereafter mentioned. I hereby nominate and appoint you for these purposes accordingly.

(4.) In particular, it is desired you should inquire into the following matters:—

- (a.) The petition, dated 7th September, 1897, of the Arikis of Rarotonga, addressed to the Governor of New Zealand.
- (b.) The petition of the Cook Islands Parliament, dated 13th September, 1897; also addressed to the Governor of New Zealand.
- (c.) Other petitions, dated respectively 9th and 16th September, 1897, being in the nature of counter-statements to those before mentioned.
- (d.) The petition of Messrs. C. Kohn, Piltz, and others, dated 15th September, 1897, to the Governor of New Zealand, complaining of the general administration of affairs in the Cook Islands.

Copies of these various documents, and the comments of Mr. Moss thereon, are sent herewith for your information.

(5.) It is not desired you should limit your inquiries to these petitions, or the answers that may be made to them; but that, if any allegation is made to you affecting the relations of Mr. Moss to the Parliament or Government of the Cook Islands, the same should be by you fully investigated: Provided that, if any such allegation should relate personally to Mr. Moss, you will not inquire into the same unless made in writing, and until a copy thereof has been delivered to him.

(6.) Having regard to the importance of this subject, and with the view of affording the fullest information to Her Majesty's Government and that of this colony, I am desirous you should endeavour to obtain accurate information on the working of the constitution of the islands—whether it is carried out in accordance with the local law, and how far the restriction imposed upon the Arikis of legislating with the consent of the British Resident is beneficial or otherwise.

(7.) In the course of such inquiries you will no doubt be able to learn much as to the political and social condition of the people in these islands, and I shall be glad to have your views, based on inquiry, touching the fitness of the native inhabitants for the efficient discharge of the duties devolving upon them as legislators, as Judges, or in the ordinary administration of Government.

(8.) Generally I wish to obtain as much information as possible as to the political, educational, commercial, and social condition of the native inhabitants—indicating whether, in your opinion, inconvenience results from the presence or action of persons of other nationalities resident in these islands.

(9.) Respecting the conduct of these inquiries, as this will not be a judicial investigation, with evidence taken upon oath, I think the form of inquiry should be left to your own discretion. It will no doubt consist of written and oral statements made to you, and the latter should be reduced to writing and authenticated by the persons making such statements—opportunity being afforded to those directly concerned to cross-examine such persons and make rebutting statements as the case may require.

(10.) Upon the completion of these inquiries I request that you will embody your conclusions in a report setting forth the result of your action, and containing any suggestions you may think fit to make as to all or any of the subjects dealt with by you.

(11.) Arrangements will be made for your conveyance to Rarotonga by H.M.S. "Torch," leaving Auckland on Saturday, the 11th instant, and for your return to New Zealand.

His Honour Sir James Prendergast, Chief Justice of New Zealand.

I have, &amp;c.,

RANFURLY.

[For enclosures see enclosures to No. 1.]

## No. 14.

His Honour Sir JAMES PRENDERGAST to His Excellency the GOVERNOR.

MY LORD,—

Wellington, 24th January, 1898.

In obedience to the request conveyed by your Excellency's letter of the 7th ultimo, I left Wellington on Thursday, the 9th of that month, for Rarotonga, proceeding by steamer to Auckland, which place I reached in the forenoon of Saturday, the 11th, and at once went on board H.M.S. "Torch." That vessel took its departure early in the afternoon of the 11th, and reached Rarotonga on the morning of the 23rd. Immediately on arrival of the "Torch" a party of Arikis

and their chiefs, with their interpreter, a Mr. Goodwin, came on board, expecting to find Sir H. Berkeley, whom it was their intention, on behalf of Makea Ariki, the head of the Government, to invite to accept the hospitality of Makea at a house of hers, which she usually places at the convenience of distinguished visitors. It is the house occupied by the late Governor, Lord Glasgow, when, with his family, he visited the Cook Islands. The same house has also usually been occupied by Deputy Commissioners when sent there by the High Commissioner. I considered that it would be discourteous to decline the invitation, and accordingly accepted it. Mr. Moss, who somewhat tardily came on board, seemed to be of opinion that, as the Ariki had not sent the invitation through him, a slight to his office was intended. He so expressed himself in my presence to the Arikis and chiefs who had come on board. I thought it right to at once state to the Arikis and chiefs that I saw no reason for concurring in Mr. Moss's views on that matter.

II. Immediately on landing I made a formal visit to the British Resident, and immediately thereafter to Makea, the Ariki, and head of the Government. She greeted me; and in returning her salutations I took the opportunity of at once referring to the action of the Parliament in not passing the Bill to establish a Supreme Federal Court with a Judge other than a native, such Court to have exclusive jurisdiction over others than natives in serious cases, informing her at the same time that it was the desire of your Excellency, acting under instructions from the advisers of the Queen of England, that such a Court should be established. Surprise was expressed by the natives, and also by some Europeans who were present, that they had not been informed that the proposed Court was other than an idea of Mr. Moss's, with himself as sole Judge. I explained the necessity for such a Court. It was clear from what took place on this first talk that the natives had no objection to the establishment of such a Court, but had an objection to Mr. Moss being President and sole Judge of the Court, as provided by the Bill that had been introduced. It will be seen from other parts of this report that the objection is not only to Mr. Moss in the capacity proposed by the Bill, but to Mr. Moss as British Resident, or in any official capacity.

III. It was necessary that I should have an interpreter. On Mr. Moss's recommendation, I engaged a Mr. Nicholas at 15s. a day while employed. He was engaged four days, and paid by me £3.

IV. After the salutations were concluded I despatched a letter to Vaikai Moate and the members of the Cook Islands Parliament (draft letter herewith, marked 7 in red). I did not address the letter to Mr. Salmon, whose signature appeared first to the petition of the Parliament to your Excellency for the removal of Mr. Moss, but to the member who signed next after Mr. Salmon. My reason for not addressing my letter to Mr. Salmon was that your Excellency had, as I understood, been advised not to recognise Mr. Salmon as a member, inasmuch as he was not a native, and the intention of the Constitution was that only natives should be members. Incidentally I may mention that the British Resident had never raised the same objection, though Mr. Salmon had been acting as member and President at previous annual meetings of Parliament. I may also incidentally mention that Mr. Salmon is married to Tinomana, an Ariki of influence, and apparently owes his seat in Parliament to her nomination. So far as I could discover from a perusal of the Constitution and subsequent laws it is open to doubt whether the being a native is a necessary qualification. It seemed however to me, from the like perusal, that the Constitution and subsequent laws have not sufficiently provided for the filling of vacancies which may have occurred or may occur after the first establishment of the Federal Parliament. To establish the Federation three delegates from each of the four districts were appointed, and these delegates became the first members of the Federal Parliament—twelve members in all. No provision was made as to when or how these members were to cease to be members. New members were, however, to be elected for each district in the manner provided by the local Parliaments established for each district. It seems probable that Mr. Salmon is not properly a member. This is, as it appears to me, an unimportant matter for the purposes of the present trouble. I could see no ground for supposing that Mr. Salmon's membership had contributed in any essential particular to the troubles which existed between the Parliament and the British Resident. By that letter to the Parliament I informed them of my business, and invited them to let me know as soon as possible what matters of complaint they desired to have inquired into.

V. I addressed a letter to Makea Ariki, the head of the Government, as representing the Arikis who had petitioned your Excellency.

VI. I also wrote to those who had signed the petition by merchants and residents for removal of Mr. Moss, addressing the letter to Mr. Kohn, first signatory. (The draft of the letter is herewith, marked 17, in red.)

VII. I ascertained that in consequence of the expectation of the arrival of Sir H. Berkeley to hold the inquiry there need be no delay. Consequently on Friday, the 24th, at 9 o'clock a.m.; I commenced the inquiry, taking the petition of the European residents first, the Arikis and Parliament desiring time to state their grievances, but the residents being ready to go at once into the matter of their complaints. I was furnished by them with a restatement of the matters in the petition to your Excellency; the restatement is herewith (marked 2 in red), and an additional statement, herewith (marked 2 in red).

VIII. I showed Mr. Moss these statements, and ascertained from him that he was prepared to go into the inquiry at once, without making any written reply or statement; that he was satisfied to rely on the statements he in writing had already made to your Excellency in commenting on the petition of residents when forwarding the same to you.

IX. I was not authorised to engage the services of a shorthand-writer. I observed that several were present taking full notes; some, probably, were correspondents of New Zealand newspapers.

X. Availing myself of the authority conferred by your Excellency's letter of instructions, I arranged with Mr. Kohn, who conducted the case for the residents, and Mr. Moss, that as

nearly as possible each head of the complaint should be taken in order and separately, and information be given and statements made as to each separately. Mr. Kohn conducted the whole case for the residents, except as to the liquor question and, to some extent, the hospital question, which were conducted by Dr. G. Craig. No oath was administered, but each person called to give information was otherwise treated as a witness, the party calling him first examining him, and the other side, so to speak, cross-examining him.

XI. Mr. Knight took notes of the statements made by the persons examined, which notes are herewith (marked 15 in red). Many, indeed most, of the matters of complaint were not such as required evidence to establish or negative them, the facts being undeniable and undenied, and the grounds of complaint being matters of inference from undisputed facts.

XII. I now proceed to deal with each head of complaint in the residents' petition. The Arikis' statement of complaint furnished to me is herewith (marked 4 in red), and the statement of complaint of the Parliament furnished to me is herewith (marked 3 in red), were not confined to those made in their respective petitions to your Excellency, but, in substance, restated what appeared in the residents' petition and complaints, with some additions: although the Arikis and the Executive Government and the members of the Parliament were themselves responsible for all or most of the various matters forming the grounds of complaint by the residents, though no doubt the British Resident, who had advised and approved of those matters, was, jointly with them, responsible for these matters.

XIII. It will be seen, therefore, that in dealing with each item of complaint made by the residents I am also dealing with most of the complaints made by the Arikis and the Parliament.

XIV. Most of these grounds of complaint are in respect of matters that occurred some time ago, the circumstances in most cases having been reported by the British Resident to your Excellency's predecessor shortly after their occurrence, and the conduct of the Resident in regard to them having been in many cases expressly approved of by the Governor to whom they were reported. It will be seen that in no case is a charge of corrupt, fraudulent, or dishonest conduct made; the most that can be inferred is a charge of erroneous policy, mistake, want of judgment, overbearing conduct, and wilful disregard of the opinions of others. The document (in form, a petition of Mr. Kohn and others, addressed, dated 24th November, 1897—November being written by mistake for December—and which may be considered the case of the complainant) contains all that was stated in their petition to your Excellency, but the first five paragraphs are in addition to those in the petition to your Excellency.

(1.) Paragraph (1) complains of the British Resident not forwarding their petition to your Excellency. This matter your Excellency is fully acquainted with. Mr. Moss was told by your Excellency that he ought to have forwarded it, and he then did so. Mr. Moss seems to have taken offence at the petitioners forwarding to your Excellency a copy of the petition, they seeming, as he thought, to imply by that act that he might be guilty of suppressing the petition.

(2.) No particular misrepresentation was relied upon, but a general suppression of matters that were adverse to his policy and conduct. It did not appear to me that there was any serious ground of complaint. Matters that might appear interesting and important to the parties concerned were not necessarily, therefore, fit subjects for report to your Excellency. I have read throughout the reports and correspondence as printed in the Appendices to the New Zealand parliamentary papers since Mr. Moss's appointment, and he seems to me to have endeavoured to keep the New Zealand Governor well and accurately acquainted with what was going on in the Cook Islands.

(3.) This is a charge of misrepresentation of the true state of things in the local newspaper. I could find no evidence of any misconduct in this respect. Of course, opinions about policy, such as regulation of drink, teaching English in all schools, and other matters, will differ. I fear, however, that Mr. Moss's connection with the local paper has been one of the causes of the present feeling towards him amongst some of the natives and residents. He, no doubt, was instrumental in establishing the *Torea* newspaper, intending it as a means of notifying to the public matters occurring in which the public were interested. The newspaper has ceased. For some time Mr. Moss was nominally disconnected with it, but undoubtedly, having been for some time connected with it, he was after his nominal disconnection still looked upon as, at any rate, inspiring some controversial matters appearing in the paper. However, nothing was brought before me in support of this complaint which is deserving of any report from me.

(4.) This paragraph states objections to Donald and Edenborough being Government bankers, and to the post-office and bond premises being still at Donald and Edenborough's store; and to the Government accounts being audited by Mr. Scard, manager for Donald and Edenborough, who, as alleged, was passing under an assumed name, and was, in effect, auditing his own accounts. (The meaning of the last matter is that Mr. Scard very much assisted Mr. Garnier, the Post Officer and Collector of Revenue, in keeping and making up his accounts.) These matters are subjects of specific charges in the petition to your Excellency, and are dealt with hereafter. It is unnecessary to deal with them at present.

(5.) This requires no report, the charge is again, use of the *Torea* newspaper by the British Resident.

(6) and (7). The British Resident in 1894 was of opinion that the finances of the Federation would not bear the expense of a removal to new premises without affecting other public services. I see no reason to doubt the good faith of the British Resident's action in the matter. He is now of opinion that the time has come for the erection or provision of a separate building in a more central position than the premises (part of Donald and Edenborough's store) now used, and would sanction any Act of the Government and Parliament authorising the change of premises.

(8) and (10.) As appears by the reports sent by the British Resident to the Governor at the time, and printed in the Appendix to parliamentary papers, an arrangement was made with Donald and

Edenborough that all revenue should be paid by the Collector of Revenue to them, and they honour Paymaster's cheques, agreeing to allow a limited overdraft in advance of revenue. By law all Customs and other dues are to be paid in British currency. The meaning of this charge is that as there is a very limited amount of British currency in the islands, and though by law payments in other than British currency are optional with the payee, and the merchants and others continue to take payments in Chili money, Donald and Edenborough have the advantage of having British currency in hand to pay their Customs dues, whereas other merchants have to provide themselves with British currency for the purpose of paying their dues. A copy of the Government account for 1897 is herewith (marked 19 and 25 in red), from which it may be seen that for many months the account was in debt to Donald and Edenborough. In my opinion, this ground of complaint is the outcome of petty trade jealousy, and unworthy of further notice. The British Resident, as I have said, reported to the Governor at the time the arrangement with Donald and Edenborough was made, and also the passing of the law as to currency.

(9.) This objection ought to have been met long since by the Government and the British Resident. A plan of the premises is herewith (marked 31 in red). Your Excellency will recollect from the reports from time to time sent by the British Resident that all alcoholic liquor (spirits, wines, and beer) are on first importation brought into a room called a bond, in charge of the Licensing Officer, who is also Collector of Customs. These liquors are issued from there to any purchaser from the owner under the authority of a permit. When the purchaser is a European the Licensing Officer grants the permit; where the purchaser is a native the law is that the native's Ariki grants the permit. As the room used as a bond is a room forming part of Donald and Edenborough's store, it is manifest that the direct connection with their store should have been cut off by permanently closing the communication by boarding it up. I suggested that the British Resident should at once seal it up. No information was given to me showing that the communication had been improperly used. It was an old communication existing before the room was used as a bond. It could not be used by Donald and Edenborough without the Licensing Officer's knowledge, or the knowledge of any person acting for the Licensing Officer; but, as Mr. Scard (Donald and Edenborough's manager) helped Mr. Garnier a good deal in his work as Post Officer and Revenue Officer, Mr. Scard might, of course, have controlled the bolts on the bond side, and also on Donald and Edenborough's side, and so have opened the communication. It must be explained that, though the room is called a "bond," it was not a bond in the sense of the liquor being stored there waiting payment of Customs duty. The Customs duty is paid on importation. There is no bonding in the ordinary sense. So far as I could make out from the information given, the complaint is a trade grievance or jealousy. The way in which the "permit" system is worked is as follows: A buyer who wishes to purchase liquor goes to the merchant or other vendor. The vendor's liquor is in the so-called bond. The vendor therefore gives to the proposed buyer an authority to get from the Licensing Officer out of the bond so much liquor of the vendor as is proposed to be sold; then the buyer takes the authority to the Licensing Officer, and has then not only to produce the vendor's authority, but also to get from the Licensing Officer a permit, if the buyer is a European, or to get from his Ariki a permit if the buyer is a native. Now, as Donald and Edenborough deal in liquor, and have liquor, therefore, in bond, and other vendors of "liquor" are further off from the bond—some at a considerable distance—it is probable that Donald and Edenborough have a trade advantage in the sale of liquor, and probably thereby an advantage in the sale of other goods. I suggested to the Licensing Officer that he should consider whether or not he could not remove this ground of complaint by issuing all permits at some central place, not being any merchant's store. He, as I understand, concluded that this could be done, and that he would follow that course in the future.

(11) and (12). Mr. Scard was appointed Auditor by the Government of the Cook Islands and the Parliament several years ago, and his appointment approved of by Mr. Moss. He probably recommended the appointment. It is true that Mr. Moss had heard, before his approval, from reliable authority that Mr. Scard was passing under an assumed name—that he had come from the United States under the assumed name, having committed an offence of falsification of account-books when in the employ of Wells, Fargo, and Co., a well-known American firm; that this falsification was to conceal the defalcation of a partner in the firm, a close friend of Mr. Scard's; that he escaped from America as much to avoid giving evidence against his friend as to avoid prosecution for the offence; that he had taken no other part in the defalcation or the embezzlement. So much is admitted by Mr. Moss; but, on the other hand, Mr. Moss asserts—and I am disposed to think his assertion is well founded—that Mr. Scard was at the time of his appointment a trusted servant in one of the principal, if not the principal, business firms at Rarotonga (Donald and Edenborough), and was leading an exemplary life, and was a very capable business-man and accountant. I must leave the matter to your Excellency without further comment. Mr. Scard's manner impressed me favourably. I should myself, had I been a resident at Rarotonga, have been disinclined to rake up this misconduct against Mr. Scard unless I had had good reasons to think that his conduct at Rarotonga was open to question. I heard of nothing against him while at Rarotonga. He is now in chief charge of Donald and Edenborough's business at Rarotonga. I am told that Donald and Edenborough are substantial merchants at Auckland, with a large island trade.

(11), (12), and (13). It is true that Mr. Scard has assisted Mr. Garnier, the Postmaster and Collector, in the post-office business and his accounts. I ventured at the inquiry to express to Mr. Garnier an opinion that it was not proper for a public officer to accept outside assistance—that persons engaged on public business should only be responsible officers; that if the public would not provide the assistance the public must put up with the inconvenience. I found no reason to conclude that this objection to Mr. Scard's services being used was shared in by the residents generally, but was practically confined to the petitioners, and possibly some others—opponents of the British Resident.

(15.) Makea Ariki, at the first establishment of the Protectorate, gave land for a Residency; and a building was erected by contributions from the several islands of the group. It was not occupied by Mr. Moss for some years, he living at Makea's house (where I resided), and subsequently at a house in the same enclosure. About a year or so ago Mr. Moss removed with his family to the Residency, but expenditure on a road to the house, and for fencing, repairs, and other purposes was necessary to make the house habitable.

Some moneys for Ngatipa were put on the estimates for 1896-97, and voted and provided for in "The Appropriation Act, 1896," but substantially more was expended than was appropriated. By law, however, passed in 1892, a sum of 800 dollars (equivalent now to £120) was authorised to be expended by the Government without further authority, but the sum expended under this authority is to be notified to Parliament at its next meeting, and be included in the estimates for the following year; and by "The Appropriation Act, 1896," moneys not required for purposes other than salaries for which appropriated may be transferred to purposes other than salaries appearing in the Appropriation Act for which sufficient provision has not been made. Such a transfer has to be authorised by the head of the Government and approved of by the British Resident.

No authority in writing by Makea for a transfer from the vote for school-fittings was produced before me; but the vouchers for the payments of the particular accounts on Ngatipa—the name of the Residency—had all been signed before payment by Makea. The payments for expenditure on Ngatipa were about £115 out of the "unauthorised," and the rest—about £50—was out of a transfer from vote for school-fittings. No doubt it would have been better that there should have been clear evidence in writing that Makea had understood and authorised the transfer and the expenditure out of "unauthorised," and that the British Resident had expressly approved of Makea's exercise of these powers.

It was not attempted to be shown that the expenditure was not necessary if the British Resident was to reside in the house, nor that the moneys had not been actually expended on the purposes mentioned in the estimates put before Parliament in 1897. The items were for building, fencing, thatching, &c. Some portion of the expenditure on the Residency was not covered by the transfer referred to and the "unauthorised" for 1896-97. The balance was placed on the estimates for 1897-98, and the estimates passed. But, as your Excellency is aware, the Federal Parliament did not pass the Appropriation Act; and the British Resident, as reported by him to your Excellency, took upon himself to authorise the issue of public moneys for purposes appearing in the estimates, notwithstanding no Appropriation Act had been passed, and without the concurrence of the Executive Government (the Arikis). This portion of the expenditure on Ngatipa was £35.

The whole expenditure on Ngatipa for the two years 1896-97 and 1897-98 is as follows:—

|   | 1896-97. |    |                  | 1897-98. |    |                  |
|---|----------|----|------------------|----------|----|------------------|
|   | £        | s. | d.               | £        | s. | d.               |
| Caretaker ... ..  | 22       | 10 | 0 (voted)        | 22       | 10 | 0 (voted)        |
| Buildings approach ... ..   | 110      | 8  | 6 (unauthorised) | 35       | 0  | 0 (unauthorised) |
| Fencing, &c. ... ..   | 54       | 14 | 3 (transfer)     |          |    |                  |
|   | <hr/>    |    |                  | <hr/>    |    |                  |
|   | 187      | 12 | 9                | 57       | 10 | 0 = £245 2s. 9d. |
| But there is another item for Victoria Road to Old Road, Ngatipa* ... | 36       | 6  | 4 (voted)        | 60       | 18 | 0 (voted)        |
|   | <hr/>    |    |                  | <hr/>    |    |                  |
|   | £223     | 19 | 1                | 118      | 8  | 0                |
|   | <hr/>    |    |                  | <hr/>    |    |                  |
|   |          |    |                  | 223      | 19 | 1                |
|   | <hr/>    |    |                  | <hr/>    |    |                  |
|   |          |    |                  | £342 7 1 |    |                  |

For the two years the expenditure on Ngatipa was, therefore, £342, if the Victoria Road expenditure is included; if not, £245. The annual income of the Federation, without the hospital-tax, is a little over £1,000. It is perhaps open to question whether the transfer from the school vote was within the legislative authority, for the only vote for 1896-97 was, as I understand, a salary for caretaker of Ngatipa. It is true that the vote is general, "Ngatipa, £22 10s.," but in the common understanding of all this was for the salary of a caretaker when Mr. Moss was resident elsewhere, and, if it was really a vote for salary, there was no vote for building, &c., of Ngatipa; and therefore the head of the Government had no authority to transfer the £54 out of school-fittings to Ngatipa buildings, &c. This, however, is not the point raised by the petitioners, which is that the British Resident was a party to the expenditure of a sum on Ngatipa out of proportion to other services, and so some other services must have to that extent suffered. In my opinion, Mr. Moss would have done better if he had refrained altogether, or at any rate at first, from authorising the expenditure on Ngatipa in 1897-98, there having been no appropriation passed. Indeed, it appears to me (with submission) that he should, before taking upon himself to issue the Proclamation and assuming to himself all powers of the Government of Cook Islands, first have reported the condition of things to your Excellency. He did not do so until after the issue of the Proclamation. I gather, however, that his conduct in issuing a Proclamation, and paying moneys out of revenue without appropriation, has not been disapproved of by your Excellency's Advisers. The powers of a British Resident, at any rate in a country where there is a recognised Legislature, do not, I think, justify the course taken by Mr. Moss; at any rate, he should have first ascertained how far he would be supported in what he proposed to do, especially in a matter concerning his own interests—that is, the expenditure on Ngatipa. I shall have again to refer to the question of the powers of a British Resident in a country where there is a recognised Legislature and Executive.

\* This road is not a mere approach to Ngatipa Residency. The complainants wish to treat this as a Ngatipa expenditure. Mr. Moss contended that it was a public highway, and so it appeared to be.



(15.) This ground of complaint is frivolous. The British Resident is not responsible for the not carrying out of laws. The Executive Government and its officials are the authorities to be complained of, if there is ground of complaint; but really what the petitioners complained of is the want of roads, &c., and other matters within the jurisdiction of the local Government of Rarotonga, and not the Federal Government.

(16.) The hospital question has become, in this little community of about fifty adult Europeans and the native inhabitants of Rarotonga of something under two thousand, one causing much ferment. The community was quiet enough with regard to the hospital matter till the advent of Dr. Craig and his brother. At least three years ago the need of a hospital was considered urgent. The whole proceedings with regard to the establishment of the hospital with a Dr. Caldwell as medical officer in charge were fully reported at the time to your Excellency's predecessors. Dr. Caldwell came to Rarotonga about the time when the necessity for a hospital was first discussed. He holds a diploma from the University of Iowa, and one from a medical school at Chicago. He came as one of a party of Seventh Day Adventist missionaries. His advice was obtained in establishing the hospital. A building was acquired by the Federal Government from Donald and Edenborough. It may be taken for granted that the Federal Government were, in acquiring this building and appointing Dr. Caldwell, acting under the advice and recommendation of Mr. Moss. Dr. G. Craig is a graduate of Edinburgh, and in Great Britain is no doubt duly qualified to practise. Dr. Caldwell, it appears, is also duly qualified to practise in most parts of the United States. Whether Dr. Caldwell is a skilful person or not is quite beside the question. The only ground that can be put forward is that Mr. Moss was guilty of neglect in advising the natives to acquire an unsuitable building and to appoint an unqualified person. There was at the time no other qualified person in Rarotonga—that is, no person holding a medical diploma. On arrival of Dr. Craig Dr. Caldwell retired from the position of medical officer, and Dr. Craig was appointed by the Hospital Board under a peculiar arrangement. The Federal Government provides a subsidy for the hospital payable to the Hospital Board. The arrangement with Dr. Craig was that he should have the whole subsidy, and give free treatment to all outdoor patients that came with an order from the Hospital Board, and all indoor patients that the Board admit, Dr. C. Craig also providing for those indoor patients food, nursing, &c. After the Board had made this contract with Dr. Craig the Board urged Mr. Moss to induce Parliament and the Government to double the subsidy, so as to increase the payment to Dr. Craig—to double the amount he had agreed for. Mr. Moss appears to have declined to advise this, seeing that Dr. Craig had made a contract, and seeing also that the arrangement made by the Board was not, in Mr. Moss's opinion, a reasonably good one for the public. I certainly can see no misconduct on Mr. Moss's part in these hospital transactions. It may be true that he would have done better if, before recommending the appointment of Dr. Caldwell, he had taken advice in New Zealand as to whether an Iowa diploma was a fairly good one. He, perhaps, also should have advised that an attempt should have been first made to get a qualified medical practitioner from New Zealand. As to the building, it seems to me unsuitable; but I can see no reason to doubt that Mr. Moss was right in stating that it was acquired on reasonable terms, though, unfortunately, the vendors were Donald and Edenborough. This complaint, even if otherwise one that could be charged against the British Resident, is a gross exaggeration. The six thousand people in all the islands could not have free treatment; at any rate only those near at hand could have the benefit of the hospital; and the British Resident was justified in declining to advise an extension of the special duty of £1 per cent. on all imports for the purpose of providing, at the expense of all the islands, hospital treatment for the limited number of persons who could have the benefit of the institution. In connection with this ground of complaint was a new complaint made by the Hospital Board against Mr. Moss, who declined to authorise the payment of the subsidy of £180 a year for the year 1897–98, the period for which no Appropriation Act had been passed. Mr. Moss applied to the Board for particulars showing the number of hospital patients under treatment. The Board declined to furnish them to him. In my opinion, the complaint made by the Board on the ground of this refusal was quite unfounded, and Mr. Moss quite justified in requiring the returns demanded by him. At the inquiry before me the information Mr. Moss required was furnished, and Mr. Moss then consented to pass the payment of the subsidy with other items on the estimates.

(17.) The Federal Government has not control of the harbours, but the local Rarotonga Council has. However, with the limited funds at the disposal of the Council, it is unreasonable to expect any large outlay on harbour appliances. The dues payable are no more than sufficient to pay the pilot.

(18.) No law has yet been passed requiring that masters of vessels should have certificates of competency. Most of the vessels are only manned by natives. It might be well for the local Council or Federal Parliament to require that masters should have some scientific instruction in navigation; but it does not follow that the Native Parliament would accept this view. I see no reason for putting forward this matter as a ground of complaint against the British Resident. If after the local or Federal Parliament had passed a Bill for providing for such certificates the British Resident had refused to approve it, one could understand that there was ground of complaint against the Resident: as it is, it seems to me there is none.

(19.) This was unsupported. The British Resident, as much as any one, is desirous that the natives should give up some of their obsolete customs and laws hampering trade and settlement. But he cannot force alterations on the natives. The reports sent from time to time by the British Resident to your Excellency's predecessors and yourself show that he has been active in efforts for the advancement of trade and settlement; but if Europeans desire to trade with only partially-civilised people they must expect to meet with peculiar customs and laws.

(20.) This road-tax complaint is frivolous. The tax amounted to a mere trifle. The whole matter is one for the local Council to deal with. The tax, if collected—but it is not—would amount,

I think it was stated, to less than £30 for a year. The European residents who want better roads should appeal to local Government, and express their willingness to submit to substantial taxation for the purpose. The natives are probably satisfied with the roads as they are, and a freedom from rates.

(21.) The British Resident, from the first, promoted the teaching of English in the native schools. As your Excellency is aware, he was instrumental in getting passed a law by the local Council for Rarotonga by which the teaching of English was made compulsory in all schools. When this was passed the only schools were those of the London Missionary Society. Since then the Seventh Day Adventists have established a mission, and the Roman Catholics have established a mission. Under the local law there are three public schools in Rarotonga—one in each of the three Arikis' districts. The real grievance with the natives now is that they find that their children look upon the mode of conveying instruction so far as possible by means of English and not by their native tongue as a hardship. At first, notwithstanding this, the schools were nevertheless popular. As far as I can gather, the recent political disputes have acted detrimentally on the attendance at the public schools. I understand that the Roman Catholics are quite content with the compulsory teaching of English, and that their school, though only recently established, is fairly flourishing. I think it is premature to conclude that the compulsory system of teaching English should be abandoned. It has been suggested that the compulsion should not commence till after the children have first learned to read and write with ease in their own language. A paper was prepared for me by Mr. Hutchin on the education question; it is herewith (marked 13 in red). The opinions expressed are those of an opponent of the system promoted by Mr. Moss. I am satisfied that the Church missionary schools are well conducted, and are doing good work; but, so far as I can judge, I think that the petitioners are premature in condemning the system and the schools; at any rate, the failure, if there be a failure, is no just ground for condemning Mr. Moss as unfit to be British Resident.

(22.) Your Excellency is aware that Mr. Moss, soon after his appointment as Resident, promoted a system of regulation of sales of drink, in place of prohibition. The reports he made on the subject showed that at first not only he, but other disinterested and capable persons, thought the new system an improvement on the old—prohibition, with its attendant illicit sales. It appears, however, that till last July or August the Arikis were very lax in the performance of their duties under the liquor laws. By that law, as already stated, a native could not legally obtain liquor by purchase or gift without a permit from his Ariki; but the Arikis have a practice of deputing to a chief under them—who is spoken of as the Arikis' mouthpiece—the performance of some duties devolving on the Ariki. The practice under the Act was for the Ariki's mouthpiece to grant the permit, and, still following general native custom, the chief or mouthpiece required a payment for the trouble of granting the permit. It would seem that the Natives had been too easily getting these permits, and that drunkenness from the use of imported liquor was becoming common. Attention was called to this, and eventually—about six months ago—the practice of charging for permits was abandoned, and the Licensing Officer notified that he would not accept permits signed by any one but the Ariki. The result has been that the Arikis have been for some time past refused permits. I gather from disinterested persons that since the Licensing Officer has acted strictly in the matter, and the Arikis have refused all permits to natives, there has been a marked diminution in drunkenness amongst natives. It is probable that natives are still able to get drink illegally by purchase or gift from Europeans who have themselves bought under a permit. In my opinion, there is no ground for complaint against the British Resident in respect of the liquor law. Even if it be thought, as Lord Onslow seems to have thought, that there should be total prohibition, the fact that Mr. Moss thought regulation would produce better results can be no ground for removing him. In my opinion, the European residents would complain if prohibition were introduced again. I ascertained from the Natives that they still thought there should be regulation for Europeans, but that they concluded that there should be prohibition for natives. That is practically the present system—so long as the Arikis refuse permits to natives. I doubt, however, whether even in the case of Europeans the system is a good one. In practice a permit is given for as much as three bottles; it cannot be for less than one bottle. This is well enough for those who can restrain themselves, but for those not well able to do that it seems likely that a system by which only a bottle can be obtained at a time means that in some cases, at any rate, the buyer will not be easy till he has finished his bottle. The Licensing Officer assures me that in the case of a person known to be unable to restrain himself a permit is not granted even for a single bottle.

I am not able to make any recommendation as to the advisability of introducing a law of total prohibition. At any rate, there is no urgent necessity for any change in the law so long as the Arikis refuse the natives permits. I could not get any accurate returns of the number of convictions of drunkenness or illicit sales. The administration of this law is in the hands of native Judges and policemen, and it seems probable that there is not so much activity in enforcing the law against Europeans and natives as might be desired.

But all this is beside the question of the removal of Mr. Moss. It is, as I think, quite unreasonable to charge against Mr. Moss inconveniences necessarily resulting from residence in a country in the condition as to civilisation which Rarotonga and the Cook Islands are.

This concludes the grounds stated in the petition of Mr. Kohn and some other European residents.

XV. I now proceed to deal with each head of the complaint made by the Cook Islands Parliament, premising that many of these heads are identical, or substantially so, with those made in Mr. Kohn's petition. As to those that are identical, or substantially so, I shall do no more than say so, referring to my report on Mr. Kohn's petition for all that I have to say as to these heads:—

(1.) *The Federal Court Bill.*—I have referred to this shortly in my report as to my first interview with Makea Ariki and other chiefs on my arrival at Rarotonga. It is certain that the non-existence of a Court presided over by a competent English Judge or Magistrate, with exclusive jurisdiction over all cases in which foreigners (meaning thereby others than natives) are parties, is a great evil. Grave criminal cases and civil cases in which a foreigner is to be affected, except, perhaps, very minor criminal cases, such as charges of drunkenness, and other matters involving no serious punishment or penalty, ought not to be disposed of by a native Judge. The natives and residents now admit this. At first, however, when Mr. Moss called attention to this—and continually till my arrival at Rarotonga—the natives suspected that the proposal was mainly intended to aggrandise the position of Mr. Moss, and, in proportion, to reduce the mana of the Arikis and their Courts, and the Judges thereof. Some foreigners also preferred that Rarotonga and the Cook Islands should be to them an Alsatia—at any rate, a place where, in cases of debt or breaches of contract, it was preferable to be dealt with by a lenient native Judge than a more severe English Magistrate. Some foreigners, too, I do not doubt, were averse to trusting themselves and their causes to the jurisdiction of a British Resident as President, and in substance sole Judge of the Court, if that meant Mr. Moss.

In 1896 Campbell, an American negro, had committed what is described as a “murderous assault” on a native woman in one of the islands. This offence was one against the local law only; no Federal law had made such acts penal; and the charge, according to the existing law, came on for trial before a local Court presided over by a local native Judge. The penalty was apparently a money payment. Accordingly, a pecuniary penalty was imposed by the local Court upon Campbell, though the offence charged was so serious. Curiously enough, an objection to this mode of dealing with the offender seems to have emanated from his creditors. However, reference to this matter is made in the *Torea* of the 18th August, 1896, herewith (marked 18 in red). Mr. Moss seems to have come to the conclusion then to promote in the Federal Parliament a Bill providing that such acts should be penal, and providing for the procedure with regard to murders and murderous assaults—by giving the local Court power to deal with such cases by committal for trial to the Federal or Supreme Court. The law was passed in 1896, but it was confined to murders and murderous assaults. But the Federal Supreme Court is a Court with a native Judge. Though there is nothing in the Act of 1891 constituting the Court which limits the persons to be appointed, the Judge might either be a native or European. It is also to be noted that in any case “between foreigners” either party could claim to have the case tried in the Federal Court. At the time when attention was being drawn to this case a Deputy Commissioner under the High Commissioner of the Pacific was present at Rarotonga to dispose of some cases that had occurred in some of the Pacific Islands (other than the Cook Islands), and within the High Commissioner’s jurisdiction. The Deputy Commissioner was sitting at Rarotonga because it was more convenient to the parties and to himself than to go to the islands where the causes of dispute arose. It seems to have been suggested at this time (see the newspaper above mentioned) that it would have been better for the Native Court not to have fined Campbell, but to have left him to be dealt with by the High Commissioner or his Deputy. But probably, upon further inquiry or discussion, it appeared that such course could not have been taken. By arrangement, approved of by the New Zealand Government and the Colonial Office, the Cook Islands were not, and still are not, subject to the jurisdiction of the High Commissioner. In 1897 the Secretary of State, by despatch, referring to Campbell’s case, called the attention of the Administrator of the Government of New Zealand to the need for the establishment in the Cook Islands of a Court presided over by the British Resident for the trial of a serious civil and criminal case in which a “white” man should be a party. It appears that the Secretary of State’s attention had been called to the matter by the High Commissioner. On the receipt of the Secretary of State’s despatch a despatch was (8th July, 1897) accordingly sent to Mr. Moss asking his opinion about the matter. By his reply it appeared that he had already (9th July), before the receipt of the Administrator’s despatch, prepared a Bill, and caused it to be brought before the Federal Parliament, dealing with this matter. The Bill, and a proposed amendment, and a petition to the Parliament against it from Dr. Craig, Mr. Kohn, and others, are herewith (marked respectively 6 and 9 in red).

It appears that Mr. Moss did not communicate to the Arikis or the Parliament or the public of the Cook Islands that the Secretary of State was urging that such a measure should be passed. Had he done so the feeling against the measure might have been so far modified that it would have appeared to be not against the measure, except so far as by its provisions Mr. Moss would, as British Resident, be President and sole Judge, with power to appoint a Registrar and solicitors. I gathered that there existed a suspicion that Mr. Moss intended to appoint a relative of his as Registrar, or, at any rate, as a solicitor, and that the people did not think well of that relative. Whatever caused the feeling, the Bill was rejected. But it is not to be supposed that the promotion by Mr. Moss of this measure was the origin of the feeling against him amongst natives and others. That feeling already existed. The rejection of the measure was the existing feeling of distrust. The promotion of the Bill was not the cause of the feeling, though it probably tended to confirm that already existing feeling. I gathered from Mr. Moss that he attributed the distrust in him by Makea to the fact that he had earlier in the year taken the chair at a public meeting of European residents called to promote the establishment of municipal government in the principal settlement of Rarotonga, and that some persons—he could not say who—had represented to Makea that this was an attempt to reduce her mana. At any rate, she opposed the proposal, though Mr. Moss attempted to disabuse her mind that he had any such intention as she supposed. It appears from what Mr. Moss informed me, though he took the chair at the first meeting, he studiously refrained from taking any further part in the movement for municipal government, thinking that he ought thenceforth to remain neutral, so as to be able to impartially advise the Arikis and the Parliament when the measure should come up for considera-

tion. I have digressed so far from the Federal Court Bill in order that your Excellency should, as far as possible, be able to appreciate the state of mind of the Arikis and the Parliament which caused the rejection of that Bill. The office of Judge with the Cook Island natives is one highly esteemed: to deprive the natives of this office would require very delicate handling. The municipal movement was certainly not alone the cause of the feeling of distrust. I have no doubt that hostility to Mr. Moss of those who favoured prohibition against regulation of the liquor traffic, of those who favoured Dr. Craig and the Hospital Board, and those who were opposed to the establishment of public schools and the compulsory teaching of English, were potent causes in the rejection of the Federal Court Bill. To those persons, and to those who were subject to their influence, the vice was not in the measure, but the person who promoted it. Herewith are copies of the laws relating to the existing Supreme or Federal Court (marked 6, 9, 23 in red), and of the proposed Bill and its amendments (marked 23 in red), and correspondence between Mr. Moss and Mr. Salmon, as President of the Parliament, relating to the action of the Parliament in regard to the Bill (correspondence marked 26 in red). See also a statement by the Parliament annexed to their headings of complaint. This statement is to show that the Parliament did not intend to do more than take time for deliberation.

(2.) *Making Laws*.—Nothing intelligible was brought forward about this.

(3.) *Removal of Bank, Post-office, &c.*—This has been dealt with earlier in that part of this report which deals with Mr. Kohn's petition. The Parliament does not appear to recognise that, if the Arikis and Parliament had resolved to have the public offices elsewhere, and made the necessary financial provisions, Mr. Moss would probably not have opposed that course. A very small rent was paid to Donald and Edenborough (£14 a year) for the bond and post-office. To erect a new building would have entailed a large outlay—large for a revenue of a country of about £1,000 a year in all. Not only a building with the necessary rooms for offices and bond would be required, but also accommodation for and salary for a custodian. It is my opinion that this objection is not a native objection. It is quite erroneous to say that Parliament was ready to provide funds for the acquisition of the new buildings and other expenses which would be entailed by the removal of the post-office and bond (see report of the proceedings in the *Torea* of the 8th August, 1896, which was put in as an accurate report). It appears from that report that Mr. Moss wrote pointing out that the removal was not, in his opinion, necessary, but if they wished it removed they must provide the funds. The result was the Parliament did not pass the resolution for the removal.

(4) and (11). *Hospital*.—I have already dealt with this. This again is, as I believe, not a native objection.

(5.) *Not advising the Head of the Government*.—I deal with this in reporting on the Arikis' complaints.

(6.) *Strain on the Revenue Federal Court, 1894*.—I was not able to understand what was meant by this. Certainly nothing was brought forward which affected Mr. Moss, or his actions.

(7.) *Appointment of Mr. Scard*.—I have dealt with this in dealing with Mr. Kohn's petition. This also is not a native objection, but manifestly promoted by others (see copy of petition to Parliament printed in *Torea* of September, 1897).

(8) and (11). Mr. Nicholas was employed by Mr. Moss as interpreter. Mr. Nicholas was the proprietor of the *Torea* newspaper, but not the literary conductor. He was, as I understand, in trade. I thought him a poor interpreter; and there was evidence that Mr. Moss had employed him in communicating orally to Parliament and Makea on some important occasions. I am inclined to think that Mr. Nicholas was not a suitable person, and that oral communications should not have been made.

(9) and (10). *Resignation of Makea Daniela*.—Makea Daniela is a son of Judge Te Pou, a late member of Parliament. Daniela is Clerk of the Parliament. Your Excellency may remember that he sent to you a petition in favour of Mr. Moss, and opposing the petitions of Mr. Kohn and the Arikis and Parliament. When the Parliament rejected the Federal Court Bill, and otherwise showed hostility to Mr. Moss, Daniela resigned his position as Clerk of the Parliament. Parliament accepted this resignation, and the Parliament appointed a Mr. Goodwin as Clerk, to act temporarily. Mr. Moss declined to acknowledge Mr. Goodwin as such Clerk, because he was a European, as I understand. Mr. Goodwin is no doubt one of the European opponents of Mr. Moss. He is now chairman of the Hospital Board, and seems to be at present a person specially trusted by Makea Ariki. He is, as I understand, in trade at Rarotonga. He has a competent knowledge of both languages, and acted as Makea's interpreter. Whatever may be Mr. Goodwin's feelings towards Mr. Moss, there is not the slightest ground for suggesting that he is otherwise than loyal to the British connection, and, so far as I observed, a respectable member of the community. It is certain that Mr. Moss looks upon Mr. Goodwin and Mr. Salmon as amongst those who have instilled into the mind of Makea and the other natives adverse feelings to him (letter of Mr. Moss to the Parliament herewith of August, 1897, printed in the *Torea*).

(12.) *Passing Estimates by Members through Misleading Statements made to them by Mr. Nicholas*.—In the session of the Federal Parliament of 1897, during which the hostile feeling towards Mr. Moss was plainly shown, the question of voting the estimates came up. There is a permanent appropriation of 300 dollars for each district (four in number) and 30 dollars for each member. It was probably thought that if the estimates were not passed there would be no 300 dollars for the districts, and the members would not get their 30 dollars. There seems to have been a practice of getting, through the Clerk of Parliament, an advance made to members of their 30 dollars after the estimates were passed. At any rate, this grievance seems to mean that Mr. Nicholas, professing to be the mouthpiece of Mr. Moss, induced the majority of the members to pass the estimates under a threat that if the estimates were not passed there would be no 30 dollars for the members, and, as I understand, no 300 dollars for their districts. Mr. Nicholas denied that he had made any such threat. Mr. Moss denied that he had authorised any such threat to be made. The Parliament

did not satisfy me that anything was said in the nature of a threat. However, as soon as the estimates were passed, and 30 dollars advanced as usual, away all the members went except two, leaving a sort of power of attorney or appointment of proxy to the two who remained. No Appropriation Act was passed, but Mr. Moss, as your Excellency is aware, took it upon himself to authorise the issue of revenue in payment of such moneys as were voted by the passing of the estimates. The alleged grievance, possibly, is twofold. First, that Mr. Moss, by suggesting to the natives to pass the estimates, led them into the false position of departing for their homes, leaving the two to finish the business; and, further, that Mr. Moss, by getting the estimates passed, enabled himself to carry on the Government and to pay for Ngatipa expenses amongst others. I was not able to get any intelligible explanation of what was meant. At any rate, I could find no evidence of any misconduct in the matter by Mr. Moss. He was, so far as I could see, anxious that the native members should stay and complete the business of the session.

(13) and (19). *Appropriation Act not passed, but Money paid out.*—This has been more than once referred to in the previous part of this report. Mr. Moss reported fully, and I think with substantial accuracy, what it was that induced him to issue the Proclamation and authorise payment for the services in the estimates. Your Excellency took the opinion of the Solicitor-General on the matter, and the Prime Minister seems to have advised you that, in his opinion, Mr. Moss's action was the best under the circumstances. Your Excellency is aware that the Constitution of the Federation is that there is an Executive Government comprised of the Ariki: the head of the Government is the Makea Ariki, but no executive act can be validly done without the approval of the British Resident. There is also a Parliament to pass laws, but no laws come into operation till sanctioned by the British Resident. The Constitution, therefore, does not give the British Resident any other executive or legislative power than that of veto. Outside the written Constitution the British Resident has no executive or legislative powers. If the Queen had annexed the islands, then, by her prerogative, she could herself frame laws for the Government, or, by appointing a Governor or otherwise, could depute the power to frame laws. Mr. Moss's action in issuing the Proclamation and authorising the payment according to the voted estimates, if erroneous, was, it may be thought, done in the interest of the public, and may entitle him to indemnity. For myself, I think, with submission to the opinion of others, that there was no such urgent necessity for action—that it would have been better to let the natives and Europeans see the full folly of their actions; at any rate, that before taking the step he did he should have reported the matter to your Excellency, and asked advice.

(14.) *Not calling for Tenders for Government Work.*—This also is evidently not a native objection. The principal expenditure on Ngatipa was payments to Makea Daniela, already mentioned. He seems to have superintended the work. Tenders were not called for the work. Mr. Kohn, on the hearing of his petition, put forward something of the same sort as a grievance. The matter referred to by him was in connection with the supply of school fittings and desks. Inquiry showed that the desks had been supplied at a lower rate than Mr. Kohn was willing to supply them at. That, of course, is no answer: the point is that the Executive Government (including Mr. Moss) habitually got its work done without calling for tenders. No attempt was made to prove corrupt conduct on the part of Mr. Moss with regard to Government work. At most, all that could be inferred was that some persons were favoured by getting Government work to do (Mr. Nicholas, Makea Daniela, and Donald and Edenborough). I have no further observation to make on this.

(15.) *Ngatipa.*—I have gone fully into this in the previous part of my report.

(16.) This grievance is the sending of verbal messages to Parliament through Mr. Nicholas. I have already expressed my opinion that the sending oral messages on important matters was wrong, and the messenger was not well selected.

(17.) *Taking Education out of the Hands of the London Missionary Society, and the appointing Disreputable Teachers.*—Herewith (marked 12 in red) is a very full paper drawn up by Mr. Moss showing the existing provision for education. There is also herewith a paper by the Rev. Mr. Hutchin, of the London Missionary Society, and the head of the mission at Rarotonga (marked 13 in red). I have already referred somewhat fully to this question. In my opinion, the new departure has not yet had time to show whether it will be successful or not. The appointment of teachers is by the local Government. I could find no ground for concluding that blame attached to Mr. Moss in regard to the appointments. At any rate, they are no longer teachers.

(18.) *Printing-press.*—It appears that Mr. Moss some time ago advised the Parliament to vote a sum of £50 for the purchase of a printing-press. The object was to let the press at a rent to some person who would keep the *Torea* going, and do Government printing. It was a mode of subsidising a paper, and Parliament and the Government adopted the suggestion. I can see no sufficient reason for now blaming Mr. Moss for what seemed good to all when the suggestion was adopted. In consequence of the "troubles" the *Torea* has stopped: the opponents of Mr. Moss withdrew their subscriptions and advertisements as it was said, and thereupon Mr. Nicholas ceased to publish the paper. The printing-press belongs to the Federal Government. The members of Parliament did not know, or pretended not to know, whether the press had been sold to Mr. Nicholas or not. It was explained that no public money had been expended in bringing over a printer from Auckland—that that expense was defrayed by Mr. Nicholas. The natives were not, or pretended not to be, aware whether the Government had to pay Mr. Nicholas for printing Government matter. No doubt it had. The only arrangement was the letting of the printing-press to Mr. Nicholas at a rent.

(19.) *The Proclamation.*—I have very fully gone into this, and expressed my views with regard to it.

(20.) What appears to be meant by this "head" is a rumour, after the rejection of the Federal Court Bill and the non-passing of the Appropriation Act, that Mr. Moss purposed the bringing about

the annexation of the Cook Islands, and the consequent deprivation of the native legislative and executive powers. Rumours of all kinds were probably rife. For instance, a day before I left Rarotonga, Mr. Moss was concerned at a rumour that he was to be taken away by me in the "Torch;" while, on the other hand, Makea Ariki was concerned at a rumour that she was to be deported and the islands annexed. I found nothing existing with regard to the supposed threats to which any importance could be attached. It appears, however, that in a letter of Mr. Moss, dated the 2nd September, 1897, and of which a copy is on Government House file (254/97), and is referred to by the Arikis in their "heads of complaint," a passage occurs which the natives understood to be a threat to go to England; for they said in reply, "We also can go to England." All this was in correspondence between Mr. Moss and themselves about the Federal Court Bill and its rejection.

(21.) *Liquor and Licensing Officer*.—I have gone very fully into this already. Mr. Garnier holds many offices, but none of them can engage a good deal of time. He seemed a respectable, reliable officer, but not physically strong.

XVI. *The Ariki's Petition and Complaint*.—The petition of the Arikis and the heads of this complaint amount only to this: that they say Mr. Moss does not suit them—that he has not patience and forbearance with them. No doubt they are referring to what took place with regard to the Federal Court Bill. By their heading they seem to admit that the Federal Court Bill was the commencement of the trouble with Mr. Moss, and that, after that trouble arose, then they reviewed Mr. Moss's previous acts and found them bad. They refer to the fact that the Parliament and Arikis invited Mr. Moss to meet them to discuss the matter of the Federal Court Bill, and he declined to come (see correspondence, which will be found amongst the papers herewith relative to the Federal Court Bill, marked 26 in red). It will be seen from Mr. Moss's letters of the 2nd, 4th, and 14th September why he declined to attend the proposed meeting, and also what the Arikis mean by saying that they also could "go to England." As to not attending the meeting, what I understood from Mr. Moss was that he had attended a previous meeting of the members of Parliament, and that Dr. Craig had at the same meeting been allowed to use an insulting expression towards him without check or disapproval, and that he had therefore declined to attend further meetings. The conclusion I arrived at is that there is at present, with the Arikis and chiefs, a fixed feeling of dislike of and distrust in Mr. Moss, and I doubt whether any patience, forbearance, or prudent conduct on his part in the future would result in removing or substantially diminishing that feeling; that the feeling has originated partly in mistake; and that it was very much brought about by unfounded or petty attacks made upon Mr. Moss by Europeans, who have private or political grounds of hostility towards Mr. Moss, is tolerably certain.

XVII. I send herewith a copy of the Auckland *Herald* of the 11th instant, with a communication therein from a correspondent at Rarotonga. What professes to be a report of what I said to Makea Ariki, and what she and the chiefs said, appears to have been taken down in shorthand, and is substantially accurate. I learnt that Ngamaru, Makea Ariki's husband (himself an Ariki), had urged Mr. Moss not to leave the office he had occupied in Makea's grounds, but he persisted in leaving. This, to a person other than a native, may seem a trivial matter. It is clear, however, that the natives looked upon that act as a final separation of the British Resident from them. I think it right to state that Mr. Moss demurred even to visiting me at Makea's house, on some supposed ground of loss of mana by doing so. I think that Mr. Moss was himself surprised at the exhibition of feeling displayed against himself on the occasion reported in the cutting from the Auckland *Herald*. Of course, the correspondent's deductions and opinions I do not refer to; they are his own. Subsequently to what is there reported, and when I took leave of Makea Ariki, I addressed her again on the same subject, and eventually, after much discussion, she stated her intention of endeavouring to act with Mr. Moss in the discharge of public business till your Excellency's decision, or the decision of the Secretary of State, was made known to her; but that if that decision was for Mr. Moss to remain, she would no longer act with him in public business. If this feeling did not exist, or if some competent and acceptable person were British Resident, I think that the present political constitution might well be allowed a further trial—I mean a Protectorate, with the existing Constitution, as agreed upon by the delegates and finally fixed by law. But I am inclined to the opinion that it is only a question of time, and that ere long it will be found inevitable to give up the Protectorate, or modify the position of the British Resident, or to annex these islands to the British Crown, with a delegation by the Crown of executive and legislative powers to either the Governor of New Zealand or of Fiji, with a Deputy-Governor or Administrator at Rarotonga. Legislative powers might be left to the Federal and local Parliaments on all subjects not dealt with by the Crown or the Crown's appointee.

XVIII. The fact of a partially-civilised people accepting the protectorate of the Crown of Great Britain or any other civilised State does not, so far as I can ascertain, amount to a consent that the protecting power shall govern the protected country. This seems to be recognised in the 6th paragraph of the Secretary of State's despatch to Lord Onslow, dated the 13th December, 1890 (No. 58), printed in Appendix to Parliamentary Papers, A.—2 of 1891, and Lord Onslow's instructions to Mr. Moss founded on that despatch (A.—1, page 10, same session).

XIX. As to the subjects for inquiry by me mentioned in the 6th paragraph of your Excellency's letter of instructions to me, I am of opinion that "the work of the constitution of the islands" has not yet proved to be a failure. The natives, under missionary guidance, before the establishment of a Protectorate, had become accustomed to some sort of "law-making," and administration of justice, and were otherwise well advanced in civilisation. I formed the opinion that the constitution, as fixed by law after the British Resident went to the islands, has been fairly well observed. There was one omission in the laws relating to the constitution of the Parliament which has not since been rectified: it is that omission which has caused the doubt as to whether other than natives can legally be members of the Federal Parliament.



XX. With regard to the local Councils which exist for each island, the local laws provide, at any rate as to some, that any foreigner who has resided for twelve months in the particular island shall be entitled to vote for members of the Council and be elected a member of the Council. But as to the Federal Parliament, there is no provision whether foreigners may vote or be members. Apparently it was intended that the local Councils were to legislate on this subject. (See section 6 of "The Constitution Act, 1891.") The local Councils have not done so. The result is that the vacancies in the Federal Parliament have been, as I gathered, filled by nomination of the Ariki of the district. The Constitution Act fixed the number of districts as four, and the number of members as twelve in all. It is in consequence of this omission that Mr. Salmon came to act as member in the place of one of the original delegates. Mr. Salmon was, as I understand, nominated by his wife—the Ariki for Arorangi. I have no reason to doubt that the requirement that all legislation should be subject to the approval of the Resident is not a wholesome restriction.

XXI. As to the fitness of the native Judges for the work of the office, I believe some of them, especially Mr. Te Pou, of Rarotonga, fairly well fitted for disposing of native cases of minor importance, but certainly quite unfit to deal with cases where "foreigners" are to be affected, except, perhaps, in minor criminal matters. But, even though not well qualified, what else can be established? There are several islands, at a considerable distance apart, and in all but Rarotonga a very few Europeans: any great increase in the Customs duties or other taxation would hardly be tolerated. How, then, could competent European Magistrates be found for each island?

XXII. The Arikis and chiefs are the landowners. With them is all the power arising from this. The great mass of the people have no fixed rights in the soil. To foreigners the landowners are not unwilling to grant a lease for thirty years, renewable in perpetuity at a moderate rent; but to their own people they will not give such rights. The occupation by their own people is at the will of the Arikis and chiefs. So far as I could gather, the landowners are not harsh to their people; but this tenure, or rather absence of tenure, is quite incompatible with the grant of freedom of electoral or other rights. But the Arikis and chiefs would with difficulty be brought to part with the mana they have as landowners. I only mention this matter as one deserving of consideration in the future.

XXIII. The modes of proceeding of the Federal Parliament and the local Councils might be, and ought to be, much simplified. They seem to me too much based on English and colonial parliamentary procedure.

XXIV. Mr. Moss has, I think, reason to complain that his skilful and earnest efforts to retain for the natives executive and legislative powers have not met with a more grateful return from them. I have perused and reperused more than once Mr. Moss's reports to the Governors of New Zealand, extending over the seven years that he has held office as British Resident. Nothing was brought before me at Rarotonga which raised even a suspicion that Mr. Moss's reports were not full and faithful. Indeed, I was surprised at the fullness and accuracy of these reports.

XXV. It is needless for me to point out that, while on the one hand the circumstance that the legislative and executive powers held by the natives being exercisable only with the concurrence of the British Resident makes a cordial feeling between the natives and the British Resident an absolute essential, on the other hand to encourage natives to withdraw their confidence and trust in any one who for the time being is British Resident without adequate grounds must make the form of Government impossible. Foreigners who desire the maintenance of the British connection should undoubtedly realise the danger there is, by petty attacks on the British Resident, rendering the maintenance of the present British connection so difficult as to give rise to the question whether any efforts should be made to prolong it. I fear that, even with those whose motives may have been good, sight has been lost of the fact that differences of opinion on questions of policy do not with any community justify personal attacks upon those who are authors of objectionable measures; still less excusable are such proceedings amongst a partially-civilised people.

XXVI. In conclusion, I think it right to state that the impression left upon my mind was that Mr. Moss, galled by the attacks of those of the foreign residents of whose conduct he has more than once complained, and by the distrust of the Arikis and chiefs in him created by these persons, there has resulted of late with him a loss of temper and patience in the conduct of affairs with the natives, and a consequent further estrangement. There may be much excuse for Mr. Moss; but is there a probability that the formerly existing good feeling between Mr. Moss and the Arikis can be re-established?

With this letter I transmit:—

- (1.) Letter of his Excellency to me.
- (2.) Complaint by foreigners (Mr. Kohn and others), and papers connected therewith.
- (3.) Complaint by Federal Parliament.
- (4.) Complaint by the Arikis.
- (5.) Collection of Acts, correspondence, &c., relating to the Constitution.
- (6.) Papers relating to the Federal Court Bill.
- (7.) Papers relating to the liquor law.
- (8.) Petition to the Governor for removal of Mr. Moss, by foreigners (Mr. Kohn and others).
- (9.) Petition against the Federal Court Bill.
- (10.) Complaint by Hospital Board.
- (11.) Papers connected with Mr. Moss's Proclamation, and paying without Appropriation Act.
- (12.) Paper by Mr. Moss on the education system.
- (13.) Paper by Rev. Mr. Hutchin on the education system.
- (14.) Paper by Rev. Mr. Hutchin on the liquor question.
- (15.) Notes of evidence taken by Mr. Knight on Friday, the 24th December; Monday, Tuesday, Wednesday, and Thursday, the 27th, 28th, 29th, and 30th December. (As to these notes, I desire to



observe that much of the time was occupied rather in argument and contention than in taking evidence. Indeed it may be observed generally that, throughout, the facts were not substantially in dispute; the question was, what inference was to be drawn from undisputed facts.)

- (16.) Auckland *Herald* of the 11th January, and cutting from the same.
  - (17.) Drafts of letters sent by me to Mr. Kohn, as representing the foreign petitioners, and to the Arikis and Parliament, inviting them to send in their complaints.
  - (18.) Copies of *Torea*, containing copies of address on opening Parliament, with statement of expenditure.
  - (19.) Statement of banking account for 1897, showing monthly balances, debit and credit.
  - (20.) Cook Islands Parliament: Statement of expenditure for June, 1897.
  - (21.) "Appropriation Act, 1896," Cook Islands Parliament.
  - (22.) Expenditure, Rarotonga Council, 1897.
  - (23.) Amended Federal Court Bill.
  - (24.) Mr. Moss's Proclamation.
  - (25.) Bank balances, 1896-97.
  - (26.) Some correspondence with Mr. Salmon and Mr. Moss about Federal Court Bill.
  - (27.) Copy letter of Rev. Mr. Chalmers to Lord Onslow about liquor law (February, 1891).
  - (28.) Voucher which Hospital Board refused to fill in particulars, required by Mr. Moss when monthly proportion of subsidy was applied for.
  - (29.) Rarotonga Council Liquor Act.
  - (30.) Duplicate of Mr. Kohn's petition, and correspondence with the Resident and Mr. Kohn about not forwarding; together with copy of *Torea*, 11th September, 1897, containing letter of Messrs. Kohn to Mr. Moss about Mr. Scard and post-office, &c.
  - (31.) Plan of post-office and bond.
  - (32.) Letter of Mr. Garnier, Collector of Customs, &c., about breach of the Passenger Act.
  - (33.) Letter, Mr. Moss to Sir H. Berkeley, explaining why he did not go on board to pay his respects to him.
  - (34.) Letter of Miss Sievwright, school-teacher, about non-payment of her monthly salary. (Note: This matter was arranged.)
  - (35.) Letter, Hospital Board to Sir James Prendergast, about non-payment of monthly part of subsidy. (Note: This matter was arranged.)
  - (36.) Letter on same subject.
  - (37.) Letter, Mr. Moss; same subject.
  - (38.) Letter, Mr. Taylor as to liquor traffic, advocating prohibition.
  - (39.) Letter of Mr. Goldstein, complaining of Licensing Officer.
  - (40.) Letter of Mr. Gelling, as to Dr. Craig's accusation against Makea Daniela of illegally selling or giving liquor.
  - (41.) Letter, Mr. Garnier to myself, as to returns of convictions of illegal sales of liquor.
  - (42.) Letter of Mr. Scard, the Auditor, in reply to me for returns, &c., and vouchers or warrants for payments of expenditure on Ngatipa.
  - (43.) Letter from Mr. Nicholas, denying that he sold or gave liquor to natives without permit from Ariki.
  - (44.) Letter of Mr. Mallet, complaining of Post Officer.
  - (45.) Letter of Mr. Ellis, complaining of Mr. Goodwin.
  - (46.) Letter of Dr. Caldwell, about Dr. Craig's accusations against him.
  - (47.) Bundle of miscellaneous papers, recent *Toreas*, &c.
- I believe that I have now dealt with all of the matters mentioned in your Excellency's letter so far as circumstances would permit.
- I have, &c.,
- JAMES PRENDERGAST.
- His Excellency the Governor of New Zealand.

### Enclosures.

[For Enclosure (1) see No. 13, on page 14.]

(2.)

Rarotonga, 24th November, 1897.

WE, the undersigned, merchants and others of Rarotonga, do humbly petition your Honour to consider the following complaints, to wit:—

1. That on the 15th September, 1897, a petition (a copy of which is enclosed) was sent to the British Resident to be forwarded to His Excellency the Governor of New Zealand. In the same envelope with the said petition there was enclosed a press copy of the same. That the British Resident returned the press copy, on the ground that it was neither suitable for record nor transmission; and that, although he received another copy of the same petition with the original signatures attached, he failed to forward the petition as requested.
2. That the British Resident, in his despatches to His Excellency the Governor of New Zealand, has misrepresented the true state of affairs at Rarotonga.
3. That the British Resident has, by his own writings in the editorial columns of the *Torea* newspaper, publicly misrepresented the true state of affairs at Rarotonga, and has used his influence to prevent the true state of affairs being represented.
4. That on the 26th August, 1897, a petition was presented to the Parliament of the Cook Islands on behalf of Messrs. Kohn, Taylor, and Piltz, and that the British Resident used his influence to prevent this petition being received by the Parliament, and in the public Press gave a misleading description of the document, without publishing the contents of the same. (A copy of the petition is enclosed.)
5. That the British Resident used the editorial columns of the *Torea* newspaper to strengthen a petition in his own favour, in which the opponents to the Federal Court Bill were falsely described as "persons notoriously influenced by private feeling and private consideration," and falsely accused of using "intrigues of all kinds." That

the British Resident so used the editorial columns of the said newspaper without indicating that the writing was not that of the editorial staff; and that undue influence and intimidation were used by the representatives of Messrs. Donald and Edenborough here to secure signatures to the aforesaid petition.

6. That at a meeting of the Parliament of the Cook Islands in the year 1894 a resolution was passed that the Government bond, Customhouse, and post-office should be removed from the premises of Messrs. Donald and Edenborough, and placed in a more central situation, and entirely away from any mercantile house. That this resolution was not approved by the British Resident, and thus could not become law.

7. That the above question was brought up at three separate and consecutive sessions of Parliament, but was vetoed on every occasion by the British Resident, although the necessary funds for the purpose were guaranteed by the Parliament.

8. That Messrs. Donald and Edenborough have undue advantage over all other merchants, inasmuch as they are the Government bankers, and have full control over all British coin received by the Government.

9. That a private door connects the Government bond with the premises of Messrs. Donald and Edenborough.

10. That British coin has been declared the only legal tender, whereas other moneys are the current coin in circulation, and whereas English coin is not obtainable; and, further, that Messrs. Donald and Edenborough have, as Government bankers, thus greater facilities than other traders in paying their duties.

11. That the Government Auditor is also the local manager for Messrs. Donald and Edenborough, the Government bankers, and that all Government cheques on the said bankers require to be countersigned by the said Auditor before being payable.

12. That the said manager for Messrs. Donald and Edenborough assists the Postmaster in the sorting of letters, and also assists the Licensing Officer and Collector of Customs in his clerical work, and by so doing is, in his capacity as Auditor, auditing his own accounts.

13. That the said manager for Messrs. Donald and Edenborough is also Government Registrar, and during the temporary absence of the Postmaster and Collector acts in his place. At one time he acted for two months during the Collector's absence in New Zealand.

14. That one-eighth part of the public revenue for the year 1896-97 has been expended on the British Residency, and that this money was not voted in the Appropriation Act for such purpose, but was taken from other votes.

15. That since the creation of the Federation of the Cook Islands many laws have been promulgated and approved by the British Resident, and that several of these laws have not been carried into effect.

16. That on the 1st October, 1895, a hospital was inaugurated, against the wish of the Parliament and, for that purpose a building was purchased from Messrs. Donald and Edenborough, and 1 per cent. duties were levied, which realised only the sum of £180 per annum, and this was the only amount obtainable for the salaries of doctor and nurse, medicines, food, and all appliances for a hospital, and to give free treatment to a population of some six thousand inhabitants.

17. That harbour dues are collected, whereas no safe moorings are laid down, nor have been advised to be laid down, for the safety of vessels in the harbours.

18. That vessels sailing under the Protectorate flag of the Cook Islands are permitted to cruise without certificated masters, thus rendering life and property insecure.

19. That very unsatisfactory laws are in existence at the neighbouring islands of the Cook Group, much to the detraction of British trade, and that the British Resident makes no effort to modify such laws.

20. That a road-tax has been levied, whereas the roads and bridges have not been properly attended to, and that, in consequence, the Arikis have taken the matter into their own hands, making the roads themselves in preference to paying the tax.

21. That public schools have been established and taxes made for the same, whereas no certificated teachers have been appointed, no inspections made, and with a very small attendance, the public schools have been a failure.

22. That the liquor laws framed by the British Resident are very unsatisfactory.

And your petitioners will ever pray, &c.

C. KOHN, Managing Agent for the Cook Islands  
Trading Company (Limited).

EMIL PILTZ.  
GEORGE CRAIG.  
WM. B. CRAIG.  
OSCAR OWEN.

Sir James Prendergast, Chief Justice of New Zealand, &c.

MAY IT PLEASE YOUR HONOUR,—

Rarotonga, 27th December, 1897.

In the course of the proceedings in your Court on Friday last I made, on behalf of myself and the other signatories to the petition then under consideration, the statement that the provisions of the Passengers Act were habitually neglected to be carried out. As this implied a charge against the Collector, you instructed me to put the charge in writing if I wished it to be considered. I therefore beg to state that the Collector has habitually allowed vessels to carry from the Port of Rarotonga an illegal and dangerous excess of passengers; that the schooner "Titia-tonga," of about 20 tons register, took from Rarotonga on her last trip to Aitutaki upwards of fifty passengers; and that the above is one case out of many that can be quoted.

His Honour Sir James Prendergast, Rarotonga.

I have, &c.,

C. KOHN.

#### PETITION.

WE, the undersigned, merchants and others residing in Rarotonga, hereby beg to lay before your Parliament the following petition, and we pray that you will give it your earnest and favourable consideration:—

1. We petition you to have removed from its present position the business of the post-office, Customhouse, and bond, and that the same be conducted in a more central situation, and entirely away from any mercantile or other house.

2. That the Government be their own bankers, and that the moneys received by the respective departments be under the control of the official employed therein.

3. Should your Parliament grant this, our prayer, and as more revenue would no doubt be required to carry it into operation, we respectfully beg to suggest that the present import duty of 5 per cent. be increased to 10 per cent., and that we are willing to meet such increased duty should your Parliament consider such an increase necessary.

4. That such increased duty should also be applied in providing assistance to the officer at present employed in the departments mentioned.

And your petitioners will ever pray.

[Here follow the signatures on original document.]

Her Majesty Queen Makea and the members of the Cook Islands Parliament.

#### (3.)

HEADINGS OF GRIEVANCES BETWEEN FEDERAL PARLIAMENT AND F. J. MOSS, ESQ., BRITISH RESIDENT.

1. Federal Court Bill, 1897, and 1894.
2. Making of laws.
3. Removal of bank, post-office, bond, and Customs from Messrs. Donald and Edenborough's premises.
4. Hospital, and appointment of unqualified man who has by his ignorance caused death.
5. Not advising the Chief of the Government.
6. Strain on the revenue, Federal Court, 1894.

7. Appointment of Mr. J. Seard as Auditor by the British Resident.
8. Mr. H. Nicholas's position in Parliament.
9. Resignation of Makea Daniela.
10. Appointing of Mr. F. Goodwin as Clerk *pro tem.* not sanctioned by the British Resident.
11. Increase of vote for the Hospital Board.
12. Passing of estimates by members through misleading statements made to them by Mr. H. Nicholas.
13. Appropriation Act not passed, but moneys paid out.
14. Public tenders for Government work.
15. That the British Resident has used for his own purposes our money, without our consent, for Ngatipa.
16. That the British Resident has led to misunderstandings between us and himself by making us write letters to him, whilst instead of letters in return, Mr. H. Nicholas has been the mouthpiece concerning parliamentary work.
17. Schools: That we have been advised to take the education of our children out of the hands of the London Missionary Society's schools, and that it has in the Takitumu district been put in the hands of disreputable people—Mr. McClintock and Mr. H. Ellis.
18. Who does the printing-press belong to? What amounts of money have been received for private use; and what money has been expended for passage of printer from Auckland to here, and cost of plant?
19. Proclamation.
20. That the British Resident has used the name of Queen Victoria to take the Government out of our hands, although we were assured at the hoisting of the British flag that our laws would be respected.
21. Liquor and the Licensing Officer.
22. Intimidation by Mr. R. Exham and others to Arikis, with regard to making them smooth things down and prevent necessity for inquiry.

[Translation.]

#### FEDERAL COURT BILL.—THE CAUSE OF THIS TROUBLE.

THE British Resident framed this Bill and put the same before the Parliament. It was then that we understood the clauses of the said Federal Court Bill. Upon the conditions being made known to us we were in much fear and doubt as to the feasibility of the same, and we informed the Resident that we would not agree to it. The Juries Bill was also put before us, and we saw that that this was also in collusion with the Federal Court Bill. We would not also agree to this. When the British Resident was informed that the Parliament would not pass the Bill, he wrote to the Chairman asking the reasons that the Parliament objected to the Bill, and also if they had any other form of Bill to put in its place. We sent an answer giving our reasons for not passing the Bill, and we also informed the Resident that we wanted more time to deliberate on the question. The Resident would not allow us to give the Bill more time, but insisted that we should pass it and let it become law this present year. We again answered him, and requested more time and allow us to understand the affair more fully. The Resident, however, would not hear of this, so we informed him that we would lay the Bill before the House of Arikis for their approval.

The answer from the Arikis was, "Deliberate carefully and take your time over it."

(4.)

[Translation.]

#### NOTIFICATION.

1. THE House of Arikis have not thrown out the Federal Court Bill. The Arikis wish to have more time to deliberate and consider over the clauses of the same. Go slow, as advised by the Resident. Upon this being made known to the British Resident he became angry, and wrote a letter (No. 1). When the Arikis received this letter they only remarked that they also could go to England.

2. The Arikis and the Parliament wrote a letter to the British Resident requesting him to meet them at the Parliament House on the 6th September, 1897, when they could all meet together and hear from him personally over the affair. The Arikis and Parliament attended on that day, but Mr. Moss, the British Resident, would not come, but sent a letter only, and his words in that letter have come to pass.

3. The above was the commencement of the trouble, and then the Arikis determined to inquire fully into former troubles between Moss and the Parliament, as there were many things in which Mr. Moss would not agree to the wishes of the Arikis and the Parliament. The Arikis will not agree that the British Resident shall be the President of the Federal Court, and they consider that it would not be right for him to hold the dual positions.

And now we will have much pleasure in answering any questions that may be put to us.

(5.)

#### PROCLAMATION OF PROTECTORATE.

##### *Preface.*

THE first British Resident, Mr. Frederick J. Moss, arrived in Rarotonga on the 20th April, 1891. On the 22nd he formally read and published the following Proclamation, of which a copy was left with each of the Arikis of Rarotonga, Mangaia, Atiu, Mitiaro, and Mauke, and the name of each island filled in as the Proclamation was made:—

##### *Proclamation.*

To the Arikis, Chiefs, and people of [*The name of the island was here inserted*]:  
HER Majesty Queen Victoria, Queen of Great Britain and Ireland and Empress of India, having directed Captain Bourke, of H.M.S. "Hyacinth," on the 27th October, 1888, to hoist the British flag on the Cook Islands, and to declare to the inhabitants of those islands that Her Majesty had been pleased to grant to them the protection of the British flag:

Now, in respect to the Island of [*Name here inserted*], one of the said Cook Islands, I, William Hillier, Earl of Onslow, Governor of New Zealand, do declare to the Arikis and people of [*Name here inserted*] that I have received Her Majesty's commands to inform them that the aforesaid Proclamation of Captain Bourke does not render necessary the incorporation of the Island of [*Name here inserted*] into Her Majesty's dominions, or the transfer of the jurisdiction over the inhabitants generally from their native rulers to the British Crown. For the present, at least, British authority in [*Name here inserted*] will retain the form of a Protectorate.

Her Majesty has therefore duly authorised the appointment of Frederick Joseph Moss to be British Resident within the group.

The British Resident has received from me full and definite instructions as to the action which he will take. Her Majesty's Government will not recognise any new laws unless countersigned by the British Resident, who is instructed at all times to give his assistance and advice to the Arikis and people.

(L.S.)

Signed at Government House, at Auckland, New Zealand, the 4th day of April, 1891.

ONSLOW.

On the 28th April H.M.S. "Goldfinch" arrived from Auckland. The Resident proceeded in her to visit the different islands of the group, and returned to Rarotonga on the 8th May. During this visit the Proclamation was formally read and published at Mangaia, Mauke, Mitiaro, and Atiu. At each of these islands, and at Aitutaki, arrangements were made for an assembly of delegates in Rarotonga on the 23rd of May, to federate the islands and frame a system of regular government. In each island peace and good order had been for many years maintained by the authority of the chiefs, but there was no regular civil government and no public revenue. The delegates met, as arranged, in Rarotonga. The following report, made at the time of this the first formal legislative meeting in the Cook Islands, will throw light on the subsequent proceedings:—

*Minutes of Meeting of the Central Council, at the Schoolhouse, Avarua, on Thursday, 4th June, 1891.*

The British Resident took the chair at 10 a.m.

The following representatives were present: Rarotonga: Te Pou o te Rangi (Avarua), William Isaiah (Arorangi), Samuela (Takitumu). Mangaia: Ngatama (Oneroa), Tangi (Ivirua), Oruruiti (Tamarua). Atiu, Mitiaro, and Mauke Ngamaru (Atiu), Tou (Mauke). Aitutaki: John Mokoenga (Arutanga), Ngativaro (Reureu), Raka (Arutanga).

Mana (Mitiaro) absent. Daniela (of Oneroa) claimed that he should sit instead of Oruruiti, and that he had been sent to do so. Vaipo (chief of Ivirua) and John (Ariki of Mangaia) declared that Oruruiti was the right member, and that they would be responsible for his being so. Furthermore, as Oneroa was already represented, and Tamarua (to which settlement Oruruiti belonged) was not, the Chairman decided that Oruruiti should be accepted as the member.

Makea Daniela was then elected to act as Clerk to the Council.

Mr. Moss then read the following address: "I have asked you, representing the people of the Cook Islands, to meet in order to consider how you can best work together so as to be strong and lift up to increased knowledge and prosperity the chiefs and people of the Cook Islands. It is the first time in your history that you have been thus brought together, and I earnestly hope that this meeting will lead to a good understanding among you, to the sinking of small jealousies, and to your laying a broad and strong foundation on which your children may continue to build long after you and I are gone. To do this a system of regular government must be established, and it must be based on two clear principles, which I ask you in your local Governments also to bear constantly in mind. The first principle is that those who make the laws should be a body distinct from those who carry them out. The one will then be a check upon the other, and it will be better for both of them and for the people. The second principle is that those who carry out the laws—namely, the Government and its officers—must be regularly and properly appointed, and personally answerable for what they do. I have drawn up a short law embodying these two principles. It is the first matter for your consideration. I hope you will find it good, but it will be for you to tell me frankly and fully what your thoughts about it may be. Then we shall work together and make a good law for the future government of the whole of the islands. Other laws will be submitted to you—to establish a Supreme Court, a post-office, and other things urgently required, as well as to raise money to carry them out. But the greatest of all work will be to establish schools, so that your children can be taught to read English books, and thus learn all that has made the English people wise and strong. The missionaries brought Christianity to you, and they have given you, in your own tongue, the first and greatest of all books—the bible. My desire is to help them in their good work, and they will, I feel sure, help me in mine. Then, by God's blessing, we shall together succeed in doing a great and lasting benefit to you and to your children. I ask you now to appoint one of your own number as Chairman, and leave you to the full and free consideration of the law 'for the good government of the Cook Islands,' which I now lay before you."

The Aitutaki members proposed that the British Resident should keep the chair, and were supported by others. After considerable discussion (as Mr. Moss insisted on their putting one of their own number in the chair), Te Pou-o-te-Rangi was proposed by Ngamaru. No other member being proposed, the Chairman declared Te Pou duly elected, and vacated in his favour.

The meeting being now properly constituted, prayers were offered by Ngamaru, and the business began.

The laws passed in this and subsequent sessions, and still operative, will be found in the following pages.

Provision having been made to enable the newly-formed Government to appoint officials for collecting revenue, conducting a post-office, auditing the public accounts, and to frame and publish the necessary regulations to give effect to the federal laws, the first Parliament ended its short session, and adjourned till the following year.

#### LAWS OF THE COOK ISLANDS FEDERATION.

*No. 1/91.—To provide for the Good Government of the Cook Islands.—(Passed 5th June, 1891.)*

*Short Title.*—"The Constitution Act, 1891."

It is hereby enacted by the British Resident and the duly-elected representatives of the several islands of the Cook Group now in Council assembled:

1. *Local Government.*—That each island shall continue to govern itself in all local affairs, subject to the condition that laws hereafter made by any local Government shall not be valid until formally approved by the British Resident for the time being, who shall also state the day when such law shall come into operation.
2. *Parliament.*—That the representatives of the several islands duly elected and now assembled in Council at Avarua, in the Island of Rarotonga, as the first General Council of the Cook Islands, hereby enact that the legislation and government of the Cook Islands shall henceforth be vested in the said Council, which shall be styled "the Parliament" of the Cook Islands.
3. That the Parliament shall be responsible for the peace, order, and good government of the Cook Islands, and by it shall be undertaken all good works and all duties which cannot be properly undertaken by the people of the islands separately.
4. That all laws made by the Parliament shall be expressed as made by the British Resident and the Parliament of the Cook Islands, and shall not be valid till formally approved by the British Resident, who shall also state the day when each of the said laws shall come into operation.
5. That unless and until otherwise provided by Parliament the number of representative districts and the number of members assigned to each shall continue as at present—namely: Rarotonga, three members; Mangaia, three members; Atiu, Mauke, and Mitiaro, three members; and Aitutaki, three members: being, in all, four districts and twelve members.
6. That in each of the said districts the people shall elect their members to the Parliament in such manner as the local laws of the district may direct.
7. That the Parliament shall meet at Avarua, in the Island of Rarotonga, at 10 a.m. on the 15th day of June in every year, and when the day falls on Sunday the day following shall be substituted.
8. That the Parliament shall at each yearly meeting elect one of its members to be Chairman for the year.
9. *The Government.*—That an Executive Council is hereby appointed to carry out the laws made by Parliament, and to look after the well-being of the Cook Islands when Parliament is not in session. That this Council shall be styled "the Government" of the Cook Islands.
10. That the Government may at any time call a special meeting of the Parliament, giving not less than thirty days' notice of such meeting. The notice to date from the date of publication.
11. That with the Government shall rest the power of reducing or remitting any penalties imposed under laws passed by the Parliament; but such power shall only be exercised with the approval of the British Resident.
12. That all Arikis of the Cook Islands shall be members of the Government.
13. That Makea Takau, Ariki of Avarua, is hereby appointed chief of the Government, but no act of administration shall be valid unless with the approval of the British Resident. All letters or other public documents issued by the Government are to be signed by the said Makea Takau.
14. That all appointments to public office shall be made subject to the approval of Parliament, and shall be submitted for its consideration at the first opportunity.

15. *Fixed Appropriations.*—That out of any revenue raised by authority of Parliament the sum of \$1,560 shall be appropriated yearly as follows: (a) To each of the four representative districts, to be expended by the local Governments of such districts for public purposes, \$300; (b) to each member of Parliament for his personal use, \$30.

16. *General.*—That all laws made by Parliament shall be in English and in Maori, and whenever doubts arise as to meaning or construction the English version shall rule.

17. That whenever persons fined under any law of the Parliament neglect to pay or are unable to pay such fines the Supreme Court shall substitute such labour, with or without imprisonment, as it may deem most suitable.

18. That the posting of laws or notices in any public place appointed by the Government shall be sufficient promulgation thereof.

Dated at Avarua, this 5th day of June, 1891.

Approved for the islands of the Protectorate.

Approved for Aitutaki, until Her Majesty's pleasure may be made known.

This Act to go into immediate operation.

FREDERICK J. MOSS, British Resident.—5th June, 1891.

FREDERICK J. MOSS, British Resident.—5th June, 1891.

FREDERICK J. MOSS, British Resident.—5th June, 1891.

No. 4/91.—*To establish a Supreme Court.*—(Passed 10th June, 1891.)

*Short Title.*—"The Federal Court Act, 1891."

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:

1. That there shall be a Supreme Court for the Cook Islands.

2. That the Court shall for the present consist of a Chief Judge, who shall be appointed by the Government, with the approval of the British Resident. That the Government may also appoint, with the approval of the British Resident, not more than two Associate Judges if at any time the Government consider it advisable to do so.

3. That a Judge of the Supreme Court shall only be removed from office by a special law made for that purpose by the Parliament, and approved by the British Resident.

4. That the Government may suspend from office any Judge charged with misconduct as Judge, and may appoint some other person to act in his place till the meeting of Parliament next ensuing, but the salary of a Judge shall continue to be paid during his suspension.

5. The Supreme Court only, unless otherwise ordered in any particular law, shall take cognisance of all offences against laws made by Parliament, or of charges of murder, against either Maoris or foreigners. When cases arise between foreigners in any of the Cook Islands, such cases may, on the demand of either party, be transferred from the local to the Supreme Court for trial.

6. The Court shall sit at Avarua on the third day of January, April, July, and October in each year, and when either of these days fall on Sunday, the next day shall be substituted.

7. The Court may hold special sittings, with the consent of the Government, due notice of the said sitting being given.

8. Any person disobeying a lawful order of the Court shall be adjudged guilty of contempt, and liable to such fine or substitute in labour, with or without imprisonment, as the Court may direct, subject to the powers of remission vested in the Government of the Islands.

9. Every Judge on taking office shall take an oath to act impartially and righteously in his office. The form of oath and the administration thereof to be settled by the Government.

Dated at Avarua, this 10th day of June, 1891.

Approved, to come into operation forthwith.

FREDERICK J. MOSS, British Resident.—10th June, 1891.

No. 4/92.—*Unauthorised Expenditure.* (Passed 1st July, 1892.)

*Short Title.*—"Unauthorised Expenditure Act, 1892."

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:

1. That the Government may expend a sum or sums not exceeding in the whole \$800 (eight hundred dollars) in any one year for such public purpose as it may deem desirable.

2. That a statement of such expenditure shall be laid before Parliament at its annual meeting, and the amount be included in the estimates for the following year.

Dated at Avarua, this 1st day of July, 1892.

Approved, to come into operation forthwith.

FREDERICK J. MOSS, British Resident.—9th July, 1892.

No. 5/92.—*"Constitution Act Amendment Act, 1892."* (Passed 1st July, 1892.)

*Short Title.*—"Constitution Amendment Act, 1892."

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:

1. That the day for the yearly meeting of Parliament is hereby altered from the 15th June to 5th July, and that section No. 6 of the Constitution Act is amended accordingly.

Dated at Avarua, this 1st day of July, 1892.

Approved, to come into operation forthwith.

FREDERICK J. MOSS, British Resident.—9th July, 1892.

No. 2/94.—*"Supreme Court Act 1891 Amendment Act, 1894."* (Passed 1st August, 1894.)

*Short Title.*—"Federal Court Act, 1894."

Whereas a Court was established in the year 1891 for the enforcement of Federal laws and other purposes stated in the said Act, and whereas the name given at the time to the Court is misleading in so far that it has no connection as a Court of Appeal or otherwise with the Arikis' Courts in each island:

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:

1. That the said Court shall henceforth be styled "The Federal Court of the Cook Islands."

Dated at Avarua, this 1st day of August, 1894.

FREDERICK J. MOSS, British Resident.—7th August, 1894.

CONSTITUTION, 1891.—COOK ISLANDS PROTECTORATE.—LAWS OF THE FEDERAL PARLIAMENT.

No. 1.—*A Law to provide for the Good Government of the Cook Islands.* (June, 1891.)

It is hereby enacted by the British Resident and the representatives of the several islands of the Cook Group—namely, those islands that are included within the British Protectorate and the Island of Aitutaki, now in Council assembled:

1. *Local Government.*—That each island shall continue to govern itself as much as possible, subject to the condition that all laws hereafter made by the local Government shall not be valid until formally approved by the British Resident for the time being, who shall also state the day when such law so approved shall come into operation.

2. *Parliament.*—That the representatives of the several islands, duly elected, and now assembled in Council at Avarua, in the Island of Rarotonga, hereby constitute the first General Council of the Cook Islands, which shall hereafter be styled "the Parliament" of the Cook Islands.

3. That the Parliament shall be responsible for the peace, order, and good government of the Cook Islands, and by it shall be undertaken all good works which cannot be done by the people of any island separately.

4. That all laws made by the Parliament shall be expressed as made by the British Resident and the Parliament of the Cook Islands, and shall not be valid until formally approved by the British Resident, who shall also state the day when each of the said laws shall come into operation.

5. That, unless and until otherwise provided by Parliament, the number of representative districts and the number of members assigned to each shall continue as at present, namely: Rarotonga, three members; Mangaia, three members; Aitiu, Mauke, and Mitiaro, three members; and Aitutaki, three members.

6. That in each of the said districts the people shall elect their members to the Parliament in such manner as the local laws of the district may direct.

7. That the Parliament shall meet at Avarua, in the Island of Rarotonga, at 10 a.m. on the 15th day of June in every year, and when the day falls on a Sunday the day following shall be substituted.

8. That the Parliament shall at each yearly meeting elect one of its members to be Chairman for the year.

9. *The Government.*—That an Executive Council is hereby appointed to carry out the laws made by the Parliament, and to look after the well-being of the islands when Parliament is not in session. That this Council shall be styled "the Government" of the Cook Islands.

10. That the Government may at any time call a special meeting of the Parliament, giving thirty days' notice of such meeting. The notice to date from the date of publication.

11. That with the Government shall rest the power of reducing or remitting any penalties imposed under laws passed by the Parliament; but such power shall only be exercised with the approval of the British Resident.

12. That all Arikis of the Cook Islands shall be *ex-officio* members of the Government.

13. That Makea Takau is hereby appointed Chief of the Government, and is to administer it under the laws of the Parliament and subject to the approval of the British Resident. All letters or other public documents issued by the Government are to be signed by the said Makea Takau.

14. That any appointments to public office shall be expressed as made subject to the approval of Parliament, and shall be submitted for its consideration at the first opportunity.

15. *Fixed Appropriations.*—That out of any revenue raised by authority of the Parliament the sum of \$1,560 shall be appropriated yearly, as follows: (a) To each of the four representative districts, to be expended by the local Governments of such districts for public purposes, \$300; (b) to each member of the Parliament for his personal use, \$30.

16. All laws made by the Parliament shall be in English and in Maori, and whenever doubts arise as to the meaning of the Maori the English version shall take effect.

17. *Additional Clauses.*—Whenever persons fined under any law of the Parliament neglect to pay, or are unable to pay such fines, the Court shall substitute such labour, with or without imprisonment, as it may deem most suitable.

18. The posting of laws or notices in any public place appointed by the Government shall be sufficient promulgation thereof.

Approved for the Islands of the Protectorate.

FREDERICK J. MOSS, British Resident.—5th June, 1891.

Approved for Aitutaki, until Her Majesty's pleasure is made known.

FREDERICK J. MOSS, British Resident.—5th June, 1891.

This Act to come into immediate operation.

FREDERICK J. MOSS, British Resident.—5th June, 1891.

#### CONSTITUTION OF THE RAROTONGA COUNCIL, 1893, AND CORRESPONDENCE CONNECTED THEREWITH.

(No. 8.) Mr. F. J. Moss to His Excellency the GOVERNOR.

MY LORD,—

British Residency, Rarotonga, 26th September, 1893.

I have the honour to enclose translation of a law, passed by the Rarotonga Council on the 22nd instant, to reconstitute the Council and to form a Government for the island. The move is important, as the Council has hitherto been much impeded by the presence of the Arikis, and by the absence of elected members to represent the people generally.

2. The chief difficulty was with the Mataiapos who have really ruled the island. They were loth to share their power with any other class, but gave way on my insisting that, if they retained the power of sending representatives, the foreign residents must have the same right, and could not be classed with any inferior order of the people.

3. The foreign residents will now have the same voice as the natives, and those of them who enjoy the confidence of the natives will have no difficulty in finding support as candidates if they desire to come forward.

4. The Council itself will certainly be more effective as a deliberative body, and the establishment of an Executive will, I hope, be the forerunner of improvements necessary to the progress of the island.

A favourable opportunity having offered of visiting the other islands of the group, by a trading vessel that will spend a sufficient time at each island, I leave to-morrow for the purpose, and shall probably be two or three weeks away from Rarotonga. Proper arrangements have been made so that the elections to the new Council may proceed in my absence, if necessary.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Earl of Glasgow, G.C.M.G., Governor of New Zealand.

Enclosure.

#### No. 1/93.—To reconstitute the Council and Government of Rarotonga.

It is hereby enacted by the British Resident and by the Arikis and Council of Rarotonga:—

1. That the present laws, Nos. 4 and 6 of 1891, and No. 1 of 1892, are hereby repealed.

2. That the Rarotonga Council shall consist of two Houses—namely, the House of the Arikis and the House of the people.

3. The House of Arikis shall consist of all the Arikis of Rarotonga.

4. The House of the people shall consist of twelve members, namely:—

(a.) The three Judges of Avarua, Arorangi, and Takitumu, respectively;

(b.) Three members to be appointed yearly—namely, one by the ruling Ariki of each district;

(c.) Six members to be elected yearly—namely, two by the men and women over twenty-one years of age in Avarua, and who have lived not less than twelve months in that district; two in the like manner for the district of Arorangi by its people; two in the like manner for the district of Takitumu by its people.

5. The members shall be chosen from among the men of all the island, and may or may not live in the district for which they are chosen.

6. All foreigners who have lived in Rarotonga for not less than one year before the election shall be entitled to vote, and may be elected as members.

7. All laws and resolutions shall originate in the House of the people. If passed by them, the law or resolution must be sent to the Arikis. If they approve of the law or resolution, it shall be sent to the British Resident, and shall not be valid till approved by him. The British Resident shall also fix the date when such law or resolution is to take effect. If the Arikis' House has not approved of the law or resolution passed by the House of the people, it shall not go on to the British Resident, but be null and void.

8. The House of the people shall meet on the 16th day of October in the present year (1893), and on the 15th day of August in all future years. The House may be called together at any time for a special session by a majority of the Arikis. If the appointed day of the meeting be Sunday, the meeting shall be held on the following day.

9. When the House of the people meets for regular session, one of its members shall be elected Chairman for the whole year.

10. The place of meeting of the House of the people shall be the Parliament House in Avarua, subject to consent of the Federal Parliament.

11. The House of the Arikis shall meet in such place and at such times as the three ruling Arikis may direct.

12. The work of the Rarotonga Council will be to maintain order and peace, and do all that may be necessary for the good of the whole island. But each Ariki will, as heretofore, rule within her own district.

13. The decision of the majority of the Council shall bind the whole Council. The decision of a majority of the Arikis in the House of Arikis shall also bind the whole.

14. The first elections for members of the people shall take place at such time and in such manner, on or before the 14th October, 1893, as the House of Arikis may direct.

15. *The Government.*—The Government of Rarotonga shall consist of the Arikis. The Ariki who is to convene the Government or sign papers and documents for the Government is the Ariki of Arorangi.

16. If any Ariki desires that the Government should be called together, it shall be called together accordingly within five days of notice of such desire having been given.

Dated at Avarua, this 22nd September, in the year of our Lord one thousand eight hundred and ninety-three.

Approved. To come into operation forthwith.

FREDERICK J. MOSS, British Resident.—22nd September, 1893.

(No. 9.) Mr. F. J. Moss to His Excellency the GOVERNOR.

MY LORD,—

British Residency, Rarotonga, 13th November, 1893.

I have the honour to inform your Excellency that I returned to Rarotonga on the 1st November, having been away nearly five weeks, instead of the two or three weeks as anticipated. The detention was fortunate, as it enabled me to deal, in all the islands, with the administration of justice, and to place it on a sounder foundation.

2. The system so long in existence, which gave the Judges and police the power of dividing all fees and fines of Court among themselves as their only official pay, after setting aside a proportion for the Arikis and Mataiapos, who were thus involved in its meshes, has been fully referred to by me in previous despatches. I need only say that increased experience has deepened my conviction that there could be no hope of progress with the widespread demoralisation which the system produced. Officials of all kinds become chiefly extorters of money, or of money's worth, and the people not only suffer grievous oppression but lose all heart in its resistance.

3. *Mangaia*—at which I first called—is an exceptionally strong illustration. In it the original system has always been most rigidly enforced, and the authority of the police most strenuously upheld. Being delayed there for ten days, the opportunity was favourable, and I am glad to say that I induced the local Council, after a hard struggle, to pass an Act reducing the police to twelve men, paying them and the Judges from the Federal subsidy, and appropriating all future fines and fees of Court to the public revenue. The remainder of the police thus disbanded number no less than 143. Most of them are men of influence, and all of them are church members, and they will be likely to give some trouble yet before settling in their new position, and accepting as final the loss of power and of the privileges which attend it. That they will ultimately settle down and apply themselves to coffee-planting and other useful pursuits I entertain no doubt; but no possible evil resulting from their disbandment can be so great as the mere existence of this arbitrary and irresponsible body of 155 men in a population of little more than 2,000, which is that of *Mangaia*—men, women, and children all told. In maintaining the new law the local Government will be supported by the body of the people, and they most likely will find able leaders from among the better-disposed and more intelligent of the old police, many of whom perceive and admit readily the mischiefs of the old system.

4. At *Mauke*, *Mitiaro*, and *Atiu* similar reductions in number and similar appropriations of the fines and fees to public revenue were much more easily effected. The action taken by *Mangaia* was accepted as a precedent, and similar laws were passed in these islands.

5. At *Aitutaki* the difficulty was nearly as great as in *Mangaia*, though for different reasons. The system had long been much relaxed by the resident missionary (Mr. Lawrence) at *Aitutaki*, and the people were not under the terrorism that so strikingly prevailed at *Mangaia*. But their Arikis had quite lost their hold upon the people; and the struggle for power, and for the police privileges which followed, was creating much bitterness and confusion. A proposition to form the Arikis into a separate House (as recently done in Rarotonga) was rejected almost unanimously. They were satisfied with the existing constitution of their Council, and finally agreed to reduce their police to twelve, to pay them from the Federal subsidies, and to appropriate fees and fines to public revenue.

6. I have returned well content with the work done, and with strong hope of its striking a heavy blow at the corruption in official life which under the old system was inevitable where Maoris, as a rule, were concerned. The Judges and the police will no longer have any interest in the imposition of fines, and in the seizure of articles of all kinds to enforce payment in the most extortionate and arbitrary way. Crime, in the legal sense, is very rare in all these islands. The offences of which these police take cognisance are almost exclusively against the moral law. A very wide field is not only thus opened for their exactions, but the moral sense of the whole people is blunted by unceasing espionage, by a total absence of security from intrusion at all hours of the night or day, and by the fullest publicity being given to every breach of morality. Nor can it be doubted that among the police themselves were a large number that required quite as much looking after as the people in whose affairs they so actively meddled.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Earl of Glasgow, G.C.M.G., Governor of New Zealand.

[Translation.]

No. 4, 1891.—FOR ELECTING THE AU.

1. There shall be an Au in each of the districts of Avarua, Arorangi, and Takitumu, whose duty it will be to look after the roads and public works, and maintain order in the district.

2. The Au shall consist of the Arikis of the district with two members elected by the Mataiapos, two by the *rangatiras*, and two by the rest of the people. The first election shall take place on the passing of this law, and elections in all future years on the 1st June; if that be Sunday, the following day shall be the day of election.

3. When elected, their names shall be sent to the Ariki, who will call them together at such time and as often as the said Ariki may consider necessary.

4. The Au may impose penalties not exceeding 20 dollars for the breach of any law made by them, and approved by the British Resident.

5. The Au may *raui* cocoanuts or produce when they consider such *raui* for the public good, but it will not be valid unless approved by the British Resident, and its terms and duration made publicly known.

6. The Court of the district will enforce the laws made by the Au, and levy the penalties for their non-observance.

7. The Au is empowered to levy dues for vessels using the moorings and wharves in any harbour in its districts, and to appropriate the same to the Ariki of the district. No new moorings shall be laid down nor wharves built without the written consent of the Ariki being previously obtained.

This law will come into force on the 8th day of July, 1891.



## [Translation.]

## No. 6, 1891.—LAW FOR THE FORMATION OF THE RAROTONGA COUNCIL.

WHEREAS all laws have now to be approved by the British Resident, and it is necessary to reform the Council accordingly. Be it enacted,—

1. That the resolution of the 22nd December last is hereby rescinded.
2. That the Council shall consist of thirteen members—namely, the Arikis of Rarotonga and Ngamaru, the Ariki of Atiu, Mitiaro, and Mauke (six), the Chief Judges of the three districts of Avarua, Arorangi, and Takitumu (three); to be elected by the Mataiapos of the said districts, one each (three); to be elected by the foreign residents, one. The representatives of the Mataiapos and of the foreign residents shall be elected yearly.
3. All laws shall be passed subject to the approval of the British Resident, who will also decide when they are to come into operation.
4. The Council at its meetings shall elect one of its own members to preside for the session.
5. The Council shall meet on the 3rd May in each year; but if that be Sunday, the day following shall be the day of meeting.
6. Special meetings of the Council may be called by any two of the Arikis sending an application to the British Resident, who shall call the meeting at such place and time as he may think most suitable.  
The place at which ordinary meetings are to be held shall be decided from time to time by the Council.  
This law will come into force on the 8th day of July, 1891.

## [Translation.]

## No. 1, 1891.—LAW FOR THE FUTURE GOVERNMENT OF MANGAIA.—(17th August, 1891.)

It having been resolved by the Arikis, the Paoas, the *rangatiras*, and the people of the six *punas* of Mangaia, in public meeting assembled by the British Resident on, Friday, the 31st day of July, 1891, as follows: "That there shall be one Council for the whole of Mangaia, and that the following persons shall be the first members thereof—namely, 1, Tiani (Ariki); 2, Nooroa (Ariki); 3, Ngariu (Paoa); 4, Kiriiti (Paoa); 5, Atatoa (Paoa); 6, Vaipo (Paoa); 7, Pute (Paoa); 8, Turoua (Paoa); 9, Meringatangi (Judge); 10, Te Aro (Judge); 11, Kakerua (Judge); 12, Kiripaore (Judge); 13, Poeto (Judge); 14, Tai (*rangatira*); 15, Teaki (*rangatira*); 16, Te Nio Iti (*rangatira*); 17, Tua (*rangatira*); 18, Makiamo (*rangatira*); 19, Mauri (*rangatira*); 20, Maiti (*rangatira*); 21, Ingatu (*rangatira*); 22, Rimataei (*rangatira*).":

The said Council doth now, on the 17th day of August, 1891, enact as follows:—

1. All laws made by the Council shall be subject to the approval of the British Resident, who shall also say when they are to come into operation.
2. The Arikis, Paoas, and Judges shall be permanent members of the Council by virtue of their respective offices.
3. The other members shall sit for one year, but may be re-elected. The election shall take place on the day of in each year.
4. The number of members (twenty-two) may be increased or decreased at any time by a law of the Council.
5. The Council shall meet every year on the day of , at o'clock in the forenoon; but if that day shall fall on Sunday it shall meet on the next day.
6. The Council shall every year at its sitting elect a Chairman, who may or may not be a member. The Chairman shall preside at the meetings for that session, and shall see that a proper record of the proceedings be kept. The Chairman shall have a casting-vote only.
7. The Arikis and the Paoas shall form the Government of Mangaia. The duty of the Government is to see that the laws made by the Council are carried out with justice and mercy, to look after the work when the Council is not sitting, and to prepare the business for the Council so that it may not lose time and meet in vain. The Government shall also appoint all officers necessary to carry out the decisions of the Council; but such appointments shall be subject to the approval of the Council at its first ensuing meeting.
8. The following are hereby appointed Judges, and they can only be removed from office by a law of the Council: The Judge for Veitetei shall be Meringatangi; the Judge for Tamarua shall be Te Aro; the Judge for Tavaenga shall be Kakerua; the Judge for Ivirua shall be Kiripaore; the Judge for Keia shall be Poito. In event of any Judge dying or vacating office his successor shall be appointed by the Government, subject to approval by the Council.
9. The Judges are the only persons to levy fines or to decide disputes, each in his own district. But if an Ariki or a Paoa break the law, or if the case to be heard should be considered in any other way of sufficient importance, the Government may require all the Judges to sit together for its decision.
10. The Government may reduce or remit fines imposed by Judges, or may pardon offenders sentenced by them; but the Government must report all such action as soon as possible to the Council.
11. The Government may at any time call a special meeting of the Council, giving at least two days' notice thereof.
12. The Government shall keep a record of its meetings, and of the work done thereat.
13. The Judges shall hear all cases with open doors, and keep a record of such cases, and of the judgments given by them thereon.
14. The Council and the Government have nothing to do with the religion of any one sitting in the Council, or being a Judge, or member of the Government, or employed by them in any way. That is a matter for God to judge and not for man. If a man be a member of the Church it is well. If he be not a Church member he shall not for that reason be hurt nor lose his office. If he does wrong he must be judged openly by the Government, and the Government must give to him in writing the reason why his office is taken from him.
15. When a charge against any person is to be heard by a Judge, that person must be summoned to attend and speak in his own defence. If he does not attend, the Judge must satisfy himself that the person has been properly summoned, and he can then give judgment in the case.
16. When laws are made by the Council they must be posted in some places appointed by the Government in Oneroa, in Tamarua, and in Ivirua, so that all people may know that the law has been made.

Approved. To go into operation forthwith.

FREDERICK J. MOSS, British Resident.—18th August, 1891.

## [Translation.]

## No. 1, 1891.—A LAW TO PROVIDE FOR THE GOOD GOVERNMENT OF AITUTAKI.—(October, 1891.)

WE, the first Council elected by the people of Aitutaki to make laws for the island, do hereby enact as follows:—

*Electors and Officers.*

1. That every male over 21 (twenty-one) years of age born and brought up in Aitutaki has the right to vote in any election, or to hold any public office. Others may be admitted to the same rights by a law of the Council, in which law every one so admitted shall be specially named.

*Districts.*

2. Each of the six districts into which Aitutaki is now divided shall manage its own roads, and make provision for the maintenance of order and cleanliness within the district. For these purposes the people of the district shall meet on the 15th day of September in every year, and elect three overseers to carry out the decisions to which the meeting may come. The overseers may at any time call together the people of the district, and they shall be obliged to do so on the written request of any seven electors of the district.

*The Council of Aitutaki.*

3. There shall be a Council, whose duty is to make laws for the whole island, such as the laws affecting intoxicating liquor, the laws against theft, and similar matters which concern all alike, and not only the people of any particular district.

4. The present Council consists of those appointed at the public meeting held on the 28th day of September, 1891—namely: For Amuri—Davida, Tangaroa, and Mareko; for Vaipae—Pitomaki, Teuma, and Rima; for Arutanga—Tekii, Kupa, jun., and Tepaki; for Reureu—Daniela, Israela, and Teariki Vao; for Nikaupara—Taakoi, Paku, and Koro; for Tautu—Taamaru, Simona, and Ngapo; and the four Arikis—namely: Vaeruarangi—Iripa; Tamatoa—Opura; Teurukura—Ama; Manarangi—Uriae; being, in all, twenty-two members.

5. The eighteen elected members shall hold office till the 30th day of September, 1892, and be eligible for re-election.

6. The election of members shall take place in every district on the 15th day of September in each year. The overseers of the district shall see to the elections, and send the names of those elected to the Government.

7. In case of a vacancy occurring among the Arikis, all the Governors of the island shall meet and decide who shall succeed him as Ariki.

8. The Council shall meet regularly on the first day of October in each year, in Arutanga, at ten o'clock in the day. It may also be called together by the Government at any time that the Government may think necessary, and the Government shall be bound to call the Council together on the written request of any six members.

9. The Council shall elect a Chairman to preside at its meetings, and to see that a proper record be kept of its proceedings.

10. All laws made by the Council shall be subject to the approval of the British Resident. In every law the date shall be stated at which it is to come into operation.

*The Government.*

11. The Government shall consist of the four Arikis before-named, together with six other persons, which six persons shall be elected each year by the Council. Vaka-te-Urukura shall also be a member of the Government, but at every election of members the Arikis of the island shall meet and say whether he is to continue or another fill his place. The number of the Council in all is eleven.

12. The duty of the Government shall be to see that the laws made by the Council are properly carried out, and to prepare for the consideration of the Council any measures that may be necessary. This is not to prevent any member of the Council from also bringing forward any measures which he may desire.

13. The Government shall elect as its chief one of its members, who shall see that the business is properly conducted, and a record kept of its proceedings.

14. The Government shall have the power to reduce or remit fines or penalties imposed by the Judges.

*The Judges.*

15. The Judges shall be appointed by the Council, and shall only be removed by a law specially passed for that purpose.

16. The Judges shall try all cases in the day-time, and their Courts shall be held publicly. They shall give to every person brought before them an opportunity of confronting his or her accuser, and shall keep a proper record of all judgments given by them.

*The Police.*

17. The police shall be appointed by the Government, which is responsible that the police perform their duty properly. Every appointment of a policeman shall be entered in the records of the Government, and no one shall act as a policeman who is not so recorded. The Government only shall have the power to dismiss a policeman.

18. It is forbidden to all Judges, policemen, and others to attempt by any means or in any way to extort criminating confessions from accused persons. To do so is an evil work, merely tempting the accused person to tell lies.

*General.*

19. When the day on which a meeting is to be held or any public act to be done, under this or any other law, falls on Sunday, the next day shall be substituted.

20. All laws made by the Council, and all notifications by the Government, shall be posted in some place or places to be appointed by the Government, and this shall be sufficient publication.

21. This law is to come into operation forthwith.

## APPENDIX.

The following constitute the electing Arikis referred to in section 11, namely: Vaeruarangi—Iripa, Banabo, and Imoko; Tamatoa—Opura Puruanio, and Tima; Teurukura—Ama, Vaka, and Tiraa; Manarangi—Uriae and Manateorie.

Aitutaki, 3rd October, 1891.

Approved.

FREDERICK J. MOSS, British Resident.—3rd October, 1891.

ATIU, Mitiaro, Mauke: No Governments constituted, people not being sufficiently advanced. Laws of 1893, attached hereto, merely reduced the numerous police, and provided that they should have regular pay, instead of paying themselves and the Judges by extorting fines.

[Translation.]

ATIU.

*Law for the Police at Atiu.*

1. There shall be twelve policemen at Atiu.

2. The three Arikis and the three Governors shall each choose two policemen. The policemen shall then be under the orders of the Judge.

3. The Arikis and the Governors shall fix the money to be paid to the Judge and to the police each year, and they shall be paid from the money voted by the Federal Parliament.

4. All fines shall in future be spent in some public work for the good of all the people in Atiu; none of that money shall go to the Judge or to the police.

5. The Judge shall keep a record of all fines and of the offences for which they are imposed; he shall send a copy of this record to the British Resident at the end of December, March, June, and September in each year.

Approved. To be law from this date.

FREDERICK J. MOSS, British Resident.—3rd November, 1893.

*Appropriation Law.*

The following sums shall be paid for the year beginning 1st October, 1893:—

|                                |    |    |    |    |    |    |    |    |     |
|--------------------------------|----|----|----|----|----|----|----|----|-----|
| Arikis, three, each \$20 ..    | .. | .. | .. | .. | .. | .. | .. | .. | 60  |
| Governors, three, each \$10 .. | .. | .. | .. | .. | .. | .. | .. | .. | 30  |
| Judge, one ..                  | .. | .. | .. | .. | .. | .. | .. | .. | 22  |
| Police, twelve, each \$9..     | .. | .. | .. | .. | .. | .. | .. | .. | 108 |

In all, \$220.

Approved. To be law from this date.

\$220

FREDERICK J. MOSS, British Resident.—3rd November, 1893.

[Translation.]

MAUKE.

*Law for the Police at Mauke.*

1. There shall be six policemen at Mauke.
2. The Arikis and the Governors shall each choose one policeman. The whole six will then be under the orders of the Judge.
3. The Arikis and the Governors shall fix the pay to be given to the Judges and police for each year, and they shall be paid from the money (subsidy) voted by the Federal Parliament.
4. All fines shall hereafter be spent only for some public work, and none of them shall be paid to the Judges or police.
5. The Judge shall keep a record of the fines levied by him, and of the offences for which they are imposed. He shall send a list of the same to the British Resident at the end of December, March, June, and September in each year.

Dated at Mauke, 16th October, 1893.

Approved, and to become law forthwith.

16th October, 1893.

FREDERICK J. MOSS, British Resident.

*Appropriation Law.*

The following sums shall be paid for the year beginning from 1st October last, namely:—

|                                    |    |    |    |    |    |    |    |    |
|------------------------------------|----|----|----|----|----|----|----|----|
| Arikis, three, at \$12 per annum   | .. | .. | .. | .. | .. | .. | .. | 36 |
| Governors, three, at \$8 per annum | .. | .. | .. | .. | .. | .. | .. | 24 |
| Judge                              | .. | .. | .. | .. | .. | .. | .. | 24 |
| Police, six, at \$6 per annum      | .. | .. | .. | .. | .. | .. | .. | 36 |

In all \$120.

Approved, and to be law from this date.

\$120

FREDERICK J. MOSS, British Resident.—17th October, 1893.

[Translation.]

MITIARO.

*Law for the Judges and Police in Mitiaro.*

1. There shall be six policemen in Mitiaro.
2. The Arikis (three) and the Governors (three) shall each choose one policeman; then they shall be under the orders of the Judge.
3. The Arikis and Governors shall fix the money to be paid for each year to the Judge, and they shall be paid from the money voted by the Federal Parliament.
4. All fines shall hereafter be spent only on some public work for the good of all the people in Mitiaro. No portion of these fines shall go to the Judge or to the police.
5. The Judge shall keep a record of all fines received, and of the offences for which the fines are imposed. He shall send a copy of this record to the British Resident at the end of December, March, June, and September in each year.

Dated at Mitiaro, the 18th October, 1893.

Approved. To be law from this date.

FREDERICK J. MOSS, British Resident.—18th October, 1894.

*Appropriation Law.*

The following sums shall be paid for the year beginning 1st October last:—

|                                    |    |    |    |    |    |    |    |    |
|------------------------------------|----|----|----|----|----|----|----|----|
| Arikis, three, at \$10 per annum   | .. | .. | .. | .. | .. | .. | .. | 30 |
| Governors, three, at \$8 per annum | .. | .. | .. | .. | .. | .. | .. | 24 |
| Judge, one                         | .. | .. | .. | .. | .. | .. | .. | 10 |
| Police, six, at \$6 per annum      | .. | .. | .. | .. | .. | .. | .. | 36 |

In all, \$100.

\$100

Approved. To be law from this date.

FREDERICK J. MOSS, British Resident.—18th October, 1893.

(6.)

From the BRITISH RESIDENT to his Honour the ADMINISTRATOR of the GOVERNMENT, New Zealand.  
(No. 7/97.)

SIR,—

Rarotonga, 22nd July, 1897.

I have the honour to inform your Excellency that the session of the Federal Parliament of the Cook Islands began on the 5th instant, and to enclose the opening address from the Government (No. 1).

I have also to report that three Bills have been laid before the Parliament. They are: Import Duty Amendment Bill, Federal Court Bill, and Juries Bill, all of which are still under consideration. The Import Duty Amendment Bill is merely to abolish compulsory free treatment at the hospital, as provided in the Act under which the revenue for the hospital is derived, and to leave the regulation of such treatment to the Hospital Board, since created. The reason for this Bill is explained fully in the message. The Federal Court Bill and the Juries Bill are important. The reasons for the introduction of the Federal Court Bill will also be found fully stated in the opening message. Since Judge Te Pou's inability to preside, from illness, no other native Judge has been found, nor can any other be found, competent to take his place. The Arikis' Courts in each island, over which these Judges preside, are incompetent to deal with commercial and other cases in which Europeans are concerned. The Judges allow themselves to be biased by listening out of Court to interested parties, delay justice, do not understand the cases before them, nor decide in accordance with the evidence produced. Appeals are made to me against their decisions, and I find investigation difficult and unsatisfactory upon the imperfect records which they keep. A remedy is imperative, but the want of funds compels careful regard to the cost. The simple and most direct course appeared to me to be that embodied in the Bill, which, as drafted and now before the Parliament, I enclose for your Excellency's information. The powers of the Federal Court are extended so as to enable it to act as a check upon the Arikis' Courts and the local Governments in their several proceedings. This Court also will have the sole jurisdiction in certain cases, and in all suits in which Europeans are concerned. There is no one here to take the Presidency of the Court, and there are no funds to pay him adequately if there were. The only alternative is that the British Resident for the time being, if allowed to assume the office of President, shall do so, but be answerable only to his own Government, and not in any way to that of the natives. Of course, he will act without pay, but, in consideration of the extra work and more direct responsibility, will be provided from the Federal revenue with a Private Secretary, who will act also as Registrar of the Court.

The Bill is strongly, and with great unanimity, opposed by the members of Parliament, who object to it as taking away their mana, or, as might be more properly said, the mana which the Judges are not competent to possess. The passage of the Bill is extremely doubtful, but I hope that time and a more full understanding of the position will induce the members to change their present view.

Among the Europeans an objection was also raised to the additional power given to the British Resident. The objection would have more weight if he did not already possess the power of interfering with the decisions of Judges, and insisting, through the Government, on appeals, rehearings, and other indirect and slow means of remedying errors that are made. But to meet this objection the Juries Bill has also been introduced, providing for a jury of four. I enclose this Bill also for your Excellency's information.

I trust that the course proposed to meet the imperative need of change in the administration of justice, especially where Europeans are concerned, will meet with your Excellency's approval.

I have, &c.,

FREDERICK J. MOSS, British Resident.

Enclosure No. 1.

FEDERAL COURT.

(From the Opening Address, Cook Islands Parliament.)

"Experience has proved that, in the absence of Judge Tepou-o-te-Rangi, it is not possible to find a Judge sufficiently acquainted with European law and customs to deal with the increasing number of disputes, commercial and others, in which Europeans and Maoris, or Europeans alone, are concerned. This has given to us great anxiety and received our careful consideration. The principles and procedure of English law are required in such a Court, while a due regard must be paid to Maori customs and methods, especially as no trained legal assistance is available in the preparation of documents or in legal action among us. Without complete confidence in the efficiency and justice of our Courts, the whole Government must come to an end, and the Maoris submit to be governed by others instead of being a self-governing people. We are not yet prepared with measures on this important subject for your consideration, but hope to lay them before you during the session."

Enclosure No. 2.

FEDERAL COURT BILL, 1897.

A Bill to create a Federal Court for the Cook Islands.

*Short Title.*—"Federal Court Act, 1897."

Be it enacted by the British Resident and the Parliament of the Cook Islands:

1. That the Act to establish a Supreme Court (No. 4, 1891) and the Amendment Act (No. 2, 1894) are hereby repealed.

2. That a Court is hereby established, to be styled "the Federal Court" of the Cook Islands.

*Constitution of the Court.*

3. That the Federal Court shall consist of a President and of such Judges as the Chief of the Government may from time to time, with the consent in writing of the British Resident, approve.

4. That the British Resident for the time being is hereby declared, by virtue of his office, to be President of the Federal Court, with all the powers of a Judge.

5. That the Judge of the late Court, Tepou-o-te-Rangi, shall continue to act as a Judge of the Federal Court at the same salary as at present, and is hereby appointed accordingly.

6. That the Court shall meet at such times and at such places as the President may direct.

7. That the President may appoint in writing a deputy to act for him during absence or inability from any cause, or in special cases and that such deputy shall for the time being have the same powers as the President in the exercise of his office.

8. That, if the British Resident assume the duties of President he shall be responsible only to the Government of Her Majesty the Queen, from whom he holds the office of British Resident.

9. That Judges of the Federal Court appointed by the Chief of the Government as aforesaid shall hold office during good behaviour, and shall only be removed by Act of the Federal Parliament, approved by the British Resident: Provided that if Parliament, be not in session, the Chief of the Government with the approval of the British Resident may suspend a Judge, who shall continue to receive his salary without deduction till the decision of Parliament shall have been given.

10. That, in case of the illness or disability of a Judge, it shall be lawful for the Chief of the Government to appoint an Acting-Judge to hold office for a term not exceeding six months, provided that the appointment may be renewed from time to time, subject, both in appointment and renewal, to the approval of the British Resident.

11. That the President of the Court shall decide all cases brought before the Court, but that any Judge sitting with him and dissenting from the decision may record his dissent with the reasons thereof on the record of the Court.

12. That the President shall regulate the procedure of the Court and appoint its officers, and that such procedure shall be in accordance with the principles and practice of English Courts so far as they can be applied, with due regard to established Maori laws and customs prevailing at the time when, and in the place where, the cause of action arose.

13. That all fees of Court, fines, or other moneys received by the Court shall be Federal revenue, and treated accordingly.

14. That the British Resident is hereby empowered to appoint from time to time such person as he may think fit to be his Secretary and to act also as Registrar of the Federal Court, and that a sum of not exceeding one hundred pounds sterling is hereby appropriated as the yearly salary of any person so appointed.

15. That the President of the Court is also authorised to appoint a bailiff and such other officers, and incur such other expenditure, as may be found necessary, and a sum not exceeding sixty pounds per annum is hereby appropriated accordingly.

*Jurisdiction of the Court.*

16. That the jurisdiction of the Federal Court shall be exclusive,—

- (a.) In all cases of murder, or of assault with intent to commit murder, and all cases of manslaughter;
- (b.) In all criminal charges against foreign residents;
- (c.) In all offences against the Federal laws;
- (d.) In all cases between foreign residents, or between foreign residents and Maoris, in which the plaintiff

may begin an action in the Federal Court or seek redress for wrong alleged to have been done to him or her by any Arikis' Courts, or the Government of any of the islands of the Federation.

17. That the Federal Court may also rehear any case referred to it by an Arikis' Court, and, if the judgment of the Arikis' Court be confirmed, may make the judgment a rule of the Federal Court, and enforce it accordingly.

18. That, on the application of either party to a suit in an Arikis' Court, the Judge of the Arikis' Court, on application being made to him by either party to the suit before the beginning of the hearing, shall refer the said suit to the Federal Court, provided that the Judge may also refer to the Federal Court any case after it has been begun before him, if he thinks fit so to do.

19. That the Federal Court may appoint suitable persons as solicitors, who shall be answerable to the Court, and who may at any time be removed if guilty of misconduct in the performance of their duties.

20. That solicitors so appointed shall have power to act and to plead for parties before the Court; but this shall not debar any party from appointing specially for the conduct of his case, and with consent of the Court, such person other than a solicitor whom he may prefer.

21. That the Court shall have all the powers over persons and property needful for enforcing its judgments which are possessed by any English Court, and for the maintenance of order in its proceedings and obedience to its judgments may punish any persons guilty of contempt by fine or imprisonment: Provided that no judgment as to contempt of Court shall be given until after open hearing, within not less than twenty-four hours after the offence has been committed.

22. That, in the absence of a public gaol, the Court may declare any dwelling-house or other suitable place a temporary gaol for a special time and purpose.

Dated at Rarotonga, this                      day of                      , 1897.

—  
Enclosure No. 3.  
JURIES BILL, 1897.

Be it enacted by the British Resident and the Parliament of the Cook Islands :

1. That it is desirable to empanel juries to try causes in the Federal Court.
2. That the President of the Federal Court is hereby empowered to draw up a list of persons whom he may consider competent to serve as jurors.
3. That every person whose name appears on such list shall receive written notice from the President, or some person appointed by him for the purpose, notifying such person of his liability to serve as a juror.
4. That jurors shall be drawn by ballot, but not more than twelve jurors shall be summoned at one time, out of which four jurors shall be drawn by a second ballot to serve on the trial of the cause.
5. That the usual right of challenge may be exercised by the parties; but the President may at any time prevent the challenging of jurors should he consider that either party is using his right to prevent or delay the cause being heard.
6. That any person who shall approach or attempt to bribe or threaten a juror shall be fined in a sum not exceeding fifty pounds.
7. That jurors shall be summoned by notice in writing from the President or some other person appointed by him.
8. That the attendance of jurors when summoned is compulsory, and any juror neglecting to obey such summons may be fined in a sum not exceeding five pounds.
9. That the exemptions under this Act shall be: Infirmary, insufficient knowledge of the English language, or any other reason which the President may consider sufficient; but that no juror shall be exempt on account of his profession or nationality.
10. That jurors shall be paid ten shillings each for every cause heard by them, and that the party applying for the jury shall deposit with the President two pounds on the granting of his application for such jury.

Dated at Avarua, this                      day of                      .

(No. 11/97.)

FEDERAL COURT BILL.

SIR,—

10th August, 1897.

I have the honour to inform your Excellency that the Cook Islands Parliament is still in session. The time has been almost entirely occupied by discussions, in Parliament and among the people of the several districts, on the Federal Court Bill, which was rejected by unanimous vote on the 27th July.

External influences had been brought to bear by several Europeans, from various motives, to obstruct this Bill, but the large majority are in its favour. A petition against it was got up privately, and every effort made to obtain signatures, with small success. The chief point in the petition is an appeal to the sensitive jealousy of the Maori with regard to mana—an appeal made by persons from some of whom, in the interests of both races, better might have been expected.

On the rejection of the Bill becoming known a petition was at once addressed to me by thirty merchants and others resident in Rarotonga, urging the necessity of some such measure being passed.

I enclose for your Excellency's information papers which will, I hope, make the position sufficiently clear without comment on my part. There are no standing orders to prevent reconsideration of the Bill, and it may, in substance, still pass; but the Maori fear of losing mana, once excited, is not easily overcome. The papers enclosed are,—(1) Petition to Parliament against the Bill; (2) petition to me in favour of the Bill, and my reply; (3) letter from me to Parliament thereon; (4) letter from me asking Parliament to give reasons for rejecting the Bill; (5) then letter in reply; (6) my reply thereto.

I may be permitted to add that the "reasons" sent to me (Enclosure No. 5) were, I am assured, drawn up by an unaided committee of three Maori members, who compiled them from papers submitted by each of the other members. Whatever opinion there may be as to the force of these reasons, they mark a new advance in the transition from the old Maori system to a new. In the past five years the abandonment of their wasteful and obstructive opening "Council feasts," the establishment of records of proceedings, of a separation between the legislative and executive power, the decision by a majority of votes, and the adoption of a systematic finance, as well as the building of a Parliament House belonging to all the Islands, and a common meeting-place for all the tribes, have been marked changes.

The present new departure, with reference to the Federal Court Bill, is in the same direction, and may, in that sense, be regarded as an additional hopeful sign of the development—necessarily slow—of the free institutions planted among them.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Administrator of the Government, &c., New Zealand.

—  
Enclosure No. 1.

PETITION AGAINST THE FEDERAL COURT BILL.

WE print herewith the petition to Parliament against the Federal Court Bill sent in just before the rejection of the Bill on Tuesday. The petition was only in English, and has not yet been translated:—

To the Cook Islands Parliament now assembled :

We, the undersigned, residents in Rarotonga, humbly petition the Cook Islands Parliament to reject the Federal Court Bill, now before the House, on the following grounds:—

- (1.) The passing of such a Bill will effect a fundamental and undesirable change in the administration of the Cook Islands, as it will confer very important powers upon the President of the Court, without holding him responsible to the Parliament from which he derives these powers. (*Vide* Clause VIII.)
- (2.) That the Bill gives to the President of the Court the power of appointing officers paid with Government money, these officers not being responsible to the Cook Islands Parliament. (*Vide* Clauses X., XII., XIV., XV.)
- (3.) That if the Bill become law the Government will become involved in increased expenditure, which, in view of the recent statement of public finances, is not justifiable. (*Vide* Clauses XIV. and XV.)
- (4.) That the appointment of solicitors can serve no good purpose in a Court where it is desirable that the procedure should be as simple as possible. (*Vide* Clauses XIX. and XX.)
- (5.) That the passing of the Act may involve increased expense to litigants, as it gives the President of the Court the power to compel litigants to employ counsel. (*Vide* Clause XX.)
- (6.) The decision of the President of the Court is not affected by the dissent of any Judge who may sit on the bench with him. (*Vide* Clause XI.)

(7.) That the Bill aims at extorting from the Cook Islands Government the absolute power of administering its laws, and at handing it over to the proposed President of the Federal Court, who in terms of his office is not responsible to the Parliament.

Wm. Taylor.  
Wm. B. Craig.  
John Wilson,  
W. M. Fitzgerald.  
William Brown.

Cook Is. Trad. Co.,  
per C. Kohn.  
Emi. Piltz.  
W. H. Oliver.

George Craig.  
H. Ellis.  
G. Monteiro.  
A. C. Avenell.

R. J. Jessop.  
Steve Savage Saville.  
Fredk. Goodwin.  
H. S. Neumergen.

Enclosure No. 2.

PETITION FROM MERCHANTS AND OTHERS IN FAVOUR OF THE FEDERAL COURT BILL.

SIR,—

Rarotonga, 29th July, 1897.

The undersigned merchants and others, resident in Rarotonga, view with great regret the rejection by the Cook Islands Parliament of the Federal Court Bill, and the Juries Bill by which it was supplemented. We desire to state that we have no sympathy whatever with the petition signed by a few persons against it, but regarded the Bill with hope as likely to lead to the establishment of a Court whose proceedings would be public and intelligible, whose records would be properly kept, and whose judgments would be prompt and in accordance with the principles which prevail under the British flag.

The Arikis' Courts, on which we are now dependent, cannot be expected to deal with other than the most primitive cases, and are notoriously swayed by external influences of different kinds.

The present position has become intolerable, and we appeal to you, as British Resident, to insist on some change that will give us confidence in the administration of justice in the Cook Islands.

And your petitioners will ever pray, &c.

FACTORY S.C.O., Rarotonga.  
DONALD AND EDENBOROUGH.  
WM. DODGE.  
And 27 others.

Frederick J. Moss, Esq., H.B.M. Resident, Rarotonga.

(Reply.)

GENTLEMEN,—

2nd August, 1897.

I have to acknowledge the receipt of your petition, dated 29th July, with reference to the Federal Court Bill put by me before the Federal Parliament.

Your petition cannot fail to have good weight, and I have communicated its contents to the Parliament, which has not any Standing Orders to debar the Bill being brought up for recommendation.

I have, &c.,

FREDERICK J. MOSS, British Resident.

Messrs. Donald and Edenborough, the Société Commerciale l'Océanie, Mr. Wm. Dodge, and the other gentlemen who signed the petition to me on the 29th July.

Enclosure No. 3.

From the BRITISH RESIDENT to the PARLIAMENT of the Cook Islands.

Rarotonga, 2nd August, 1897.

SALUTATIONS! I have received a letter signed by thirty merchants and others resident in Rarotonga, who write that they "view with great regret the rejection by the Cook Islands Parliament of the Federal Court Bill, and the Juries Bill by which it was supplemented." They "desire to state that they have no sympathy whatever with the petition signed by a few persons against the Bill, but regarded it with hope as likely to lead to the establishment of a Court whose proceedings would be public and intelligible, whose records would be properly kept, and whose judgments would be prompt and in accordance with the principles which prevail under the British flag." They consider that the Arikis' Courts "cannot be expected to deal satisfactorily with other than the most primitive cases, and regard the present position as intolerable." Therefore they hope that "some change will be made which will give confidence in the administration of justice in the Cook Islands."

I agree entirely with the sentiments and opinions expressed in this petition. I am anxious to see the Arikis' Courts conserved as the means of administering justice in the simple cases among the Maori people; but this will be impossible unless other and more suitable means are provided to deal with the more difficult cases which occur among merchants and others accustomed to a different system in other countries.

I therefore ask the Parliament to set earnestly to work to devise some other means, if they persist in the rejection of the Bill which was submitted to them.

FREDERICK J. MOSS, British Resident.

Enclosure No. 4.

From the BRITISH RESIDENT to the CHAIRMAN of the Cook Islands Parliament.

SIR,—

British Residency, Rarotonga, 30th July, 1897.

I have the honour to acknowledge receipt of your letter of this date, informing me that the Federal Court Bill has been rejected by Parliament.

The Constitution Act of 1891 provides that all laws shall be made by the British Resident and the Parliament, who have therefore always constituted the Legislature. In previous sessions the Parliament has rejected measures submitted to them, but they were not of an urgent character, and the Resident raised no objection. With the Federal Court Bill the case is different, for the reasons stated in the opening message of the Government to the Parliament, and it is desirable that some course should be adopted for guidance on this and similar occasions.

I suggest, therefore, that the proper course would be for Parliament to state to the British Resident, in writing, what are the objections to the Bill in question (with the Juries Bill as its necessary addition), in order that the objections of Parliament may if possible be met, and a Bill drawn up to which both the Parliament and the Resident may agree.

I have, &c.,

FREDERICK J. MOSS, British Resident.

J. M. Salmon, Esq., Chairman of the Cook Islands Parliament.

Enclosure No. 5.

From PARLIAMENT to the BRITISH RESIDENT.

Parliament House, 6th August, 1897.

SALUTATIONS! We have received your letter to the Chairman of the Parliament, which was read to us, and we see in it that you wish to know the reasons we rejected the Federal Court Bill. It is good you wish to know our thoughts. These are our reasons:—

In looking back to the commencement of Parliament in 1891—

(1.) The power to approve all laws is with the British Resident.

(2.) The making of all laws is with the British Resident.

(3.) In this Federal Court Bill the additional power vested in the President will also go to the British Resident.

(4.) The British Resident, when President, will have also the appointing of a substitute if he should go away.

- (5.) The President will not be under the Cook Islands Government, but under that of Great Britain.
- (6.) It is annulling the procedure of Maori law, and bringing that of British law.
- (7.) Too much expense will be incurred in the payment of officers.
- (8.) It (the Bill) is taking away the power from the Arikis, Mataiapos, and all the people of the Cook Islands, in everything—as we look at this Bill.
- (9.) The Bill is too heavy; beyond the comprehension of the Maoris, on account of their *pouri*, and ignorance of foreign ways.

The above are the reasons we have rejected this Bill. Enough.

For the Parliament of the Cook Islands,  
J. M. SALMON, Chairman.

#### Enclosure No. 6.

The BRITISH RESIDENT to the PARLIAMENT of the Cook Islands.

British Residency, Rarotonga, 7th August, 1897.

SALUTATIONS! I am glad to receive your letter of yesterday's date about the Federal Court Bill.

You have spoken your thoughts freely. I will do so too. Then we may be able to find out what is best to be done for the good of the people of all races in the Cook Islands. You say,—

(1) and (2). "That the making of all laws is now with the British Resident." Not so. The Resident cannot make laws without the Parliament, nor the Parliament without him. They check one another, and such checks are created in all civilised countries.

(3.) "That the additional power to be vested in the President of the Federal Court will also go to the British Resident." This is true, but only while the British Resident acts as President. When the Parliament can find the money to pay some other President they will do so. In any case, the Juries Bill will be a great check upon the President, whoever he may be. Again, one or two, or more, Maori Judges will sit with the President. They will hear and see all that is done. If the President does wrong they can protest, and the Parliament can join them in complaining to Her Majesty Queen Victoria through the Governor of New Zealand.

(4.) "That the British Resident, when President of the Court, will have the power of appointing a substitute." This only applies when he goes away for a short time, or is ill. Is it not right that this should be so?

(6.) "It is annulling the procedure of Maori law, and bringing that of British law." Not so. The 12th section provides that established Maori laws and customs shall be sustained. The Bill only provides for dealing with those cases which are "too hard" for the Arikis' Courts to take in hand. (See Deuteronomy, 1st, 16th, and 17th verses.)

(7.) "That too much expense will be incurred in the payment of officers." Not so. There will be fees towards paying these expenses. The Parliament must remember that it is not proposed to give the Judge £160 a year, and let him pay all expenses and take over the Court, as they seem to have been told; it is only proposed to let him have such money as he may require, and which he must account for to the Parliament, and the money must not in any case be more than £160 a year; probably for the first year little more than half that sum will be required.

(8.) "That it is taking away the power from the Arikis, Mataiapos, and all the people of the Cook Islands." Not so. The Federal Court will belong to the Parliament and the people of the Cook Islands, and will not have more power than the High Commissioners' Court when it sits here, and in which the Arikis, Mataiapos, and Parliament have no say at all.

(9.) "That the Bill is too heavy, beyond the comprehension of the Maoris, on account of their *pouri* [inability to understand], and ignorance of foreign ways." That is just the reason why the Federal Court is required. By-and-by, when the Maori people have learned English and their children are lawyers—as some of the Maori people in New Zealand are now—they will cease to be *pouri*, and will be able to do all their own work. Meanwhile the good of the Europeans here, and of the other people, must not be neglected. Justice must be given to all, or the Government and the Parliament cannot stand.

In conclusion, let me remind the Parliament that the British Resident already does very much work in connection with the Parliament, the Councils, and other matters which is no part of his duty as Resident. He does so gladly, in the hope that in time the Maoris will be able to do all for themselves. For the same reason he is willing to add to his work the responsibility and labour of temporary President of the Federal Court, if one be established. But, if he do so, it is right that he should be relieved by the assistance of a Private Secretary, who could also act as Registrar of the Court. The appointment of such a Private Secretary would rest with him and not with the Government; and this is the rule in all countries.

FREDERICK J. MOSS, British Resident.

(No. 15/97.)

#### FEDERAL COURT BILL.

SIR,—

21st August, 1897.

I have the honour to acknowledge receipt of your Excellency's despatch of the 8th July, informing me of the wishes of the Secretary of State for the Colonies as to the establishment of a higher Court in these islands, and asking my opinion on the subject.

A radical change in the administration of justice has become necessary, and the Federal Court Bill, reported in my despatch No. 7, of the 22nd July, will have already placed your Excellency in possession of my ideas on the subject.

I have also written on the 10th August (No. 11/97), in anticipation of a possible visit to the other islands by H.M.S. "Goldfinch," and consequent absence when the mail left. I therein reported the rejection of the Bill, and the proceedings taken by me thereupon.

A conference was held by a Committee of the Parliament with me on the 16th, which ended in a meeting of the Arikis being held on the 20th. I deemed it better not to attend the latter, as it appeared to me only a device for continued delay. In this opinion I am confirmed by the result, which was only a resolution to summon all the Arikis of the group—who form the legal Government of the Federation—to meet in Rarotonga at a date not fixed.

I have agreed to the meeting, provided that the date fixed be early, and that Parliament pass an Act delegating the power necessary to the Government to give effect to the Bill, and offering in that case to submit it to your Excellency for instructions as to my approval or otherwise.

Some such measure is, in my opinion, indispensable if the Government is to stand. The position is difficult, and rendered more so by intriguers, acting from various motives. The great majority of the European population are strongly in favour of the change; but that fact is far from helping me with the natives, to whom the desire is represented as a sign of the Bill being injurious to them.

Negotiations with the Parliament are to be resumed, and time and patience may yet succeed. Meanwhile I have declined to assist in bringing forward any other business till this is disposed of.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Administrator of the Government, &c., New Zealand.

#### FEDERAL COURT BILL.

(No. 16/97.)

MY LORD,—

16th September, 1897.

In my despatch (No. 15/97) of the 21st August I informed your Excellency that Parliament had referred the Federal Court Bill (at the suggestion of the Arikis of Rarotonga) to a meeting of all the Arikis of the different islands, to be convened in Rarotonga. Their decision was to be adopted by Parliament, and to be final. No date for the meeting was proposed, nor would they agree that one should be named.



The Arikis of the whole Federation form its Government, but have no legislative powers. Their decision was a foregone conclusion, and the shelving of the Bill was certain. Success of that kind would have led to similar tactics next year, and delays have been made indefinite. Parliament members themselves made no secret to me, at the conference held with them on the 16th August, that they would put the Bill off from year to year, till their children knew English, and were able to be Judges. They would not have more white men.

To counteract this, I drew up an amended Bill (copy enclosed). This Bill met many of the objections which they had raised, and contained a clause (24) which made it law on the 1st January next, unless the Arikis took certain action therein defined before that date. I also offered to leave the Bill to your Excellency's decision, instead of acting upon my own judgment. The Bill, thus amended, was laid before Parliament on the 26th August.

It was all fruitless. The Arikis and the Judges and some few of the white people were afraid of the Bill. They believed that it might be used to check corrupt practices in the Governments of the different islands; but, above all, that it would, in the end, be used to make them pay debts, and, as they finally were persuaded, to take from them their land to pay such debts if necessary. The Chairman of the Parliament is only there because he is the husband of one of the Arikis. By birth he is said to be English, but calls himself an American. He would certainly not be chosen by either Europeans or Maoris, but, in the absence of electoral machinery, is put in by his wife, the Ariki of Arorangi. This gentleman, Mr. J. M. Salmon, and his friend, a Mr. Goodwin, an old trader whom he has succeeded in getting temporarily employed by the Parliament as its Clerk, have been and are among the most active intriguers against the Bill. Other influences, to which I shall have to refer in another despatch, have been brought to bear, and to all may be added a good deal of detraction towards myself and a continued assertion that the only object, in my case, was to add to my personal importance and increase my own power by destroying the mana of the Arikis and chiefs.

The Maori—the Ariki section especially—is ignorant and credulous. The Arikis and the Parliament held continual and in many cases secret meetings. From all that I can learn they admitted that up to now I had done much for them in all ways. They had nothing but the kindest feelings towards me; but why did I want this Bill—why not have had it long ago if it was necessary? Hard questions these to answer unless they could be convinced, as I am, of the corruption that is again creeping in, and the inability of the Courts to deal with the matters now brought before them. The Bill must not become law. That was their final decision, conveyed to me on the 31st August, and replied to by me at next meeting on the 2nd September, both herein enclosed. I may observe that I thought at one time of referring to your Excellency's despatch to me of the 8th July (received on the 10th August), but, in the circumstances as they then stood, such reference would only have led to renewed misrepresentation, and the despatch have been met with disregard and disbelief.

The Bill has occupied the whole session between the 9th July and the 31st August. On the 6th September the Clerk of the Parliament (Makea Daniela, son of Judge Tepou, and who, trained to the work by me, has acted as Clerk to Parliament and to the Government and as Paymaster since 1891), disgusted, as he says, with the waste of time and the things into which Mr. Salmon was leading them with which they had nothing to do, resigned. Mr. Goodwin was at once appointed in his place. I declined to agree to his resignation; but the practical result is that I now only hear occasionally of what takes place in Parliament, and cannot with certainty say what has since occupied them, beyond a general discussion of all kinds of grievances against myself.

The Bill being rejected, a turning-point in Cook Island affairs has been reached, and the next step to be taken becomes a serious question. The islands are small, but with a somewhat dense population—that of Rarotonga, for example, being at least one hundred to the square mile, and of others about the same. Communication between them is irregular and tardy, and in the absence of harbours, is long likely to be so. Each island has its own system of land-tenure and its own political and social peculiarities. Each island differs also commercially and in the character of its people from the other. In Rarotonga there are 147 persons of nationalities other than Maori or Pacific-Islanders. In all the other islands together there are not a dozen foreigners, but the population is purely Maori, with a few scattered traders of different nationalities.

These are the considerations that prompted me to make the experiment of the Federation, which has healed old jealousies, brought the different islanders together, imbued them with new ideas and a broader conception of life. In my humble opinion, it is still worth preserving, if not the only practicable way of establishing law and order without the friction which in my judgment would be sure to follow an attempt to rule from any particular centre, and would soon call for the exercise of force in its train. The schools in which English is now being taught are the hope of the future, but meanwhile the ignorance of the natives in many respects, and the combined ignorance and inflated ideas of the Arikis especially, together with the whites ready to impose upon them, have to be taken into account.

After the most anxious consideration, and setting aside all personal feeling at the sudden change that has been produced in the minds of the Arikis, I am bound to say that there seems to me no system better suited to the condition of the islands than that now in force, provided that there were in reserve a power near at hand that could be appealed to and relied upon for prompt and effective action if necessary. Such a power, I venture to suggest, would be found if the Governor in Council of New Zealand had full authority to legislate for, tax, and control, at any time, these islands. I believe that the knowledge of such a power being in existence would go far to render its use unnecessary. The Federation might then continue. Its Parliament might legislate and its Government exist. The various islands could retain their local Governments, and the Maori continue to advance politically, socially, and commercially.

If, on the other hand, any system be adopted which would be incompatible with Federal legislation, each island would have to collect its own revenue. Rarotonga, Aitutaki, and Mangaia would then each require a British officer, for no Maori could be trusted in that position. The remaining islands (Atiu, Mitiaro, and Mauke) are nearer to each other, and one official would do for all three. The revenue could not be raised by direct taxation, for the Maoris would not pay, and they are wonderful adepts at passive resistance, with not a little readiness for violence if they are excited, or deem it likely to succeed.

The adoption of any policy which did not give a large share of the work to the Maoris themselves would also arrest their development, lead to their decay, and end in reproach to the British name and nation. I venture to suggest that this is an aspect of the question to be kept in view, and also that, though unhappily these kindly and clever Maoris are ignorant, they are nevertheless an advancing people.

Much important work has yet to be done among them. A better and more secure land-tenure to encourage cultivation, and the creation of machinery for the conduct of elections, which their constitution presupposes in all the representative bodies, are the two most immediately needed, and will have to be gradually approached. To carry either would be as hopeless as the Federal Court Bill, as matters at present stand.

In conclusion, if your Excellency should decide on any radical change from the present system, I would respectfully recommend that a Royal Commission should be sent to make inquiry and suggestion. I do not feel competent alone to advise in that direction, but respectfully ask that, if a Royal Commission be sent, I have on it such a position as would prevent its being regarded or represented here as a censure on myself or my conduct of affairs.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Earl of Ranfurly, G.C.M.G., Governor of New Zealand, &c.

Enclosure.

COOK ISLANDS PARLIAMENT.—FEDERAL COURT BILL, 1897 (as amended for reconsideration).

A Bill to create a Federal Court for the Cook Islands.

Short Title: "Federal Court Act, 1897."

Be it enacted by the British Resident and the Parliament of the Cook Islands:

1. That the Act to establish a Supreme Court (No. 4, 1891) and the Amendment Act (No. 2, 1894) are hereby repealed.

2. That a Court is hereby established, to be styled the "Federal Court" of the Cook Islands.

*Constitution of the Court.*

3. That the Federal Court shall consist of a President and of such Judges as the Chief of the Government may from time to time appoint, with the approval of the British Resident.

4. That, until a permanent President, approved by the British Resident for the time being, can be appointed by the Government of the Cook Islands, the British Resident may, by virtue of his office, assume the Presidency of the said Court.

5. That the President of the Federal Court shall have and exercise all the powers of a Judge.

6. That the Judge of the late Court, Tepou-o-te-Rangi, shall continue to act as a Judge of the Federal Court at the same salary as at present, and is hereby appointed accordingly.

7. That the Court shall meet at such times and at such places as the President may direct.

8. That the President may appoint, in writing, a deputy to act for him during absence or inability from any cause, or in special cases; and that such deputy shall, for the time being, have the same powers as the President in the exercise of his office.

9. That Judges of the Federal Court appointed by the Chief of the Government as aforesaid shall hold office during good behaviour, and shall only be removed by Act of the Federal Parliament, approved by the British Resident: Provided that, if Parliament be not in session, the Chief of the Government, with the approval of the British Resident, may suspend a Judge, who shall continue to receive his salary without deduction till the decision of Parliament shall have been given.

10. That, in case of the illness or disability of a Judge, it shall be lawful for the Chief of the Government to appoint an acting Judge to hold office for a term not exceeding six months, provided that the appointment may be renewed from time to time, subject, both in appointment and renewal, to the approval of the British Resident.

11. That the President shall decide all cases brought before the Court; but that any Judge sitting with him and dissenting from his decision may place his dissent, with the reasons thereof, on the record of the Court.

12. That the President shall regulate the procedure of the Court and appoint its officers, and that such procedure shall be in accordance with the principles and practice of English Courts so far as they can be applied with due regard to established Maori laws and customs prevailing at the time when and in the place where the cause of action arose.

13. That all fees of Court, fines, or other moneys received by the Court shall be Federal revenue, and treated accordingly.

14. That the British Resident is hereby empowered to appoint from time to time such person as he may think fit to be his Private Secretary, and who may act also as Registrar of the Federal Court; and that a sum not exceeding one hundred pounds sterling per annum is hereby appropriated for these purposes.

15. That the President of the Court is also authorised to appoint a bailiff and such other officers and incur such other expenditure as may be found necessary, and a sum not exceeding sixty pounds per annum is hereby appropriated accordingly.

*Jurisdiction of the Court.*

16. That the jurisdiction of the Federal Court shall be exclusive—

(a.) In all cases of murder or of assault with intent to commit murder, and all cases of manslaughter.

(b.) In all criminal charges against foreign residents.

(c.) In all offences against the Federal laws.

(d.) In all cases between foreign residents or between foreign residents and Maoris in which the plaintiff may with consent of the President begin an action in the Federal Court, or may with the same consent seek redress for wrong alleged to have been done to him or her by any local Government in any of the islands of the Federation.

17. That the Federal Court may also rehear any case referred to it by an Ariki's Court, and, if the judgment of the Ariki's Court be confirmed, may make the judgment a rule of the Federal Court, and enforce it accordingly.

18. That on the application of either party to a suit in an Ariki's Court, the Judge of the Ariki's Court, on application being made to him by either party to the suit before beginning the hearing, shall refer the said suit to the Federal Court, provided that the Judge may also refer to the Federal Court any case after it has been begun before him if he thinks fit so to do.

19. That the Federal Court may appoint suitable persons as solicitors, who shall be answerable to the Court, and who may at any time be removed if guilty of misconduct in the performance of their duties.

20. That solicitors so appointed shall have power to act and to plead for parties before the Court, but this shall not debar any person from pleading his own cause, or from appointing, specially for the conduct of his case, and with consent of the Court, such person other than a solicitor whom he may prefer.

21. That the Court shall have all the powers over person and property needful for enforcing its judgments which are possessed by the Supreme Court of New Zealand, and may, for the maintenance of order in its proceedings and obedience to its judgments, punish any person guilty of contempt by fine or imprisonment: Provided that no judgment as to contempt of Court shall be given until after open hearing within not less than twenty-four hours after the offence has been committed.

22. That, in the absence of a public gaol, the Court may declare any dwellinghouse or other suitable place a temporary gaol for a special time and purpose.

23. That on the application of either party, and with consent of the President of the Court, a jury of four may be empanelled in any case before the Court.

24. That this Act shall come into operation on the first January, one thousand eight hundred and ninety-eight: Provided, however, that if the Arikis of the Federation, assembled in Council in Rarotonga as the Government of the Cook Islands, shall on or before that day notify to the British Resident, through the Chief of the Government, that they do not consider any change in the existing Federal Court to be necessary, then this Act shall be null and void; but if no such notification be sent this Act shall from and after the said first day of January, one thousand eight hundred and ninety-eight, be of full force and effect.

26. That a sum not exceeding forty pounds is hereby appropriated to meet the expense of the meeting of the Arikis in Council as aforesaid.

Dated at Rarotonga, this 28th day of August, 1897.

(No. 17/97.)

IN explanation of the attached letter to Mr. Hutchin, and his reply, I may say that on the 17th September they were sent to His Excellency the Governor of New Zealand by me in a despatch dealing with other matters, but in which reference was necessarily made to the rejection of the Federal Court Bill. There can be no doubt that the belief that the Mission was with the opponents of the Bill gave great force to the opposition led by Dr. Craig.

British Residency, Rarotonga, 13th November, 1897.

FREDERICK J. MOSS.

Enclosure.

LETTER TO REV. J. K. HUTCHIN.

Rarotonga, 10th September, 1897.

REVEREND SIR,—

You are aware that the effort to provide for the proper administration of justice within the Federation by the proposed Federal Court has been unsuccessful. In my judgment, without such provision the continued existence of the Federation is impossible.

The defeat of the measure is due to the active exertions of a few persons notoriously moved by personal considerations, but who have succeeded in arousing the blind fear of the Arikis and Maori landowners that the Bill would destroy their mana and take away their land.

I regret to say that it will be my duty to report the universal impression among Europeans and Maoris—an impression which I have myself good grounds for sharing—that the party opposing this Bill has received from the first the sympathy and support of the London Missionary Society, through you, its agent here. It seems to me fair that you should be informed of this beforehand.

Rev. J. K. Hutchin, Mission-house, Rarotonga.

I have, &c.

FREDERICK J. MOSS, British Resident.

REPLY FROM REV. J. HUTCHIN.

DEAR SIR,—

Rarotonga, 11th September, 1897.

I have this day received a letter from you, dated the 10th September, informing me that you intend to report an impression that the party opposing the Federal Court Bill has received from the first the sympathy and support of the London Missionary Society, through the agent here.

I would desire to point out that the London Missionary Society is in no way connected with any action I may take as a private individual.

Some time ago, before the Bill was rejected, I told you of the strong feeling there was against the measure on the part of the natives, and if the Parliament did not consider the Federal Court Bill a good measure they had a right to modify it or reject it. I have not gone out of my way to speak to natives on the subject. Every one has a right to their private convictions, and every one has a right to give his opinion if asked for it. That is all I have done. However, I can prove that I gave advice to the natives other than you imagine me to have given.

I remain, &c.,

F. J. Moss, Esq., British Resident, Rarotonga.

JOHN J. K. HUTCHIN.

(7.)

LIQUOR LAWS, AND CORRESPONDENCE WITH HIS EXCELLENCY THE GOVERNOR THEREON.

[Rarotonga: Liquor laws formerly in force, and the present law of 1890. (In all the other islands the written law is very doubtful, but the practice has always been total prohibition.)]

ORIGINAL LIQUOR LAW.

XV.—*Imported Liquor.*

[Forbidding all importations, under fines to all concerned, and forfeiture of the liquor. Of the fines, one-third was to go to the Arikis, one-third to the police, and one-third to the informer. After a second offence the offender was to be deported. This law has long been obsolete, and become a dead-letter.]

XVI.—*Bush-Beers (made from Oranges, Bananas, or Pineapples).*

If any one drink bush-beer the fine will be—for the maker, \$10; for the drinker, \$5. If drunk on the Sabbath the fine shall be \$15. If a man be drunk and cause disturbance at any time the fine is \$15. If he has no money let him pay in goods, and if he has nothing let him be put on the roads, or burn lime, &c.

The meeting to drink bush-beer is unlawful, and those who meet shall be punished as above. If the meeting be on the plantation of one of them the fine will be \$6 each instead of \$5.

SUPPLEMENTARY OLD LAW, SUPPOSED TO HAVE BEEN ENACTED IN 1888, BUT WITHOUT DATE, AND ALWAYS A DEAD-LETTER.

*The Law concerning Intoxicating Liquor, Native and Foreign.*

Intoxicating liquor, whether made by natives or imported by whites, is not legalised on the Island of Rarotonga. No, not in any way is intoxicating liquor agreed to. Take heed to this, all ye who are so persistent in the use of this article prohibited by law. Intoxicating liquor manufactured on the island, and also all imported intoxicating liquor; strong drink, whether made by natives or imported by foreigners—there is no exception made, every kind of intoxicating liquor is totally prohibited.

The law runs as follows:—

Clause 1, the Fine.—If a native or a foreigner violate the first clause of the law he will be liable to a fine of \$100.

Clause 2, the Fine.—If a native or a foreigner violate the second clause of the law he will be liable to a fine of \$50.

Clause 3, the Fine.—If a native or foreigner violate the third clause of the law he will be liable to a penalty of \$15.

Clause No. 1.—Every native that manufactures intoxicating drink, every merchant that imports intoxicating drink, be he a native or a foreigner, be he a subject of this kingdom or of some other country—he who manufactures intoxicating drink from products of the land, and he who imports intoxicating drink, violates the first clause of the law.

Clause No. 2.—Every person resident on the island that trades in drink, be he a native or a foreigner, a subject of this kingdom or of some other country, violates the second clause of the law.

Clause No. 3.—The purchaser of intoxicating drink, and every one that partakes of that drink in company with the purchaser, be he native or white man, also he who partakes of native-made drink, violates the third clause of the law.

LAW PASSED AND PROMULGATED AS A TEMPORARY MEASURE ON MY CALLING AT RAROTONGA EN ROUTE FOR MANGAIA, WHEN HERE ONLY AS A COMMISSIONER IN THE PEARSE EXPULSION CASE. (Action was urged as imperative on account of great drunkenness everywhere.)

[Published 24th November, 1890.]

No. 1/90.—This law has been passed by the Arikis and chiefs of Rarotonga in Council on the 22nd November, and is in force from this day, the 24th November, 1890:—

“No person, be he native or foreigner, shall sell spirituous liquor to any native. Any person so doing from this day will be fined \$150 cash. The native who buys such liquor will also be fined \$5 cash. As to the making and drinking of orange and other beers of that kind, the old law is still in force. The Council has appointed the following to give effect to this law and to try all offenders:—

“TEPOU, for the District of Avarua. TAKAO, for the District of Arorangi. MAOVETE, for the District of Takitumu.”

[This law remained till my return from Mangaia in following month, when the law now in force was passed. In taking action by giving advice and drawing up the following law before my formal appointment as British Resident had been received, I answered the urgent entreaty of the Mission and Arikis to do something to stop the drunkenness then prevailing.]

LIQUOR LAW PASSED BEFORE BRITISH RESIDENT ASSUMED OFFICE, AND STILL IN FORCE.

(No. 2/90.)

*Liquor Law.*

24th December, 1891.

1. A Licensing Officer shall be appointed by the Council, and in case of vacancy when the Council is not in session a temporary appointment shall be made by the Arikis. The Licensing Officer can only be removed from office by a vote of the General Council, approved by the Council of the Arikis.

2. The duty of the Licensing Officer shall be to take charge of all intoxicating liquors within the protectorate on the coming into operation of this law, and of any intoxicating liquors that may hereafter be imported.

3. The Licensing Officer shall provide a suitable store and office at Avatiu or Avarua for the storage of intoxicating liquor in his charge.

4. The Licensing Officer shall issue such liquor only in accordance with the provisions of this law.

5. All owners of liquor will, on or before the 10th January, 1891, make a return to the Licensing Officer of the quantities in their possession, and he will thereupon take charge thereof.

6. Where the said liquors are held in reasonable quantities at the houses of the owners for their own use, the Licensing Officer will at his discretion allow them to remain there. In all other cases he will require that they be placed in the bond or store appointed for the purpose.

7. The Licensing Officer will keep the said liquors carefully in store at the risk of the owners thereof.

8. The said owners shall have access to the store to inspect their property on any week-day between the hours of 10 and 3, Saturdays excepted, when the hours shall be from 10 till 12.

9. No intoxicating liquor shall hereafter be sold and delivered by any one except to persons to whom a permit to purchase or receive the same shall have been granted by the Licensing Officer; and the Licensing Officer, on delivery of any liquor so authorised, shall retain the permit and file it as a record. In the case of natives, the permit shall only be issued on the written authority of the ruling Ariki of the district; but the foreigner shall go only to the Licensing Officer.

10. If the Licensing Officer should have reason to believe that permits are being improperly obtained to defeat the purposes of this law, he may decline to issue the same till satisfied to the contrary.

11. On all intoxicating liquors within the protectorate, whether for the owner's use or for sale, the following charges shall be made by the Relieving Officer on the permit being issued by him:—

|                      |    |    |    |    |    |    |                    |
|----------------------|----|----|----|----|----|----|--------------------|
| Spirits of all kinds | .. | .. | .. | .. | .. | .. | \$1.50 per gallon. |
| Wines                | .. | .. | .. | .. | .. | .. | 0 30 "             |
| Beer                 | .. | .. | .. | .. | .. | .. | 0 15 "             |

Six reputed quart bottles, and twelve reputed pint bottles, shall be reckoned as one gallon.

12. Any person infringing any of the provisions of this law shall be liable to a fine not exceeding \$150.

13. Any person found guilty of drunkenness shall be liable to a fine not exceeding \$5.

14. All fines or fees levied under this law shall be public revenue, and held at the disposal of the General Council, subject to approval by the Council of the Arikis.

15. A return of all cases adjudicated upon under this law before the British Resident shall have formally entered upon his duties in Rarotonga shall be compiled monthly and sent by the Judge for the information of His Excellency the Governor of New Zealand.

16. The friends of any person habitually getting drunk, or to whom intoxicating liquor is known to be injurious, or, failing such friends, the Licensing Officer or a policeman, may apply to the Court of the district for an order prohibiting the sale or gift of liquor to such person. Such order, if granted, shall be forthwith published, and any person disobeying it shall be punished as provided for those guilty of contempt of Court.

17. The Licensing Officer may, on information duly received, enter upon any premises and take possession of any intoxicating liquor thereon which he has reason to believe is in possession contrary to the provisions of this law. He shall then prosecute the person in whose possession it has been found, and upon such person shall rest the onus of proving that he is in lawful possession of the same.

18. All laws at present relating to the sale of or dealing with imported liquors are hereby repealed, so far as such sale or dealing is concerned, on the coming into operation of this law. Those relating to orange-beer or other fermented liquors illegally manufactured within the protectorate will continue in full force and effect.

19. This law will come into operation on the 10th January, 1891.

A Council was held on the 22nd December at Pa's, Ngatangia (it being migratory in those days), and among other proceedings the following, with reference to the liquor law now in force, occurred:—

The following laws were then duly debated and passed: No. 2 (No. 1 having been the temporary liquor law passed on the 22nd November, 1890), Making provision for upholding the law. No. 3. To regulate the meetings of the Council. No. 4. When laws are to take effect, and how to be promulgated. No. 5. Respecting fines. No. 6. Dog-tax. No. 7. Protection of imported birds. No. 8. Power of pardon.

A law to regulate the sale of intoxicating liquors was then proposed and keenly debated. The question was finally put, "Shall a Bill be passed for total prohibition or for the control and restriction of the sale, as proposed in the Bill now before the Council, and prohibition be only resorted to if that Bill fails?" There voted for control and restriction in preference to prohibition: Makea, Tinomana, Pa, Karika, Kainuku, Tepou, Maovete, Takao. Mr. Gelling, the only remaining member, asked that the "Noes" should not be taken until he had an opportunity of consulting the foreign residents. If, as had been asserted, a majority of them were in favour of total prohibition, he should vote for it. If not, it would be better to have such a Bill as that now before the Council.

The adjournment being agreed to, the Council adjourned until Wednesday, the 24th instant, to meet at 10 a.m., at Makea's residence, Avarua.

*Wednesday, 24th December, 1890.*

The Council resumed at Makea's at 10 a.m.

*Present:* Makea, Tinomana, Pa, Karika, Kainuku, Tepou, Takao, and Maovete. Ngamaru was introduced, and took his seat as Ariki of Atiu, Mauke, and Mitiaro.

Prayers by Rev. J. Chalmers.

Moved by Mr. Gelling, "That Mr. Rawlings be appointed interpreter for the Council." (Negatived.)

Moved by Ngamaru, "That the Rev. J. Chalmers be asked to interpret again to-day." (Carried unanimously.)

*Resolved.* That the sittings of the Council be open to the public, unless otherwise ordered.

Mr. Gelling stated that he had taken the opinion of his constituents, the foreign residents, and found a great majority were against prohibition. In fact, only two were in its favour.

No. 9. The liquor law, after several amendments, was then finally passed.

No. 10. Quarantine law, passed.

No. 11. Prohibiting furious riding or driving in the public roads, passed.

Tinomana wished to have the law as to Sabbath observance made clear, and enforced. At present some obeyed and others did not, especially strangers coming by steamer, who travelled about when they landed without regard to the law. After some discussion the matter dropped.

Mr. Gelling wished also to introduce a Cattle Trespass Bill, but the Council decided not to consider any other measures at the present session.

Proposed by Mr. Gelling, "That Mr. Joseph Henry Garnier be appointed Licensing Officer under the liquor law; to receive remuneration at the rate of \$25 per month from the fees collected by him. Any surplus to be held as public revenue."

This closed the business, and the Council adjourned.

AN OLD LAW, OF WHICH NEITHER DATEN OR PARTICULARS COULD BE ASCERTAINED (PRINTED APPARENTLY AT THE MISSION PRESS).

1. All intoxicating drinks are strictly prohibited, and any one guilty of infringing the law by giving or selling will be fined 100 dollars for every single offence.

2. Any person found the worse for drink is fined 30 dollars.

3. Boats from other settlements are not to be supplied with spirits. Masters, &c., of vessels are particularly requested not to give or sell any to them. The fine is 100 dollars.

AMENDMENTS TO LIQUOR LAW SUGGESTED TO RAROTONGA COUNCIL IN THE OPENING ADDRESS OF THE ARIKIS  
(2ND AUGUST, 1897).

From the BRITISH RESIDENT to the ARIKIS (the Government of Rarotonga).

SALUTATIONS! The Rarotonga Council is to meet on Tuesday, the 31st instant, and there are two things which I suggest you should specially bring before them—the liquor law and the public schools.

*The Liquor Law*

has now been seven years in existence. For a long time it worked well, but in the last few months there has been great relaxation in its administration. My instructions on coming here were to report from time to time respecting the liquor law, and in doing so some months ago I stated that it was my intention to make proposals for amendment when the Council met. The weak points are,—

- (1.) That the police let people go about tipsy in the street and roads without bringing them before the Judge.
- (2.) That the "liquor permits" to Maoris are issued in the name of the Arikis by persons appointed to act for them, and those persons, being unpaid, have gradually adopted the pernicious practice of charging for each permit.
- (3.) The means of enforcing prohibition orders are very deficient.
- (4.) There is no provision to prevent the sale of bad and poisonous liquor.
- (1.) As to the police, the Judges are their heads, and the only people who can keep them up to the mark.
- (2.) As to the liquor permits, a sum should be voted for the Arikis to pay monthly the persons who sign for them, and those persons should be severely punished if they then take other money for issuing permits as well.
- (3.) To enforce prohibition orders, the long-talked-of lock-up should be finished.
- (4.) People should be punished for selling bad liquor. Some of the rum sold here I have sent to Auckland for analysis, and hoped to have had the analysis back before this, but it has not yet come.

Returning from the May mission feast at Arorangi, on Queen's Birthday, I first noticed the evident increase of tipsy Maoris walking in the road, and at once wrote to the Ariki of Arorangi, hoping that the men would be fined and no more permits issued to them till they were fit to be trusted. I have written since to others; and it is time that the law should be altered, especially as to the issue of Arikis' permits. The law about bush beer should also be reconsidered. The secrecy with which it is now made is probably doing far more harm than open manufacture could do.

From the ARIKIS (the Government of Rarotonga) to the RAROTONGA COUNCIL.

WE lay before you, in this our opening message for the present session, a letter from the British Resident sent to us respecting the liquor laws and the public schools. In laying that letter before you we urge the necessity of your giving these questions the most full and careful consideration. Be not in haste over them, especially the public schools, which will affect not only the children now growing up, but those who are to come for generations after them. Make full inquiry, and when you have decided what you think best to be done let us know, and we will say whether we agree or do not agree with your views.

*The Rarotonga Council.*

As we have not yet been able to get the laws printed, it will be well to remind all the people of what the Council consists. This is the law which was passed on 22nd December, 1893: The Council is divided into two parts, the Council of Arikis and that of the people. You are the Council of the people, and when you have agreed to anything it is to be brought to us. If we agree also, and the British Resident approves, then it is law. If we do not agree, then it falls to the ground.

*The Government.*

The Arikis of Rarotonga are not only a part of the Council, they are also the Government. As the Government we now speak to you, and say what has been done during the past year, and send you the British Resident's letter about the liquor and the schools for your consideration.

*The Revenue*

for the year ending 30th June, 1897, has been £763 5s. 1d., namely:—

|                                   | £  | s.  | d. |    | £  | s. | d.   |    |   |
|-----------------------------------|----|-----|----|----|--|----|------|----|---|
| Subsidies from Federal Government | .. | 102 | 0  | 0  | Education rate: Avarua                       | .. | 81   | 4  | 6 |
| Permits for liquor: Maoris        | .. | 192 | 2  | 0  | " Arorangi                                   | .. | 21   | 17 | 5 |
| " Others                          | .. | 210 | 16 | 5  | " Takitumu (for two years)                   | .. | 32   | 0  | 5 |
| Road-tax: Avarua                  | .. | 13  | 8  | 4  |  |    |      |    |   |
| " Arorangi                        | .. | ..  | .. | .. |  |    | 763  | 5  | 1 |
| " Takitumu                        | .. | ..  | .. | .. | Add to this the balance in hand on 1st July, |    |      |    |   |
| Dog-tax: Avarua                   | .. | 15  | 13 | 10 | 1897   | .. | 75   | 12 | 4 |
| " Arorangi                        | .. | 0   | 6  | 7  |  |    |      |    |   |
| " Takitumu                        | .. | ..  | .. | .. | Total receipts                               | .. | £838 | 17 | 5 |
| Court fees: Avarua                | .. | 68  | 0  | 0  |  |    |      |    |   |
| " Arorangi                        | .. | 14  | 0  | 0  |  |    |      |    |   |
| " Takitumu                        | .. | 11  | 15 | 7  |  |    |      |    |   |

*Expenditure.*

The expenditure for the year ending the 30th June has been £632 1s. 6d., namely,—

|   | £   | s. | d. |                                   |    | £    | s. | d. |
|---|-----|----|----|-----------------------------------|----|------|----|----|
| Public schools .. .. .  | 172 | 10 | 0  | Rent of bond .. .. .              | .. | 5    | 8  | 0  |
| Arikis' Courts—Judges and police .. .. .                              | 296 | 10 | 0  | Auditing and departmental .. .. . | .. | 22   | 10 | 0  |
| Expenses of the Council .. .. .                                       | 9   | 10 | 0  |                                   |    |      |    |    |
| Roads and road inspector .. .. .                                      | 65  | 0  | 0  |                                   |    |      |    |    |
| Printing, stationery, interpreting, and general contingencies .. .. . | 60  | 13 | 6  |                                   |    | £632 | 1  | 6  |

Leaving a balance on the 1st July, 1897, of £206 15s. 11d., from which must be deducted outstanding liabilities not exceeding £50. Full accounts will, as usual, be laid before you. We do not think it necessary to say more at present. The schools and the liquor-law are all which we bring before you for consideration. In dealing with them and all other matters for the good of Rarotonga we pray that God will give you wisdom and his blessing on your work.

Rarotonga, 31st August, 1897.

For the Government,  
TINOMANA (Ariki).

ATTEMPT TO PERSUADE ARIKIS AND JUDGES THAT THEY WERE NOT RESPONSIBLE FOR ABUSES IN THE ADMINISTRATION OF THE LIQUOR-LAW, AND WERE NOT CALLED UPON TO INVESTIGATE CHARGES MADE IN THAT DIRECTION.

(Memorandum.)

THIS contains,—

1. Circular issued by me calling the attention of the Arikis and Judges to certain statements connected with abuses in the administration of the liquor-laws, and seeking to counteract a belief, which I was informed had been implanted in their minds, that the abuses were no affair of theirs, but concerned only the British Resident and the Licensing Officer. Of course, as only the Arikis and the Judges had the means of investigating the charges made such a belief was fatal to their being properly inquired into. This circular was enclosed in my despatch to the Governor of New Zealand (No. 13 of 21st August).

2. A letter, subsequently sent to me by the Arikis, purporting to be copy of one addressed to me on the 24th by Dr. George Craig, but which I find differs materially from the original, and proves that Dr. George Craig was instrumental in creating the belief of irresponsibility above referred to.

3. Dr. George Craig's letter to me of the 24th: I may state that in reply I denied (25th August) the statements it contained, and requested Dr. Craig to produce the proof he professed to have. His reply was only personal abuse (in another letter), but no attempt at proof.

16th November, 1897.

F. J. Moss.

CIRCULAR FROM BRITISH RESIDENT TO THE ARIKIS, WITH DR. CRAIG'S ALLEGATIONS *re* LIQUOR ABUSES.

[Translation.]

To the Arikis of Rarotonga, of Avarua, of Arorangi, and of Takitumu.

I SEND herewith a letter which Dr. Craig has published in *Te Torea* of Saturday, the 21st August. I hear that you have been told that this letter does not concern you, but that it is my affair and that of Mr. Garnier (the Licensing Officer). Be not deceived. If these statements are true, it is the Arikis, the Arikis' Court, and the police that will be blamed, and the question will be asked, "Of what use are they, and why cumber they the ground?"—(Luke, xiii., 7). My advice to you, therefore, is to ask Dr. Craig, quickly, where and how he got the information, so that you may see whether all or what part of it is true, and let me know, that I may write to the Governor of New Zealand. Enough.

From your friend,

FREDERICK J. MOSS, British Resident.

20th August, 1897.

[The Letter above referred to.]

Rarotonga, 14th August, 1897.

SIR,— In obedience to a request from the Clerk of the Government that I be asked to furnish an explanation of a clause in my report on the diseases due to alcohol in Rarotonga—namely, "that there are special facilities and encouragement given for the liquor traffic among natives"—I have been instructed to give some explanation. When I wrote the report I did not think any explanation would be necessary, as the facts I stated are generally known. The encouragement I refer to lies in the fact that the chiefs have a direct interest in the sale of liquor to the natives. I allude to the open and indiscriminate sale of permits. The facilities are well known, but I suppose I am expected to mention them. No one could go about for a week in Rarotonga without noticing the disgracefully drunken habits of the natives. It is a rare thing to walk 500 yards any evening in the week without meeting half a dozen drunken natives, sometimes considerably more. As long as these facilities for traffic in imported spirits are allowed to exist it is impossible to attribute any of the blame for the drunken habits of the natives to the much less potent beverages of native manufacture. These are to be ranked with such an English beverage as cider—wholesome and, even in excessive quantities, doing infinitely less harm than the poison that is retailed to the unsophisticated natives as rum.

Kindly forward a copy of this letter in your next despatch to the New Zealand Government.

I have, &c.,

F. J. Moss, Esq., British Resident.

GEORGE CRAIG, M.B., C.M. (Edin.).

Memo—Dr. Craig's letter, containing the allegations, was sent by me to the Rarotonga Government on the 16th, and the above circular was issued on my hearing that they did not intend to make inquiry, as requested by me, as they were told that the complaints were against myself and Mr. Garnier, and did not concern them.—F. J. M.

TRANSLATION OF A LETTER FROM DR. GEORGE CRAIG TO F. J. MOSS, ESQ., B.R., FORWARDED TO MAKEA ARIKI, CHIEF OF THE COOK ISLANDS GOVERNMENT.

E TAMA E,—

Rarotonga, Ra 24 no August, 1897.

Kua akakiteia mai keakue a tuatua naau ki ti hi Ariki, kua oti i te neneia, e kua tuaia kia ratou Tena ko Maira taua pepa ra, "E tiki vave ia Docte Craig e iu atu kiaia, naai i tuatua atu kiaia i tera tuatua i te kava papaa ki Rarotonga nei. Kua kite rai koe e, e tupaanga a ti hi Ariki kua oti i te raveia. Ki taua tupaanga ra kua tatavia te au tuatua taku i akapapa aua no runga i te kava papaa ki Rarotonga nei. E kua taka to te hi Ariki tuatua e, e tuatua mou teia au tuatua nei, e kia kite te au Nu Zelani i taua au tuatua i akapapaia e au ra I roto i taua pepa i tuatuaaia kia ratou, te tuatua ia koe e ka ratou tei apa aua. Te akakite atu nei au kia koe no te mea ko au tu kimi aua i teia apa i te kava ra te ta pepa nei au ia koe i taua apa ra kua apa koe. no te mea kua okoia na te au Pamiti, e roa te tuatau, e kua kite rai koe i te reira e muteki ka rai te vaa kua akatika rai koe e kare e ravenga i kimi ia aua e koe e akakore i te oko o te au Pamiti ka rauka iaku te akataka meitaki i teia tuatua nei.

Ko au,

F. J. Moss, Esq., British Resident.

Ko GEORGE CRAIG, M.B., C.M. (Edin.).

Sent by Dr. Craig to the Arikis' Council, and by them referred to me.—F. J. M.—30th August, 1897.

The handwriting is, I believe, that of Dr. Craig.—F. J. M.

(This is the letter of which the above professes to have been a translation.)

SIR,—

Hospital, Rarotonga, 24th August, 1897.

I am informed that a circular has been issued by you to the Arikis advising them that if the statements in my letter *re* the liquor traffic, published in *Te Torea* of Saturday, 21st August, be true, the Arikis, Arikis' Courts, and police will be blamed. This is so transparent an attempt to intimidate the natives into a denial of the truth of my allegations that I protest against you placing me in the position of an accuser of the Arikis. If my allegations, which have been already admitted to be true at the last meeting of the Arikis, are to take the form of accusations, then they are against yourself, as the sale of permits has been going on for a long time here with your knowledge and tacit consent—as I am prepared to prove—and without any effort on your part to stop the sale. Please forward this letter to the New Zealand Government in your next despatch.

I have, &c.,

F. J. Moss, Esq., British Resident.

GEORGE CRAIG, M.B., C.M. (Edin.).

TRANSLATION OF A LETTER FROM DR. G. CRAIG TO F. M. MOSS, ESQ., BRITISH RESIDENT, AND FORWARDED TO MAKEA ARIKI, CHIEF OF THE COOK ISLANDS GOVERNMENT.

SIR,—

Rarotonga, 24th August, 1897.

I have been informed of the letter (*hiatua*) of yours to the Arikis, which has been printed and sent to them. The letter says, "Send quickly for Dr. Craig, and ask him who gave him the information regarding the liquor traffic of Rarotonga." You are quite aware that a meeting of the Arikis has taken place, and at that meeting all I had to say concerning the liquor traffic of Rarotonga was read over (made known) to them, and that the Arikis understood it, and knew that it was correct, and that the Government of New Zealand would be informed by you of my statement. In your (despatches) letters to them you say that it is their own fault. I am telling you this, because it was me who first brought up this liquor question. I have to inform you that you are in fault, because permits for the purchase of liquor have been sold for a long time, and that you were aware of this, but you said nothing about this. You allowed this to go on, and took no steps to prevent the sale of permits. I can prove all that I have stated.

F. J. Moss, Esq., British Resident.

I am, &c.,

GEORGE CRAIG, M.B., C.M.

From His Excellency the GOVERNOR to BRITISH RESIDENT, in reply to No. 13/97 (attached hereto).

(No. 196/97.)

SIR,—

Wellington, 15th September, 1897.

I have the honour to acknowledge the receipt of your despatch No. 13/97, with two enclosures, dated 21st August, 1897, which I have laid before my Ministers. They are quite satisfied with your explanation.

F. J. Moss, Esq., British Resident, Rarotonga.

I have, &c.,

RANFURLY.

(No. 13/97.)

His Excellency the GOVERNOR from BRITISH RESIDENT.

SIR,—

21st August, 1897.

At the request of Dr. George Craig, I have the honour to enclose to your Excellency the copy of a letter sent by him to me on the 18th instant (with the said copy in his writing for the purpose of transmission) and in which Dr. Craig makes certain statements as to "the disgracefully drunken habits of the natives," the "sale of liquor permits by the Arikis (the chiefs) to all comers," the "open and illicit sale of liquor to natives and Europeans at so much money per drink," and "the poison so constantly sold to the unsophisticated native as rum."

These statements are more or less founded on fact, as your Excellency will have already learned from my despatch of the 25th July (No. 8/97). As put by Dr. Craig, I have no hesitation in describing them as gross exaggerations.

My attention was first drawn to an evident relaxation of the law by passing several tipsy natives returning from the "May" Mission meeting at Arorangi, which was held this year on the Queen's Birthday. I at once wrote to the Arikis of Arorangi expressing a hope that the men would be fined and be refused further permits for liquor till they had proved themselves fit to have them. Since then, feasts of various kinds have been frequent and upsetting, especially those connected with a visit of the young representative of Tahitian royalty, who is still in Rarotonga with his suite, has been received with a round of festivity by the Maoris, and feasted them bountifully in return. The time selected by Dr. Craig for his comments must be regarded as exceptional.

I have written at different times to Arikis and Judges on this subject, but can only hope to see a remedy provided when the Rarotonga Council meets. The liquor law is in its hands, and not in the hands of the Federal Parliament.

The issue of permits for natives by the Arikis is the weak point in the law. They depute some one to sign for them, and the agent is almost as a matter of course the Judge of the Arikis' Court, an hereditary officer of high rank, and by old custom the Arikis' mouthpiece. These agents have been in the habit of paying themselves by charging for the permit. Great care will have to be taken in effecting a change or we shall only reproduce the bribery and corruption which prevailed prior to the initiation of the present form of government in 1891, and in face of which the open charging of a recognised and fixed fee, however reprehensible in itself, is a clear advance. It is not yet four years since Judges and police—the latter an extremely numerous body, and, with the Judges, composed exclusively of the Mission Church members—depended entirely for their pay on the fines they could extort by unceasing espionage, night and day, in the attempt to make the people moral and pure by compulsion of law. Years will be required to wipe away the effects of this pernicious system, to which my early despatches drew special notice, and a gradual improvement is all that the most sanguine could hope.

These circumstances have to be borne in mind, and it is charitable to conclude that Dr. Craig, who has only been here four or five months, is ignorant of their full effect. The peculiarity of his present complaint is that I find the Arikis and Judges have been led to believe that it is against the British Resident and the Licensing Officer, and is a matter with which they have no concern. I enclose a circular, for your Excellency's information, which I have been obliged to address to them on this point.

In further explanation of Dr. Craig's action, I have to state that on his arrival here (29th March) the Hospital Board arranged with him to take the hospital revenue, and practically to farm the institution, providing for the nursing, feeding, and attention to the patients at his own cost. This led to violation of the law, and brought the Government (and through it the British Resident) and the Board into collision, as reported in my despatch of the 22nd July (No. 7/97). Under this arrangement, the Hospital Board has abolished the hour of free treatment to all comers previously required by law, and the hospital has become so unpopular that it has dwindled to a single patient, while the term "out-patients," used in the hospital reports, means only those who are attended in Dr. Craig's private practice in the usual way.

Why Dr. Craig should have made this matter personal between himself and the British Resident I cannot say, but that he has done so is a matter of notoriety here. I have always regarded him as skilful in his profession, and welcomed him warmly as a very desirable addition to our small society. He has, however, constituted himself the most active member of the small band whom the British Resident has at various times been compelled to cross, and who devote themselves to poisoning the minds of the Maoris and obstructing the Government of the islands. In proof I need only mention that the mischievously-worded petition against the Federal Court Bill was presented to the Cook Islands Parliament in Dr. Craig's handwriting, and had been for some days quietly—almost secretly—taken round by a person employed by him to obtain the few signatures attached to it when presented.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Administrator of the Government, &c., New Zealand.

Enclosure No. 1.

COMPLAINT OF DR. CRAIG AS TO LIQUOR SOLD TO NATIVES.

SIR,—

Rarotonga, 16th August, 1897.

In my report on the diseases due to alcohol among the natives of Rarotonga there occurs the statement that there are special facilities and encouragement given in this community for the liquor traffic among natives.

In explanation, I desire to state that the encouragement lies in the fact that the chiefs have a direct interest in the sale of liquor to natives, inasmuch as they (the chiefs) sell permits to all comers.

The facilities are that certain individuals openly and illicitly sell liquor to natives and Europeans, charging so much money per drink.



No one can go about Rarotonga for a week without noticing the disgracefully drunken habits of natives. It is impossible to walk 500 yards any evening in the week without meeting at least half a dozen natives the worse for liquor, sometimes considerably more.

This state of matters cannot be attributed to the milder beverages of native manufacture, which are to be ranked with such an English beverage as cider—wholesome and, even in excessive quantities much less injurious than the poison that is constantly sold here to the unsophisticated native as rum.

Kindly forward a copy of this letter to the New Zealand Government in your next despatch.

I have, &c.,

GEORGE CRAIG, M.B., C.M. (Edin.).

[I objected to this letter as coming from Dr. Craig personally in reply to one addressed by the Government to the Hospital Board, and wrote to him pointing out the irregularity, and requesting him to get authority to write for the Board. The result was the letter in print on next page to the same purport, but with the authority of the Board.—F. J. M.]

Enclosure No. 2.

[Translation.]

To the Arikis of Rarotonga, of Avarua, of Ararangi, and of Takitumu.

I SEND herewith a letter which Dr. Craig has published in *Te Torea* of Saturday, 21st August. I hear that you have been told this letter does not concern you, but that it is my affair and that of Mr. Garnier (the Licensing Officer). Be not deceived. If these statements are true it is the Arikis, the Arikis' Courts, and the police that will be blamed, and the question will be asked of what use are they, and why cumber they the ground (Luke, 13, 7.) My advice to you, therefore, is to ask Dr. Craig quickly where and how he got the information, so that you may see whether all or what part of it is true, and let me know, that I may write to the Governor of New Zealand. Enough.

From your friend,

FREDERICK J. MOSS, British Resident.

20th August, 1897.

(Letter above referred to.)

SIR,—

Rarotonga, 14th August, 1897.

In obedience to a request from the Clerk of the Government that I be asked to furnish an explanation of a clause in my report on the diseases due to alcohol in Rarotonga—viz., “that there are special facilities and encouragement given for the liquor traffic among natives”—I have been instructed to give some explanation.

When I wrote the report I did not think any explanation would be necessary, as the facts I stated are generally known.

The encouragement I refer to lies in the fact that the chiefs have a direct interest in the sale of liquor to the natives. I allude to the open and indiscriminate sale of permits. The facilities are well known, but I suppose I am expected to mention them. Certain individuals openly retail liquor daily to all comers, charging so much money per drink, without any police interference. No one could go about for a week in Rarotonga without noticing the disgracefully drunken habits of the natives. It is a rare thing to walk 500 yards any evening in the week without meeting half a dozen drunken natives, sometimes considerably more. As long as these facilities for traffic in imported spirits are allowed to exist it is impossible to attribute any of the blame for the drunken habits of the natives to the much less potent beverages of native manufacture. These are to be ranked with such an English beverage as cider—wholesome and, even in excessive quantities, doing infinitely less harm than the poison that is retailed to the unsophisticated natives as rum.

Kindly forward a copy of this letter in your next despatch to the New Zealand Government.

I have, &c.,

GEORGE CRAIG, M.B., C.M. (Edin.).

F. J. Moss, Esq., British Resident.

#### DISEASES PRODUCED BY INTOXICATING LIQUOR AND THE DRINKING HABITS OF THE MAORIS.

[No information as to the nature of the diseases attributable to alcohol and treated by him has been secured from Dr. Craig.]

From the BRITISH RESIDENT to His Excellency the ADMINISTRATOR of the GOVERNMENT.

(No. 8/97.)

SIR,—

25th July, 1897.

I have the honour to inform your Excellency that on several occasions during the last few months I have reason to believe there was a gradually increasing relaxation in the administration of the liquor law of 1890, which has created and still maintains a condition of affairs far better than that existing under the attempt at forced prohibition which it succeeded. Still, it was necessary to check the relaxation. With this object I wrote to the Arikis, with whom rests the sole power of issuing permits for liquor to natives. Unfortunately, the Arikis depute this power to one of their chiefs, and a system has grown of charging for the permits, the money being—Maori-like—made a prerequisite of the chief.

To check this and other growing evils I have been collecting general information, with returns of the liquor issued under Arikis' permits, and data on other points, with a view to bringing the subject before the Rarotongan local Council at its approaching meeting. I had hoped to get the papers complete and in print before submitting them to your Excellency, but find that the Hospital Board have published in the *Torea* newspaper, the day before yesterday, one of the letters that had been obtained on my application from the medical officer in charge of the Hospital. I have therefore thought it best to send the whole of the medical information to the present time, and enclose communications numbered 1 to 7 herein.

Dr. Caldwell's letters will be found specially full and interesting. The information given by him can, I feel sure, be thoroughly depended upon as correct. He is so thorough an opponent of alcohol in any form that his percentages may be safely regarded as not under the mark. His experience extends over the last four years.

Dr. Craig's experience is much shorter—between four and five months only. His objections to the use of alcohol are only those of most people who denounce the abuse, but his statement is incomplete till the reply to letter No. 4, of the 15th July, is received. Dr. Craig's remark as to the “special facilities and encouragement given to the liquor traffic among the natives” is incomprehensible. I should have sought an explanation direct instead of through the Hospital Board, to save time, but unfortunately Dr. Craig resents much the interference of the Government, on my advice, in seeking to uphold the statute-law which was infringed by the terms of the arrangement under which the hospital and its subsidy from the Government were handed over to him by the Board.

Lately there has been very cheap, and, I fear, very bad, rum imported and sold here by the bottle at 1s. 8d., of which half goes for duty and permit fees. If this liquor be as bad as the price would indicate, it might account for much of the mischief from drinking the bush beer. I have sent a few bottles from different parcels to Auckland for analysis and a proper report.

It seems to me noteworthy that, among the diseases attributed by Dr. Caldwell to intoxicating liquor among the natives, he has not included *delirium tremens*, hobnailed liver, and others which mark the habitual drunkard. Dr. Caldwell tells me that cases of this kind only occur among the Europeans.

In conclusion, I can assure your Excellency that this subject has always been one of great concern to me. Total prohibition has been tried for some years, and proved a lamentable failure in the absence of an overwhelming public sentiment in its favour. The bush beer has always been, and still is, strictly prohibited, but the law could only be enforced by the employment of Europeans at impracticable expense, and even then with much uncertainty. One of

my greatest difficulties is to find a Maori in whom it is possible to implant any sense of official responsibility, and I fear that this difficulty will not be overcome till they have the free access to English books and ideas, in which I have a continually-increasing belief that the whole future of this kindly and assuredly improvable people must now depend.

I have, &c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Administrator of the Government, &c., New Zealand.

Enclosure No. 1.

*Asking Hospital Board to obtain Information.*

SIR,—

Rarotonga, 5th July, 1897.

I am directed by the Chief of the Government, at the request of the British Resident, to ask, when the report of the Hospital Board is laid before Parliament, that it may make special reference—names of patients, of course, omitted—to any cases, in the course of either hospital or private practice (if the medical officer does not object to the last named), in which illness or disease is caused by or attributable in any way to the use of intoxicating liquor. The report to distinguish between Maoris and others so treated.

I have, &c.,

MAKEA DANIELA,

Clerk to Cook Islands Government.

The Chairman of the Hospital Board, Rarotonga.

Enclosure No. 2.

SIR,—

Rarotonga, 5th July, 1897.

I should feel much obliged if you will let me know, as the result of your experience at the Cook Islands Hospital and in private practice in Rarotonga, the number of Maori cases treated by you in which intoxicating liquor was the direct cause of disease, the number in which you consider it was the indirect cause, and the proportion which each of them, direct or indirect, bears to the number of cases of all kinds treated by you.

I have, &c.,

FREDERICK J. MOSS, British Resident.

Dr. Caldwell, Rarotonga.

Enclosure No. 3.

GENTLEMEN,—

Cook Islands Hospital, 13th July, 1897.

In compliance with your request that I should furnish you with a report upon any cases of disease directly or indirectly the result of alcoholic indulgence, I herewith give you the following particulars:—

In sending this report the Board should remember that, while a special group of diseases is directly attributable to alcohol, the excessive use of alcohol has a baneful influence on disease in general, increasing the liability of individuals to disease, and weakening their natural powers of resistance and repair.

In going over my diary and selecting cases I have noted all cases in which I can recognise alcohol as an important factor. The proportion in such cases is large, but it must be remembered that in this community there are special facilities and encouragement given for the liquor traffic among natives.

With regard to the white population, it is so small, and the habits of the individuals are so well known, that it is inadvisable to present statistics on this subject.

The following statement applies solely to the native population: Of the seven native in-patients, two were alcoholic. One of these has recently died from the effects of disease due to alcohol. Out of 130 native out-patients of different ages and sex there were twenty-four cases in which disease was the result of, or influenced by, over-indulgence in alcohol.

Trusting that this report will meet the requirements of the Board,

I have, &c.,

GEORGE CRAIG, M.B., C.M., Edin.

The Chairman, Hospital Board, Rarotonga.

Enclosure No. 4.

SIR,—

Rarotonga, 15th July, 1897.

I am directed to thank you for sending Dr. Craig's letter of the 13th July, respecting the proportion of diseases attributable to drink among the cases treated by him, and to ask if he will be kind enough to state the nature of the twenty-four cases in which disease was the result of, or influenced by, over-indulgence in alcohol.

Dr. Craig also says, "The proportion of such cases is large, but it must be remembered that in this community there are special facilities and encouragement given for the liquor traffic among natives." I am directed to ask that Dr. Craig will also be kind enough to state what are "the special facilities and encouragement" to which he refers.

I have, &c.,

MAKEA DANIELA,

Clerk to Cook Islands Government.

The Chairman of the Hospital Board, Rarotonga.

Enclosure No. 5.

SIR,—

Rarotonga, Cook Islands, 16th July, 1897.

Your letter, dated 6th July, has reached me. You ask me to give you the number of cases of sickness of natives treated by me in Rarotonga, both in hospital and private practice, which were directly or indirectly traceable to the use of intoxicating liquors.

I will undertake to comply with your request, though, not having classified my cases in my case-book with reference to that subject, I must not be regarded as exactly accurate, only approximately so. I will add that I consider my position among the people here is such as to enable me to learn the cause of their sickness with far more accuracy than I could if in a position of either ecclesiastical or political authority over them.

I am convinced, by testimony which has come freely from many of the natives themselves, that it is becoming comparatively rare for them to be satisfied with the "bush beer" alone. I have known a barrel of that article to be almost abandoned on a Sunday afternoon by those who made it when they learned that a little way off another barrel had been made and "fortified" with "kava paapaa."

It is not an uncommon thing among the intellectual class of men in other countries to observe that many use wines and liquors moderately for years before they drink to excess. I cannot recall the name of a single native who has been able to restrain himself to habitually drink in moderation. Even the best of them who drink at all have been known to drink to intoxication. Once or twice I have thought an exception had been found, but further acquaintance has shown that my conclusions were drawn before the testimony was complete. This is the result of my observation among the more intellectual of them. Among the rank and file who live in the "bush" there really seems to be no self-restraint so long as the intoxicant lasts. No one who confined his observation to the street and public places could form an idea of the degrading effects of the Sunday "beer-barrel" in back bush land. Men, women, and sometimes children, gather round the barrel and drink until crazed by intoxication. Then half-naked—sometimes wholly naked—they sing lewd songs, called "ute," until continued drinking stupefies them, and stupor and sleep put an end to their shameful conduct. I have seen it myself, and know this description to be too tame to depict all the evils of the "bush beer" mixed with "kava paapaa." Many of the illegitimate births so common here, and the shameless licentiousness, the effects of which are so often forced upon the attention of the medical practitioner, are traceable directly to these orgies, or to the depraved moral sensibilities resulting from them. "Bush beer" is chiefly dangerous because of the decaying fruit consumed with the beer, since it contains but a small percentage of alcohol. The heavy liquors are objectionable because of the high percentage of alcohol found in them. In "fortified" bush beer, now in common use, are combined the evils of both and the advantages of neither.

More of this intoxication is seen Sunday afternoons and Sunday nights than at any other time. This is doubtless due, in part, to the enforced Sunday idleness of those who do not care to spend their time in the church. The evils are, to my mind, an object-lesson on the futility of trying to make people religious by Sunday laws. Physically and morally non-church-going natives are far better off when they work every day in the week. People who intelligently and conscientiously observe the Lord's rest-day need no Sunday laws, for they could not be induced to either labour or play in holy time. Hence, to my mind, Sunday or Sabbath laws of human enactment are unnecessary, meddlesome, and pernicious.

As expressed above, I am unable to give you full statistics of our work in Rarotonga, as some of our earlier records have been lost. I have counted in all fifty-two cases of serious sickness which resulted, as I believe, directly from the use of intoxicants. Of these fifty-two cases, five died.

It has been far more difficult to determine how many of our cases have resulted indirectly from the use of intoxicating liquors. I took three separate months at random from our records, and made their statistics the basis of my estimate. The aggregate of cases for the three months was 333. The number of cases indirectly due to the use of liquors during the same three months was thirty-four. This gives us a percentage of about ten. My opinion is that accurate records for the entire time of my stay in Rarotonga will give us between ten and twelve. My reason for thinking that the above is too small is that, after making the estimate, a further study of the lists discovered names that were omitted in the estimate.

Frederick J. Moss, Esq., British Resident.

I am, &c.,  
J. E. CALDWELL, M.D.

Enclosure No. 6.

SIR,—

Rarotonga, 16th July, 1897.

I have to acknowledge receipt of your letter of July, 1897, received this day, and to thank you for the information it contains, and for the full and speedy response to my application.

The liquor question is giving me, as it has done and still does so many others in all countries, great anxiety. My object is to lay before the Rarotonga Council, when it meets next month, all the facts I can collect in as clear a form as possible. It would be a help if you could let me know the nature of the diseases generated among the Maoris by alcohol. If you could give me the information, even in a general way, I should be much obliged.

Would you object to my publishing in full your letter, with my report, if found advisable?

Dr. Caldwell, Rarotonga.

I have, &c.,

FREDERICK J. MOSS, British Resident.

Enclosure No. 7.

SIR,—

Rarotonga, Cook Islands, 21st July, 1897.

I have received your letter of the 18th July, requesting a list of the diseases among the natives of these islands resulting from the use of alcoholic beverages, also inquiring if I have any objection to the publication of my former letter. I cheerfully furnish the following list of diseases, but beg to say that this report, like the last, is partly from memory.

I know of no objection to the publication of any of my letters you may see fit to make public.

*List of Diseases resulting from Intoxicants as seen among the Natives in the Cook Islands.*

|                                  |                           |                                    |
|----------------------------------|---------------------------|------------------------------------|
| Dyspepsia.                       | Boils.                    | Anasarca.                          |
| Gastritis.                       | Phlegmon.                 | Ascites.                           |
| Gastric ulcers.                  | Enlargement of the liver. | Mania.                             |
| Eczema.                          | Bright's disease          | General debility, inviting disease |
| Fatty degeneration of the heart. | Ulcers.                   | of every nature.                   |
| Carbuncles.                      | Jaundice.                 |                                    |

Phlegmon, of a metastatic tendency, resulting often in abscess, is very common. Perhaps this is the only feature in the cases that have come under my observation which is peculiar. I have found them particularly interesting, because good authorities in European countries have expressed a doubt whether metastasis of abscess ever occurs. In one case a "bush-beer" drinker went to bed on account of phlegmon of the calf of his leg. Three months later he walked again, having had seventeen abscesses opened by the knife. These occurred in various parts of his body, in crops of three or four at a time, and that in spite of the most perfect drainage that could be secured. It has occurred to me that perhaps the extreme depravity of the blood, resulting from rotting fruit consumed with "bush beer," may be the direct cause of this peculiarity.

Earnestly hoping that your efforts to limit or abolish the use of liquor among the Maoris of our islands may be successful,

Frederick J. Moss, Esq., British Resident.

I am, &c.,

J. E. CALDWELL, Ph. B., M.D.

Enclosure No. 8.

SIR,—

Rarotonga, 22nd July, 1897.

In replying to your last letter, in which you desire an explanation of my use of the term "rotting fruit consumed with the bush beer," I may say that I did not mean to be understood to state that the fruit is rotten before being put into the barrel. As we all know, alcohol is a product of fermentation, and fermentation is only another name for decay. The fruit always stands one or two days in the barrel before it is drank. The odour when being drank shows it to be exceedingly sour. Recent experiments testing the effects of acid upon stomach digestion show that the stomach is almost entirely inert when the food is mixed with strong acids, even acid fruit-juice, and more so with acid of fermentation. The large quantity of this fermenting mass drank from the barrel makes it impossible for digestion to be unhindered; hence the process of fermentation must go right on in the stomachs of the drinkers, literally converting them into swill-buckets. This will explain why good food eaten before the beer is drank is sometimes vomited a day or two afterward not yet digested.

Frederick J. Moss, Esq., British Resident.

I have, &c.,

J. E. CALDWELL, Ph. B., M.D.

[An additional despatch (23/97), (16th October), from British Resident to the Governor of New Zealand, included correspondence with the Rev. J. Hutchin respecting the gross exaggerations as to "the havoc created by drink among the natives," &c., published in New Zealand newspapers. This is available at any moment if required.—F.J.M.]

(8.)

PETITION FROM KOHN, PILTZ, TAYLOR, AND DR. CRAIG TO GOVERNOR OF NEW ZEALAND, WITH MEMORANDUM THEREON FROM THE BRITISH RESIDENT.

[For petition and British Resident's remarks thereon, see enclosures to No. 12 (on page 10).]

MEMO.—This petition was not sent by me when received, as the petitioners wrote to me that they were sending a copy themselves. Their copy was returned by His Excellency the Governor, with instructions that they must send it through me, and a copy of this reply from His Excellency was sent to me. I thereupon sent the original petition, with the remarks attached.—F. J. Moss.—18th November, 1897.

In the remarks I have made upon the petition I overlooked reference to the Registrar of Deeds, included in the petition, and stated in my despatch: "Mr. Scard was appointed on 17th July, 1891, and has filled the office without complaint of any kind ever being made. He is paid by fee only, and I find that for some time past only one deed per month has, on the average, been presented. Registration is only compulsory in dealings with native lands, and the object is to secure publicity. In all other cases it is voluntary, and only to give security against loss of the original deeds.—F. J. M.

## CHARGES BY J. CRAIG AND C. WARD AGAINST THE MANGAIA LOCAL GOVERNMENT.

From the BRITISH RESIDENT to the PARLIAMENT of the Cook Islands.

**SALUTATIONS!** In the *Torea* newspaper of the 17th July a letter appeared from Messrs. J. Craig and C. Ward, two traders in Mangaia, who made therein serious charges of robbery, oppression, and wrong-doing against the local Government of Mangaia. The letter attracted much attention, and was much commented upon. It also contained special charges with reference to a bag of coffee, of which the theft was stated to have been condoned under disgraceful circumstances by the Government, although the thief had been discovered and was well known. Into this latter charge the Rev. J. Cullen, on behalf of natives specially interested, applied to me for official inquiry. I referred the inquiry to the Ariki John, sending to assist him Mr. F. George Moss, who left Rarotonga accordingly on the 4th August, but had no opportunity to return till yesterday, the 24th September.

The charges made by Messrs. J. Craig and C. Ward prove to have been a tissue of distorted statements and absurd exaggerations. In justice to the Government of Mangaia, the refutation should have the same publicity as the charges so wantonly made, and I send this message to the Parliament in order that the report and evidence may be published in the *Torea* with the parliamentary papers. They will also be thus placed on record as a permanent warning against too ready a credence in similar cases in which the smallest evils, even when actually existing, are made to appear very big by a tropical luxuriance of language and imagination.

The papers enclosed are—(1) The letter of Craig and Ward to the *Torea*; (2) report on the general charges, with evidence taken; (3) report on alleged theft of a bag of coffee and gross condonation thereof by the local Government, with evidence taken.

Mr. F. George Moss, at my request, while in Mangaia, investigated the questions of *raui* and the police generally. On both these subjects he has reported in the attached papers.

In justice to the Ariki John, I should point out that on the irregularity in appointing the Au being shown to him he has at once complied with the law, and reappointed Aus in accordance therewith.

Rarotonga, 25th September, 1897.

FREDERICK J. MOSS, British Resident.

*Report No. 1 on the General Charges.*

SIR,—

Mangaia, 13th August, 1897.

In accordance with instructions received from you, I arrived here on the 7th instant, and at once presented your letters to Rev. J. Cullen and John, Ariki.

On the 9th instant John, Ariki, by my advice, addressed to Messrs. Craig and Ward a letter, copy of which is enclosed.

On the 11th instant inquiry was held. The record and evidence is also enclosed.

After going carefully into the circumstances I have to report that the tea-shop referred to is a species of co-operative store, owned by a company of sixty-eight members or shareholders, of whom three (Ngatama, Kakerua, and Davie) are members of the Mangaia Government. The two last (Kakerua and Davie) are also Judges. Ngatama, who acts as manager, defines the company and its objects in his evidence. The company buys coffee in spite of the *raui* and has been fined \$10, and has paid the fine for so doing. It has also branches at Ivirua and Tamarua. I cannot find out exactly how much coffee the tea-shop has purchased, but estimate it at less than 1 ton. The business done appears to be in the sale of bread, tea, matches, soap, and fish-hooks. Only small articles of this description are dealt in by the shop company. The price paid by the company for coffee is 15 cents per pound, which (as the manager reports the coffee purchased to be not nearly dry) seems to me a fair price. But I must point out that little cash is paid, trade of the nature before referred to being the usual mode of payment. No evidence was produced either that the tea-shop proprietors "tyrannised over people" or that they have "forbidden any one under a penalty from selling any coffee at any store."

The *raui* I find, has been illegally imposed on the people. In the law of Mangaia, No. 2, 1891, for electing the Au, section 7 provides for *raui* being put on produce by the Au. Section 6 provides for the annual election of such Au.

No Au has ever been elected, nor is there any properly-constituted Au so far as I can ascertain.

The *raui* was not imposed by any Au (legally constituted or otherwise), but apparently by a hole-and-corner meeting of a few people in each district, and the rest of the people, whether consenting parties or not, are fined for breaking it. The object of the *raui* was to keep the price of coffee as high as possible. The Judges in fining these people have acted illegally in their official capacity. In support of this view I would refer to the evidence. By this you will perceive that Meringitangi, Judge of Veitatei, fined the tea-shop and certain people of Taavainga (a district over which Kakerua presides). Meringitangi admits fining people in his own district of Veitatei, but says he did so there as chief of the *raui*, not as Judge. He could certainly not be chief of both *rauis*. Hence he must have acted in his official capacity as Judge in one instance at least. The Judge, Kakerua, you will observe, also says he will continue to punish people for breaking the *raui*, whether legal or not. Such *rauis* are damaging. Not only have they been imposed for the purpose of obtaining an impossible price (30 cents per pound), but they are indefinitely prolonged. No care to publish a *raui* has been taken, and non-consenting parties have been forced to join. I consider such a state of things very discouraging to the people. It prevents them picking freely and making the most of their crops. I would suggest that Law No. 2, 1891, be so amended as to provide that *rauis*, when legally imposed, must be for a certain stated time, be properly published, and the produce be offered for sale by public tender. *Raui*s should not be allowed for indefinite periods, nor for any stated price per pound.

I would suggest that the Au for the future be properly elected, in accordance with provisions of Law No. 2, 1891.

No evidence of tyranny or oppression has been brought under my notice by Messrs. Craig and Ward, or by any other persons, nor do I see any reason outside of the *raui* to believe that the Government has either tyrannised over or oppressed any one in the slightest way.

I should wish to call your attention to the fact that unauthorised persons are employed by the Judges as police for detection of offences against morality under the old Maori laws. Although it is stated that they receive no pay, I consider such a practice open to much abuse, and consequently bring it under your notice.

I have the honour to refer you to the evidence for further information.

I should add, after making the fullest inquiry, that I do not believe the debts owing by the Mangaia people to the traders there exceed at the utmost £50.

F. J. Moss, Esq., British Resident, Rarotonga.

I have, &amp;c.

F. G. Moss.

Enclosure.

[Extract from *Te Torea*, 17th July, 1896.]

SIR,—

We beg to send you a statement of a few facts concerning the present misgovernment of Mangaia, trusting that you will give vent to them in *Te Torea* :—

1. We, the general public of Oneroa, are at present tyrannised over by a tea-shop owned by the members of the Government, who have forbidden any one, under a money penalty of \$5, from selling any coffee to any store under 30 cents per pound, while they themselves are buying it on the quiet (and on a big scale at that) at prices ranging from 10 to 15 cents per pound. As the coffee is taken in in secret, the poor native who sells it to them must take what they give him, without asking any questions as to price or weight, for fear of being fined.

Then, again, there has been one case brought to light and proven in which a native stole a bag of coffee. But as it was sold to them no notice has been taken of the affair, and no punishment been meted out to the criminal.

Again, in cases of fining all fines have to be paid in cash, and in many cases the poor creatures have not got the cash to pay, and after the police have sold their goods and their body clothes, and the lot not realising enough to pay the fine in full, they have begged enough cash from the whites to make up the balance, and in some cases enough clothes to re-cover them again in decency, and the whites, out of pity, have given what they required; and in some

cases the whites have given them enough cash to pay the entire fine, on the understanding that they would repay the amount when the *raui* was taken off the coffee. Now, it is the evident intention of these maladministrators that there will be no coffee when they give the people permission to sell their coffee (which is really their own) to pay those debts.

Business has been at a standstill for several weeks. The people have plenty of coffee to pay their debts, and are willing and anxious to do so, as those debts were given to them out of pity, as the ruthless Government had no pity for them. But the said Government will not allow them to either sell or pay their debts, as they want the produce to go through their own hands. Some of them boldly admit that they are only seeking their own gain. When their evil doings were exposed they only shuffled the affair over (they are past-masters at that sort of thing), and those people who make the laws only for their own profit, that they may have a chance of breaking them themselves, go about triumphant, secure from punishment—in their power. No wonder the poor Mangaians prefer living anywhere else than in their own island, where they can scarcely call their soul their own; and who are they tyrannised over by? A few unprincipled, avaricious, unscrupulous fellows who happen to be in power over them. What a dreadful and un-British affair this power of *raui* is in an island of this sort, and how unfit those people have shown themselves to be intrusted with such power! It is a constant temptation for them, as they see a secure means of making money for themselves at the expense of the people who are under them and have no power to protect themselves.

When the British Resident was here some years ago he distinctly told those same people (who had been at the same tricks at that time) that if he ever knew them try the same again he would make them pay for it. But they do not scare worth a cent on that lot.

Mr. Ward wrote a letter to the king, as head of the Au, asking why, a *raui* being on, it was not posted up in some public place, so as to let people know what was doing, and not go on making laws in the dark for their own ends; but, although he called five times to my knowledge, he could obtain no answer from the king.

We are, &c.,

J. CRAIG.

CHAS. J. WARD.

[We have applied for information to the British Resident, who informs us that no complaint of any kind or from any quarter had reached him. As to the stolen coffee, he has been informed that the thief had not been discovered when the "John Williams" left Mangaia. If his information on that point be incorrect, he would be obliged to any one giving him the actual facts of the case.—ED. T. T.]

*Notice of Inquiry to Messrs. J. Craig and C. Ward.*

GENTLEMEN,—

Mangaia, 9th August, 1897.

In pursuance of instructions received by me from the British Resident, I have the honour to notify you that an inquiry will be held into the truth of certain statements contained in a letter published in *Te Torea* newspaper of the 17th July, 1897, and signed by you. The inquiry will be held on Wednesday, the 11th instant, at 11 a.m., at the Courthouse, Oneroa.

Trusting you will find it convenient to produce any evidence you may wish to call at time and place mentioned,

I am, &c.,

Messrs. J. Craig and C. J. Ward.

JOHN, Ariki.

*Evidence taken in connection with Report No. 1.*

MANGAIA, 11TH AUGUST, 1897.—Meeting at the Ariki John's House.

Present: Messrs. Craig, Ward, Proctor, and Bulkeley, John (Ariki), Meringitangi, Daniela, Kakerua, Ngatama, Kenite, and others.

Mr. F. George Moss assisted the Ariki in the inquiry.

Mr. Moss, addressing the natives present, asked, Is there a tea-shop owned by members of the Government who have forbidden any one, under a money penalty of \$5, from selling coffee to any store under 30 cents per pound, while they themselves are buying it at 10 to 15 cents per pound; and are members of the Government shareholders in this or any other tea-shop?

Ngatama: Yes; some of them: Kakerua, Davie, and myself. There are sixty-five other shareholders, who are not members of the Government. The tea-shop is not connected with the Government; it is a company formed for their own benefit. I am the manager of the tea-shop. We have coffee belonging both to members of the company and also to outsiders. I have bought coffee from outsiders by means of cash and trade.

John (Ariki) said, There is a *raui* for 30 cents per pound on coffee. Some of the Government are in favour of the *raui*, some not.

Daniel said, Meringitangi was the first to put the *raui* on.

Mr. Moss to Meringitangi: In Law No. 2, 1891 (Laws of Mangaia), section 7 provides for *raui*: can you tell me why this *raui* was put on, and for what purpose?

Meringitangi: The *raui* was for the public good. Previously coffee was sold for 15 cents per pound. Then we *raui*ed it for 20 cents, and got it. Now this year we *raui* for 30 cents.

Mr. Moss: How was the *raui* put on, and by whom? Was it by the Au?

Meringitangi: A meeting was held, but it was not put on by the Au. A meeting of the district of Veitatei put the *raui* on the coffee of that district. I have fined people for breaking the *raui*. I am Judge of the Veitatei district.

Mr. Moss: How was the coffee *raui* in your district of Taavainga?

Kakerua: The people of Taavainga district *raui*ed their own coffee. All the people concerned were there and consented.

Daniel and Kenite said, That they belong to Taavainga district, and were at the meeting, but were opposed and did not agree to the *raui*.

In reply to Mr. Moss, Kakerua said, I will fine any one, whether he agreed to the *raui* or not. Yes, I will fine Daniela if he sells coffee.

Mr. Moss: Under what law?

Meringitangi (interposing) said, Under Law No. 2, 1891, sections 6 and 7.

Mr. Moss: That law applies only when the Au imposes the *raui*. In this case you say it was not the Au. How can you fine people under that law?

Kakerua: I cannot show any law, but still I would fine them.

Meringitangi: All my district were agreeable, and I imposed the fines as the appointed chief of the *raui*, not as Judge. I sent the police for the money. If the people fined had no money the police would take a pig, but they never took any clothes. The *raui* was not published. No trouble was taken to make it publicly known.

John (Ariki) to Mr. Moss: There are six police for Oneroa.

Meringitangi: The Judge of each district is chief of the police in that district. We do send people to do police duty who are not Government policemen. I thought two policemen not sufficient, so I employed six more. That is for Veitatei district. They get no pay and no share of any fines. They work for nothing. They go into houses and act just the same as the regular police. They require a warrant from me to go into the houses of Europeans, but not into those of natives.

Kakerua: I also employ others besides the proper police. I employ six men besides the two regular police. They get no pay.

Kakerua and Meringitangi: All fines must be paid in cash.

Ngatama to Mr. Moss: The tea-shop was fined by Meringitangi for buying coffee from Taavainga, although he is Judge of another district. Kakerua is Judge of Taavainga. The fine of \$10 was paid to him and not to Meringitangi.

On being questioned, all the witnesses strongly deny that any oppression, in any form, has been or is suffered by the people.

*Mr. Craig*, who was present throughout the inquiry, on being called, said, in reply to questions,—The police sell the people's goods to pay fines, as they do anywhere else in the world. I have lent people money to pay their fines, and in some cases charged interest. I decline to say how much interest. That is my business. I charge the same prices for goods whether given out on credit or bought for cash.

*Mr. Ward*, who had been also present throughout the inquiry, on being called, said,—I also have lent money to pay fines, but in no case have I charged interest. I only ask them to pay me when the coffee is sold. I consider myself personally responsible to my employer for such loans. The Government prevent the people from paying their debts by enforcing this illegal *raui*.

*Report No. 2.—On Special Charges made by Craig and Ward.*

SIR,—

Mangaia, 13th August, 1897.

I have gone carefully into the inquiry regarding a bag of coffee alleged to have been proved to be stolen and sold to the Government tea-shop. I have the honour to enclose the evidence taken.

There is no evidence either that such coffee was ever stolen, or to connect it with the tea-shop or the Government in any way.

F. J. Moss, Esq., British Resident, Rarotonga.

I have, &c.,

F. G. Moss.

*Evidence (12th August, 1897).*

*Mr. Craig* examined: A woman came to me in the early part of May, 1897, and wanted credit. I refused unless she gave security. She said she had a bag of coffee nearly full, which she offered as security. I sent Daniela to mark my name on the bag of coffee. The bag of coffee was to remain in her charge until the *raui* was broken up. She told me the coffee was hers in her own right. I let her have 10 or 12 dollars (£1 to £1 4s.) credit on the strength of it. Over a month after I looked into her house and found the coffee gone. I informed Daniela, who made inquiries, and told me the woman's husband had taken the coffee away.

*Daniela* examined: Craig sent me to Taakava Vaine to mark a bag of coffee on account of debt, and afterwards sent me to look. I found it gone. Taakava Vaine said her husband took it away and sold it to the tea-shop.

*Ngatama* examined: The tea-shop bought coffee from Taakava several times, but not one bag in a lump.

*Taakava Vaine* examined: I went to Craig about May last for credit. Got \$9.25 goods from him on credit. Told Craig when I got the coffee I would pay him. Daniel came and marked a cross on the wood above the bag. The bag was not a large bag like a cornsack, but about the size of a saltbag, and would hold when full about half a hundredweight. I did not tell Craig I had a bag of coffee in the house which I would hold as security for the \$9.25, and when the *raui* came off would sell it and repay Craig. I knew Daniela came to mark the bag of coffee for Craig. I have the coffee still in the house, but I have turned it into a larger bag.

To *Craig*: I did tell you that my husband took the coffee and sold it to Ngatama and the tea-shop.

To *Mr. Moss*: I did tell Craig that I had more coffee, and would use that to pay the debt.

*Taakava Tane*, husband of Taakava Vaine, examined: Know the bag of coffee referred to. It belonged to his wife. Did not take any coffee from the bag under the cross mark. To the best of his belief the coffee is still in the house. He did not take it away.

*Daniel* (called by *Craig*): Craig told him to go to the woman's house to look at the coffee. The woman went with him. Marked a bag with a chalk cross and the wood above it in the same way. The woman showed him the bag to mark. Taakava Vaine told him afterwards that her husband had sold the coffee to the tea-shop.

*Makianga* (called by *Craig*): Has no evidence to give.

*Ngatama* wished to say the tea-shop bought no coffee at 10 cents, only at 15 cents. All the coffee that the tea-shop has bought from Taakava is 37 lb., amounting to \$5.55, in small quantities from time to time, not in one lump.

*Davie* wished to say that he is a Judge, and was present when Taakava and the tea-shop people were tried and fined by Meringitangi for selling coffee secretly. Did not hear anything about stolen coffee. No charge of that sort was brought up by Craig, who was present, and who with Ward had laid the complaint against the tea-shop which led to the trial and the fine.

This ended the inquiry.

(9.)

ORIGINAL PETITION AGAINST FEDERAL COURT BILL.

[Sent by Clerk of Parliament to Printing-office, and obtained by me this day (22nd November, 1897) from the Clerk (Makea Daniela). The Bill was introduced on the 9th July. This petition was presented on the 27th July by Vaikai, one of the Rarotonga members. It is in Dr. Craig's writing, and one of the signatories (Steve Savage Saville) carried it round for signature, employed, it was said, by Dr. Craig to do so.—F.J.M.]

To the Cook Islands Parliament, now assembled.

WE, the undersigned, residents in Rarotonga, humbly petition the Cook Islands Parliament to reject the Federal Courts Bill now before the House, on the following grounds:—

1. The passing of such a Bill will effect a fundamental and undesirable change in the administration of the Cook Islands, as it will confer very important powers upon the President of the Court, without holding him responsible to the Parliament from which he derives these powers. (*Vide* clause VIII.)

2. That the Bill gives to the President of the Court the power of appointing officers paid with Government money, these officers not being responsible to the Cook Islands Parliament. (*Vide* clauses X., XII., XIV., XV.)

3. That if the Bill become law the Government will be involved in increased expenditure, which, in view of the recent statement of public finances, is not justifiable. (*Vide* clauses XIV. and XV.)

4. That the appointment of solicitors can serve no good purpose in a Court where it is desirable that the procedure should be as simple as possible. (*Vide* clauses XIX. and XX.)

5. That the passing of the Act may involve increased expense to litigants, as it gives the President of the Court the power to compel litigants to employ counsel. (*Vide* clause XX.)

6. That the decision of the President of the Court is not affected by the dissent of any Judges who may sit on the bench with him. (*Vide* clause XI.)

7. That the Bill aims at extorting from the Cook Islands Government the absolute power of administering its laws, and at handing it over to the proposed President of the Federal Court, who, in terms of his office, is not responsible to the Parliament.

Wm. Taylor.  
George Craig.  
Wm. B. Craig.  
H. Ellis.  
John Wilson.  
G. Monteiro.  
W. M. Fitzgerald.  
A. C. Avenell.

William Brewer.  
Cook Islands Trading Company, per C. Kohn.  
R. J. Jessop.  
Steve Savage Saville.  
Emil Piltz.  
Frederick Goodwin.  
W. H. Oliver.  
H. S. Neumegen.

## (10.)

## COMPLAINT OF THE HOSPITAL BOARD AS TO RETENTION OF THE SUBSIDY BY THE BRITISH RESIDENT.

[Sent, at their request, on 9th December, to the Governor of New Zealand.]

SIR,—

British Residency, Rarotonga, 24th December, 1897.

I have the honour to submit, for your consideration, copy of a despatch and its enclosure sent by me to the Governor of New Zealand on the 9th instant, at the request of the Hospital Board.

It is only necessary to add, in regard to the Board's statement that the information sought by me will be given in their report at the end of the financial year, that no such information was given in their report at the end of last year, nor can I see any reason why—dealing as it does with public money—the information should be withheld.

I submit the question for your Honour's consideration, in accordance with my despatch to His Excellency the Governor.

His Honour Sir James Prendergast, Rarotonga.

I have, &amp;c.,

FREDERICK J. MOSS, British Resident.

The BRITISH RESIDENT to His Excellency the GOVERNOR of New Zealand.

MY LORD,—

Rarotonga, 9th December, 1897.

At the request of the Hospital Board, I have the honour to enclose the copy of a letter sent to me by the Board for transmission. The circumstances are as follows:—

1st April, 1897.—The Board entered into an agreement with Dr. George Craig, as Medical Officer, for twelve months, the remuneration being at the rate of £180 per annum. For that amount Dr. Craig is to provide a suitable nurse, and medicine, food, and attendance to all patients at the hospital, as required. (*Vide* Board's report, July, 1897.) At the same time the Board issued new regulations, whereby the charge for patients was made £1 per week instead of 7s., and all free treatment was abolished, except under special order given by a member of the Board.

14th September, 1897.—A letter officially published in the *Torea* newspaper by the Treasurer of the Board complaining of the inadequate provision for payment of the Medical Officer pointed out that for the five months ending 31st August Dr. George Craig had only received £75 (the Government subsidy), while he had expended £76 19s. 8d. out of his own pocket for drugs and dressings, food for patients, and servants, alone.

16th September, 1897.—A petition was sent to your Excellency asking for a Royal Commission to inquire into various matters. Among them was the inadequacy of the provision made by the British Resident for the hospital. The thirteenth paragraph stated that the subsidy of £180 per annum was "the only amount obtained for the salaries of doctor and nurse, medicines, and food, and all appliances for a hospital, and to give free treatment to a population of some six thousand inhabitants." This petition was signed by five persons, of whom three were Mr. Kohn (the Chairman of the Hospital Board, and still a member), Dr. George Craig (the Medical Officer), and his brother.

16th October, 1897.—In his published quarterly report to the Board, the Medical Officer states that "many cases have been turned away owing to lack of funds," and urges that strong representations should be made to the Government.

From the published reports of the Board for the six months ending the 30th September it appears that there were treated twenty indoor patients and 264 outdoor patients. The responsibility for signing the warrant for payment of the monthly subsidy has devolved upon me for the time, and on ascertaining the facts as above stated I asked the Board to supply me with information as to the number of patients—indoor and outdoor—who had been treated since 30th June last (from which date my responsibility begins), and of the proportions that had been treated with and without charge respectively, together with the amounts received. The published accounts of the Board do not show that anything has been so received. The Board declined to give this information, and I declined to sign the warrant for payment of the subsidy until it had been received.

In forwarding the letter from the Board, and this explanation, to your Excellency, I may add that I purpose submitting it also to the Commissioner, Mr. Henry Berkeley, on his arrival.

His Excellency the Earl of Ranfurly, G.C.M.G.,  
Governor of New Zealand.

I have, &amp;c.,

FREDERICK J. MOSS, British Resident.

Enclosure.

SIR,—

Rarotonga, 8th December, 1897.

I have the honour to acknowledge the receipt of your letter of yesterday's date. We would respectfully remind you that on the 1st September, 1896, the Cook Islands Hospital was handed over to the entire management of the Board. In pursuance thereof we entered into an honourable agreement with an accredited medical man. We fail to see how any subsequent political change can legally affect our liabilities as a Board, and we cannot admit the justice of making the payment of the guaranteed monthly subsidy contingent on the furnishing by us of certain information which has not hitherto been asked of us under such conditions. Therefore we, as a Board, reiterate the request that you, as British Resident and as administrator of the Cook Islands expenditure, do give orders that the monthly subsidy now due be at once paid. In persisting in your present attitude you are only throwing obstacles in the way of our fulfilling our part of the agreement, and putting the community in danger of being again left without the services of a competent and qualified man. All the necessary reports will be duly furnished by the Board at the termination of the financial year. This complies fully with the Government Act under which the Board took office.

If the authority for the payment of this subsidy be not furnished at the hospital by noon to-morrow, the 9th instant, we must request you to forward the enclosed copy of this letter to His Excellency the Governor of New Zealand.

I have, &amp;c.,

F. GOODWIN,

F. J. Moss, Esq., British Resident.

Chairman of the Cook Islands Hospital Board.

## (11.)

## APPROPRIATION ACT NOT PASSED BY PARLIAMENT, AND PROCLAMATION OF THE 29TH SEPTEMBER, UNDERTAKING THE ADMINISTRATION OF THE EXPENDITURE IN THE ABSENCE OF APPROPRIATION ACT.

(No. 22/97.)

MY LORD,—

14th October, 1897.

I have the honour to inform your Excellency that the Parliament of the Cook Islands held its last sitting on the 27th September, when the two members who remained adjourned to the 5th December. The members from the other islands are not likely to attend, and, in any case, the proposed meeting on the 5th December would be illegal, and need not be taken into account.

I enclose also Proclamation made by me on the 29th September, with estimates, as passed by the Parliament on the 26th August, and minutes of proceedings of Parliament from the 26th August to the 27th September, attached to said Proclamation.

With regard to the Proclamation, as Parliament adjourned after declining to pass the Appropriation Act for 1897–98, it appeared necessary to take upon myself the responsibility of temporarily administering the expenditure in accordance with the estimates, and that I could do so without in any way varying the simple Protectorate that had been declared in 1891. It was necessary to act promptly and in the absence of legal advice, but I trust that the view taken by me will be found correct, and the action meet with your Excellency's approval. Affairs can now go on regularly till the Parliament meets again in July, 1898, and ample time be taken to decide upon the course to be pursued, as each separate island has its own local Government, and administers affairs in its own way, subject only to my approval of any laws which may be passed by its Council.

I have, &amp;c.,

FREDERICK J. MOSS, British Resident.

His Excellency the Earl of Ranfurly, K.C.M.G., Governor of New Zealand, &amp;c.



## PROCLAMATION.

WHEREAS on the 4th day of April, 1891, Proclamation was made by the Right Honourable the Earl of Onslow, Governor of New Zealand, that he had received the commands of Her Majesty the Queen to inform the Arikis and people of these islands that it had not been deemed necessary to incorporate them into Her Majesty's Dominions, or to transfer the jurisdiction of the inhabitants generally from their native rulers to the British Crown, but that for the present at least British authority would retain the form of a Protectorate:

And whereas the Arikis and people were further informed in the said Proclamation that the undersigned, Frederick Joseph Moss, had been appointed by command of Her Majesty to be British Resident in the said islands, that no new laws would be recognised unless countersigned by him, and that he was to give advice and assistance at all times to the Arikis and people:

And whereas these islands were at that time without union, public revenue, regular Legislature, public administration, or public records, and the administration of justice was of the rudest and most unsatisfactory kind:

And whereas, for the better government of the islands, the Resident, as soon as possible after assuming office, counselled a Federation of the Cook Islands, with a Legislature and Government, which came into operation on the 5th day of June, 1891, whereby many evils were amended, but the administration of justice has continued in a state so unsatisfactory that it became incumbent on the Resident urgently to advise measures for its improvement, of which advice the disregard has led to the present complications:

And whereas, having due regard to the ignorance in such matters of the Arikis and people, it was specially provided in the Constitution of the Federation that all laws should be made by the British Resident and the Parliament, and be so expressed, and not valid till approved by the said Resident:

And whereas the Arikis have in many cases persisted in nominating at their own pleasure the members of the Federal Parliament instead of having them elected in accordance with the provisions of the Federation, and the people, holding their lands at will from the said Arikis, have been compelled to acquiesce: And whereas the said Arikis and the Parliament have moreover sought to appoint to positions of trust and power persons in whom the Resident had no confidence, and have thereby attempted to control the administration of the laws and the finance, and to evade the conditions on which the privileges of a more effective self-government were accorded to these islands, and the Resident has refused his assent to such appointments:

And whereas on the 26th August the estimates of expenditure for the year ending 30th June, 1898, were passed by the Parliament, and members have since returned to their homes in the various islands until only two were left to attend the last meeting of the Parliament, held on the 27th September, when it was finally resolved that the Appropriation Act embodying the said estimates should not pass (*vide* extracts from minutes attached):

And whereas the Chief of the Federal Government, Makea Ariki, was advised by me personally and in writing on the 24th instant to call together the Government of the Cook Islands in order to consider the position, and devise means for resuming payments of public money which have ceased since the 30th June, and the advice so given has not been accepted: And whereas it has become necessary that action should not be longer delayed:

Be it known that I, Frederick Joseph Moss, British Resident, and the representative of British authority in the Protectorate of the Cook Islands, have taken temporarily upon myself the responsibility of administering the expenditure in accordance with the said estimates hereto attached, and with the Act of 1892 providing for unauthorised expenditure in certain cases.

And I enjoin upon the Paymaster, Auditor, and bankers to take due heed of this Proclamation, and to make no payments save and except on vouchers duly certified by me or by some person appointed by me by public notification to act in my behalf. And I further declare that this Proclamation shall remain in force until the pleasure of Her Majesty the Queen may be made known.

Dated at the Residency, Rarotonga, this 29th day of September, in the year of our Lord one thousand eight hundred and ninety-seven.

FREDERICK J. MOSS.

## (12.)

## EDUCATION IN THE COOK ISLANDS.

Memo. for His Honour Sir James Prendergast.

British Residency, Rarotonga, 27th December, 1897.

To the 30th July, 1895, education was entirely in the hands of the London Missionary Society. On that day the Roman Catholic Mission opened a day-school in Avarua, with an attendance of seventy-eight children.

In August, 1895, a Schools Act was passed by the Parliament to insure that in all schools established in the Cook Islands provision should be made for the proper teaching of English. This law the Roman Catholic Mission met by providing Irish ladies (Sisters of Saint Joseph), as well as a French lady who had just arrived, for their school in Avarua.

In the previous January (1895) the London Missionary Society opened a boarding- and training-school for all the Cook Islands. In 1898 the Federal Parliament had undertaken that, if the Society (then the only one in the Cook Islands) undertook such a school for the boarding and training of children who might become future teachers, and who should be taught in English, they would contribute yearly towards the maintenance of such children an annual subsidy of £2 10s. for each child—not to exceed £125 a year in all.

Towards the opening of this school the Parliament also contributed £45 to put the road in order, and £30 towards what was regarded by the Society as a necessary great feast to celebrate the opening in proper native style. This school is known as the "Tereora School," and is situate about a mile and a half from Avarua on the road to the Settlement of Arorangi. Up to the 30th June, 1895, the sum of £53 8s. was paid towards the maintenance of the children. Since then the full yearly vote of £125 has been required.

On the 15th November, 1895, an Act was passed by the Rarotonga Council to create free public schools under control of the Rarotonga local Government. For their maintenance a tax of 2s. a year was to be paid by every adult person in Rarotonga, and all heads of households were to pay 2s. a year for each child over five years old—not to pay for more than three children in any one family.

In addition to this, provision had been made by the Parliament of the Federation for a supply of desks and school fittings, which were to be sent to any district paying the current expenses of a school so long as that school was in existence.

For school-buildings the local Government made application to the London Missionary Society, which controlled the substantial and large school-buildings built by the natives for schools many years ago.

Under these provisions free day-schools were opened on the 3rd January, 1896—one at the Settlement of Avarua, and another at the Settlement of Arorangi. For the Avarua School a teacher was found in a lady connected with the London Missionary Society. For the Arorangi School a gentleman connected with the Adventist Mission, which had been recently established, was available. The salaries of the head-teachers were only £60 a year, with a further allowance of £30 to provide assistant teachers when the numbers warranted their employment.

These schools were entirely secular, and the agreements made with the teachers by the Government were with them individually, and without regard to the particular mission to which each might belong.

For the third settlement (Ngatangia) no teacher could be obtained until a Mr. Wilkie, coming from Auckland, was arranged with. Mr. Wilkie was without training or experience as a teacher, but was allowed to spend a couple of months in assisting at Tereora School, in the hope of his being thereby fitted to take temporary charge of Ngatangia School. Mr. Wilkie did not remain long. He resigned at the end of 1896, and the school was again closed till Mr. Henry Ellis undertook the charge till a trained teacher could be obtained.

In the Island of Rarotonga there are therefore now—(1) a boarding- and training-school (Tereora School) in connection with the London Missionary Society, and entirely under its control, but subsidised by the Federal Government with £2 10s. a year towards the maintenance of each child, not to exceed £125 a year in all; (2) a school in

connection with the Roman Catholic Mission, in Avarua, and with which the Government has nothing to do; (3) a free public school in Avarua, under the local Government of Rarotonga; (4) a free public school in Arorangi, also under the Rarotonga Government; (5) a free public school at Ngatangia, also under the Rarotonga Government. (Ngatangia is the central settlement of the Takitumu district, and the two names are often used for the district indiscriminately.)

The attendance at the several free public schools was very satisfactory for a short time. On the Avarua roll there were 112, with an average morning attendance of 92, up to the 30th June, 1896. At the Arorangi School the figures were about the same. The Ngatangia (Takitumu) School was opened with an equally good attendance. But all have since fallen off materially, as the reports for 1896-97 (to 30th June), appended hereto, will show. Suggestions for remedy by a meeting of the teachers, and the speech of the Arikis at the opening of the Council, in which suggestions from the British Resident are embodied, are also appended.

In the other islands of the Federation the schools are still entirely in the hands of the London Missionary Society, taught by the resident missionary where one is settled, and by the native teacher in other islands. No provision for separate teachers devoting their whole time and energy to the work is made. In Aitutaki a Schools Act was passed in 1896, but it has not been brought into operation.

FREDERICK J. MOSS, British Resident.

#### RAROTONGA COUNCIL.

Reports of the head-teachers sent to the Clerk of the Government in accordance with No. 10 of the regulations of the 8th November, 1895, under the Public Schools Act of that year. The Avarua and Arorangi Schools were opened in January, 1896. The Takitumu School has only been opened at intervals, as there was no permanent teacher, and for some months none at all.

##### No. 1.—Avarua School. (Report of Public School, Avarua, for Year ending 31st June, 1897.)

During the year I have had charge English has been taught altogether. Reading, writing, spelling, tables, arithmetic, geography, history, and object-lessons have been taught. I have also given them lessons in a simplified Gouin system, and I find the children enjoy them, action being always pleasing to the native children. Every question asked by the children has to be properly expressed in English, and I find the competition is keen in every way. With regard to reading, some read very well and understand it. A knowledge of their own language is a great help to them in their reading. Spelling is gaining favour, also dictation. Geography is a favourite subject, and we have a little every day, as well as regular lessons with the map twice a week. The younger children have lessons in their own language as well as in English. The children who come to school regular show a marked improvement, and it is becoming a pleasure to teach them; their behaviour is also better in every way. But my one cause of complaint is lack of interest on the part of parents with regard to sending their children regularly to school. No children care to find themselves far behind others, and Maori children especially are ashamed of it. The work of teaching in a foreign tongue is difficult enough any way, but it is far harder when there is such a want of interest. A compulsory clause with a fine attached for non-attendance would be a great boon to all concerned, then there might be some hope of these Maoris doing something to raise themselves. As it is, the whole thing is neither pleasant nor helpful to any one.

Attendance.—Daily averages for year from 13th July, 1896, to 17th July, 1897: Number of times roll was marked, 2,299; weekly average for year, 223; quarterly average for year, 55.

Inventory of School-fittings—120 desks; short forms for back row of desks; ink-wells; teacher's table, with drawers and locks; 2 chairs; 3 large blackboards, 1 small one; 3 large easels, 1 small one; 2 boxes chalk; 1 large cupboard, with lock, for keeping books, &c.; 1 ball frame; 1 map of World (Mercator's); 1 map-book; 1 small map of New Zealand; clock; clock-face; 14 reading-sheets; No. I. reading-books; No. II. reading-books; copy-books; blotting-paper; 2, 3, 4, 5, 6 standard geographies (1 of each); arithmetic-books and answers to same; 1 bottle of red ink; 2 bottles black ink; 2 boxes steel pens; 1 packet holders for pens; slates; 6 boxes pencils for slates; 1 dozen lead-pencils; natural history picture-sheet; 2 tables' sheets; 6 historical pictures; 4 rolls for marking attendance; E. A. SIEVEWRIGHT, Head-teacher.

##### No. 2.—Arorangi School.

Number of scholars in attendance during the year, 123; number of scholars dismissed during the year, 36. (Died 1; left the district, 7; left to go to Tereora School, 11; over age, 17.) Number belonging to school, 30th June, 1896, 113; number belonging to school, 30th June, 1897, 87. Number who attended during the first quarter, 110; number who did not attend, 3—113; number who were dismissed, 17; membership at close of first quarter, 96. Number who attended during second quarter, 86; number who did not attend, 12—98; number who were dismissed, 7; membership at close of second quarter, 91. Number who attended during third quarter, 96; number who did not attend, 5—101; number dismissed, 14; membership at close of third quarter, 87. Number who attended during fourth quarter, 69; number who did not attend, 18—87; membership at close of year, 87.

|                         |    |                  |   |       |
|-------------------------|----|------------------|---|-------|
| 1896.—July 13 to Oct. 2 | .. | 55 days' school, | 2,977 attendances of 4 hours; of 2 hours, | 5,954 |
| Oct. 9 to Dec. 18       | .. | 52               | "   | 5,046 |
| 1897.—Jan. 4 to April 2 | .. | 59               | "   | 6,180 |
| April 5 to June 30      | .. | 523              | "   | 1,046 |

Totals .. .. 183 9,113 18,226

Average quarterly membership, 96½; average quarterly attendance, 90½; average daily attendance (4 hours), 49.8.

From an examination of the above report it will be seen that, while nearly all the children have been in attendance during each quarter, some have been absent an entire quarter or more at a time, and that on an average the children have come to school only about half the time. This is greatly to be deplored, as the children cannot make satisfactory advancement under such conditions. Those who have been reasonably regular in attendance have improved as much as could be expected. As we have but four hours a day (twenty hours a week) in the schoolroom, I believe it is a great mistake that there are not some regulations by which regularity in attendance may be required.

Sincerely believing that the public schools, properly maintained, will prove to be one of the greatest blessings that ever came to the Cook Islands, and trusting that they may continue to receive your earnest thought and unwavering support.

I remain, &c.,

J. D. RICE,

Head-teacher, Arorangi Public School.

MEMO.—An inventory of supplies on hand, and books, &c., sold during the year, is attached to Mr. Rice's report, and laid upon the table of the Council, but not printed.

##### No. 3.—Takitumu School.

SIR,—

I have the honour to acknowledge receipt of your letter of the 25th instant, and in reply have great pleasure in enclosing herewith a report of the daily attendance at the public school here, and of which I have charge.

I may mention that the school has been open only for half-time from 26th June to 2nd August. Since the latter date it has been open for the full time. From 5th June to 31st July are Government holidays for the schools, but I took the liberty of keeping the school open during the months named.

MEMO.—In looking over Mr. Wilkie's book I find the attendance-roll is not complete, consequently I cannot send the return for his time as promised. No record at all of attendance during Mr. McClintock's time.

Ngatangia, 26th August, 1897.

## SUMMARY OF ATTENDANCE FROM 10TH APRIL TO 23RD AUGUST, 1897.

| Week ending | Attendance. | Daily Average. | Week ending      | Attendance. | Daily Average. |
|-------------|-------------|----------------|------------------|-------------|----------------|
| April 10 .. | 538 ..      | 107.3          | June 26 ..       | 28 ..       | 5.3            |
| " 17 ..     | 499 ..      | 99.4           | " 30 (3 days) .. | 18 ..       | 6.0            |
| " 24 ..     | 539 ..      | 107.4          | July 5 ..        | 156 ..      | 31.1           |
| May 1 ..    | 477 ..      | 95.2           | " 12 ..          | 145 ..      | 29.0           |
| " 8 ..      | 358 ..      | 71.3           | " 19 ..          | 215 ..      | 43.0           |
| " 15 ..     | 285 ..      | 57.0           | " 26 ..          | 170 ..      | 34.0           |
| " 22 ..     | 41 ..       | 8.1            | Aug. 2 ..        | 236 ..      | 47.1           |
| June 5 ..   | 189 ..      | 37.4           | " 9 ..           | 262 ..      | 52.2           |
| " 12 ..     | 178 ..      | 35.3           | " 16 ..          | 225 ..      | 45.0           |
| " 19 ..     | 192 ..      | 38.2           | " 23 ..          | 206 ..      | 41.1           |

Days no school, 21. From Titikaveka and Matavera no attendance, children not having attended for some months prior to my taking charge.

I have, &c.,  
H. ELLIS,  
Head-teacher, Takitumu School.

From the ARIKIS (the Government of Rarotonga) to the RAROTONGA COUNCIL.

WE lay before you, in this our Opening Message for the present session, a letter from the British Resident sent to us, respecting the liquor laws, and the public schools. In laying that letter before you we urge the necessity of your giving these questions the most full and careful consideration. Be not in haste over them—especially the public schools, which will affect not only the children now growing up, but those who are to come for generations after them. Make full inquiry, and when you have decided what you think best to be done let us know, and we will say whether we agree or do not agree with your views.

*The Rarotonga Council.*

As we have not yet been able to get the laws printed, it will be well to remind all the people of what the Council consists. This is the law which was passed on 22nd September, 1893: The Council is divided into two parts, the Council of Arikis and that of the people. You are the Council of the people, and when you have agreed to anything it is to be brought to us. If we agree also, and the British Resident approves, then it is law. If we do not agree, then it falls to the ground.

*The Government.*

The Arikis of Rarotonga are not only a part of the Council, they are also the Government. As the Government we now speak to you and say what has been done during the past year, and send you the British Resident's letter about the liquor and the schools for your consideration.

*The Revenue*

for the year ending 30th June, 1897, has been £763 5s. 1d., namely:—

|                                      | £   | s. | d. |  | £   | s. | d. |
|--------------------------------------|-----|----|----|--|-----|----|----|
| Subsidies from Federal Government .. | 102 | 0  | 0  | Court fees—Takitumu ..                       | 11  | 15 | 7  |
| Permits for liquor—Maoris ..         | 192 | 2  | 0  | Education rate—Avarua ..                     | 81  | 4  | 6  |
| " " Others ..                        | 210 | 16 | 5  | " " Arorangi ..                              | 21  | 17 | 5  |
| Road-tax—Avarua ..                   | 13  | 8  | 4  | " " Takitumu (for two years) ..              | 32  | 0  | 5  |
| " " Arorangi ..                      | ..  | .. | .. |  | 763 | 5  | 1  |
| " " Takitumu ..                      | ..  | .. | .. | Add to this the balance in hand on 1st July, |     |    |    |
| Dog-tax—Avarua ..                    | 15  | 13 | 10 | 1897 ..                                      | 75  | 12 | 4  |
| " " Arorangi ..                      | 0   | 6  | 7  |  |     |    |    |
| " " Takitumu ..                      | ..  | .. | .. | Total receipts ..                            | 838 | 17 | 5  |
| Court fees—Avarua ..                 | 68  | 0  | 0  |  |     |    |    |
| " " Arorangi ..                      | 14  | 0  | 0  |  |     |    |    |

*Expenditure.*

The expenditure for the year ending 30th June has been £632 1s. 6d., namely:—

|  | £   | s. | d. |                              | £   | s. | d. |
|--|-----|----|----|------------------------------|-----|----|----|
| Public schools ..  | 172 | 10 | 0  | Rent of bond ..              | 5   | 8  | 0  |
| Arikis' Courts—Judges and police ..                              | 296 | 10 | 0  | Auditing and departmental .. | 22  | 10 | 0  |
| Expenses of the Council ..                                       | 9   | 10 | 0  |                              | 632 | 1  | 6  |
| Roads and road inspector ..                                      | 65  | 0  | 0  |                              |     |    |    |
| Printing, stationery, interpreting, and general contingencies .. | 60  | 13 | 6  |                              |     |    |    |

Leaving a balance on 1st July, 1897, of £206 15s. 11d., from which must be deducted outstanding liabilities not exceeding £50. Full accounts will, as usual, be laid before you. We do not think it necessary to say more at present. The schools and the liquor law are all which we bring before you for consideration. In dealing with them, and all other matters for the good of Rarotonga, we pray that God will give you wisdom and His blessing on your work.

For the Government.

Rarotonga, 31st August, 1897.

TIONOMANA (Ariki).

From the BRITISH RESIDENT to the ARIKIS (The Government of Rarotonga).

*The Public Schools.*

WE have arrived at a point in connection with the public schools when change of some kind is imperative. The two great difficulties are the apathy of parents as to the attendance of their children, and the insufficiency of the funds at our command to obtain the requisite supply of teachers. Thanks to the London Missionary Society we have Miss Sievwright in Avarua, and thanks to the Adventists Mission we have Mr. Rice in Arorangi; but the Takitumu district has never been properly supplied. Their school was for a long time absolutely closed, and the teacher now in charge is only temporarily appointed. The difficulties are plain. The question is how best to meet them with an eye to the paramount object—the education in English of the children.

The teachers in Avarua and Arorangi have proved themselves able and zealous, and the irregular attendance of the children is no fault of theirs. In a paper which will be laid before you the teachers suggest a truant law; but, where the great majority of the children are truants, could such a law be made effective? Failing that, would it be possible, by forming local committees, to induce the parents to take a more active interest in the schools? Again, as to the money question, can we solve it by making a charge for each child in addition to the tax already paid by the parents, and how much should it be?

If none of these things can be done there is but one other course, to admit that Rarotonga is not yet ripe for a free-public-school system, to enlist in behalf of secular education the services and influence of the churches, and to encourage any one desiring to open a school by aiding all alike with a fixed subsidy for the average attendance during the week or month, as the case may be. Such a subsidy would, of course, be conditional on the schools submitting to periodical examinations, and to such inspection as the Government might think necessary, as well as on their making provision for proper teaching in the English tongue. One such school is already subsidised by the Federal Govern-

ment—the boarding and training school of the London Missionary Society at Tereora. The success of this school in keeping up its numbers and in the teaching of the children is highly gratifying. The question is how far the same principle could be successfully applied to the ordinary day schools on which so many of the children must depend.

Personally I am very reluctant to see the education taken out of the hands of the people themselves and transferred to the churches. To see the children of all creeds growing up together as citizens of a common country is, to my mind, an immense gain over a system that would bring them up in different camps and tend to create jealousies and ill-feeling. But the paramount question is the secular teaching of the children in the English tongue. That consideration must take precedence of all others. I suggest the subject as one which the Ariki should bring before the Rarotonga Council, and when the views of the Council are known, that the Ariki should have such measures framed as they may consider most advisable.

The following is the education rate collected for the year ending the 30th June, 1897: Avarua, £81 4s. 6d.; Arorangi, £21 17s. 5d.; Takitumu, £32 0s. 5d.: total, £135 2s. 4d.

Rarotonga, 26th August, 1897.

I am, &c.,

FREDERICK J. MOSS, British Resident.

#### REPORT FROM THE TEACHERS OF PUBLIC SCHOOLS.

WHEREAS experience has proved that it is impossible to determine beforehand the best time for the school vacations to accommodate the various districts, therefore we would respectfully recommend that section 6 of the School Regulations of Rarotonga of 8th November, 1895, as amended 2nd December, 1896, be amended to read as follows:—

The following are to be the regular holidays in each year:—

April 4—Anniversary of the declaration of the British Protectorate in 1891;

June 5—Anniversary of the adoption of the Federal Constitution in 1891;

October 27—Anniversary of the hoisting of the British flag in 1888;

and such other days as the teachers may arrange, with the approval of the Ariki of the district.

Whereas children are detained or suffered to remain away from school till the attendance is often practically nothing, and because of which the public-school system is in imminent danger of being counted a failure, not from unfaithfulness on the part of teachers or because the system is at fault, but because the school is not supported, and the teachers have no power whatever to back them in securing attendance or enforcing discipline; also because parents and guardians generally, not appreciating as yet the value of education, allow the children to come or go at their option, or detain them for the most trifling causes:

Therefore we would further recommend that a new section be added to the present School Regulations of Rarotonga, to read as follows:—

(a.) No child of school age, or who attends by special permit, shall absent himself or be detained from school without first obtaining the written consent of the head-teacher and the approval of the Ariki.

(b.) For every day that a scholar is absent without said consent he pay a fine of two shillings (2s.).

(c.) For serious sickness or emergencies the head-teacher may, with consent of the Ariki, waive the penalty, provided the same shall be promptly reported within that school week.

(d.) This section will not interfere with those who are in actual attendance upon any private school, or prevent any from leaving the public for a private school or from cancelling "special permit" attendance, providing that such shall first obtain a written certificate from the head-teacher that all dues are paid, and that he is honourably discharged.

(e.) The head-teacher shall keep a faithful record of all who are granted "leave of absence," with the reason therefor.

(f.) The head-teacher shall report to the Clerk of the Government at least once a month, giving a list of all those who are subject to fine, with the amount of the fine opposite each name.

(g.) All fines are due, and the Clerk of the Government shall take the necessary steps to collect the same, within the month.

(h.) All moneys thus collected, except the usual commission, shall be paid into the general Public School Fund of Rarotonga.

Respectfully submitted,

E. A. SIEVEWRIGHT,  
J. D. RICE,  
H. ELLIS, } Teachers.

Rarotonga, 2nd August, 1897.

#### (13.)

#### PAPER BY REV. MR. HUTCHIN ON THE EDUCATION SYSTEM.

To Sir James Prendergast, Chief Justice of New Zealand.

YOUR HONOUR,—

I have the honour of submitting to your notice a statement concerning the education difficulty in Rarotonga. From the commencement of the mission in this island by the London Missionary Society in the year 1823 to the year 1895 the schools were in the hands of the native pastors, aided by the English missionary. A competitive examination was conducted by me every year (1882-94), in order to test the progress of the children. Twelve children were selected from each of the five schools for examination. Examinations were also occasionally held of the whole school in each of the five villages.

Rev. J. Chalmers commenced a boarding-school in connection with the Institution for the Training of Native Teachers, which was carried on by the late Rev. W. Wyatt Gill, B.A., and myself, but was for various reasons given up; and the missionary then commenced to teach English classes in connection with the Avarua Village School.

In 1893 a new departure was made, as in that year the Cook Islands Parliament proposed that if the London Missionary Society would commence a boarding-school for boys and girls they would give a grant towards the maintenance of the children of £2 10s. per head up to fifty children. These proposals were accepted by the London Missionary Society; and towards the close of 1893 Miss Ardill commenced the nucleus of a boarding-school at Arorangi with fifteen children. The number was necessarily limited, as the premises were not large. The fact that the children of some were taken and that the children of others were not taken produced a great deal of irritation among the natives. They are naturally very jealous of each other. We were sorry we could not do more, but naturally had to make a selection.

At the commencement of 1894 we began to build the Tereora School, and the building was completed the same year. Steps were also taken to establish public schools. On the 29th January, 1895, a public meeting was held in the Parliament House, at which resolutions were passed that public schools for teaching the natives English were needed, and appointing a committee to make inquiries, and asking that Miss Large, who was on her way from Samoa to join our mission, should be appointed to the school at Avarua. Two members of the committee waited on me. I told them that Miss Large had been sent specially for the Tereora Boarding-school, and that Tereora School was for all the islands. I also told them that I could not remove Miss Large, as she was appointed by the directors of the London Missionary Society; that if I did so the claims of Arorangi, Ngatangia, and the other islands would have to be considered; that if a day-school were established I would assist in getting information as to the expense of getting teachers from Auckland, Sydney, or London. Probably such teachers would require their travelling expenses paid, and some guarantee for their salary.

The wife of Dr. Caldwell, a trained teacher in America, offered to teach forty children for £60 per year. Father Eich, of the Catholic Mission, said that three teachers would be out in April, that they could teach in secular schools if they were opened and closed with the Lord's Prayer, and the sum paid to each sister not to exceed £50 per year.

This, however, fell through, as the Roman Catholic bishop objected. It was finally recommended by the committee that a school should be started in the Avarua district, and under the care of the Au or district authorities, and there the matter dropped. During March there was a lull in the agitation for a public school, as it was reported that the Catholics would establish a school free of charge in the village. But as our local newspaper, the *Torea*, justly remarked, this was all very well when the natives were poor and first discovered, but all the Churches in other countries have plenty of their own people to provide for, and plenty of other natives, all much poorer, and much less able to pay than we are now. In the meantime it was announced that the Adventist Mission vessel was on its way with public-school teachers on board. When the Government met on the 5th July, 1895, Mr. Moss, the British Resident, sent a letter to them respecting the schools, in which he said that for four years he had been trying to have schools established in all the islands for the regular training of the children, and for teaching them English; that the work of education should be done by the islands each for itself, and not by the Federal Parliament; that the Federal Parliament might help by the purchase of desks, maps, blackboards, and other school furniture, and lend it to any schools that the Government were satisfied would do good work.

The Parliament met and adjourned on the 5th July, and the Rarotongan Council was to meet on the 15th August.

In the *Torea* of the 20th July, 1895, we read, word had been received from Captain Graham, of the "Pitcairn," that he arrived at Tahiti on the 1st June, sixty-two days out from San Francisco; thence to Raiatea, and to reach Rarotonga in August, and it was reported that teachers were on board.

In June, 1895, there arrived a Mr. Case and wife, belonging to the Latter Day Saint persuasion, and in July there was some talk of his wife taking charge of the public school at Ngatangia, but they did not go. The talk being on the part of the Europeans and not of the natives, who then, as now, were anxious to have a teacher from the London Missionary Society.

In August, when the Parliament again met, a Schools Bill, drawn up by the British Resident, was submitted to Parliament, that all schools in which English was taught were to be under inspection, and that the head of the school or the person who taught English was to hold a certificate from the Government; and that any one teaching in a school not certificated, or from whom the certificate has been temporarily or permanently withdrawn, shall be liable to a fine not exceeding £5 for every offence. The Act is defective in that no proper educational authority is appointed to determine a teacher's qualifications.

On the 6th August the Seventh Day Adventist Mission vessel, the "Pitcairn," arrived, and the following persons were left here, viz.: Mr. Wellmann, printer and school-teacher; Mrs. Wellmann, also, I believe, described as a teacher; Mr. and Mrs. Rice, school-teachers; and Miss White, nurse.

The meeting of the Government took place on the 14th August, and the Rarotongan Council met the next day. In the message from the Arikis to the Council (signed by Makea Ariki, the head of the Government) it is stated, "A school has been opened in Avarua by the Roman Catholic Mission, and several school-teachers have arrived in the 'Pitcairn' in connection with the Seventh Day Adventist Mission, and we are informed that if arrangements can be made some of the teachers will be left in the Cook Islands. We are of opinion that the Council, at its meeting, should adjourn until full information can be laid before them."

The Council next day met Dr. Caldwell and Captain Graham, of the Seventh Day Adventist Mission, who said that they had obtained trained and experienced teachers who would be quite willing to begin the good work for £60 per year. On the 24th August in our local newspaper, *Te Torea*, there appeared the following: "The 'Pitcairn' leaves Mr. and Mrs. J. D. Rice and Mr. and Mrs. Wellmann behind as teachers for schools, to be opened either by the Government or the Adventist Mission. This is a grand opportunity for the Rarotongan Government, and we hope that they will take advantage of it." Mr. Wellmann, who was also a printer, took a position in the *Torea* office, and thus one of the teachers dropped out of line.

The sub-committee appointed to inquire as to public schools sent for me, and asked me if the Council could have the loan of the school-buildings, and I told them I would bring the matter before our committee; but when they asked me if I could guarantee them three teachers, I told them I could not personally do so, but would make inquiries in London. This they would not agree to, saying that it would take too long to communicate with the Society and get the teachers. The sub-committee in the end reported to the Board, "We are of opinion that these are the teachers we should engage, as they are not very expensive (£60 per annum)." Cheapness, then, was the first qualification for a teacher in the eyes of the Council. On the 29th August the Council reassembled, and Mr. Moss pressed upon them the need of free public schools in Avarua, Takitumu, and Arorangi. "The teachers are here," he said, in his message to them, "and it rests with the Council to say whether the Maoris shall grow up from childhood associating together as one people."

It has always seemed to me very necessary, in order that the Federation of the islands should prove a success, that the people should gain an acquaintance for themselves about the laws, habits and customs, and history of other nations. The best way to do this is by obtaining an acquaintance with the English language. Yet, in order to make public schools a success, efficiency must not be sacrificed to cheapness. About this time I received a letter from Mr. Thompson, in answer to one from me, asking, on behalf of the people of Avarua, that they might have a teacher in connection with the London Missionary Society. The Rev. R. W. Thompson said, "If the people will pay for the salary of a teacher, the way will, of course, be made clear." His ideas were that the people should pay the salary of the teacher, and that both the school and the teacher should be under the control of the London Missionary Society.

There should also be some educational authority to test the qualifications of a teacher, an inspection of schools, and some means of enforcing attendance.

At the district committee meeting of the London Missionary Society, a resolution was passed on the 21st August that, in the event of the Public Schools Act being passed providing free and secular education in the English language, we would allow such schools the use of the present school-buildings, which were built by the native Churches and are held in trust by the London Missionary Society; providing that the native Churches were agreeable thereto, also providing that the native Churches under the care of the London Missionary Society have the sole use of the school-buildings on the Sunday, and on such other occasions as they may require them. This will show your Excellency that, as the Council at the time seemed bent upon having English education for all the children of the island, we, as a mission, threw no obstacle in the way, even though we were not permitted to obtain the teachers for them.

On the 14th September I wrote to the British Resident complaining that the London Missionary Society had been unfairly treated, as, until the passing of the Public Schools Act, there was no definite knowledge that public money would be spent on the schools, and we have had no time given us as a mission to try and find suitable teachers, whereas there is another mission provided with teachers for the work on the spot.

To this Mr. Moss replied: That the teachers came unsolicited; that he endeavoured to be impartial; that the Government and not the Council appointed the teachers; that in 1891-92, when \$700 was appropriated to establish a school in Avarua, it failed, because the agent of the London Missionary Society declined to let the Government have the use of the school-building until he had referred the question to head-quarters in London; that a serious responsibility would now be involved in not taking advantage of the present opportunity of opening schools in all the districts at the same time, unless there is some clear assurance that preferable arrangements will be made with the small amount at our disposal. If the Government make arrangements, they will be with the teachers individually, and not with the Adventist Mission.

On the 18th September the committee recommended the Council to open schools at the new year, and on the same day wrote to me asking me to communicate with the directors to obtain teachers. On the 16th September I wrote that the time was too short to communicate with the directors. On the 24th September the Council wrote to ask what time would elapse before I could communicate with the directors and receive an answer. I replied, five months. On the same day they replied that they would not wait, as the Society might not provide teachers for the money stated—namely, £60 per annum. On the 24th the Council wrote to Dr. Caldwell, asking whom it was proposed to allot, and at what salaries, in Avarua, Arorangi, and Takitumu. On the 26th Dr. Caldwell wrote (Adventist Mission)—to Takitumu, Mr. G. Wellmann; to Arorangi, Mr. J. D. Rice; and to Avarua, Mrs. J. F. Caldwell; salaries,

£60 per annum. On the 4th October the Council wrote to Mr. Moss that they did not agree to Mrs. Caldwell as head-teacher of Avarua, and that they wished the teacher to be got from the London Missionary Society; but, as Mr. Hutchin could not guarantee them, they agreed to the men but not to Mrs. Caldwell.

On the 7th October we held a special committee meeting; present, Miss Ardill, Miss Large, and myself; and in view of the apparently strong desire of the natives to secure teachers in connection with the London Missionary Society, the following resolution was passed and forwarded to the chairman of the Rarotongan Council: "That, as we hear that the people of Rarotonga greatly desire that the teachers of the public schools should be recommended by the London Missionary Society, we request the Rarotongan Council to suspend the appointment of school-teachers for five months, in order to allow us to communicate with the London Missionary Society." On the 8th October the Council replied that Mr. Wellmann was appointed to Ngatangia, and Mr. Rice to Arorangi; but those schools were only to be opened if a teacher was found for Avarua by the 1st January, 1896. "If you will arrange to get a teacher for Avarua we shall be very glad, even if only a teacher to act from the 1st of January, until you can hear from England." On the 14th October, 1895, the district missionaries of the London Missionary Society agreed that Miss Large, L.L.A., should teach in Avarua from the 1st January, 1896, until we heard from the directors of the London Missionary Society.

On the 2nd April, 1896, our foreign secretary replied and approved of the step taken.

On the 17th October, 1895, the Council replied that they were pleased that Miss Large would teach in Avarua. On the same day I wrote to the Chairman of the Council about the school-buildings: "To the Chairman of the Council: I have to add that the school-buildings allowed for the public schools are not to be open to other denominations on Sundays. The buildings belong to our denomination, and shall only be allowed to be used by the teachers of the public schools during the time appointed for teaching." I received answer on the same day: "In answer to your letter that no other denomination should have the use of the school-buildings on Sundays, I have to inform you that that question has already been settled, and that all Sundays are to be strictly kept for our own denomination and no others." This law is already in force.

On the 1st January, 1896, the public schools commenced at Avarua and Arorangi, but not at Ngatangia, as Mr. G. O. Wellmann, the printer and experienced teacher, never took up the appointment. Miss Large was in charge of the public school at Avarua from the 1st January to the 28th April, when the public school had a holiday. On the 13th June Miss Sivewright arrived to act as public-school teacher at Avarua. The agents of the London Missionary Society at Sydney and Melbourne acted as intermediaries in the appointment.

On the 11th July Mr. Wilkie opened the public school at Ngatangia.

On the 17th July Miss Sivewright reopened the school at Avarua.

On the 11th July a petition was presented to the Parliament from the Roman Catholics (Parliament met on the 6th July), asking that the parents of the seventy-five children who were on the rolls of their school may be relieved from paying the education rate, as they have to provide their children with all requisites, and the Government were at no expense as regards their school. They—the Parliament—decided that they could not vote the money. Four times it was laid on the table, and four times it was thrown out.

On the 16th September the Rarotongan Council, after a great deal of opposition, passed the Education Rate Amendment Act, fixing it at 3s. per head. At the same time the Ngatangia representatives complained that Mr. Moss had appointed Mr. Donaldson as second master without consulting them. This Mr. Moss denied.

Mr. Wilkie resigned the public school at Ngatangia about the end of October, and it was already reported in the Auckland papers that Mr. McClintock had been appointed as public-school teacher at Ngatangia and Inspector of Schools before he arrived. In February, 1897, Mr. McClintock commenced his duties at Ngatangia, and in a month he was dismissed for drunkenness by Pa, the chief of Takituma. In April, I think it was, Mr. Ellis was appointed to the Ngatangia School, and the other teachers at Avarua and Arorangi have gone on the even tenor of their way ever since. The attendance has been bad, for there is no compulsory law, and no inspection of the schools has taken place. In the case of Miss Sivewright a misunderstanding arose. The Home authorities understood that the London Missionary Society would have full control of the school, but the Schools Act, which was sent to them, stated that the natives, or rather the Government, was to have full control of the school. Our foreign secretary (Rev. R. W. Thompson) informed me that they could not think of appointing any other teacher under similar circumstances, as it was an understood practice that when the London Missionary Society paid a sum of money (as they have done in the case of Miss Sivewright) towards the support of a teacher they were to have control of that school.

The conclusions I have arrived at are these, and I would say that other missionaries differ with me as regards the public schools:—

(1.) I would say I believe there is a desire on the part of the people to gain a knowledge of the English language—the desire is there, though somewhat intermittent.

(2.) That, though wishful to have English taught, they are not willing to pay for thoroughly efficient teachers.

(3.) That the matter rests with the Government and Council, who made their first mistake when they refused me time to apply to the Home authorities as to the possibility of getting teachers from the London Missionary Society, and under what conditions.

(4.) That if the public schools were given up, the education-tax also should be abolished.

(5.) Mr. Moss has lately made a proposal to pay 6s. per head for every child attending schools where English is taught. This would prove entirely beneficial to the Roman Catholic Church. The proposal, I understand, met with no support from the chiefs and Council.

(6.) If there is a return to the system of former days (previous to 1895)—that is, of schools conducted in Rarotongan by the native pastors—then let any one who wants to have his children better educated pay for that education himself.

(7.) There is great difficulty in ascertaining the wishes of the people, yet the chiefs express themselves in favour of the continuance of the public schools. Some of the people are in favour of them and some not.

(8.) There are various respects in which I think these schools might be improved if continued: (a.) A compulsory-attendance law; the attendance at all the schools is very poor and irregular. (b.) Yearly or half-yearly inspection of the schools. (c.) The second teacher should be an intelligent native. (d.) Properly-qualified head-teachers might be obtained from New Zealand, from the Educational Board. This could be done, and might be reckoned, if they stayed here three or four years at a time, as part of their qualification for promotion. The Rarotongan Government to pay their travelling-expenses.

The social unrest which characterizes all countries at the present day is making itself felt here. At present these waves beat harmlessly upon the strand. What is needed is that breakwaters and sea-walls should be erected so that they do not encroach upon the coast. Religion and education alone can make a people strong. In the Tereora Boarding-school the London Missionary Society are educating fifty boys and girls in the English language, and your attention, your Honour, is called to this in a separate statement.

The Roman Catholic Mission has about twenty children in regular attendance; though, no doubt, there are many more on the books. As regards the attendance at the public schools, we have—Avarua Public School, average attendance, 30; Ngatangia Public School, average attendance, 15; Arorangi Public School, average attendance, 10; Tereora London Missionary Society's Boarding-school, average attendance, 50; Roman Catholic School, average attendance, 30: total average attendance, 135. From the Census returns (A.—3, 1896), 1st June, 1895: Number of children, five to ten years of age, 312; one-third the number, ten to twenty years of age, 150; total, 462. (N.B.—We take half the number between ten and twenty, because the children usually leave school before they are thirteen years old.)

I do not know what the average attendance is supposed to be as regards public schools in other parts of the world, but saying that 75 per cent. of 462 children ought to be in regular attendance, that is 346. Yet we only have 135 in regular attendance, that is only some 39 per cent. Hence there is need for improvement as regards the public schools, and also the other schools on the island.



We hope that the people will value their educational privileges more and more. Though it is difficult for many of the natives to grasp the fact that knowledge of the outside world is of much utility, yet now that some of the natives have commenced to export their own produce they are realising more and more the value of the knowledge of arithmetic, and of a good acquaintance with the English language.

In the hope that these remarks may prove of some value,

I remain, &c.,

JOHN J. K. HUTCHIN.

N.B.—The figures as regarding attendance are the result of the observation and knowledge of various persons, but I believe them to be approximately correct. They are not supplied by the various schools.—J. K. H.

#### PAPER BY REV. MR. HUTCHIN ON THE EDUCATION SYSTEM.

THE Report as presented by the Rev. J. J. K. Hutchin, the Examiner at the Distribution of Prizes at Tereora, 22nd December, 1897.

F. J. Moss, Esq., British Resident, in the chair. Makea Ariki, Pa Ariki, Judge Tepau, also present. Tino-mana Ariki absent because of family trouble.

Mr. Chairman, Ladies and Gentlemen,—On behalf of the London Missionary Society, and also on behalf of the lady principal, Miss Large, I give you a hearty welcome to the Tereora School, a school in which you have always been interested, and which is doing so much for higher education in this group of islands. As you look at the children I am sure you will agree with me that they are both healthy and happy, and you can rest assured that careful attention is being given to the mental and moral training of the children in this school. During the whole of the past year Miss Ardill has been absent on account of ill-health. You will be glad to hear that, according to the latest accounts which we have received, she is slowly progressing towards a complete recovery. We are, however, thankful to Almighty God that Miss Large has been able to carry on unaided the work of the whole school, and we hope that the extra physical and mental strain thereby involved will not be injurious to her. We would also thank the Government of the Cook Islands for their continued help towards the maintenance of the children.

There are fifty-seven children on the school roll, all of whom are natives of the Cook Islands. Seven of the children are, however, absent from the school for various causes.

Fifty children were examined by me. I found the discipline to be excellent, and the lessons of obedience, order, and respect which the children learn in this school will be of the greatest value to them in their future life. The examination throughout was conducted in English, and all the classes are taught in English.

The children were presented for examination in the following subjects: Reading, history, dictation, translation, writing, recitation, scripture, arithmetic, geography, drawing, and needlework.

This school, we hope, is at the commencement of a prosperous career. It is with us, yet, the day of small things. Solid work has been done during the past year. Habits of industry, order, and obedience are being formed, the clouds of ignorance are being lifted off many a brain, and the light of intelligence is beaming forth from many an eye.

The benefits of such a school will make themselves more and more apparent as the years go by. The future is with the best educated and the most moral and vigorous races of the world. The Maori people of these islands must make the best use of their present advantages, or they will not advance in civilisation. We trust that this will be the case, and that, as in nature, after the rain has fallen and the clouds have rolled by, so, after our present troubles have come to an end, we may enter upon the path of real progress,—religion, education, and commerce, each active in its own domain, yet each a helper of the other in uplifting, enlightening, and helping on the true prosperity of the people of the Cook Islands, "Till each man find his own in all men's good, and all men work in noble brotherhood."

The names of the children, and the marks obtained by them, are omitted for the sake of brevity.

I remain, &c.,

JOHN J. K. HUTCHIN.

Each child pays £1 10s. per annum. The Government allows £2 10s. per child up to the number of 50. In addition to this the London Missionary Society expends £200 annually on the institution, exclusive of the salaries for the lady missionaries.—A. E. LARGE, L.L.A.

#### (14.)

#### PAPER BY MR. HUTCHIN ON THE LIQUOR QUESTION.

##### *The Liquor Traffic in the Cook Islands.*

On the 27th day of October, 1888, Captain Bourke, R.N., of H.M.S. "Hyacinth," hoisted the British flag over the three districts of the Island of Rarotonga, declaring in his proclamation "that all laws and customs at present recognised will remain in force, and his (or her) administration over the district (or island) will not be interfered with." "I further declare that all persons of whatever nationality who choose to reside in the country must conform to the laws thereof."

Concerning this proclamation Mr. Moss wrote to the Governor of New Zealand (letter No. 12, dated the 17th January, 1891). This letter states their (that is, the chiefs') position and authority in making laws under the Protectorate, and is regarded by them as a species of charter. "The laws are readily obeyed by the natives, fairly so by the foreign residents, between whom and the natives a very good feeling exists."

Instructions of Lord Onslow, Governor of New Zealand, to Mr. Moss, to report on the liquor traffic: "Your visit is entirely unofficial, and that on your return, should the appointment be confirmed, you will report to me upon the state of affairs in Rarotonga, with special reference to the importation of spirituous liquors, and the possibility of aiding the local authorities to put a stop to it."

F. J. Moss, Esq., the British Resident, arrived here on the 19th November, 1890. Rev. James Chalmers, of New Guinea, was here at the same time on a visit. The day after the arrival of Mr. Moss the "John Williams" arrived, and I was obliged to go on an extended cruise of six weeks' duration to visit our out-stations.

In letter No. 12 to the Governor of New Zealand, dated the 17th January, 1891, Mr. Moss states: "I ascertained on my arrival that nineteen houses of different kinds, and in different parts of the island, were engaged in the sale of liquors drunk upon the premises." Mr. Moss repeats this statement (see *Hansard* containing the debate in the Legislative Council of New Zealand, on Tuesday, the 5th October, 1897, on liquor traffic in the Cook Islands). Mr. Moss also repeats this statement in a letter to me dated the 13th October, 1897: "I arrived here on the 18th November from New Zealand. You were away, but expected back soon. The Rev. J. Chalmers was in Rarotonga, and at once brought to my notice the gross and open drunkenness prevalent among the Maoris, both men and women. I found his statements more than justified. Nineteen known houses were openly retailing the worst liquor; and fourteen quarter-casks of rum had just been openly landed and stored by a trader, brought from San Francisco."

As regards the gross and open drunkenness of both men and women, which Mr. Moss implies Mr. Chalmers brought to his notice, Makea Ariki stated, when interviewed on the subject, "that there was no drinking among the women; not until the bond was started did the women drink."

On one occasion Mr. Chalmers saw several drunken persons, and that was on the occasion of the school examination at Arorangi in 1890. My wife was present on that occasion and saw several persons drunk, but not many—five or six, she thinks, but not more. I never saw people drunk on the road in those days as I have seen since the present liquor law came into operation. The rum I did hear about when I came back from the group, but as a rumour only.

Then, as to the statement that "nineteen known houses were openly retailing the worst liquor," in my reply to the letter of the British Resident I stated "I wonder who your informant was that is so particular and exact as to the number of houses openly retailing the worst liquor. Another thing would be interesting to know, and that is, the names of those who kept these nineteen houses, and also the persons who supplied them with the worst liquor. For my part, I have never believed the tale as to the nineteen houses. I do not at all accept it as a statement of the



facts of the case as far as my knowledge is concerned." To that part of my letter I only received the answer, "They were accepted as correct then, and no one has ventured to deny them since." I have asked Makea Ariki, and she totally denies the knowledge of the nineteen houses where liquor was sold. We have a right, then, to ask for the names of the people who kept the houses, and the firms that supplied them with liquor, seeing that Mr. Moss definitely states that he knew of nineteen houses which sold liquor when he came here in 1890.

At the meeting of the chiefs, convened on the 22nd of November, at which Mr. Moss and Mr. Chalmers were present, after considerable discussion, the following law was agreed to by all the chiefs: "No person, be he native or foreigner, shall sell spirituous liquors to any native. Any person so doing from this day shall be fined \$100. The native who buys such liquor will also be fined \$5 cash." As to the making and drinking of orange beers and other beers of that kind, the old law is still in force. At this meeting Makea said (as per letter No. 9 of Mr. Moss to the Governor of New Zealand, dated the 22nd November, 1890): "The wrong was in the imported spirits, and not in the home-made beer." The one also was a thing in which her people spent their money and were ruined, the other they made at little cost to themselves. She named several who had recently died from drinking imported spirits, and urged that something should be done quickly. Here, she said, is the pit for the land, the grave for it, the one grave, and that is the foreign spirits. It is the pit which causes all the sorrow to the mothers and children, the foreign spirits. The church members that fall do not fall by the orange beer, but by the imported spirits. This is the case. Pa, Tinomana, and Ngamaru spoke in a similar strain." The meeting closed with a denunciation of all drink by the native teacher at Ngatangia (Maretu).

I got back to Rarotonga from my visitation of the out-stations of the group towards the end of December, 1890, and found that there was already a determination to alter this excellent law manifesting itself. It was said, why should the natives not have the liquor if they wanted it? Were they not grown up men and women who knew their own minds, and could judge for themselves? but now they were treated as children. Had they not the law in their own hands? If white men were allowed to have liquor, why should not the natives have liquor also? Thus in this way attention was called to the inferiority of the native to the white, the pride of the natives was touched, and opposition on the part of a number of natives to the present law was aroused.

The end of it was that Pa, the chieftainess at Ngatangia, called another meeting to discuss the liquor question. The meeting was held at Ngatangia on the 10th January, 1891. Mr. Moss, Mr. Chalmers, and myself, were present at the meeting; also a Mr. Gelling, on behalf of the Europeans, and who had been elected by them a member of the Council. The feeling of the meeting seemed to be, after great discussion, in favour of the equal treatment of natives and Europeans. I strongly urged them to keep up their old prohibition law. Makea Ariki, and Tepou o te Rangi, the Chief Judge of Avarua, were also of that opinion, but afterwards gave in to the majority, and agree to the law proposed by Mr. Moss for their consideration. Mr. Chalmers was also of opinion that the system should be tried.

The law which was then passed has now been in force for nearly seven years, and is as follows:—

Liquor Law, passed on the 10th January, 1891:

1. A Licensing Officer shall be appointed by the Council; and, in case of vacancy when the Council is not in session, a temporary appointment shall be made by the Arikis.

2. The duty of the Licensing Officer shall be to take charge of all intoxicating liquors within the Protectorate on the coming into operation of this law, and of any intoxicating liquor that may hereafter be imported.

3. The Licensing Officer shall provide a suitable store and office at Avatiu or Avarua for the storage of intoxicating liquor in his charge.

4. The Licensing Officer shall issue such liquor only in accordance with the provisions of this law.

5. All owners of liquor will, on or before the 10th of January, 1891, make a return to the Licensing Officer of the quantities in their possession, and he will thereupon take charge thereof.

6. Where the said liquors are held in reasonable quantities at the houses of the owners for their own use, the Licensing Officer will, at his discretion, allow them to remain there. In all other cases, he will require that they be placed in the bond or store appointed for the purpose.

7. The Licensing Officer will keep the said liquors carefully in store at the risk of the owners thereof.

8. The said owners shall have access to the store to inspect their property on any week-day, between the hours of 10 and 3, Saturdays excepted, when the hours shall be from 10 to 2.

9. No intoxicating liquor shall hereafter be sold and delivered by any one except to persons to whom a permit to purchase or receive the same shall have been granted by the Licensing Officer; and the Licensing Officer, on delivery of any liquor so authorised, shall retain the permit and file it as a record. In the case of natives, the permit shall only be issued on the written authority of the ruling Arikis of the district, but the foreigner shall go only to the Licensing Officer.

10. If the Licensing Officer should have reason to believe that permits are being improperly obtained, to defeat the purposes of the law, he may decline to issue the same till satisfied to the contrary.

11. On all intoxicating liquors within the Protectorate, whether for the owner's use or for sale, the following charges shall be made by the Relieving Officer on the permit being issued by him: Spirits of all kinds, \$1.50 per gallon; wines, \$1.30 per gallon; beer, 15 cents. per gallon. Six reputed quart bottles and twelve reputed pint bottles shall be reckoned as one gallon.

12. Any person infringing any of the provisions of this law shall be liable to a fine not exceeding \$150.

13. Any person found guilty of drunkenness shall be liable to a fine not exceeding \$5.

14. All fines or fees levied under this law shall be public revenue, and held at the disposal of the General Council, subject to approval of the Council of the Arikis.

15. A return of all cases adjudicated upon under this law before the British Resident shall have formally entered upon his duties in Rarotonga shall be compiled monthly, and sent by the Judge for the information of His Excellency the Governor of New Zealand.

16. The friends of any person habitually getting drunk, or to whom intoxicating liquor is known to be injurious, or, failing such friends, the Licensing Officer or a policeman, may apply to the Court of the district for an order prohibiting the sale or gift of liquor to such person. Such order, if granted, shall be forthwith published; and any person disobeying it shall be punished as provided for those guilty of contempt of Court.

17. The Licensing Officer may, on information duly received, enter upon any premises and take possession of any intoxicating liquor thereon which he has reason to believe is in possession [of liquor] contrary to the provision of this law. He shall then prosecute the person in whose possession it has been found, and upon such person shall rest the onus of proving that he is in lawful possession of the same.

18. All laws at present relating to the sale of or dealing with imported liquors are hereby repealed, so far as such sale or dealing is concerned, on the coming into operation of this law. Those relating to orange beer or other fermented liquors illegally manufactured within the Protectorate will continue in full force and effect.

19. This law will come into operation on the 10th of January, 1891.

Letter No. 12.—"The experiment of thus regulating the liquor traffic, though novel, will, I hope, prove successful. It has, at all events, brought the traffic under control, and information as to the extent and character of the consumption will now be available." Very soon after the passing of the law, Pa, chief of Ngatangia wished to have a bond at Ngatangia. Mr. Moss very properly says: "I wrote to Pa that the law can now only be altered by the Council."

On the 22nd of April, 1891, Mr. Moss made a Proclamation to the foreign residents of the Cook Islands of his assumption of office as British Resident. In that Proclamation he says: "I thank you for the cheerful and ready obedience paid to the liquor law of the 24th December, 1890. His Excellency the Governor and the people of New Zealand are watching with interest the operation of this law, which, I am glad to find, has so far answered the most sanguine hopes of success. It is well that all should clearly understand that no modification of this law in the direction of licensed houses for the sale of liquor to be drunk upon the premises will under any circumstances be permitted."

In No. 2 letter to the Governor, dated 29th April, 1891, Mr. Moss says: "I have the honour to inform your Excellency that I find universal agreement on my arrival here as to the excellent working of the liquor law passed on the 24th December last. The sobriety of the island cannot be questioned, and the impartiality and effectiveness of Mr. Garnier's administration of the law have gained the confidence of the people. I have informed that gentleman of the thanks which your Excellency desired me to convey to him. I find that only four bottles of liquor of all kinds have been issued to natives since the law has been in force (15th January)."

In letter No. 7 to the Governor, dated 22nd July, 1891, Mr. Moss says: "The liquor law continues satisfactory in its operation, and is accepted now on every side." "An attempt was made to establish a club in which each member should have a cupboard to keep his own liquor, but none to be sold on the premises. This would have been a direct evasion of the liquor law, and on my pointing this out the attempt was abandoned. The club is now in existence, but no intoxicating liquor is kept on the premises."

In a letter to the Governor, dated 13th November, 1891, Mr. Moss states: "The liquor law continues to work well in preventing the supply of imported liquor to the natives. With a few exceptions the foreign residents have always been temperate drinkers. Since my last despatch the Licensing Officer has prosecuted one trader—a European—for selling two bottles of spirits to another European who had not previously obtained a permit to buy. Judge (Tepou-o-te Rang) decided that there was ample evidence to justify the prosecution, but not enough for conviction."

In his letter to the foreign residents, refusing to allow liquor to be kept in the club, Mr. Moss says, under date 19th November, 1891, "You are, no doubt, also aware that my published instructions enjoin me to regard the present law as experimental only, and that if it fail, total prohibition must be substituted."

Mr. Moss says, under date 31st May, 1892, in a letter to the Governor: "The liquor law continues to work satisfactorily, and the drunkenness prevalent eighteen months ago has quite disappeared. The native consumption is confined to what they call beer, manufactured secretly from the abundant oranges, and for which manufacture they are fined, when detected."

What then has been the effect of this law? to stop the importation of strong drink? By no means; but it has provided an easy method of raising revenue for the Government. Take first of all the imports of intoxicating liquor into the Cook Islands, 1st July to 30th November, 1891 (five months)—spirits, \$425 = £85; wines, \$186 = £37 4s.; beer, \$88 = £17 12s. (at 4s. to the dollar): total, £139 16s.

Very little was sold between the 15th January and 1st July, for Mr. Moss wrote to the Governor of New Zealand, under date 29th April, 1891, "I find that only four bottles of liquor of all kinds have been issued to natives since the law has been in force (15th January)"; and also wrote on the 22nd of July, "The liquor law continues satisfactory in its operation."

1st July, 1891 to 30th June, 1892 (\$5 to the £1.)—Spirits, \$1,269.53 = £253 18s. 1d.; wines, \$301.36 = £60 5s. 5½d.; beer, \$713.10 = £142 12s. 4d.: total, £456 15s. 10½d.

1st January, 1892 to 31st December, 1892: Spirits, £324; wines, £25; beer, £153; total, £502.

1st January, 1893 to 31st December, 1893 (during the first six months of this year the dollar was reckoned at 4s.; during the last six months at 3s.): Spirits, total for the year, £410; wines, total for the year, £54; beer, total for the year, £89: Total, £553.

1st January, 1894 to 31st December, 1894: Spirits, \$3,545 = £531 15s.; wines, \$394 = £59 2s.; beer, \$266 = £39 18s.; (at 3s. to the dollar): total, £630 15s.

1st January, 1895 to 31st December, 1895: Spirits, £481; wines, £77; beer, £27: total £585.

1st January, 1896 to 31st December, 1896: Spirits, £552; wines, £67; beer, £96: total, 715.

Fees levied on Permits for Liquor from 1st July, 1891, to 30th June, 1892: 287 doz. bottles beer at 30 cts. per doz., \$86.12; 73½ doz. wine at 60 cts. per doz., \$44.25; 394½ doz. spirits at \$3 per doz., \$1,184.61: total, \$1,314.98 at 4s. = £262 19s. 3½d.

1st July, 1892, to 30th June, 1893 (six months at 4s.): 166½ doz. beer at 30 cts., \$50 = £5; 68½ doz. wine at 60 cts., \$41 = £4 2s. 4½d.; 535½ doz. spirits at \$5, \$1,607.94 = £160 15s. 10½d.: total, £169 18s. 3½d. (six months at 3s.), beer, £3 15s.; wine, £3 1s. 9½d.; spirits, £120 11s. 10½d.: total, £127 8s. 8½d.

1st July, 1893, to 30th June, 1894: Amounts of beer, wine, and spirits not separately stated, total fees, at 3s. to the dollar on \$1,665.20 = £249 15s. 7d.

There is difficulty in comparing the fees with the amount of liquor imported. In the imports, the returns run from January to December; in the fees, from 1st July to 30th June of each year. I have not obtained the returns of fees levied for July–June, 1895, 1896, and 1897 yet. As there is a gradual increase apparent in the imports of liquor, it is evident that there will be a gradual increase in the fees: 1st July, 1894, to 30th June, 1895 = £368 4s. 5d.; 1st July, 1895, to 30th June, 1896 = £391 10s. 6d.

In 1892 the imports of intoxicating liquors exceeded the imports of 1891 by £45 4s. 1½d. The imports of 1893 exceeded those of 1892 by £51. The imports of 1894 exceeded those of 1893 by £77 15s. In 1895 there was a decrease, the imports being £45 15s. less than 1894, though £32 more than those of 1893. In 1896 again there was a considerable increase over 1895, not less than £130. The worst feature of the case is that there has been a continuous increase in the use of ardent spirits, except in 1895, when £50 worth less spirits were imported than in 1894. But in 1892 more spirits were consumed than in 1891; in 1893, than in 1892; in 1894, than in 1893; and in 1896, than in 1895.

As regards the fees: The fees increased in 1892–93 more than £30 above 1891–92, 1893–94; on the other hand was £50 less than 1892–93; 1894–95 was more than £70 in excess of 1893–94; and 1895–96 was £23 6s. 1d. in excess of 1894–95.

How, then, can the Act be said to have succeeded, when, according to the official statistics, there has been a continual increase in the imports and the fees levied on intoxicating liquors. My personal opinion is that the liquor traffic should be taken out of the control of the natives. When the present law was proposed I opposed it; though, of course, I had no vote at the meeting at Ngatangia on the 10th January, 1891. Excellent in intention, the law has been defective in execution,—

(a.) Permits for the sale of liquor have been sold by persons appointed by the chiefs, 20 cents. being charged for a permit. At the present time that practice has been stopped, and the Arikis only can issue permits, as the law directs; the other practice being a violation of the law.

(b.) Five or six names, or even more, are sometimes written on a single permit. This I hear to be the case. There is an attempt to alter this, made lately by Mr. Moss, and submitted to the Council. The permits are to have a stamp affixed, and only one name can be entered on a permit. The person who issues the permits is to be paid a fixed salary, and to be fined heavily if he takes money for the issue of permits from any one else.

(c.) A bottle of spirits is too much of a temptation for a native. He cannot rest until he has finished the bottle.

(d.) The more liquor sold, the greater is the revenue of the Rarotongan Council.

(e.) Nowhere else is it the case, I believe, that the same duties, 6 per cent., are levied on intoxicating liquors as well as on articles of food. There is, of course, the fee to add; but even then liquor is much too cheap, and very heavy duties should be put upon it in order to restrict the traffic.

The present system has failed, and something else should be tried. Heavy duties should be put on, smugglers and illicit-drink sellers severely punished; the police should arrest and punish all drunkards.

If prohibition of the liquor traffic is to be the law here, let it be carried out properly, and an officer, a European, appointed to examine cargo, &c., on the arrival of vessels. Under native officers I do not think that prohibition could be effectively enforced, and some system like the Gothenburg system, with a total abstainer in charge of the house, should be given a trial.

Rarotonga, 30th December, 1897.

Sir James Prendergast, Chief Justice of New Zealand.

I remain, &c.,

JOHN J. K. HUTCHIN.

(15.)

## INQUIRY BEFORE SIR JAMES PRENDERGAST, AT RAROTONGA,

FRIDAY, 24TH DECEMBER, 1897.

SIR JAMES PRENDERGAST reads his letter of appointment.

Proceeds with petition of C. Kohn and others. [Petition read; also Mr. Moss's observations thereon read, and letters of 23rd December and 24th December. (See Enclosures to No. 13, page 10 *et seq.*)]

Mr. C. Kohn handed in *Te Torea*, 11th August, 1896, with account of parliamentary proceedings of 28th July; and Monday, 3rd August; *Te Torea*, 8th August, 1896. Reads petition of , 1894; letter of 13th June, 1894, from same petition; and letter of 18th June, 1894. (Exhibits "A," "B," "C.")

Mr. Moss admitted that he was opposed to expenditure of money on public buildings. (This branch to be detailed in writing.)

Paragraph 2 of petition to His Excellency the Governor:

Mr. Moss admits that Donald and Edenborough are Government bankers. The Government Auditor and banker are the same person.

Paragraph 3: The private door; liquor passed through.

Paragraph 4: June, 1894, letter Chairman of Commerce to obtain British currency. Suggests a tax on importation of Chili money. That Chili money is imported from Tahiti. That the subject has been put before Mr. Moss by Captain Taylor, and that he took no notice thereof. This was a conversation only. Absence of British money is a great hindrance to trade in every way. British Resident should have acted on such suggestion, inasmuch as he has made the laws.

Par. 5: Government Auditor and Government banker is manager of the firm of Donald and Edenborough. All Government cheques have to be signed by Government Auditor.

If Government Auditor has not enough, or if it does not suit his firm, he can decline to draw on the Government account. This is a grievance. In practice this has been found to be done: Mr. Allen presented a cheque to Government Auditor for £50 for countersignature, which was refused because his partner [corrected to "employé"] had a private debt to Donald and Edenborough. Only remedy is that Government should be their own banker, or that a person not connected with the firm should be Treasurer, and Postmaster, and Collector of Dues. This brought before Cook Islands Parliament, but thrown out.

Par. 6: Assisting Postmaster: Liquor issued by Government Auditor; Auditor assists Postmaster in his accounts, and then audits the same. Auditor was appointed against the wish of the Parliament.

Mr. Kohn says it is unfounded that any equally competent person except Mr. Scard disconnected with any mercantile firm at the remuneration at the command of the Resident. That Mr. Scard was not, in the opinion of Mr. Kohn, a proper appointment, seeing that Mr. Scard, to the knowledge of Mr. Moss, arrived here under an assumed name. That it is publicly known that this Auditor was wanted for a bank robbery in America, and that it was believed to be known by Mr. Moss. Mr. Piltz can give this information.

Bond put in indorsed by Auditor, not by Collector of Customs (Exhibit "D"). Admitted by Mr. Moss.

1. Examined by Mr. Moss.] Are you aware that Mr. Scard before his appointment was intrusted by other merchants' rivals with keeping their books?—No.

2. Whether he has ever heard a word against Mr. Scard during thirteen years?—No.

3. During this time is he not aware that Mr. Scard has been an intimate friend of Mr. Hutchin's, and other missionaries here?—I have always known that he has been friends of everybody.

4. Whether this attack on Mr. Scard is one aimed at Mr. Moss?—The attack is made on the system, and also upon Mr. Moss, as being responsible.

Captain Piltz: I state what I know about Mr. Scard. He arrived here ten or eleven years ago; he went round the group and stayed at Atiu. I knew him well at that island. My vessel was under the American flag at the time, sailing between Cook Islands and San Francisco. Mr. Scard, at Atiu, gave me a letter and trusted me with several inquiries to be made in San Francisco, which letter, on arrival, after making inquiries was to be torn up, so as to prevent inquiry. During my stay in San Francisco I had no end of detectives and policemen running after me and guarding my ship day and night, wishing me to inform them where Mr. Scard or Banks was. This letter intrusted me by Mr. Scard informed me not to decide what island he lived at the time, which I did not do. I was called on by policemen and asked to inform where he was. I told Mr. Scard on my return of this. He told me to tear up all he had intrusted me. He made no comment. I heard that he was wanted by Wells, Fargo, and Co., Bankers. He said he knew it. This was 1892. Mr. Moss may not have known of this till now.

Mr. Moss stated: I arrived here 1890. Mr. Exham was then British Consul. In 1891 Mr. Exham pointed out Mr. Scard to me. He told me that he had been officially offered \$1,000 if he would go back to San Francisco, the object being that he should give evidence against others high up in Wells, Fargo, and Co., who had been speculating largely with the firm's money, and whose wrongdoings Mr. Scard, as book-keeper, had lent himself to conceal. Mr. Exham told me that when he offered this to Mr. Scard he said, "Not for a hundred times the money; they have been my best friends." Mr. Scard I afterwards saw in the confidential employ of rival traders here, keeping their books. I saw that he did not drink—a very great qualification—and I venture to say that it would have been very difficult for me to have got as competent a person not otherwise employed for £15 a year. I accept all responsibility of having recommended Mr. Scard as Auditor, and during the time he has filled that office I have heard nothing to shake my confidence in the slightest degree, and I do not think I should not have heard it.

1. Questioned by Mr. Kohn: Mr. Exham made this statement about Mr. Scard in the presence of the Rev. Mr. Chalmers. Mr. Scard told me at the time I asked him about the appointment, or previously, that he had come here under a cloud. He did not say what cloud. I had not received any other information about Mr. Scard's antecedents. I have since heard vague rumours about him not sufficiently definite to attach any importance to them.

2. Are you aware that Mr. Exham's own antecedents were such that you could have confidence in his statements?—No. He was British Consul at the time, and was acting until I became British Resident, and he handed over to me official papers.

3. Are you aware that Mr. Exham has served a term for perjury?—No. Mr. Exham was a partner in the firm of Donald and Edenborough, and is now in their employ. I have no reliable information that it was so.

4. Are you not aware that Mr. Exham is in the habit of drawing the long bow?—Yes; he tells white lies. Mr. Exham was not of intemperate habits at that time. It is ridiculous to suggest Mr. Exham has left to avoid inquiry.

At 11.30 adjourned till 1.30 p.m.

Mr. Kohn continues: Par. 7: About registration.

Mr. Moss states that the Registrar is paid by fees, and has nothing to do with audit. He did not know and does not know of any one suited to the business at the time besides Mr. Scard. A Mr. Doyle would have been a suitable person, but he wanted £100 or £150 a year for his services, whilst Mr. Scard gets £15. He would not have come for half unless he remained in Goodwin and Neal's.

5. Has not Mr. Scard been employed in and by a private firm?—Yes.

Par. 8 of petition: European representation in Parliament or Council: I put forward in support of this a letter from British Resident, 4th September, 1897, to Parliament.

Mr. Moss states that this allegation is contrary to the fact, and a mistake to say that he opposes representation of or by Europeans in the Parliament or Council. That, as he understands that, all Europeans who have resided in the group for one year have the same rights as natives. I do not object, and have always treated Mr. Salmon as a duly-appointed member. There is no election of members; the Arikis have completely under their control the Maoris, because they own the land.

Par. 9: Mr. Moss says there is no such law, and that he is not responsible. The laws imply election, but there is a general apathy on the part of all. See section 6 of Constitution Act.

Mr. Moss states that he wishes proper elections would take place, and he is glad the Europeans are waking up and seeing after their representation. But all his efforts are misrepresented by persons opposed to him, the Arikis being desirous of keeping the power in their own hands. That his efforts to secure representation have disposed the Arikis against him. Section 6 of Law 9, Rarotongan Council of 1893, provides for foreigners being represented.

Par. 10: Revenue, one-sixth expended on British Residency, by votes 1896-97:—

“Vote 11, Ngatipa vote: Caretaker, £22 11s.; Vote 23: Road, £40. No other vote for Residency. Expenditure: Caretaker, £22 11s.; Vote 23, Road, £36 6s. 4d.; in addition, taken from Vote 20 for school-buildings, £54 14s. 8d.; further, from unauthorised, Vote No. 24, £110 8s. 6d.: total, £224 0s. 1d.” Total vote being £62 11s.

Mr. Kohn: I am informed that the Ariki has not authorised the expenditure. My authority is Judge Te Pou, her mouthpiece. Even if Ariki Makea had approved, we complain that the public services for which the money has been voted have been insufficiently maintained.

Mr. Moss states he believes that Makea Ariki must have signed; he does not know, because his approval may be given before she signs. £167 was spent on school fittings, and was all that could possibly be spent, and the rest of the money was not required. As to school-teachers, the Federal Government had nothing to do with it, as they are purely local. The same as to roads and bridges. The only ground that Victoria Road was made at the expense, and was paid for by the Federal Government, was that it led to the Residency. As to the Hospital, £350 was spent on that; I know of no public expenditure which has proved less advantageous, and think that £3,500 would not satisfy those connected with the Hospital.

Mr. Kohn: The Hospital Board has asked the Government to make a public drain from the Hospital to the sea during 1896-97?—No application was made.

Par. 11: Laws not carried into effect:—

(1.) *Liquor Law*.—The Customhouse Officer has not acted on his power to grant permits to Europeans until November, 1897. Up till 1st November any European would obtain from Licensing Officer a permit, and then goes to Customhouse Officer, who allows him to take the required amount. The grievance was that until 1st November the practice was that a person buying liquor, instead of going first to Licensing Officer and getting the permit, was to go to the merchant and get a form of permit from him, accompanied with an authority from the merchant to the bond-keeper, to deliver out from bond to the buyer the quantity permitted, and, having got these, to go to the Licensing Officer, who was also bond-keeper, and get him to deliver out from the merchant's stock in bond any quantity which the Licensing Officer signed the permit for. [Mr. Kohn at this stage was unable to explain himself.] The new practice, following out the law, is an inconvenient one to the buyer.

(2.) “*Passenger Act, 1894*.”—Not carried out. Ships from 40 tons carry passengers beyond the limit allowed by law.

(3.) *Infectious Diseases Act* is not carried out. This is a local law of the Rarotongan Council, passed by British Resident and local Council. No Health Officer is appointed. At Rarotonga, the only port of entry, a duly-qualified medical practitioner should be appointed Health Officer, and to inspect and pass every vessel. That the British Resident ought to suggest the propriety of having such an appointment.

Mr. Moss agreed, with great regret, that many laws are not carried into effect. And if the petitioners will join me in a strong representation to the Commissioner that the laws are not carried out by them.

Mr. Kohn admits they have not approached the local Government as to the enforcement of the law, saying, “We look to the British Resident to do this.”

Par. 12: *Hospital*.—The grievance is (1) that there should be no Hospital unless it is amply provided for; (2) if there is a Hospital, it should be amply provided for, and that £180 is not sufficient. We complain that the British Resident forced the Parliament to authorise the Hospital on this insufficient provision, but ought to have induced the Parliament to vote the same sum of £180 as a bonus to some medical man to locate himself in Rarotonga to practise his profession. We complain of the expenditure on the unsuitable building.

Mr. Moss admits the Hospital has been his great mistake. I dispute the fact that it was forced upon the Parliament, and to hear Te Pou's authority for this. I dispute that the revenue is only £180, because a considerable sum undisclosed by the Board must have been received from the large number of persons treated. I dispute the statement that free treatment is to be given to 6,000 inhabitants. I believe little free treatment is given at all. The better plan would be to give a bonus to a medical man with a family to settle here and having private practice. The money spent on the building would not be wasted, as it would make an excellent house for a medical man.

Mr. Kohn states that free treatment has ceased.

Mr. Moss explains that the law does not now provide free treatment, except at discretion of the Hospital Board.

Miss Large, Treasurer of the Hospital Board, stated: When on the 1st September, 1896, the entire management of the Cook Islands Hospital was handed over to the Board, Mr. Moss stated that the Government would guarantee £15 per month towards the Board's revenue, and if the 1 per cent. duty exceeded that sum the difference would be placed to the credit of the Board. In pursuance of that, the Board agreed with an accredited medical man. At that time free treatment was given between 8 and 9 daily. We, in order to regulate that treatment, issued orders, by the obtaining of which any one could get free treatment. The sum of £180 being so very small to pay the medical officer, nurse, food for patients, drugs, instruments, and incidental expenses, we deemed it necessary to issue these orders, believing we were morally right that those patients, white or Maori, who could pay should pay, because we deemed it necessary to have a fully qualified medical man here, unless it was guaranteed that he should make a suitable income. As, however, the Government grant of £180 has passed through my hands, a small surplus has likewise come into my possession. But as a Board we have not considered it within our province to demand from our medical officer any facts as to how much and how little his legal private practice has brought him in. By the law we were requested to send in by 30th June a full report of the Hospital work and of the expenditure. Such report was furnished July, 1897. Next report not legally due till July, 1898. Our crisis is this: Because information as to number of patients and amount received has not been furnished, the Government grant has not been paid. We are totally at one with the British Resident. And failing the income necessary to support a Hospital properly, we think it better to give a medical man a bonus of £300 per annum to enable him to take up his residence in these islands. On 16th July, 1897, it was suggested to a special Commission of Parliament that the duty of 1 per cent. be made 2 per cent. (See report, *Te Torea*, 22nd July, 1897.)

Mr. Moss: In the report, July, 1897, there is appended a statement by Dr. Craig of patients treated: Indoor, 9. “In the outdoor patient department 154 cases have been treated.” These are not Hospital patients?—Seven were free and two paid: £1 from one, and £1 10s. from another. No money from others.

The 154 out-patients: Have you received any money from the out-patients?—Certainly not, for two reasons, some have been treated under orders issued by the Board, the others, or paying patients, are treated as the doctor's private patients.

At 7.15 p.m. adjourned till Monday morning at 9 a.m.

MONDAY, 27TH DECEMBER, 1897, 9 A.M.

Miss Lange said: I made a mistake in calling the 154 out-patients his private patients. 154 = 582 consultations and visits have taken place; 210 were free. Remainder have only paid very inadequately, and those experienced in Maoris regarding money realise how difficult it is to make them know that money has often to be paid for the good of which they do not immediately see. This is shown by the number of free orders. Personally I know this, because many of the children at Tereora have received medical treatment free, even without any order likewise many of the mission students.

1. Do you speak from personal knowledge or from any records of the Hospital Board?—I have personally seen the books of the medical officer last evening at Tereora, not at the Hospital Board. All the Board knows that 210 visits have been free, and the same as to the seven free indoor patients.

2. There were 372 attendances?—We understood by our arrangement with Dr. G. Craig. There was no scale of charges for payment of attendances on outdoor patients.

3. Then it was left to Dr. Craig to charge what he thought fit to patients not treated under Hospital orders?—Yes.

4. And he was under no obligation to account for what he received?—Not for the out-door paying patients.

5. Then who could tell whether a patient was a hospital or a private patient?—By the hour at which that patient presented himself.

6. Then a patient was a hospital patient if he came to the hospital?—He might be a private patient. I prefer the question be put to Dr. Craig.

7. Can you tell me the number of hospital patients from 1st July to 30th November?—No; there is no record.

Mr. Moss says that the information received at this inquiry, though giving him all the matter he requires, will not in his view justify his passing for payment the monthly proportion of £180; that he requires to have the information given formally by the Board to him.

8. I understand you to say that you do not wish to call into question the arrangements of the Board, however wrong you may think them?—No; I do not.

9. You have known Mr. Scard for some time?—Three years.

Dr. G. Craig: This agreement was under certain rules which have not yet been submitted. The agreement amounts to that, for £180 a year, I, under these rules, provide suitable hospital treatment to all patients bearing a free order from any member of the Board. That I am entitled to private practice under this agreement is quite understood by the Board, and any one looking at the rules laid down for my guidance can see that I am entitled to private practice. All patients coming to me as hospital doctor I have considered as hospital patients. As a matter of fact, very few free orders have been issued by the Board, but the patients that have been treated free are considerable. At the time of my quarterly report the Board were aware of the fact that all patients had been considered as hospital patients. The sum for the hospital is so ridiculously small that money had to be imported constantly from the private practice and devoted to the maintenance of the hospital. Had I not liberty to practise privately —

Mr. Moss, examined by Dr. Craig: Were public tenders called for the additions to the hospitals?—No. The work was done by Mr. Hy. Nicholas, a builder, who was also employed as Government Interpreter.

Mr. Harding (by Dr. Craig): I am a builder, and member of the Hospital Board. I have been through the hospital, and in my opinion the additions could have been done for £109 17s. 6d. This estimate was made three months ago, at the request of the doctor. The main building was cheap at £100.

Mr. F. Goodwin stated: I am chairman of the Hospital Board. I told Mr. Gelling I would not ask the doctor, but would place the questions before the Board next month. The Board received a letter from Mr. Moss, in which it was stated: "On behalf of the Hospital Board I agree to fill in the voucher as required both for November and December."

Mr. Moss states that he does not think an addition of 2 per cent. is unnecessary and unwise, and has not communicated that he will not approve of such if passed, and has not sent such a message through Mr. Nicholas to Parliament. "If I found a general feeling in favour of it by Europeans and natives I would approve."

Par. 13, relating to collection of harbour dues: We think Mr. Moss should have seen that safe moorings were laid down either by the Federal Government or Rarotongan Council. Mr. Kohn states that each vessel has to pay \$4. We think that the harbour dues should be increased, so that safe moorings may be laid down. In March, 1896, correspondence ensued.

Mr. Moss: Mr. Kohn pays a considerable sum, about £10. There are moorings laid down by private persons. Even if I had been asked, I should not have asked the Ariki to do such a thing, to incur the expense or undertake the responsibility. Mr. Kohn may have spoken to me about it. I do not think the present dues come to more than £50.

Par. 14: Uncertificated Masters: A native schooner of about 100 tons left Rarotonga for Penrhyn, with a native captain and sixteen hands or passengers. They fetched the Union Group, 800 miles from Penrhyn. Eventually went to Penrhyn, and on return to Rarotonga fetched 140 miles to leeward of Rarotonga. Met an English vessel, who noticed his signal of distress, and provided him with food and water, and gave him the right course for Rarotonga. This voyage took between seven and eight months; ordinary trip is six or seven weeks. I believe there is no law against employing certificated masters, and no law for granting certificates to masters. We have not taken steps to get such a law passed.

Mr. Moss said: Such a law would be impracticable and premature, to require native vessels to carry certificated masters. The example given by Mr. Kohn was due to an accident: by other causes than an incompetent captain. Mr. Garnier is shipping master. I do not think the Rarotongan Council would pass such an Act, because it would kill their trade. I would certainly not oppose it.

Par. 15: Local Laws: I do not refer to new laws, but to the old laws passed before Mr. Moss came. [Letter put in dealing with the Mangaia.] Produce is prohibited from being sold to European traders, while members of the local Government are permitted to buy that produce from the natives. Natives have been fined during the prohibited period for selling to Europeans. The local Governments in several of the islands have made laws to-day by holding a meeting of the Government to suit certain purposes and repealing it a few days after. The British Resident has made only three visits to these islands to see how the local Governments are carried on. There have been many complaints which ended in smoke. I would not approve of taking away the power of legislation from the natives. Our complaint is that the British Resident has failed to get the local Governments to alter these local laws. I believe that if Mr. Moss would ask the natives they would make new laws altering the objectionable laws.

Can you say that the merchants have endeavoured to get the old laws altered?—I cannot say that any approach has been made to Mr. Moss on the subject.

Mr. Moss: No laws have been pointed out to me which are injurious to trade.

Mr. Kohn, examined by Mr. Moss: Are you aware of a law made at Mangaia by which every buyer from a trader had to be accompanied by a policeman to see that he was not cheated by the trader; and that police at Mangaia numbered 154, and that I got them reduced to twelve?—Yes.

They had made a law that in each store two policemen were placed to see fair-play?—They reverted to the law the same night.

Mr. Moss denied this.

Par. 16: Road Tax: This is a local law, but not carried into operation. Roads have been much neglected during the last two years, so that the Ariki have reverted to the old custom of making the road themselves. My complaint is that the Inspector of Roads, who is appointed by the local Municipal Council, has not done his duty. I do not know what the rates come to, and how much has been collected, or how much ought not to have been collected.

How many miles of roads are there to keep in order?—I do not know; say fifteen miles.

Are you aware that £70 was spent at Black Rock?—No.

Mr. Kohn: My grievance is that the Au do not perform their duty. The European residents have not, as far as I am aware, complained to the Au or the local Government. I believe my company is a large frontage owner—one of the largest. Our taxes for roads and education does not exceed £3.

Mr. Moss said: An attempt was recently made by Europeans to get a local Act passed to constitute a local governing body for the town, which had my active support. I presided at the first meeting. A committee was appointed, and they drew up a complete form of government. I withdrew from it after the first meeting. Meeting was called, and Makea wrote she refused to agree to it, and it fell through. This certainly not by my advice.

Par. 17: Public schools "a failure." [Miss Sivewright's complaint received at the same time.]

*Mr. Moss* said: The Rarotonga Council, which votes the money for the teachers, opened its session on the 31st August last, and, carried away by general excitement, has adjourned from time to time without doing anything till now. I have represented more than once indirectly the wrong done to teachers or police. There is no money to pay them. I being in a way responsible to the teachers, I wrote to each in same terms as letter of the 5th October, 1897. I received thanks from Mr. Rice and Mr. Ellis. I then took upon myself to advance from the Federal funds, getting from each teacher an authority to draw his pay when the Rarotonga Appropriation Act was passed, and from it to recoup the advance. Such authority was given by Messrs. Rice and Ellis. Miss Sievwright did not do this, but wrote the letter put in.

*Miss Sievwright*: The first message I received from Mr. Gelling was given to me on the road, to the effect that Mr. Moss had received a letter from me which he did not understand, and the only conclusion he could draw from it was that I did not wish to draw any more money. The second message was also given me on the road, that Mr. Moss had authorised him only to draw the moneys due to Mr. Rice and Mr. Ellice, and that I was not to receive my salary. Those are the only messages Mr. Gelling brought to me. After that I wrote to Mr. Moss. I have only had an average attendance of twenty children, caused by want of a compulsory act or clause.

*Mr. Kohn*: I speak only of Rarotonga.

*Miss Sievwright*: I do not think that the revenue of Rarotonga is sufficient for the establishment of a system of paid inspectors and certification of teachers. I do not think the Rarotongan Council would pass an Act while the children are obliged to be taught in English. We teachers sent in a recommendation to the Council that there should be a compulsory clause and a fine attached for non-attendance. We have not heard the result.

*Mr. Gelling*: With respect to the verbal messages given to Miss Sievwright by me, she has repeated them correctly as far as I can at present remember, with the exception that she has omitted to state that I informed her at the time I told her I was authorised to pay Messrs. Ellis and Rice; that, if she wished the money advanced her in a similar way, that she must apply to the British Resident for it in writing, as he understood from her letter that she did not wish to accept payment through him.

*Rev. Mr. Hutchin*: Mr. Moss is mistaken in saying there was no attempt made to educate children on the island before the education he inaugurated. In the five villages of this island, since the London Missionary Society commenced here, in 1823, schools have been conducted by the native teachers and the English missionary in the Rarotongan language. Also, since 1866 English has been taught in Avarua—first in the normal school conducted by the Rev. J. Chalmers, Rev. W. Gill, and myself. For some three years—1887 to 1890—I taught English in the village school at Avarua to the upper classes. In 1888 the normal school was discontinued. There was a competitive examination held in connection with the village schools every year; twelve children were selected from each village, and were examined in reading, writing, and arithmetic, and in Scripture. I examined occasionally the village schools. My ideas are that the present system can be improved. All instruction is to be in English as I understood. I would give instruction in Maori, although English should be taught. The native pastors in the churches were the teachers, who were quite competent to teach reading, writing, and arithmetic. None of them taught English. They taught twice a day.

*Mr. Moss*: No adequate teaching, because no English taught.

*Mr. Kohn*: Are you aware that 10 per cent. was charged for exchanging Chili money?—No.

*Mr. Gelling*: The Act authorises Chili money to be taken at 2s. The bank will not receive Chili money. Makea Daniela to bank the money changed it into English money, charging 10 per cent. for his trouble in doing so, as it is very difficult to change Chili money into English.

*Rev. Mr. Hutchin*: How long have you known Mr. Scard?—Six or seven years. He has been regarded as an acquaintance, and has worked with the mission as an acceptable and continual instructor. I have known nothing against him during his stay here.

Par. 18: *Dr. Craig* states that Mr. Moss has represented this island as a sober one, and that the liquor-laws are working satisfactorily.

Correspondence, *Dr. Craig* and *Mr. Moss*: Drinking-shops exist all over the island. John Banks, Henry Nicholas, Avarua, keep liquor-shops, as do Ah Kin, William Hood, Ah Fou. Makea Daniela has sold liquor illegally. Henry Nicholas has employed native labour and paid them with rum. I can mention a European, Innes, who has been paid in rum when he wanted money. I can produce a man who has carried the transfer from Henry Nicholas to Donald and Edenborough for the supply of liquor to carry on this illicit traffic. Understood that natives are to get one bottle per week; there is no means of enforcing, because natives habitually use each other's name to get more than their allowance. In one instance a man took down a permit with twenty-five names on it, and took away liquor, not in bottles but in a demijohn. It is a usual custom for natives to present permits with more than one name on it, and one person gets the liquor. Drunkenness is common.

*Mr. Moss* says his liquor-law has suppressed nineteen sly-grog shops.

*Mr. Kohn* suggests that the law ought to be changed by a total prohibition as to natives, and a licensed sale to Europeans.

*Dr. Craig* suggests the same.

*Rev. Mr. Hutchin* suggests the Gothenburg system for everybody, and if that fails, total prohibition.

*Mr. Kohn* says the complaint against Mr. Moss is that, though aware of the abuses of the present system, has not made such efforts as he should have made to get the administration altered or the law changed. I do not know whether Mr. Moss has frequently pointed out to Judge Te Pou the abuses.

*Mr. Moss*: I deny that Mr. Kohn ever brought the subject to me until recently.

*Mr. Kohn* states that four years ago on many occasions I have called Mr. Moss's attention to the sale of the permits by the Judges and the moneys not treated as revenue. His answer has been that it was a perquisite from a long time ago. I suggested then that it would be better to have a licensed hotel: that laws for punishment of drunkenness and rowdyism from drinking habits be framed. Mr. Moss said the law was good and well carried out.

*Mr. Moss*, by *Dr. Craig*: This is the first time I have heard of natives buying liquor at sly-grog shops.

*Dr. Craig*: I have not been of more than one occasion on which a native has bought liquor.

*Mr. Moss*: I have heard vaguely that white men can get drink.

At 6.30 p.m., adjourned till Tuesday, 9 a.m.

#### RAROTONGA COUNCIL.—“PUBLIC SCHOOLS ACT, 1895.”

It is hereby enacted by the Rarotonga Council:—

1. That public schools shall be established at Avarua, Arorangi, and Ngatangiia, for the teaching of children between the ages of five and fifteen free of charge.

2. That the hours of attendance, subjects to be taught, salaries to be paid, and teachers to be appointed shall be settled by the Arikis (the Government), with the approval of the British Resident.

3. That the agreements made with teachers shall be for one year only, and subject to termination by notice of three months either from the Government or from the teacher.

4. That the Government shall have the sole control of the schools, subject to approval by the British Resident in any action it may take in connection therewith.

5. That at the next meeting of the Council, and thereafter at every meeting, the expenses of such schools shall be included on the ordinary estimates, but that for the first year the Government may under this Act, and with approval of the British Resident, expend such sums, not exceeding in all two hundred pounds, as it may deem necessary.

6. That, for the purpose of meeting the cost of the said schools, every adult person in Rarotonga shall pay yearly the sum of two shillings for himself or herself, and a further sum of two shillings for every child over five years of age in his or her family: Provided that no person shall be called upon to pay for more than three children in any one family.



7. That lists of persons required to contribute to the schools under this Act shall be made out for each of the districts of Avarua, Arorangi, and Takitumu, and such collectors appointed and such regulations made by the Government as it may find necessary.

Dated at Avarua, this                      day of September, 1895.

*Government of Rarotonga.*

*Resolved*, That the following be appointed to collect the school rate under "The Public Schools Act, 1895": In Avarua,                      ; in Arorangi,                      ; in Matavera,                      ; in Ngatangiia and Muri,                      ; in Tikika-veka,

1. That the duty of the collectors be to draw up as soon as possible lists of the ratepayers in their district with the amount payable by each, and send copies of the same to the Clerk of the Government, Avarua.

2. That the remuneration of each of the collectors shall be 10 per cent. of the amounts collected by him, which he shall deduct on making payment of such collection to the Clerk of the Government.

3. That the first payment of half the tax shall be made on Friday, the 4th January, and that if any be not paid by the 14th an addition of one-fourth shall be made thereto.

4. Chili money shall only be received at the rate of 2s. for each dollar.

The second payment shall be made on the 4th April, and the addition of one-fourth be added on all arrears not paid before the 14th.

5. Every collector shall pay to the Clerk of the Government his weekly collection, and shall make such payment within three days of the end of each week, or the Clerk shall complain of him to the Judge of the Arikis' Court in his district. The fine to be imposed for neglect will be \$1 to \$20, as the Judge may think advisable.

6. The Clerk to Government shall be paid five pounds a year for his work in connection with the collection of this tax, and keeping the accounts in connection therewith.

TUESDAY, 28TH DECEMBER, 9 A.M.

The Petition of the Parliament. (The Arikis' case comes in after the Federal Court Bill.)

The Federal Court Bill.

*Vaikai Moate*: I do not follow. I want to be asked questions about the written statement—about the Federal Court Bill.

*Sir J. Prendergast*: If you had been given more time by the British Resident, would the Parliament have passed the Bill?—Yes, if we understood it. If the matter had been properly explained, I think the measure would have been passed by Parliament. I think, if the mode of appointment was by the head of the Government and the British Resident, and, if those do not agree, the Governor of New Zealand should decide who was to be appointed, the Parliament would pass the Bill.

The next important matter that has to be in the Bill would have to be a description of the kind of cases that the Court would have to have exclusive jurisdiction over. The British Government has suggested that the jurisdiction should be over all cases of murders and murderous assaults, and all other serious cases—civil and criminal—in which a European is one of the parties: Do you think that some provision of that sort would be passed by Parliament?—They would pass it if they were clear as to the effect of the working of the Bill on themselves.

It has occurred to me that another matter might be provided for in the Bill—that there should be an appeal in some of the more important minor cases in the Native Courts where a European is a party. I will give an illustration: Where a European had got drunk, that would be a case for the Native Court, and it might not be thought necessary to give an appeal in a case of that sort. There might, however, be a case against a European for some breach of the law within the jurisdiction of the Native Court, which might more seriously involve his character. In such a case as that, it might be thought well to give a right of appeal to the Federal Court. Do you think that would meet with approval? I ask you your own opinion?—I understand what you have been saying, and I think if the Parliament understood it they would approve.

Then, am I right in thinking that the refusal to pass or delay in passing and discussing the Court Bill was a misunderstanding between the Parliament and Mr. Moss?—Yes.

I see that you say in your statement that Parliament sent an answer to Mr. Moss, giving reasons for not passing the Bill?—Yes.

Do you recollect what those reasons were?—I refer to our letter signed by Mr. Salmon, as Chairman, dated 6th August, 1897.

Is there anything else you would like to say about the Federal Court Bill?—We were in the dark, and not understanding the ways of white men. We are not accustomed to them. Through that we were afraid and doubtful after seeing the reading of the Bill. This is what we thought: that it was taking all our power and giving it to the British Resident. That is the reason we did not pass it. That is why we wrote the letter presented to you now.

Do you really think, with the explanation I have given you, that Parliament would still object to Mr. Moss being the first President of the new Court till the expense of a special Judge could be borne?—We will not agree to it.

Will you give the reasons which would keep Parliament from agreeing to that? I am anxious to meet the very point, and hope you will be quite open. I want you to give your own reasons, and not European reasons, unless they are the same?—This is what I think: Why should there be two offices to Mr. Moss—British Resident and President?

The question of expense of another man is one reason?—That is true.

Mr. Moss has had a great experience. He was for a good many years in the local Parliament in Otago, and afterwards in the General Parliament of New Zealand; and while he was in the local Parliament he was the head of the Government, called Provincial Secretary. I think you must have seen that his knowledge and skill point him out as a very fit person. If he does appear to you to have the knowledge and skill, is there some reason why you should not put confidence in him as President?—This is the cause of the difference: We asked Mr. Moss to give us time; he insisted that they should pass the Bill: he would not wait for a time to well consider, and to be enlightened and clear on the subject. It is a new thing, and Mr. Moss was hurrying them on to pass the Bill. They asked him to wait.

I have met with a great many persons, and it is likely when one is asked to do a thing and does not wish to offend the person that asks it the answer is not a refusal, but to say by-and-by; but the person to whom that is said understands the by-and-by as a refusal. I understand you now to say that when Parliament said by-and-by it did not mean a refusal?—We did not mean a refusal.

I also gather from what you have said that you admit the skill and knowledge of Mr. Moss?—Yes.

And, so far as you know, if Parliament had more time to discuss the matter, and there had been more explanation, you think it likely that Parliament, instead of incurring the additional expense of a special President, might have agreed to Mr. Moss being first President till the revenue would bear the expense of the salary of a special President?—This is what I think, had he given them time; and this trouble would never have happened, and it is through that hurrying the deadlock came.

The Interpreter for the natives said that they wished to go slowly.

*Te Pou-o-te-Rangi* examined: You have heard the questions and answers of Vaikai—would you like to make a statement? I will speak what the Arikis have said on the Bill. I wish to say a few words before I go into the question of the Bill. They did not object to the Bill; they only asked for time. This is what I know from their own lips. This trouble arose from some words of Mr. Moss; it was through Mr. Moss saying that it (the work) will not rest with you, but the British Government. That caused the trouble. It was the publication of this that led to the meeting.



You took it as a threat?—Yes; it was through that; he was going to the Queen of England: we thought we would go too. About that time we wrote to Mr. Moss to come and meet us here, on the 6th December. The whole of the Arikis and the Parliament were here, but the British Resident did not come. We received a letter (No. 1). From that they referred back to the Proclamation at the hoisting of the British flag. They did not have the idea of stopping the Bill. The Arikis thought the office of President should be held by Mr. Moss. They asked for this year to consider the Bill. They were in a doubt as to the purport of the Bill. The British Resident not coming to the meeting, they had other ideas. That was their reason for writing this petition to the Governor. They then remembered past grievances which they had let pass. Mr. Moss did not explain where this Bill originated. They did not know whether it came from England or from Mr. Moss. Had Mr. Moss come to the meeting it is likely that the trouble would have been settled in Rarotonga. That is my idea.

### 3. Removal of Bank, Post Office, &c.

*Vaikai Moate* examined: Have you anything to say about the removal of the bank?—The Parliament have asked for the bank to be shifted.

What do you mean by that? What have you thought should be done?—The Government look at it this way: that the control of the bank is with some. They would feel then that the building was their own.

Will Parliament appoint an officer and provide a salary?—Yes.

And find the money for the banker to use?—Yes. When they first asked for the building, Mr. Moss asked where was the money to come from. They offered to give up their subsidies.

Whose subsidies?

[*Te Pou*: The subsidies to different islands—£45 for each island.]

Do you know what the police and the Judges are paid out of?—He does not know.

All the members for all the islands agreed?—Yes.

Mr. Moss thought that unreasonable?—There was a letter written to Mr. Moss, and he objected; that was all. They put it to the vote.

Do you not know that it is the duty of the Resident to advise you, and if he thinks foolish things are put before you he should advise you to reject them?

*Vaikai*: That one year Mr. Garnier was sent for by the Parliament. He was asked the question if there was any money available. He said, "No." He advised them to leave it for another year. The next year there was no money. At that time Mr. Moss suggested the hospital. There was money put on the list for that purpose. They did not agree to the hospital, but Mr. Moss insisted. In their ideas they did not consent. This year they brought that question again, and Mr. Moss agreed to shift the buildings, and told them to find a suitable position, and asked for money. They agreed to spend £120. Mr. Moss said it was too small.

Did Mr. Moss say how much was necessary?—Mr. Moss told them to wait till after these troubles are over.

*Te Pou* examined: Have you anything to say about the bank?—All they wanted was the bank to be shifted to some other house, but it has not been done.

Would not the hospital buildings make good public offices?—Yes; if let subject to a ground-rent of £7. I think so myself. But what about the hospital?

Do you want to have a hospital?—If these premises are taken over for offices, what about the sick? I think there ought to be a hospital; there is no money to build a hospital. How would it do to have the post-office in the Parliament House, that would save the £14 a year now paid to Donald and Edinborough.

### 4. Hospital.

An unqualified person has been elected surgeon of the hospital, and money expended on the hospital?—The unqualified person is Dr. Caldwell. When the Drs. Craig came they found that they cured the sick, which Dr. Caldwell did not. We complain that Mr. Moss and the Government engaged an unqualified man.

Was not Dr. Caldwell engaged before Dr. Craig came?—Yes.

Was not Dr. Caldwell the only doctor here at that time?—We complain that Dr. Caldwell ought to have stated that he was not qualified. Dr. Craig told me that Dr. Caldwell was not a qualified man.

Do you know that the Hospital Board offered the appointment to Dr. Caldwell?—I do not know that.

*Dr. Craig*: Why do you say Dr. Caldwell is not qualified?—I know Dr. Caldwell is not here, and give that as a reason for not answering.

### 5. Not advising the Head of the Government.

*Te Pou*: Mr. Moss used at first to advise the Arikis, but he does not advise them now.

Did not Mr. Moss advise you for a good many years since the letter of 1891 [produced]?—He knows that Mr. Moss has given advice since that time.

When did Mr. Moss cease to advise you?—I do not know.

*John Vairakau* (Judge of Arorangi): Receiving that letter from Mr. Moss, she always expected others. In former years Mr. Moss framed the laws, and sent it out to them. Lately Mr. Moss framed the laws and sends them direct to the Parliament and not to the Arikis. I am quite sure of this.

When the Government was formed and Makea elected head of the Government, was it not Mr. Moss's duty to consult only Makea?—Yes.

Then it was Mr. Moss's duty to consult with Makea only about the Bills?—I can only speak about the Rarotonga Council.

*Te Pou*: Do you say that Mr. Moss has not consulted with Makea Arikia about the Bills?

[Mr. Moss explains that he has not consulted with Makea before Bills went to Parliament, but with *Te Pou*, Chairman of the Parliament and her mouthpiece; but always after they had passed.]

*Te Pou*: When I was Chairman Mr. Moss did consult with me.

Did you know that Mr. Moss always consulted with Makea after the Bills were passed?—After the Bills were passed they came to the Clerk, and I know papers came to the Arikia.

I do not see that you mention any case of Mr. Moss not having advised the Chief of the Government?—All we want that Mr. Moss should mix up with the Arikis, as he used to do; not the Parliament.

When did Mr. Moss cease to mix up with and advise the Arikis?—In former times when he received any news from foreign countries he used to let them know. It is only this year that Mr. Moss has ceased to advise them.

### 6. Federal Court a strain on the Revenue.

*Te Pou* says he wishes Mr. Salmon should speak about this, as it is an Arorangi matter.

*J. M. Salmon* (Arorangi): The Court expenses are paid out of general revenue, and we do not want two Federal Courts. That the existing Court did not pay its expenses, and two would be a strain on the revenue.

Mr. Moss explains that the new Bill repeals the old Act establishing the Supreme Court.

### 7. The Appointment of Mr. Seard as Auditor.

*Te Pou*: I do not know anything about it.

Are you aware that Makea, though at first objecting to the appointment, subsequently agreed to the appointment?—I do not know.

Why has not this been mentioned before?—[Document produced, signed by Makea, in which Mr. Seard is appointed Auditor.]

## 8. Mr. Nicholas's Position as Interpreter.

*Te Pou*: Mr. Nicholas acts as interpreter in Parliament. The complaint is that he takes written messages from the Parliament, and sometimes brings back only verbal messages from the British Resident, and sometimes *vice versa*. The Parliament think it ought to be in writing. Mr. Moss has a record, and the Parliament should have one.

## 9. Resignation of Makea Daniela.

*Te Pou*: Makea Daniela resigned his office in the presence of the Arikis, 6th September, 1897. His offices were Paymaster, Clerk of Parliament, and Clerk of Council. That letter was received when the Arikis were present in Parliament. The Arikis were surprised at this, as the troubles did not concern him but the British Resident. He was the servant of the Arikis. The Arikis at that time accepted the resignation, and appointed Mr. Goodwin. The complaint is that the British Resident will not approve of the appointment of Mr. Goodwin.

Did the British Resident give any reason for this?—[*Te Pou* produces the letters which passed between Mr. Moss and the Parliament, from which it appears that Mr. Moss asked on the 7th September for copies of the minutes of the proceedings of the Parliament when Daniela's resignation was accepted, and that Mr. Moss, when asked to sanction the appointment of Mr. Goodwin, declined to sanction it as a permanent appointment till those minutes were furnished.]

On the 14th September Mr. Moss wrote to the Parliament saying that he had not accepted the resignation of Daniela, and would in no case sanction Mr. Goodwin's appointment as he was one of the Europeans who had misled Parliament about the Federal Court Bill. Mr. Moss wrote again to the same effect on the 15th September. The Arikis wish to appoint Mr. Goodwin and the British Resident will not sanction the appointment.

## 11. Increase of Vote for Hospital Board.

*Mr. Salmon*: The Parliament agreed, though did not formally pass a resolution, that it would be advisable to raise the import duty for hospital purposes from 1 to 2 per cent. on the 16th July. The result of this was sent verbally to Mr. Moss to ascertain his views, and he brought word that it was not necessary. The matter dropped. Mr. Nicholas states I am not in the habit of carrying verbal messages, and that I had no such message given me.

To *Utatea*: Did you hear the message given to Mr. Nicholas by Mr. Salmon about the additional increase of hospital dues?—I did.

*Mr. Moss* explains that he never received such a message. That if he had received such a message, and that the Parliament had duly passed it, he would not have sanctioned it, unless satisfied that the general body of the residents approved of it.

## 12. Estimates passed under misleading Information of Mr. H. Nicholas.

*Te Pou*: Nicholas told them that if they would pass the estimates the members would get their money.

*Mr. Nicholas*: Mr. Moss gave me a rough copy of the estimates to be given to the Chairman, and to be laid on the table. It lay on the table two or three days before it was read. When it was read they found it was in English, and the members said, "We do not understand it in English; you should take it away and get it translated." I read it over to them, and translated it to them from the paper, and I took it away and got it translated. It was in English and Maori on the same sheet, and I struck off seventy copies on the cyclostyle. Then it was brought back to the Parliament, and my duty was then at an end. I sent the British Resident ten copies. Towards the afternoon some of the members wished to go home, and I said, "All you have got to do is to pass the estimates; if there is anything you do not like strike it out, and I will take it to Mr. Moss."

To *Vaikai*: What are the misleading statements you complain about?—[No answer.]

Parliament books produced show that the estimates were passed by nine to two. Mr. Nicholas states that the resolution passing the estimates was signed by Moate, as Acting-Chairman, and taken to Mr. Moss. The original was kept by Mr. Moss. There are three copies signed by Moate, two of these are kept by the Parliament.

## 13. Appropriation Act not passed, but Moneys paid out.

What I understand is that the members went away, leaving only two to dispose of Parliament business, and that Mr. Moss, being satisfied that Parliament was not going to pass the appropriations so as to provide for the public services, took upon himself the responsibility of authorising the Paymaster and other officers to issue public moneys in respect of the services appearing in the estimates. What part of his conduct do you complain of in that?

*Te Pou* produces a paper of authority from the members who had gone away to those remaining to act for them.

Do I understand you think that was a proper way to conduct Parliament?—It is not right to do so; all the members should remain and do their work; none of them ought to go away. The members from the other islands only come here to receive their pay.

Adjourned at 6.30 p.m.

WEDNESDAY, 29TH DECEMBER, 1897, 9 A.M.

*Dr. Craig* expresses his opinion on the subject of Dr. Caldwell's appointment, that Mr. Moss is to blame in not taking steps to ascertain that Dr. Caldwell's diplomas were such as to be acceptable in New Zealand.

*Dr. Caldwell* states that his diplomas would entitle him to practice in Iowa both in medicine and surgery. In most of the States the mere production of my diplomas before the Board of Health would entitle me to registration. I am registered in four of the States. Two or three of the States insist on examining all candidates.

*Mr. Moss* explains to the Arikis who are present that he has made no complaints about them to the Governor.

*Makea*: It is true that Mr. Moss has made no complaints, but since the last two or three months Mr. Moss has left us. Some time ago Mr. Moss suggested the formation of a Town Board, but did not see Makea Ariki before the meeting of the Europeans. That on the signature of a letter to Queen Victoria *re* the Jubilee—this letter was written by Mr. Moss himself, and then was brought to her to sign by Miss Nicholas from Mr. Moss. Makea signed that paper without any previous knowledge of its contents. And when a letter from Victoria about this Federal Court Bill was brought before the Parliament it was not read to Makea, or was she told about it. That Mr. Moss only laid it before Parliament, without the Arikis being told about except by Parliament. That when they listened to the discussion they did not understand it. We said, "It is good, but do not be hasty." Mr. Nicholas told them to agree to it at once. They replied, "Do you want us to agree to this before we understand it?" Mr. Nicholas told them that Mr. Moss had told them to agree to it at once. We said, "We will not agree to it at once without fully understanding it." After that I said, "Leave it to this year, and I will pass it when I understand it; we will not pass it until we understand it." The troubles then commenced. We and the Parliament wrote a letter asking Mr. Moss to meet them. [Letter of 3rd September.] Mr. Moss only wrote; he did not come [4th September]. If Mr. Moss had come and explained the Bill, as you did your Honour, we would then have understood the Bill. They would have all perhaps have agreed to pass the Bill. Makea was not approached to agree to the payment of the members who departed from Parliament, as heretofore was done. This money was paid out without her consent and knowledge. She then knew that Mr. Moss had left them.

*Tinomana*: When the Arikis met in 1890 Mr. Nicholas read a letter to them. When he had finished Tinomana asked Mr. Nicholas, "Who wrote that letter?" Mr. Nicholas told them that was their words to be placed before the Parliament. At what meeting did we resolve to write this letter? Tinomana spoke strongly, because she remembered what was said at the hoisting of the flag. There it was said that their laws would not be interfered with. This was at the first meeting in 1891. I think the letter and what was said at the hoisting of the flag was not the same. I did not agree to that, but I was overruled, and it was placed before the Parliament. Mr. Moss wished it done.

*Ngamaru*: In 1890 Mr. Moss called a meeting of all the Arikis, to meet at Rarotonga. Mr. Moss told them to appoint a head of the Government. Mr. Moss said that the Ariki who lived in Avarua would be the proper person to have that title. None of the other Arikis agreed; they wished all to be the head. Afterwards we fell in with

Mr. Moss's wish. They understood that what Makea said they would agree to. In this late business Makea was not sent for. Give us back our own laws, and not allow Mr. Moss to make them, because he has left us. We wish to make the laws, and Mr. Moss to approve them.

*Pa, Ariki*: I had not been at the meetings of the Arikis last year, except the last. I did not know much about their proceedings. But this year I was at the first meeting of the Arikis. They were discussing what was to be brought before Parliament. In that address the Federal Court Bill was put to them. Mr. Moss asked them what they thought of this Bill: do you agree that this should be put before Parliament? The Arikis agreed to that. Then the Parliament met. The member of his district returned to his home, and I asked him what he had done. He told me that the discussion was the Federal Court Bill; they had deferred it because it was too big a thing for them to understand. *Pa* said, "Why do you say this?" Because they had been thinking over it. They thought that the power would go from them to Mr. Moss. It was then that he knew that the Federal Court Bill would cause trouble. At the end of the session the Parliament invited the Arikis to meet them. They did meet here. The Parliament told the Arikis of their discussions on this Bill. They asked Mr. Moss to meet them all. They met, but Mr. Moss only wrote. The Arikis then thought they would look into what Mr. Moss had written to them. That Mr. Moss would go to the British Government. They thought they would go too, as the British Government was their Government.

*Frank Gelling, Acting-Paymaster*: It has been the Paymaster's habit, after the estimates have been passed, to draw the money for the outside members, they giving him a receipt for the same. After the Appropriation Act is passed the vouchers are made out, and receipts of the members attached, Makea's signature obtained to them, and the money which has been advanced by the bank recouped. This year, after the estimates were passed, this was done in the usual course, but no vouchers have been presented to Makea, because the Appropriation Act was not passed. This year Mr. Moss has sanctioned the issue of the money to repay the bank.

Adjourned at 11.30 till 1.30.

#### 14. Public Tenders for Government Work.

*Te Pou*: The Council sent for Mr. Kohn to ask him to tender for the supply of school fittings, &c. Mr. Kohn made a very reasonable offer for his timber. The Council agreed with Mr. Kohn as to prices. That arrangement was not agreed to by Mr. Moss. Mr. Kohn agreed to do the work at cheaper prices.

[*Mr. Moss explains*: Mr. Kohn came to me.]

*Te Pou*: I refer to the entry in the minutes of the Council of 18th October, 1895—where it is stated a letter was sent by the Council to the British Resident letting him know they had agreed to take from Mr. Kohn at 13s. 6d. for each desk. The same day there is an entry that the Council sent a letter to Messrs. Donald and Edenborough asking the price of each desk in Rarotonga. The answer was, 5s. 3d. for each desk. The letter was given to Nicholas to take to Mr. Moss.

*Mr. Moss*: The Federal Government and not the Rarotonga Council was to obtain a supply of desks. I thought that the cheapest and best way of getting them and the school requisites was to deal with the Board of Education at Auckland. After that I wrote to Mr. Goldie, and asked him to send down some few desks as a sample. Mr. Goldie sent the samples, with a letter to me telling me that this was the price (mentioned in the letter) supplied to the Government here; that if they were obtained through Donald and Edenborough, or any one else, an additional 5 per cent. would have to be added. The desks were cheap, but it appeared to me that the freight charged by Donald and Edenborough was excessive, and I urged Mr. Goldie to get them sent in the "Linda Weber," which was a ship connected with Mr. Kohn's firm, as I was certain the freight would be cheaper. Mr. Kohn came to see me about it at my office here; he was not willing to make any arrangement about freight, but he was willing to supply the desks at a lesser price than those supplied through Donald and Edenborough with the freight. I declined. I said it should be left to Mr. Goldie to arrange about the freight. There was no guarantee of the desks being of good quality. Donald and Edenborough very materially reduced the freight. I can see that Kohn went to the Council after speaking to me, and the Council has got itself mixed up with cost of desks and freight. The stipulation was that the desks were to be of the best quality, and of seasoned timber. This was an important point. Mr. Goldie is in Auckland still, and could furnish any further information.

#### 15. Ngatipa.

Vouchers produced, signed by Makea, for all the unauthorised expenditure.

*Vaikai Moate*: Makea presents the opening speech to Parliament, and they see all that it contains. They find one amount—£165—that was not voted. They were then in doubt, because they did not know anything about this money. All they know is the vote for £40. We wanted to inquire who voted that money, and where it came from. We asked for the estimates to see where the money came from. The Clerk said the estimates were only in English. Makea says, "I did not sign the items for £120." The vouchers were brought often by children without explanation. She does not repudiate her signature.

#### 17. Schools.

*Vaikai*: I speak from my own knowledge—the school at Takatumu.

*Pa*: One day he spoke to M. Daniela; he wished to have a schoolmaster. He first thought of asking Dr. Caldwell. M. Daniela wrote to him: "Ellis is available; you had better try him." I wrote an answer that he would sanction Mr. Ellis for a certain period. If a schoolmaster could be got Mr. Ellis would go. He was taken on for one year.

#### 18. Printing-press.

*Mr. Moss*: Two years ago *Te Pou* and I were coming out of church. I said, "Would it not be a fine thing to have a newspaper here?" *Te Pou* said it would. It ended in my undertaking to publish and be proprietor of the *Torea*. Miss Nicholas, on my speaking to her, undertook to do all the translating and the cyclostyling. There was no cost of any kind—no charge for the paper and no advertisements. After giving the thing careful consideration I thought we might get the paper from the Government. The paper went on in that way for some months, and we were suddenly awakened from a delusion that we were getting our printing done by the New Zealand Government for nothing. They did a large amount of printing for us. We were thrown back on the cyclostyle to print our laws, &c. I made inquiry, and found that for £50 we could get a small printing-press. I thought it would be a very good chance of turning the cyclostyled paper into a printed one. I asked the Parliament for a vote for £50, and the money was voted. A press was imported. I had previously arranged with Mr. H. Nicholas that he should provide a building, which he put up; that he should take the press and the type if he would undertake to print a newspaper at his own risk and expense, I undertaking to help him with the editorial, &c., work gratuitously. This will be called a Government paper. I made another arrangement. You can at any time take the whole of the press, &c., by paying the cost. The printing-press belongs to the Government. No money was expended out of the public revenue for the passage of a printer. The whole cost of the plant was £56 12s. 4d. Mr. Nicholas paid the cost of printer's passage out of his own pocket.

[19. The Proclamation by Mr. Moss: Nothing fresh to be said about this. No. 20, That the British Resident, &c., involved under previous head.]

#### 21. Licensing Law.

*Te Pou*: All I ask for is prohibition. The Arikis ask for the same.

[The three Arikis present ask for prohibition.] I think the Rarotonga Council will repeal the present law in favour of prohibition.

What will the European residents say to that?—We would leave them to themselves. We want prohibition for natives only.

If Europeans can get drink, would not some of them sell it to the natives?—They do it now, but we have not caught them.

Does he think that the present law should be altered to the extent that the permit system should only apply to Europeans?—He thinks that is good. The Arikis think that both Europeans as well as natives should be totally prohibited from getting drink. For myself, I think the permit system should still apply to Europeans.

Could not the Arikis decline to give any permit to a native?—They do not give them. It has been better lately. They do get some in the night. There were some brought up for drinking on Christmas Day. I fined them myself. I went down to the other end of the settlement. I saw no drunken white men. I saw a few natives. There were others the police brought along. There might have been some at night.

Do you think the police really try to enforce the law?—Yes; they deal with what they see.

Did you try to find out where they got the liquor from?—Yes; they said they had been brewing from the pineapple. A head of a house came to the police and informed them of an orange-beer, and they broke it up.

Do you think they told the truth when they said it was pineapple-beer?—Yes.

You understand that the right way is to punish the white seller of liquor?—Yes, it is a great trouble to him.

## 22. Intimidation by Exham, &c.

Is there anything in this about Mr. Moss?—Mr. Exham told them that the Federal Court Bill came from England to the Governor of New Zealand, and that is the work that Mr. Moss is doing. He told Mr. Exham, "Why did not Mr. Moss tell Exham and not tell the Arikis?" He said, "I am afraid not; that you will be made a Crown colony." I said, "What is the trouble that we should be made a Crown colony? What have the Arikis done; they have committed no offence; they have not killed any one? The trouble is only between the Parliament and Mr. Moss. The trouble is the election of a President of the Court." I told Makea about this. That is why Mr. Moss's name has been brought in.

At 5.30 adjourned till 9 a.m. to-morrow.

THURSDAY, 30TH DECEMBER, 9 A.M.

European petition continued.

Mr. Kohn (*re* Ngatipa): We asked to see a document produced, showing Makea's signature, authorising the issue of moneys from the unauthorised vote to Ngatipa, and also approval of the British Resident. This has not been done.

Permit system. Dr. Craig calls,—

Mr. Savage, music-teacher: I was in Mr. H. Nicholas's employ for eighteen months, confidentially, in taking messages, and in the Torea office. Mr. Nicholas sold, weekly, liquor to natives. This liquor mostly came from Donald and Edenborough. This was last year. Sometimes a whole demijohn was brought from Donald and Edenborough. Mr. Nicholas sold liquor to natives with and without permits. I have seen two bottles sold to a native at one time. One native was Tokorua Kuri. I saw the money handed to K. Nicholas, his son. On one occasion I saw H. Nicholas take money himself for a bottle of rum, a Sunday evening. One occasion he said he would not like to be caught at this; it would not be very nice for him. Mr. Nicholas regularly paid his native labour in liquor. I have sold liquor myself on behalf of Nicholas to a Native without a permit; he paid me 2 dollars. I think it was Tangi. I have seen Miss Nicholas sell liquor on Sundays and Saturdays.

Cross-examined by H. Nicholas, who denies this statement.

Cross-examined by Mr. Moss: I have been treated by Dr. Craig. I have paid Dr. Craig in cash. I recognise this paper as a petition against the Federal Court Bill. I was engaged for two days in carrying round the petition against the Federal Court. I received it from Mr. Craig.

Tararae: I have bought liquor from Mr. Nicholas without a permit. Two bottles of gin. I paid three barrels of oranges, value 3 dollars. I had been promised by Nicholas to be paid in money. I have only once bought liquor from Nicholas. Katea was present.

Cross-examined by Nicholas: You. I was last year. I was sober.

Katea: I received one bottle of gin from H. Nicholas in payment for one barrel of oranges. Tararae was with me, and was paid in the same way. Last year—in March or April. I had no permit. I have not bought drink without a permit from anybody else. I bought liquor by the glass from Ah Foo—5d.; about four weeks ago. No one else present.

Tinarau: I have brought drink on the sly from Mrs. Scard, John Banks, from Mr. Nicholas. I have paid \$1½ to him for rum. I have bought from Mr. Wallis. Kiritea was with me. I was drunk last at Christmas. Rum from Ah Que. One bottle of rum for \$1½. I have been drunk twenty times this year. We heard we could get drink from Mrs. Scard, so we went to her.

Tui: I bought liquor by the glass from Ah Que on Monday before Christmas. No one else saw me. Once, a long time ago, I bought liquor from Ah Que. We went with some coffee to Mrs. Scard, and she sold us one bottle each, which we paid for in coffee. We met a boy on the road, who told us there was liquor there.

Inu: I went to the bond; it was shut. I went to Mrs. Scard, and she gave me a bottle and returned my money. I had a permit. A native doctor prescribed it as medicine.

John Banks: I am in the habit of running a sly-grog shop. I do it for Mr. Hood at his restaurant. I sell drink by the glass to white men, not for natives. I have seen white men shouting. I can hardly make a living out of this sly-grog selling. I have three or four customers a day. I have pretty often seen Europeans shouting for natives. I remember a row at my place.

Adjourned at 11.30 till 1.30.

Mr. Moss asks Makea Aiki why she will not sign the Proclamation for the reissue and reprinting of the revised Acts on the 6th December.

Mr. Moss: What was the reason you gave to Mr. Nicholas for not signing?—I asked him, "Whose is this paper? From Mr. Moss?" I said to Mr. Nicholas, "Do still think there is a Makea. Are you coming back to Makea?" Mr. Nicholas then replied, "Sign your name to this paper." I replied, "You know, Mr. Nicholas, that I will not sign my name to any papers till the Commissioner comes from New Zealand." I also said that I had heard from her own people that if she did not do as Mr. Moss said she would be deported to Fiji. I will not sign now while these troubles are on.

Is the reason you will not take Mr. Moss's advice that he will not come personally to you?—Yes. I shall not sign though he comes personally and gives me a satisfactory explanation. Until there is a new person comes she will not sign. All those who have been appointed in Mr. Moss's time I wish to be removed from office. This is the petition of us all—to remove Mr. Moss.

Mr. Scard: I have liquor in my house for my private use. It is kept under lock and key during my absence, and I think it is ridiculous to say that any person, native or white, has ever purchased a bottle of liquor from my house. The assertion that rum was sold from my house is more ridiculous, because it is a liquor which I do not drink, and have very little in my house.

Mrs. Scard: I know Tinarau and Tui by sight. It is not true what they say.

Mr. Hood: Banks sold liquor without my knowledge. I warned him not to sell liquor. I did not provide any liquor. I lived three-quarters of a mile away, and left him in charge.

Takao Karika: I have been in the habit of buying liquor from Henry Nicholas. Some time ago, when the steamer left for New Zealand, I bought two bottles of gin. I paid \$4. I bought liquor by the glass from Ah Que many times. I paid 10 cents a glass. Taupua saw me pay for the liquor, and drank with me. Karaitiana Nicholas sold it to me. It was at his private house. I had no permit. I bought liquor from Mr. Nicholas's son without a permit frequently.

Taupua: I have bought liquor in Ah Sam's house. I have bought one bottle at Ah Que's. I never drank with Takao Karika.

Ah Foo; Ah Que: No sellum liquor.

Te Pou: From fifteen to twenty convictions in one month for drunks; some months none. That includes some Europeans. Some were from imported liquor, and some from pineapple beer. I have had one case of drunkenness on the sly—a negro. Captain Piltz was fined for selling liquor without a permit. I try to find out where drunken men have got the liquor from. I went to Mr. Hood's to look round. I went in from rumours I had heard. I saw no

liquor for sale there. I really think there is a good deal, but I have no proof of it. There are three policemen in Avarua. The policemen get £1 a month. I do not think the police is inefficient. They were paid last June. The Arikis, at Mr. Moss's request, did look into Dr. Craig's account of the state of drunkenness prevalent, but they found the bond was the spring, so they did not write to Mr. Moss.

Do you know that Dr. Craig said you were the cause of the drunkenness? Did you sell permits, charging 20 cents?—For some time I used to charge half a dollar for permits. I am aware that Dr. Craig attributes the amount of drunkenness to the open and indiscriminate sale of permits by the chiefs. My opinion is that if no money was charged very many more permits would have been issued. I did try to stop the drunkenness. I have never met half a dozen drunken men in a walk of 500 yards.

*Dr. Craig*: At the time I made the statement I frequently saw half a dozen drunken men between the hospital and the bond, and between the hospital and Te Pou's house; and at that time it was the usual thing to be interfered with by drunken men.

*Mr. Moss* says: I have seen two or three drunken men near the merry-go-round. Except the two months of the feasting, although I walked about a good deal, I rarely saw drunken men.

*Mr. Harding*: Builder and carpenter, been here seven years. I remember the merry-go-round being here. I went over once or twice. When it was in Mr. Goodwin's yard I saw no drunken men. When it was not there I saw a big crowd, most of them under the influence of liquor. I could have counted twenty drunk.

*Rev. J. H. Hutchins*: I went down to Awatu. Once I saw five drunks. On another occasion, on a Saturday, Rev. J. Cullen, of Mangaia, went down to the post-office and saw seven drunks. I think this was due to the sale of permits and the illicit drinking. I occasionally have seen drunken people, but only on one occasion as many as five. I have spoken to Makea on the subject. When a deputation of the London Missionary Society was here last July we saw Makea about this. We spoke strongly at various meetings in the island. I was not in favour of the present law, and do not think it has been a success.

To *Mr. Moss*: I do not think it has been more successful than the old law. It was successful at first only. I have communicated with Mr. Chalmers. He thinks total prohibition for Rarotonga. Mr. Chalmers had not been at Rarotonga long enough to have known by personal observation what was the condition of things here.

*Mr. Moss* (by *Dr. Craig*): Cases have not been pointed out to me that I have not investigated. I never told Mrs. Hutchin that she should have to shut her eyes to these things. Mr. Sherman has never pointed out to me the disgraceful state of the liquor traffic.

*Mrs. Hutchin*: I have spoken to Mr. Moss about the liquor traffic. He told me I should learn to shut my eyes to these things. This was at my house. It was the beginning of this year.

*Miss Siewright*: I heard a conversation between Mr. Sherman and Mr. Moss. Mr. Sherman said that the drinking was very bad amongst the natives. Mr. Moss did not think they could get the drink. Mr. Sherman said he could produce witnesses.

*Mr. Sherman*: I am a prohibitionist. I know Rarotonga well. I came first here in March. I saw a good few natives drunk on Sunday. I was informed that they were, most of them, drunk on orange beer. Since the permits have been stopped there seems to be much less drinking, so that it looks as if it was not all orange beer that produced the drunkenness.

What you told me was that you felt certain that there were a number of places where drink could be bought by the glass. Did you mean natives or white men?—I meant white men.

*Makea*: We do not wish Mr. Moss to remain, because trouble will occur. Mr. Moss stayed in my premises. His ways were good at first. When he went to Ngatipa he asked if he could use one room in the house where he used to live. No trouble cropped up when we were living together there. When the Federal Court Bill first came up Mr. Moss left here without letting me know. I did not know of any trouble that I had caused. It was the Federal Court Bill. When we saw Mr. Moss leaving we sent two Arikis—Ngamaru was one of them—to ask him not to go. He would not listen to them. This was the 6th September, the day of the petition.

What is the real reason you want Mr. Moss removed?—On account of the manner in which he left us, and his not explaining the Federal Court Bill. He did not leave us right. He was hasty and quick-tempered. What I have already spoken are my wishes.

*Sir James Prendergast* tells Makea that, pending the decision, she and the British Resident should conduct themselves with regard to the public business as if the trouble had not arisen.

*Tangata*: I am in the employ of Makea Daniela. He has paid me and others in drink and money. If they wanted to be paid in drink they could get it. We got permits for it. He gave us six gallons at one time with five permits.

*Nuora*: I bought no liquor from Makea Daniela.

*Mr. Garnier*: I have not heard of any liquor being landed in any of the islands of the Cook Group.

*Raea Vaine*: I know of three cases and one demijohn on board a schooner at Aitutaki. She was the "Upokenua." The wives of the owners, hearing that there was liquor that belonged to the natives on board, went to the vessel, landed the liquor, and broke it up. The police were asked to go, and refused. I have a complaint against Mr. Howard, trader at Aitutaki. She saw three cases landed from the "Linda Weber." They did not break it, because they thought it was against the law. These two vessels do it every trip.

*Mr. Kohn*: Amount of liquor consumed, twelve thousand bottles sold for the year. The Council fees were £456 18s. 5d.

*Mr. Garnier*: The permit system would be all right as regards the natives if it were not abused. The year before there were ten thousand bottles sold.

*Mr. Kohn*: The amount of drunkenness here is very great. I believe total prohibition is the best thing for the island.

*Dr. Caldwell*: Previous to the permits to natives being stopped, six months ago, there was an undue amount of drunkenness amongst the natives and white men also. Since that time it cannot be said that we are free from drunkenness among the natives. There should be a better police system and judicial system for the purpose of enforcing the law.

At 7.30 inquiry closed.

### (16.)

[From the own correspondent of the *New Zealand Herald*, Auckland, 11th January, 1898.]

#### AFFAIRS OF RAROTONGA.—INQUIRY BY CHIEF JUSTICE.

Rarotonga, 31st December.

H.M.S. "Torch" put in her appearance very unexpectedly with Sir James Prendergast on board. He arrived on Thursday, the 23rd, began the inquiry on Friday, at nine a.m., and sat till half-past six, with only a two hours' interval. He adjourned over Christmas Day and Sunday, and resumed at eight a.m. on Monday, and continued daily till half-past six. He concluded last night at about seven, and leaves this morning for Tonga, where the ship will coal and proceed to Auckland. From the remarks of the Judge at the close it may be assumed that his report will vindicate the British Resident from every charge made against him in any way. They broke down absurdly. That was patent to all. But it seems also clear that the desire of the native chiefs to have the Resident here only at their will, and their resolve that they will do nothing unless it be so, must lead to an entire reconstruction of the form of government. The Cook Islands, if to be retained at all, must be governed by white men. That is clear, and I think the Judge will be found to be of this mind.

The following are notes on the final words of Queen Makea, Sir James Prendergast, and Mr. Moss:—

*Sir J. Prendergast*: I wish it to be made known that I am only here to inquire into the petitions for the removal of Mr. Moss, to receive information on the same, and convey such information to the Governor of New Zealand.

*Mr. Moss* (to *Queen Makea*): I have sent you a copy of the Federal laws of the Cook Islands from 1891 to date. Why will you not sign them, so as they may be distributed?

*Queen Makea*: Why do you ask me to sign whilst these troubles are pending?

*Mr. Moss*: What did you tell the interpreter when he took you these laws for signature?

*Makea*: I said to the interpreter, "Do you and Mr. Moss still remember there is a Makea? I thought you had forgotten." The interpreter replied, "Will you sign?" I replied: "I will not sign anything until the person I wrote for to the Governor of New Zealand arrives here." I also mentioned that I had been told by my own people that if I did not sign I would be deported.

*Mr. Moss*: Will you sign now Sir J. Prendergast has arrived?

*Makea*: I will not sign.

*Mr. Moss* (to Sir J. Prendergast): I wish your Honour to tell Makea to sign on my advice.

*Sir J. Prendergast*: I cannot tell Makea to do everything Mr. Moss tells her if she has no confidence in him.

*Makea*: I will not sign while these troubles are pending, nor until a new Resident is appointed to relieve Mr. Moss.

*Sir J. Prendergast*: That means that there will be no Government in the Cook Islands until the report of this inquiry goes to New Zealand, and thence to England and back again.

*Makea*: Let it remain so. I have spoken.

*Sir J. Prendergast*: If Mr. Moss goes personally to you, and explains matters, will you then sign?

*Makea*: I will not sign until I get what I asked you.

*Sir J. Prendergast*: You mean, you will not take the advice of Mr. Moss.

*Makea*: Until a new Resident is appointed I will sign nothing, and no Government laws or notifications are valid without my signature. I also want all the officials appointed or approved by Mr. Moss to be removed. This is my petition, and the wishes of the Arikis, chiefs, and people of the Cook Islands—namely, Rarotonga, including Avarua, Arorangi, and Takitumu, Mangaia, Aitutaki, Atiu, Mitiaro, and Mauke.

The Arikis and chiefs here individually spoke, unanimously agreeing with the above address from Queen Makea.

*Makea*: We do not wish Mr. Moss to remain, as there will continually be trouble. When he lived on my premises he was good at first. When the Federal Court Bill was brought up he left me without giving notice. When he removed his furniture the Arikis Ngamaru asked him to remain. He refused. We now wish for his removal, and for a new Resident to be appointed.

*Sir James Prendergast*: I cannot see any real reason in what you say to justify the removal of Mr. Moss. You have evidently not given me your real reason.

*Makea*: He was hasty, quick-tempered, would not lead us in the right path, and we have no confidence in him.

*Sir James Prendergast*: I have not the power to settle anything, but to collect information for the Governor of New Zealand. I think it is the duty of Queen Makea to act in unison with Mr. Moss until the will of the Governor becomes known, and I trust Makea and Mr. Moss will exercise due respect to their respective stations. Government should go on the same as if the decision of this inquiry was not pending. It does not seem to me that Makea can expect that a public officer can be removed without due inquiry, and I trust that you and Mr. Moss will be able to act well together in the meanwhile, pending the decision.

Our Rarotongan correspondent writes: "The complaint of the American citizen, Ambrose Morgan, against the people of Aitutaki for being put by them in irons, and which he sent to the American Consul also in Auckland, has been settled by Mr. Moss, who adjudged him £18 for damages and expenses. The Aitutaki people demurred, and were advised to resist till the Commissioner arrived. But Mr. Moss insisted, and they paid up, taking their revenge by sending a delegate to add to the Natives requesting his removal. Mr. Moss let them off much more lightly, as he told them, than he would have done if Morgan had not provoked them by his stupid resistance to the enforcement of a penalty for breaking their Sunday-observance law, for which he has been fined 2s., and refused to pay 'on principle.' Out of this grew the whole affair. I believe Morgan is satisfied."

### (17.)

Rarotonga, 24th December, 1897.

To Vaikai Moate and the Members of the Cook Islands Parliament.

GREETINGS to you! I have been deputed by His Excellency the Governor of New Zealand to inquire into the grievances complained of in the petition of your Parliament to His Excellency, and any other grounds of complaint that you may have which can be properly remedied by His Excellency or the British Government. To this end, will you, with as little delay as possible, furnish me with a statement in writing, showing in detail what are the matters of complaint that you desire to be inquired into, and for which you think you can reasonably look to His Excellency or the British Government to afford relief.

I have, &c.,

J. PRENDERGAST.

SIR,—

Makea's House, Thursday, 23rd December, 1897.

I believe that His Excellency had not, before my departure from New Zealand, informed you that your petition had been received. I have now to inform you that it has been received from Mr. Moss, together with Mr. Moss's observations on the matters of complaint stated in the petition, and that His Excellency has deputed to me the business of inquiring into these matters, with a view to obtaining such information as is necessary in order to the application by the proper authority of such remedies as any just grounds of complaint require.

I propose to attend at the Parliament House to-morrow (Friday), at 9 o'clock a.m., to commence the inquiry into the matters in your petition.

As the Governor desires that no unnecessary delay should occur in giving relief to just grounds of complaint, may I ask you, notwithstanding the shortness of notice, to attend to-morrow at the time and place named, and be then prepared to support your petition.

I have, &c.,

J. PRENDERGAST.

To Mr. Kohn, on behalf of himself and the other signatories to petition to Governor of New Zealand.

### (18.)

COOK ISLANDS PARLIAMENT.—OPENING ADDRESS.

From the FEDERAL GOVERNMENT to the PARLIAMENT of the Cook Islands.

WE welcome you to this our seventh yearly meeting since the Federation and the establishment of Civil Government in our islands.

*The Queen's Diamond Jubilee.*

Our beloved Sovereign, Queen Victoria, attained on the 20th June the sixtieth year of her happy and eventful reign, the longest reign of any English Sovereign. The occasion was celebrated on the 22nd June with great rejoicings throughout the Empire. You were not in session, but we felt that your earnest wish would be to take part, however humbly, in these rejoicings. Therefore, in your name, and in the names of the Government and people of the Cook Islands enjoying Her Majesty's gracious protection, we sent on the 27th March an address, which would arrive in England in time for presentation, and of which a copy is appended for your information.

*Compiling and Printing the Laws.*

The compiling and printing of the laws passed by Parliament and in force on 31st December, 1896, has been proceeded with as fast as our limited means of printing would permit. We hope to be able to lay before you the English version. The Maori version, carefully revised, will follow. We propose asking you for a vote in order that the laws passed by the Councils of the several islands of the Federation may be similarly treated. All our laws have been published in the parliamentary blue-books of New Zealand, with the despatches sent by the British Resident, but many so published are in English only, while the means of publication here till lately were confined to writing and its duplication. Now that we have a printing-press available the difficulty hitherto experienced will be overcome.

*New Laws.*

The importation of wax matches has begun, and we regard them as exceptionally dangerous to life among children, and to property by fire, in the condition of these islands. The wooden matches hitherto used are safer, and we shall submit a law prohibiting the importation of wax matches for your consideration.

We consider that the time has come when provision should be made to fix individual responsibility in case of compensation by damage being sought for personal libels published in these islands, and we shall propose to you a law compelling the registration of the printer and the publisher of all papers that may be issued for circulation.

*Federal Court.*

Experience has proved that, in the absence of Judge Te Pou-o-te-Rangi, it is not possible to find a Judge sufficiently acquainted with European law and customs to deal with the increasing number of disputes, commercial and others, in which Europeans and Maoris, or Europeans alone, are concerned. This has given to us great anxiety and received our careful consideration. The principles and procedure of English law are required in such a Court, while a due regard must be paid to Maori customs and methods, especially as no trained legal assistance is available in the preparation of documents or in legal action among us. Without complete confidence in the efficiency and justice of our Courts the whole Government must come to an end, and the Maoris submit to be governed by others instead of being a self-governing people. We are not yet prepared with measures on this important subject for your consideration, but hope to lay them before you during the session.

*The Hospital.*

The Act passed last session for the formation of a Hospital Board, and the transference to it of the control and management of the Hospital, has been brought into operation. The Board has been elected, and the Hospital placed under its control. In accordance with the Act, the report of the Board and the accounts of its expenditure will be laid before you when they are received by the Government.

In connection with the Hospital a difficulty has occurred which should, we consider, be met by legislation. Section 1 of the Import Duty Amendment Act of 1895, under which the revenue for the Hospital is collected, provides that this revenue "shall be applied to the erection and maintenance of a Hospital, at which advice and general medical or surgical treatment shall be given without charge to all applicants, within certain hours to be fixed by the Chief of the Government." The hour was fixed at from 8 to 9 in Government regulations published on the 25th April, 1896. The Board published, on the 17th April, 1897, a new set of regulations by which free treatment was limited to those who might obtain an order from a member of the Board. The rates of admission were also changed without the previous Government regulations being rescinded. The British Resident called the attention of the Board to the law, and to the anomaly of two conflicting sets of regulations, but was of opinion that the Government should not interfere. The position of the Board must be taken into account. It has small funds at disposal, and every one must desire to see the Hospital a success. At the same time, it is desirable that the present complication should be ended. With this view, as the Board has been re-elected by the public to whom it is answerable, we feel justified in proposing to you a repeal of the provision for free treatment. This will enable the Government to rescind the regulations of 1896 without making itself a party to breaking the law, and will leave the Board free to make such regulations as it may consider the circumstances require and the public may approve.

*The Wharf.*

Message No. 2 of last session embodied the arrangement with the Union Steamship Company of New Zealand (Limited) for the building of wharf-sheds. The company has not only built large and commodious sheds, but an excellent wharf, which will be of great benefit to the people of all the islands who send away produce or receive supplies through Rarotonga. The original arrangement with the company provided for sheds only, but has since been practically extended to include the wharf. The company is thus secure that its tenure will not be disturbed without equitable repayment of the outlay in this valuable public work. We have further arranged with Karika (Ariki) to pay to him a yearly sum of £5, in consideration of which he conveys to the Federal Government all his interest in the land on the harbour frontage, which includes that on which the wharf and sheds stand. The Federal Government are to hold this land so long as they require it for public purposes. Any possible monopoly of landing accommodation is thus guarded against, while the arrangement with the company is simplified and outside interference avoided.

*The Revenue.*

The receipts for the year ending 30th June have been only £1,230 2s. 9d., against £1,428 17s. 8d. for the previous year. The poor coffee-crop of 1898, and consequent decreased purchasing-power of the people, induced us to estimate only £1,250 for the revenue of 1896-97, which estimate has proved very nearly right. For the coming year we may rely on a revenue in face of the excellent coffee-crop now being gathered. We hope to find the coffee-crop increasing yearly from increased plantation and care, which alone can add to the wealth and prosperity of the Cook Islands.

*The Expenditure*

For the year ending 30th June has been £1,654 0s. 3d., against £1,441 0s. 8d. for 1895-96. The outstanding liabilities for 1895-96 were £218. Those for this year are estimated at £110. Full accounts will, as usual, be laid before you when closed and audited for the year. Meanwhile we have elsewhere summarised the receipts and expenditure for your information.

*The Imports*

For the year were £24,628 15s., against £25,665 for the previous year. Of the imports for this year £5,975 were duty free, being goods admitted free here or re-exported to other islands. Casks and fruit-cases, &c., are also duty free.

*The Exports*

Amounted for the year in gross to £16,196, against £20,720 for the previous year. Of the exports, only £14,766 were the produce of the Cook Islands, against £17,026 for the previous year. The balance in each year consisted of produce from other islands. The usual detailed return of imports and exports will be laid before you.



*The Estimates*

Will be prepared with a view to keeping expenditure at the lowest suitable point, and with a due regard to the accumulation of savings from revenue which have enabled us to undertake improvements in the past, and on which we must largely depend for the future.

Summarising the receipts and expenditure of the past year they were as follows:—

*Receipts.*

|  | £      | s. | d. |
|--|--------|----|----|
| From import duty .. .. .   | 919    | 9  | 8  |
| From Hospital .. .. .  | 183    | 17 | 10 |
| From Post Office .. .. .   | 120    | 5  | 3  |
| Miscellaneous .. .. .  | 6      | 10 | 0  |
|  | £1,230 | 2  | 9  |
| To which must be added the balance in hand on the 1st July, 1896, being the savings of previous years, but subject to liabilities then outstanding to the amount of £218 .. .. . | 481    | 7  | 11 |
| Total .. .. .  | £1,711 | 10 | 8  |

*Expenditure.*

|  | £   | s. | d. |   | £      | s. | d. |
|--|-----|----|----|---|--------|----|----|
| Fixed appropriations—  |     |    |    | Caretaker (Ngatipa) .. .. .   | 22     | 10 | 0  |
| Subsidies to the several island Govern-<br>ments in accordance with the Constitu-<br>tion Act and for the maintenance of<br>their Arikis' Courts, Judges, and police | 309 | 0  | 0  | Interpreting and clerical assistance .. .. .  | 40     | 6  | 5  |
| Toward maintenance of children at Tere-<br>ora school .. .. .  | 121 | 5  | 0  | Care of the insane .. .. .  | 15     | 15 | 0  |
| Hospital .. .. .   | 180 | 0  | 0  | Compiling and reprinting the laws to De-<br>cember, 1896, and printing material and<br>paper for same .. .. . | 43     | 13 | 4  |
| Parliament and Executive Government—   |     |    |    | Buildings, fittings, roofing, painting, water-<br>supply, fencing, and approaches to Ngatipa                  | 165    | 2  | 8  |
| Including payment and passages of mem-<br>bers and current expenses .. .. .  | 117 | 10 | 0  | Victoria Road, from Avarua to old road,<br>and fencing .. .. .  | 36     | 6  | 4  |
| Departmental—  |     |    |    |   | 1,428  | 6  | 2  |
| Salaries and contingencies, including sta-<br>tionery, current printing, and advertising   | 283 | 2  | 9  | To which must be added school furniture<br>and fittings—a liability from 1895-6 .. .. .                       | 167    | 5  | 9  |
| Carrying ocean mails .. .. .   | 34  | 14 | 8  |   | £1,595 | 11 | 11 |
| Rent of post-office .. .. .  | 9   | 0  | 0  |   |        |    |    |
| Subsidy to wharf sheds .. .. .   | 50  | 0  | 0  |   |        |    |    |

The balance of the £1,654 expended consisted of various similar liabilities of smaller separate sums carried to account this year.

Looking back over the last seven years during which our Federal Parliament, Councils, Courts of law, and Government, Post-office, and public revenue have been established, we acknowledge with thankfulness the help which we have received in that work from the Government of New Zealand, and may point with, we hope, justifiable pride to what our Parliament and Government have done. We have, so far, been able to do without gaols and armed bodies of any kind, yet life and property are perfectly safe throughout the Islands. The taxation is of the slightest, and we know of none who can complain of wrongs not righted. We have seen free schools established and liberally fitted for teaching in the English tongue, and have been able to aid the boarding- and training-school at Tereora. A convenient Parliament House has been built, and a good hospital, while material progress has been aided by subsidies towards the making of roads and in other ways. Regular payments of our Judges and police has been substituted, throughout the Islands, for the old system of paying themselves by such fines as they could exact from offenders brought before them. Our people have been thereby relieved, not only from much money exaction, but from the continual spying and harassing by which that system was necessarily attended.

The only taxation has been a duty on imports of 5 per cent., to which must be added the receipts from the post-office. A further duty of 1 per cent. has since been specially levied for the maintenance of the hospital, but no other tax of any kind has been so far found necessary. The practice of strict economy and an adherence to simplicity and directness in the constitution of our Government and in its forms and proceedings, can alone enable us to continue with this small taxation. That is a point upon which we desire to lay special stress, and which we must not fail to bear constantly in mind if we would keep taxation within due bounds.

Finally, we pray for the blessing of the Almighty upon your labours, and that they may prove for the good of the people of the Cook Islands.

For the Government,

MAKEA TAKAU (Ariki),  
Chief of the Government.

Rarotonga, 5th July, 1897.

*Appended Address to the Queen.*

[Translation.]

To Her Most Gracious Majesty Victoria, Queen of Great Britain and Ireland and Empress of India. Health and blessing of God and of His Son Jesus Christ be on you and on your family and people.

I, MAKEA TAKAU, Ariki of Avarua, and Chief of the Federal Government of the Cook Islands, approach your Majesty on behalf of the Arikis, the Parliament, the Mataiapos, and the people of the Cook Islands, to humbly offer our heartfelt congratulations on the attainment of the 60th year of your glorious and beneficent reign.

Under the protection of the British flag we in this far-away country have been given the blessing of self-government, and are and ever shall be your Majesty's loyal and devoted people. Our children are being taught the English tongue in all our schools. Many of our people are already working as missionaries and teachers in New Guinea and other islands of this great ocean. The children now in the schools will go forth to do God's work and to spread the Gospel, stronger than their father from the knowledge which English books will give them, and will imbue the heathen with the loyalty and devotion which they feel themselves.

Gladly would we be present in person to do honour to your Majesty. But that cannot be, and in spirit we bow before you and pray that the blessing of God may long rest upon your Majesty, your family, and your great nation.

MAKEA TAKAU,

Chief of the Government of the Federation of the Cook Islands.

TEROU-O-TE-RANGI,

Chairman of the Federal Government.

Rarotonga, 25th March, 1897.

19.)

COOK ISLANDS GOVERNMENT BANK ACCOUNT.—MONTHLY BALANCES.

|                    | Dr. Balance<br>(overdraft). |    |    | Cr.<br>Balance. |    |           |                    | Dr. Balance<br>(overdraft). |    |     | Cr.<br>Balance. |    |          |
|--------------------|-----------------------------|----|----|-----------------|----|-----------|--------------------|-----------------------------|----|-----|-----------------|----|----------|
|                    | £                           | s. | d. | £               | s. | d.        |                    | £                           | s. | d.  | £               | s. | d.       |
| 1896—              |                             |    |    |                 |    |           | 1897—              |                             |    |     |                 |    |          |
| 31 January .. ..   | ..                          | .. | 91 | 0               | 6  | ..        | 31 January .. ..   | ..                          | .. | ..  | 91              | 5  | 11       |
| 29 February .. ..  | ..                          | .. | 56 | 19              | 5  | ..        | 28 February .. ..  | ..                          | .. | 227 | 15              | 11 | ..       |
| 31 March .. ..     | ..                          | .. | 23 | 7               | 10 | ..        | 31 March .. ..     | ..                          | .. | 89  | 4               | 7  | ..       |
| 30 April .. ..     | ..                          | .. | .. | ..              | .. | 3 12 11   | 30 April .. ..     | ..                          | .. | 65  | 7               | 2  | ..       |
| 31 May .. ..       | ..                          | .. | 41 | 0               | 7  | ..        | 31 May .. ..       | ..                          | .. | 36  | 11              | 3  | ..       |
| 30 June .. ..      | ..                          | .. | 42 | 15              | 2  | ..        | 30 June .. ..      | ..                          | .. | 293 | 19              | 1  | ..       |
| 31 July .. ..      | ..                          | .. | .. | ..              | .. | 224 9 0   | 31 July .. ..      | ..                          | .. | 121 | 15              | 7  | ..       |
| 31 August .. ..    | ..                          | .. | .. | ..              | .. | 103 1 3   | 31 August .. ..    | ..                          | .. | ..  | ..              | .. | 49 0 1   |
| 30 September .. .. | ..                          | .. | .. | ..              | .. | 142 11 10 | 30 September .. .. | ..                          | .. | ..  | ..              | .. | 124 12 6 |
| 31 October .. ..   | ..                          | .. | .. | ..              | .. | 202 13 4  | 31 October .. ..   | ..                          | .. | 107 | 15              | 2  | ..       |
| 30 November .. ..  | ..                          | .. | .. | ..              | .. | 133 5 5   |                    |                             |    |     |                 |    |          |
| 31 December .. ..  | ..                          | .. | .. | ..              | .. | 111 12 10 |                    |                             |    |     |                 |    |          |

Rarotonga, 5th November, 1897.

DONALD AND EDENBOROUGH, Bankers, per J.S.

(20.)

COOK ISLANDS PARLIAMENT.—STATEMENT OF EXPENDITURE FOR YEAR ENDING 30TH JUNE, 1897.

| Vote. | Service.  | Voted.     | Expended. | Total.    | Un-<br>expended. |
|-------|---|------------|-----------|-----------|------------------|
|       |   | £ s. d.    | £ s. d.   | £ s. d.   | £ s. d.          |
| 1     | Fixed appropriations—   |            |           |           |                  |
|       | Payment of members .. ..  | 54 0 0     | 54 0 0    | ..        | ..               |
|       | Subsidies to local Councils—Atiu, Mitiaro, and Mauke ..             | 45 0 0     | 45 0 0    | ..        | ..               |
|       | Aitutaki .. ..  | 45 0 0     | 45 0 0    | ..        | ..               |
|       | Mangaia .. ..   | 45 0 0     | 45 0 0    | ..        | ..               |
|       | Rarotonga .. ..   | 45 0 0     | 45 0 0    | 234 0 0   | ..               |
| 2     | Collection of revenue—  |            |           |           |                  |
|       | Collector, Rarotonga .. ..  | 30 0 0     | 30 0 0    | ..        | ..               |
|       | Revenue Officer, Aitutaki .. ..                                     | 7 10 0     | 7 10 0    | ..        | ..               |
|       | “ Mangaia .. ..   | 6 0 0      | 6 0 0     | ..        | ..               |
|       | “ Atiu .. ..  | 3 0 0      | 3 0 0     | ..        | ..               |
|       | “ Mauke .. ..   | 3 0 0      | 3 0 0     | ..        | ..               |
|       | “ Mitiaro .. ..   | 3 0 0      | 3 0 0     | ..        | ..               |
|       | “ Mamae .. ..   | 3 0 0      | 3 0 0     | 55 10 0   | ..               |
| 3     | Federal Court—  |            |           |           |                  |
|       | Chief Judge .. ..   | 18 0 0     | 18 0 0    | 18 0 0    | ..               |
| 4     | Post Office—  |            |           |           |                  |
|       | Chief Postmaster, Rarotonga .. ..                                   | 15 0 0     | 15 0 0    | ..        | ..               |
|       | Clerical assistance .. ..   | 9 0 0      | 2 17 6    | ..        | ..               |
|       | Postal delivery, Rarotonga .. ..                                    | 15 0 0     | 7 10 0    | ..        | ..               |
|       | Postmaster, Atiu .. ..  | 1 10 0     | 1 10 0    | ..        | ..               |
|       | “ Mangaia .. ..   | 1 10 0     | 1 10 0    | ..        | ..               |
|       | “ Aitutaki .. ..  | 1 10 0     | 1 10 0    | ..        | ..               |
|       | Postal delivery—Atiu, Mangaia, and Aitutaki .. ..                   | 12 0 0     | 12 0 0    | ..        | ..               |
|       | Three years' carriage ocean mails .. ..                             | 33 10 0    | 34 14 8   | 76 12 2   | 12 7 10          |
| 5     | Shippingmaster, Rarotonga .. ..                                     | 12 0 0     | 12 0 0    | 12 0 0    | ..               |
| 6     | Paymaster and Clerk to Parliament .. ..                             | 30 0 0     | 30 0 0    | 30 0 0    | ..               |
| 7     | Auditor .. ..   | 15 0 0     | 15 0 0    | 15 0 0    | ..               |
| 8     | Expenses Chief of Government .. ..                                  | 30 0 0     | 30 0 0    | 30 0 0    | ..               |
| 9     | Interpreting and clerical assistance .. ..                          | 45 0 0     | 40 6 5    | 40 6 5    | 4 13 7           |
| 10    | General contingencies .. ..   | 90 0 0     | ..        | ..        | ..               |
|       | Liabilities, 1895-96 .. ..  | 25 2 0     | 99 15 6   | 99 15 6   | 15 6 6           |
| 11    | Ngatipa .. ..   | 22 10 0    | 22 10 0   | 22 10 0   | ..               |
|       | For buildings, &c.—Transfer from Vote 20 .. ..                      | 54 14 3    | ..        | ..        | ..               |
|       | “ Act 4/92 .. ..  | 4 5 5      | 58 19 8   | 58 19 8   | ..               |
| 12    | Printing, stationery, &c. .. ..                                     | 90 0 0     | ..        | ..        | ..               |
|       | Liabilities, 1895-96 .. ..  | 25 0 0     | ..        | ..        | ..               |
|       | Compiling and printing laws of Federation and various islands .. .. | 50 0 0     | 61 1 9    | 61 1 9    | 103 18 3         |
| 13    | Passages of members .. ..   | 13 10 0    | 13 10 0   | 13 10 0   | ..               |
| 14    | Expenses of Parliament .. ..  | 20 0 0     | 20 0 0    | 20 0 0    | ..               |
| 15    | Maintenance of children at Tereora School .. ..                     | 125 0 0    | 121 5 0   | 121 5 0   | 3 15 0           |
| 16    | Subsidies in aid of Arikis' Courts and police .. ..                 | 129 0 0    | 129 0 0   | 129 0 0   | ..               |
| 17    | Printing-paper and material for printing laws .. ..                 | 20 0 0     | 18 13 4   | 18 13 4   | 1 6 8            |
| 18    | Care of insane .. ..  | 50 0 0     | 15 15 0   | 15 15 0   | 34 5 0           |
| 19    | Hospital—   | 190 0 0    | 180 0 0   | ..        | 10 0 0           |
|       | Rent to 1st October, 1896, and other liabilities .. ..              | 25 0 0     | 15 6 3    | ..        | 9 13 9           |
| 20    | School fittings, &c.—   |            |           |           |                  |
|       | Liability, 1895-96 .. ..  | £162 0 0   | ..        | ..        | ..               |
|       | For new school .. ..  | 60 0 0     | ..        | ..        | ..               |
|       | 222 0 0   |            |           |           |                  |
|       | Less transfer to Vote No. 11 .. ..                                  | 54 14 3    | 167 5 9   | 167 5 9   | ..               |
| 21    | Subsidies—Britannia Wharf and sheds .. ..                           | 50 0 0     | 50 0 0    | 50 0 0    | ..               |
| 22    | Post Office—Rent due three years .. ..                              | 27 0 0     | 27 0 0    | 27 0 0    | ..               |
| 23    | Victoria Road to Old Road, Ngatipa .. ..                            | 40 0 0     | 36 6 4    | 36 6 4    | 3 13 8           |
| 24    | Unauthorised (Act 4/92).—Voted .. ..                                | £120 0 0   | ..        | ..        | ..               |
|       | Less transfer to Vote No. 11 .. ..                                  | 4 5 5      | 115 14 7  | 106 3 1   | 9 11 6           |
|       |   | 1,862 12 0 | ..        | 1,654 0 3 | 208 11 9         |

MAKEA DANIELA, Paymaster.

I have examined the above accounts, and compared them with the vouchert, and hereby certify that they are correct.—J. SCARD, Auditor.  
Rarotonga, 2nd July, 1897.

## (21.)

## COOK ISLANDS PARLIAMENT.—“APPROPRIATION ACT, 1896.”

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the expenditure for the public service for the year ending the 30th June, 1896, shall not exceed the sums stated in Schedule A of this Act, amounting in all to one thousand seven hundred and forty-two pounds twelve shillings.

2. That the Chief of the Government, with the approval of the British Resident, may authorise the transfer of moneys from any vote (other than a vote for salaries) to any vote (other than a vote for salaries) for which it may be found that sufficient provision has not been made in the said Schedule. Also, that a statement of transfers so made shall be laid before Parliament at the next session.

3. That every account against the Government shall, before it is sent to the Auditor, be certified by the British Resident, or by persons appointed for each department or service by the Chief of the Government with the approval of the British Resident; such certificate shall state that the services therein named have been properly performed, or that the articles charged have been duly supplied, and that the prices are fair and reasonable.

4. That the various sums in Schedule B of this Act which have been paid under the authority of Act 4, 1892 (unauthorised expenditure), shall be charged to the purposes named in the said Schedule, to the amount of one hundred and twenty pounds.

5. That no money shall be paid except on cheques signed by the Paymaster and countersigned by the Auditor.

Dated at Rarotonga, this 10th day of August, 1895.

Approved. To go into operation forthwith.

FREDERICK J. MOSS, British Resident.—11th August, 1896.

*Schedule A.*

| Vote. | Service:  | Amount. | Total.     |
|-------|---|---------|------------|
| 1     | Fixed appropriations—   | £ s. d. | £ s. d.    |
|       | Payment of members .. .. .  | 54 0 0  |            |
|       | Subsidies to island Councils .. .. .                                      | 180 0 0 |            |
|       |   |         | 234 0 0    |
| 2     | Collection of revenue .. .. .   | ..      | 55 10 0    |
| 3     | Federal Court .. .. .   | ..      | 18 0 0     |
| 4     | Post Office salaries, rent, and expenses .. .. .                          | 59 0 0  |            |
|       | Three years' carriage of ocean mails, due in 1897 .. .. .                 | 30 0 0  |            |
|       |   |         | 89 0 0     |
| 5     | Shipping-master .. .. .   | ..      | 12 0 0     |
| 6     | Paymaster and Clerk to Parliament and Government .. .. .                  | ..      | 30 0 0     |
| 7     | Auditor .. .. .   | ..      | 15 0 0     |
| 8     | Expenses, Chief of the Government .. .. .                                 | ..      | 30 0 0     |
| 9     | Interpreting and clerical assistance .. .. .                              | ..      | 45 0 0     |
| 10    | General contingencies .. .. .   | 90 0 0  |            |
|       | Liabilities from 1895-96 .. .. .  | 25 2 0  |            |
|       |   |         | 115 2 0    |
| 11    | Ngatipa .. .. .   | ..      | 22 10 0    |
| 12    | Printing, stationery, &c. .. .. .   | 90 0 0  |            |
|       | Liabilities from 1895-96 .. .. .  | 25 0 0  |            |
|       | Compiling and printing the laws of Federation and various islands .. .. . | 50 0 0  |            |
|       |   |         | 165 0 0    |
| 13    | Passages of members .. .. .   | ..      | 13 10 0    |
| 14    | Expenses of Parliament .. .. .  | ..      | 20 0 0     |
| 15    | Maintenance of children at Tereora School .. .. .                         | ..      | 125 0 0    |
| 16    | Subsidies in aid of Arikis' Courts and police .. .. .                     | ..      | 129 0 0    |
| 17    | Printing-paper and material for printing laws .. .. .                     | ..      | 20 0 0     |
| 18    | Care of the insane .. .. .  | ..      | 50 0 0     |
| 19    | Hospital .. .. .  | 190 0 0 |            |
|       | Liability for 1895-96 .. .. .   | 25 0 0  |            |
|       |   |         | 215 0 0    |
| 20    | School fittings and furniture—  |         |            |
|       | Liability for 1895-96 .. .. .   | 162 0 0 |            |
|       | For new schools .. .. .   | 60 0 0  |            |
|       |   |         | 222 0 0    |
| 21    | Subsidy to proposed wharf and shed .. .. .                                | ..      | 50 0 0     |
| 22    | Post Office—Rent due, three years .. .. .                                 | ..      | 27 0 0     |
| 23    | Road from Avarua Settlement to back road at Ngatipa .. .. .               | ..      | 40 0 0     |
|       |   | ..      | 1,742 12 0 |

*Schedule B.*

Hospital—Expenditure during 1895-96 under “Unauthorised” .. £120 0

(22.)

## RAROTONGA COUNCIL.—STATEMENT OF EXPENDITURE FOR YEAR ENDING 30TH JUNE, 1897.

| Vote. | Service.   | Voted.   | Expended. | Unexpended. |
|-------|--|----------|-----------|-------------|
|       |  | £ s. d.  | £ s. d.   | £ s. d.     |
| 1     | Clerk to the Council and Government .. .. .        | 7 10 0   | 7 10 0    | ..          |
| 2     | Paymaster .. .. .                                  | 7 10 0   | 7 10 0    | ..          |
| 3     | Auditor .. .. .                                    | 7 10 0   | 7 10 0    | ..          |
| 4     | Rent of bond .. .. .                               | 5 8 0    | 5 8 0     | ..          |
| 5     | Clerks to Arikis' Courts .. .. .                   | 43 0 0   | ..        | ..          |
|       | Avarua .. .. .                                     | ..       | 25 0 0    | ..          |
|       | Takitumu .. .. .                                   | ..       | 9 0 0     | ..          |
|       | Arorangi .. .. .                                   | ..       | 9 0 0     | ..          |
| 6     | Police .. .. .                                     | 72 0 0   | ..        | ..          |
|       | Avarua .. .. .                                     | ..       | 36 0 0    | ..          |
|       | Arorangi .. .. .                                   | ..       | 18 0 0    | ..          |
|       | Takitumu .. .. .                                   | ..       | 18 0 0    | ..          |
| 7     | Interpreting and clerical assistance .. .. .       | 30 0 0   | 10 14 0   | 19 6 0      |
| 8     | Fixed appropriations, Arikis and Mataiapos .. .. . | 100 10 0 | ..        | ..          |
|       | Avarua .. .. .                                     | ..       | 40 10 0   | ..          |
|       | Arorangi .. .. .                                   | ..       | 30 0 0    | ..          |
|       | Takitumu .. .. .                                   | ..       | 30 0 0    | ..          |
| 9     | Fixed appropriations, Judges .. .. .               | 81 0 0   | ..        | ..          |
|       | Avarua .. .. .                                     | ..       | 45 0 0    | ..          |
|       | Arorangi .. .. .                                   | ..       | 18 0 0    | ..          |
|       | Takitumu .. .. .                                   | ..       | 18 0 0    | ..          |
| 10    | Maintenance of roads— .. .. .                      | ..       | ..        | ..          |
|       | Avarua .. .. .                                     | 30 0 0   | ..        | ..          |
|       | Arorangi .. .. .                                   | 15 0 0   | ..        | ..          |
|       | Takitumu .. .. .                                   | 15 0 0   | 60 0 0    | ..          |
| 11    | Expenses of Council .. .. .                        | 12 0 0   | 9 10 0    | 2 10 0      |
| 12    | General contingencies .. .. .                      | 22 10 0  | 22 10 0   | ..          |
| 13    | Inspector of roads .. .. .                         | 5 0 0    | 5 0 0     | ..          |
| 14    | Printing laws, &c. .. .. .                         | 25 0 0   | 22 9 6    | 2 10 6      |
| 15    | Unforeseen expenditure .. .. .                     | 30 0 0   | 5 0 0     | 25 0 0      |
| 16    | Public schools— .. .. .                            | ..       | ..        | ..          |
|       | Head teachers .. .. .                              | 180 0 0  | ..        | ..          |
|       | Assistant teachers .. .. .                         | 90 0 0   | ..        | ..          |
|       | Contingencies .. .. .                              | 15 0 0   | 172 10 0  | 112 10 0    |
| 17    | Auditing road-tax, &c. .. .. .                     | 7 10 0   | ..        | 7 10 0      |
|       |  | 801 8 0  | 632 1 6   | 169 6 6     |

MAKEA DANIELA, Paymaster.

I have examined the above accounts, and compared them with the vouchers, and hereby certify that they are correct.—J. SCARD, Auditor.

Rarotonga, 10th July, 1897.

(23.)

## COOK ISLANDS PARLIAMENT.—FEDERAL COURT BILL, 1897. (As amended for reconsideration.)

A BILL to create a Federal Court for the Cook Islands.

Short Title.—“Federal Court Act, 1897.”

Be it enacted by the British Resident and the Parliament of the Cook Islands :

1. That the Act to establish a Supreme Court (No. 4, 1891) and the Amendment Act (No. 2, 1894) are hereby repealed.

2. That a Court is hereby established, to be styled the Federal Court of the Cook Islands.

*Constitution of the Court.*

3. That the Federal Court shall consist of a President, and of such Judges as the Chief of the Government may from time to time appoint, with the approval of the British Resident.

4. That until a permanent President, approved by the British Resident for the time being, can be appointed by the Government of the Cook Islands the British Resident may by virtue of his office assume the Presidency of the said Court.

5. That the President of the Federal Court shall have and exercise all the powers of a Judge.

6. That the Judge of the late Court, Tepou-o-te-Rangi, shall continue to act as a Judge of the Federal Court at the same salary as at present, and is hereby appointed accordingly.

7. That the Court shall meet at such times and at such places as the President may direct.

8. That the President may appoint, in writing, a Deputy to act for him during absence or inability from any cause, or in special cases, and that such Deputy shall for the time being have the same powers as the President in the exercise of his office.

9. That Judges of the Federal Court appointed by the Chief of the Government as aforesaid shall hold office during good behaviour, and shall only be removed by Act of the Federal Parliament approved by the British Resident: Provided that, if Parliament be not in session, the Chief of the Government, with the approval of the British Resident, may suspend a Judge, who shall continue to receive his salary without deduction till the decision of Parliament shall have been given.

10. That in case of the illness or disability of a Judge, it shall be lawful for the Chief of the Government to appoint an Acting Judge, to hold office for a term not exceeding six months, provided that the appointment may be renewed from time to time, subject both in appointment and renewal to the approval of the British Resident.

11. That the President shall decide all cases brought before the Court, but that any Judge sitting with him and dissenting from his decision may place his dissent, with the reasons thereof, on the record of the Court.

12. That the President shall regulate the procedure of the Court and appoint its officers, and that such procedure shall be in accordance with the principles and practice of English Courts so far as they can be applied with due regard to established Maori laws and customs prevailing at the time when and in the place where the cause of action arose.

13. That all fees of Court, fines, or other moneys received by the Court shall be Federal revenue and treated accordingly.

14. That the British Resident is hereby empowered to appoint from time to time such person as he may think fit to be his Private Secretary, and who may act also as Registrar of the Federal Court, and that a sum not exceeding one hundred pounds sterling per annum is hereby appropriated for these purposes.

15. That the President of the Court is also authorised to appoint a bailiff, and such other officers, and incur such other expenditure as may be found necessary, and a sum not exceeding sixty pounds per annum is hereby appropriated accordingly.

*Jurisdiction of the Court.*

16. That the jurisdiction of the Federal Court shall be exclusive,—

(a.) In all cases of murder or of assault with intent to commit murder, and all cases of manslaughter.

(b.) In all criminal charges against foreign residents.

(c.) In all offences against the Federal laws.

(d.) In all cases between foreign residents, or between foreign residents and Maoris, in which the plaintiff may, with consent of the President, begin an action in the Federal Court, or may, with the same consent, seek redress for wrong alleged to have been done to him or her by any local Government in any of the islands of the Federation.

17. That the Federal Court may also rehear any case referred to it by an Ariki's Court, and, if the judgment of the Ariki's Court be confirmed, may make the judgment a rule of the Federal Court and enforce it accordingly.

18. That on the application of either party to a suit in an Ariki's Court the Judge of the Ariki's Court, on application being made to him by either party to the suit before beginning the hearing, shall refer the said suit to the Federal Court: Provided that the Judge may also refer to the Federal Court any case after it has been begun before him if he thinks fit so to do.

19. That the Federal Court may appoint suitable persons as solicitors, who shall be answerable to the Court, and who may at any time be removed if guilty of misconduct in the performance of their duties.

20. That solicitors so appointed shall have power to act and to plead for parties before the Court; but this shall not debar any person from pleading his own cause, or from appointing specially for the conduct of his case, and with consent of the Court, such person other than a solicitor whom he may prefer.

21. That the Court shall have all the powers over person and property needful for enforcing its judgments which are possessed by the Supreme Court of New Zealand, and may for the maintenance of order in its proceedings, and obedience to its judgments, punish any person guilty of contempt by fine or imprisonment: Provided that no judgment as to contempt of Court shall be given until after open hearing within not less than twenty-four hours after the offence has been committed.

22. That in the absence of a public gaol the Court may declare any dwelling-house or other suitable place a temporary gaol for a special time and purpose.

23. That on the application of either party, and with consent of the President of the Court, a jury of four may be empanelled in any case before the Court.

24. That this Act shall come into operation on the 1st January, 1898: Provided, however, that if the Arikis of the Federation assembled in Council in Rarotonga as the Government of the Cook Islands, shall, on or before that day, notify to the British Resident through the Chief of the Government that they do not consider any change in the existing Federal Court to be necessary, then this Act shall be null and void; but if no such notification be sent, this and effect.

26. That a sum not exceeding forty pounds is hereby appropriated to meet the expense of the meeting of the Arikis in Council as aforesaid.

Dated at Rarotonga, this 28th day of August, 1897.

(24.)

PROCLAMATION.

WHEREAS on the 4th day of April, 1891, Proclamation was made by the Right Honourable the Earl of Onslow, Governor of New Zealand, that he had received the commands of Her Majesty the Queen to inform the Arikis and people of these islands that it had not been deemed necessary to incorporate them into Her Majesty's dominions, or to transfer the jurisdiction of the inhabitants generally from their native rulers to the British Crown, but that for the present at least British authority would retain the form of a Protectorate:

And whereas the Arikis and people were further informed in the said Proclamation that the undersigned, Frederick Joseph Moss, had been appointed by command of Her Majesty to be British Resident in the said islands, and that no new laws would be recognised unless countersigned by him, and that he was to give advice and assistance at all times to the Arikis and people:

And whereas these islands were at that time without union, public revenue, regular Legislature, public administration, or public records, and the administration of justice was of the rudest and most unsatisfactory kind:

And whereas for the better government of the islands, the Resident, as soon as possible after assuming office, counselled a Federation of the Cook Islands with a Legislature and Government, which came into operation on the 5th day of June, 1891, whereby many evils were amended, but the administration of justice has continued in a state so unsatisfactory that it became incumbent on the Resident urgently to advise measures for its improvement, of which advice the disregard has led to the present complications:

And whereas, having due regard to the ignorance in such matters of the Arikis and people, it was specially provided in the Constitution of the Federation that all laws should be made by the British Resident and the Parliament, and be so expressed, and not valid till approved by the said Resident:

And whereas the Arikis have in many cases persisted in nominating at their own pleasure the members of the Federal Parliament instead of having them elected in accordance with the provision of the Federation, and the people, holding their lands at will from the said Arikis, have been compelled to acquiesce: And whereas the said Arikis and the Parliament have moreover sought to appoint to positions of trust and power persons in whom the Resident had no confidence, and have thereby attempted to control the administration of the laws and the finance, and to evade the conditions on which the privileges of a more effective self-government were accorded to these islands, and the Resident has refused his assent to such appointments:

And whereas on the 26th August the estimates of expenditure for the year ending the 30th June, 1898, were passed by the Parliament, and members have since returned to their homes in the various islands until only two were left to attend the last meeting of the Parliament, held on the 27th September, when it was finally resolved that the Appropriation Act embodying the said estimates should not pass (*vide* extracts from minutes attached):

And whereas the Chief of the Federal Government, Makea Ariki, was advised by me personally and in writing on the 24th instant to call together the Government of the Cook Islands in order to consider the position and devise means for resuming payments of public money which have ceased since the 30th June, and the advice so given has not been accepted: And whereas it has become necessary that action should not be longer delayed:

Be it known that I, Frederick Joseph Moss, British Resident and the representative of British authority in the Protectorate of the Cook Islands, have taken temporarily upon myself the responsibility of administering the expenditure in accordance with the said estimates hereto attached, and with the Act of 1892 providing for unauthorised expenditure in certain cases:

And I enjoin upon the Paymaster, Auditor, and bankers to take due heed of this Proclamation, and to make no payments save and except on vouchers duly certified by me, or by some person appointed by me by public notification to act in my behalf. And I further declare that this Proclamation shall remain in force until the pleasure of Her Majesty the Queen may be made known.

Dated at the Residency, Rarotonga, this 29th day of September, in the year of our Lord, one thousand eight hundred and ninety-seven.

(L.S.)

FREDERICK J. MOSS.

## 25.

## COOK ISLANDS FEDERATION.

| <i>Balances, 30th June, 1896.</i>   |             |             | <i>Balances, 30th June, 1897.</i>   |            |             |
|---|-------------|-------------|---|------------|-------------|
|   | £           | s. d.       |   | £          | s. d.       |
| Bonds on hand .. .. .   | 173         | 11 1        | Bonds on hand .. .. .   | 175        | 18 9        |
| Cash on hand (Mr. Garnier) .. .. .  | 47          | 7 11        | Cash on hand (Mr. Garnier) .. .. .  | 41         | 2 1         |
| Bank balance, Rarotonga .. .. .   | 42          | 15 2        | Bank balances, Auckland .. .. .   | 68         | 0 7         |
| Bank balance, Auckland .. .. .  | 81          | 15 0        | Advances to Makea Daniela .. .. .   | 26         | 14 3        |
| Advances from P.O. Bank Account in Auckland in payment of Auckland accounts .. .. . | 135         | 18 9        | Advances from P.O. Bank Account in Auckland in payment of Auckland accounts .. .. . | 39         | 13 10       |
|   |             |             |   | 351        | 9 6         |
|   |             |             | Less overdraft, bank, Rarotonga .. .. .   | 293        | 19 1        |
|   | <u>£481</u> | <u>7 11</u> |   | <u>£57</u> | <u>10 5</u> |

Rarotonga, 28th December, 1897.

J. SCARD, Auditor.

## (26.)

## MEMORANDUM BY BRITISH RESIDENT.

British Residency, Rarotonga, 28th December, 1897.

THE Arikis should have asked me if they wished me to be present. I had never failed to attend a meeting when invited by them.

The Parliament's meetings were public. The Chairman, Mr. Salmon, had given most improper facilities to publicly insult me in a set speech to Parliament, and to place that speech on record. It was in connection with this that Makea Daniela, the Clerk, tendered his resignation.

As to the petition for my recall, it was signed on the Tuesday, and must have been prepared before then. I have never been able to discover who were the advisers of Arikis and Parliament. Some European they must have had.

FREDERICK J. MOSS.

From Mr. SALMON to the BRITISH RESIDENT.

SIR,—

Rarotonga, 3rd September, 1897.

I have the honour to inform you that Parliament and the Arikis met to-day to consider your letter *re* the Federal Court Bill, and it was resolved to meet again on Monday, and that you be asked to be present.

F. J. Moss, Esq., British Resident, Rarotonga.

I have, &c.,  
J. M. SALMON, Chairman of Parliament.

## COOK ISLANDS PARLIAMENT.

## The BRITISH RESIDENT to the PARLIAMENT.

British Residency, Rarotonga, 4th September, 1897.

SALUTATIONS!—I have received from your Chairman a letter, dated 3rd instant, informing me that Parliament and the Arikis are to meet again on Monday to consider my letter respecting the Federal Court Bill, and that it was resolved "that you be asked to be present." I find also that, at the same meeting, my official advice as to the reception of petitions calculated to bring discredit on Parliament was deliberately disregarded by your Arikis, your Chairman, and yourselves.

In order to make successful a system of government so entirely new as that which was begun in 1891, I took upon myself much work and responsibility quite outside of my duty as British Resident. For some time past I have had reason to think that the Arikis and the Parliament were becoming discontented with this position of affairs, and were suffering themselves to be guided by the advice of irresponsible and incompetent persons.

The Chairman who presides over and guides your counsels is for the first time a European. Unfortunately he is also one between whom and myself there never has been, and never is likely to be, the least sympathy or accord. It appears to me that the time has come when I should confine myself to the duties of my own office, and can do so without endangering the actual existence of the Government which we have worked together to build. I desire, therefore, to inform you that I shall henceforth take that course—see that the honour of the British flag is upheld in the Protectorate, that no injustice is done to any one, and that justice shall be freely given to all, that no laws are passed and no official appointments made without my approval, and that no means are neglected to further the trade and production of the islands. I shall also be ready at all times to give my advice to the Governments, Parliament, and Councils when asked, and shall tender it to them whenever such advice seems to me to be necessary.

None of these duties call for my attendance at the conference to be held on Monday on the Federal Court Bill. My advice on that has been already fully given and is well known to you all.

From your friend,  
FREDERICK J. MOSS, British Resident.

## The BRITISH RESIDENT to the PARLIAMENT.

14th September, 1897.

SALUTATIONS!—I have your letter of the 13th instant. I have not accepted the resignation of Makea Daniela, but hope to see him continue to hold the offices which he has so well filled since Parliament and Government began.

In any case I will not sanction Mr. Goodwin's appointment. He is one of the Europeans who have misled the Arikis and yourselves and tried to raise bad feeling towards the British Resident and obstruct and annoy him as far as they possibly could and in every possible way. He is one of those who excited you against the Federal Court Bill as being intended to take away your mana, which is not true. This Bill would have made your mana greater and stronger by showing that you wanted to use the mana, so as to do good and provide justice quickly for all. Mr. Goodwin is also a friend of your Chairman, Mr. Salmon, who is a European mixed up with the same people, and who is reported as having told you that the Federal Court Bill would take away not only your mana, but your land, which is also quite untrue.

The work of the Parliament is nearly over. Only the Appropriation Act is left. The books and papers and accounts are with Mr. Garnier, who receives all the money, and with Makea Daniela, who pays it away. When I want information I write for it to Mr. Garnier or to Makea Daniela, and you can at any time do the same.

Enough.

FREDERICK J. MOSS, British Resident.

(27.)

Letter from Rev. J. CHALMERS, of New Guinea, to His Excellency the GOVERNOR, on the LIQUOR LAW.

MY LORD,—

Dunedin, 5th February, 1891.

I have the honour to reply to your telegram received last night.

No one of the Arikis wish for prohibition except for their own people, and that of such a kind that they may be able to procure spirits as *vairakau* (medicine) when necessary. They are decidedly opposed to prohibiting the white man having liquor, and have expressed themselves openly in favour of its being allowed him on permit. The Arikis cannot carry out prohibition alone, and the best that could be done under the circumstances was that advised by Mr. Moss. For ten years I lived on Rarotonga, and know well how impossible it was to work prohibition. I have good hopes the present law will do more to stop drink than any former prohibitory law.

During Mr. Moss's stay on the island, the publichouses, which numbered over twenty, were closed; and during that time I did not see one drunken man or woman; whereas, when I arrived, five weeks before Mr. Moss, drunkenness was prevalent everywhere, and strong drink sold openly at bars to men and women, and that when a strong prohibitory law was supposed to be in force.

I am of opinion that, if it is necessary to suppress strong drink, and under no conditions whatever to allow natives to have it, a skilled European officer, with a European staff, will be necessary to assist Mr. Moss, as no native officer can be trusted to carry out the law. To prohibit white traders having what they require for personal use would be an uncalled for hardship, and one that no officer, however skilled, could carry out on an island like Rarotonga. I am quite in favour of the present arrangement having a fair trial, and hope for its success. If abused by the white residents then total prohibition might again be tried.

I have, &c.,

JAMES CHALMERS.

London Missionary Society, New Guinea.

His Excellency the Earl of Onslow, Governor of New Zealand.

(28.)

COOK ISLANDS GOVERNMENT.

(No. 65.)

DR. to the Cook Islands Hospital Board, for the following:—

Date: 30th November. Authority for supply: Federal Parliament. Vote No. 19. Amount: £15.

I certify that the Hospital was open from the 1st to the 30th for the reception of patients.

FRED. GOODWIN, Chairman.

[This voucher was returned to me by Mr. Goodwin, who said he had filled in all that he could, as Dr. Craig had refused to give any more information.—F. GELLING, 1st December, 1897.]

(29.)

RAROTONGA COUNCIL.—LIQUOR LAW 1890 AMENDMENT, 1897.

Short Title.—“Liquor Law Amendment, 1897.”

Be it enacted by the Rarotonga Council, subject to approval by the British Resident:—

1. That if the Arikis appoint agents to sign in their name authorities for the issue of permits in accordance with the Law No. 9, of 1890, the Licensing Officer shall be informed in writing by the Ariki of the agent so authorised, and the said agent shall not have power to appoint any one to act in his place.

2. That the said agents shall only be Maoris living in the district, and shall use good discretion in the issue of authorities, so that no person unfit to be trusted with intoxicating liquor shall receive it, and any agent may be summarily dismissed by the Ariki and another put in his place.

3. That the agents shall be paid quarterly from the fees collected by the said Licensing Officer as follows: The agent for the Ariki of Avarua, at the rate of £9 yearly; the agent for the Ariki of Arorangi, at the rate of £6 yearly; the agent for the Ariki of Takitumu, at the rate of £6 yearly: Provided that no agent shall be himself a dealer in liquor or interested in the sale thereof. And any agent accepting gifts or seeking in any way to make money by his office in addition to the above salary shall be sued by the Licensing Officer in the Federal Court, and be liable to a fine not exceeding twenty pounds: Provided also that the name of such agent, if found guilty, shall be posted on the door of the Licensing Office as one who has taken bribes and disgraced himself and his office accordingly.

4. That the authorities for the issue of permits shall be printed with counterfoils, in accordance with the Schedule hereto attached, and that only the name of one person shall be placed on each authority.

5. That each authority shall bear a stamp of twopence for each bottle, and that the stamps used shall be the postal and revenue stamps of the Cook Islands.

6. That the Licensing Officer shall obtain and keep a supply of such stamps, which he shall issue from time to time to the agents of the Arikis, who shall pay to him monthly on account of the Rarotonga revenue the sums received by them for stamps affixed to such authorities.

7. That, in addition to the penalty for contempt of Court enacted by section 16 of the law of 1890 for supplying liquor to persons under prohibition, any one breaking the said law shall be liable to a penalty not exceeding ten pounds, and the person under prohibition shall be liable to a similar penalty for being a party to the breach of the said law.

8. That any one under prohibition soliciting liquor from any person may be brought by the police before the Ariki's Court and fined a sum not exceeding ten pounds, and kept in the custody of the police in such place and for such time or times as the Judge of the Ariki's Court may consider necessary for his restoration to sobriety, and that the said person shall pay all expenses connected therewith.

9. That all fines received under this Act shall be Rarotonga revenue, and dealt with accordingly.

10. That the Judge of an Ariki's Court may at any time, on due cause being shown to him by the Licensing Officer or by the police, place in custody any person who is at the time proved to be continuously drunk, and may keep the said person in custody in such place and for such time as he may think necessary for the full recovery of the said person, who shall pay all expenses connected therewith.

Dated at Avarua, this 3rd day of December, 1897.

(30.)

PETITION OF MR. KOHN AND OTHERS.

SIR,—

Rarotonga, Cook Islands, 17th September, 1897.

I have the honour to send to your Excellency, under this cover, a copy of a petition, signed by myself and others, and addressed to your Excellency, respecting the administration of affairs in Cook Islands. The original petition has been forwarded to the British Resident for transmission to your Excellency in an official manner.

I have, &c.,

C. KOHN,

Managing Agent, Cook Islands Trading Company (Limited).

His Excellency the Right Hon. the Earl of Ranfurly, K.C.M.G., Governor of New Zealand, &c.

[Reply.]

SIR,—

Cook Islands, British Residency, Rarotonga, 17th September, 1897.

I have the honour to return herewith a press copy of a document just received for transmission to His Excellency the Governor of New Zealand. It is not a suitable paper either to send or to record in my office.

11—A. 3.



The mail will probably leave to-morrow, and I have to request that you will send me as quickly as possible a proper document, signed not only by yourself but the other signatories, for record here.

Mr. C. Kohn, Rarotonga.

I have, &c.,

FREDERICK J. MOSS, British Resident.

SIR,—

I have the honour to acknowledge receipt of your letter of this day, and, in accordance with same, beg to enclose an original copy, as desired by you.

I have, &c.,

C. KOHN,

Managing Agent, Cook Islands Trading Company (Limited).

F. J. Moss, Esq., British Resident, Rarotonga.

SIR,—

I have to acknowledge receipt of a copy of the petition from yourself and others to His Excellency the Governor of New Zealand asking for the appointment of a Royal Commission, &c.

On reperusal of your letter to me yesterday, I find that you are also sending a copy direct to His Excellency, whom I have therefore informed of the fact, and that I hold here the copy which you have sent to me for His Excellency's instructions therefore.

I have, &c.,

FREDERICK J. MOSS, British Resident.

Mr. C. Kohn, Rarotonga.

SIR,—

On the 17th September last I sent you a letter, enclosing a document signed by myself and others, and addressed to His Excellency the Governor of New Zealand. In my letter to you I requested you to forward the same to His Excellency in your official capacity of British Resident at the earliest opportunity, also that a copy would be forwarded by me to His Excellency. It now appears that you did not forward the document as requested.

Taking your action in this matter, I can only presume that you deliberately kept back the original document, well knowing that His Excellency would not recognise any document unless forwarded through the proper channel—namely, the British Resident.

I have, &c.,

C. KOHN,

Managing Agent, Cook Islands Trading Company (Limited).

F. J. Moss, Esq., British Resident, Rarotonga.

SIR,—

I have the honour to acknowledge receipt of your letter of this date.

I have, &c.,

FREDERICK J. MOSS, British Resident.

Mr. C. Kohn, Rarotonga.

[For petition of C. Kohn and others, see Enclosure to No. 12, on page 10.]

SIR,—

We, the undersigned, respectfully inform you that it is our intention to lay before the Cook Islands Parliament the following statements, viz. :—

1. While there is not an English currency in Rarotonga, that we are compelled to pay our import duties in English money, thereby giving to one business house, that of Messrs. Donald and Edenborough, who are the Government cashiers, the advantage over all other business houses, in their having the use of that money.

2. That the Post Office and Bond still remain part of the premises of Messrs. Donald and Edenborough, in spite of an Act of Parliament passed for their removal long ago; and, also, that there is a door between the Bond and the premises of Messrs. Donald and Edenborough.

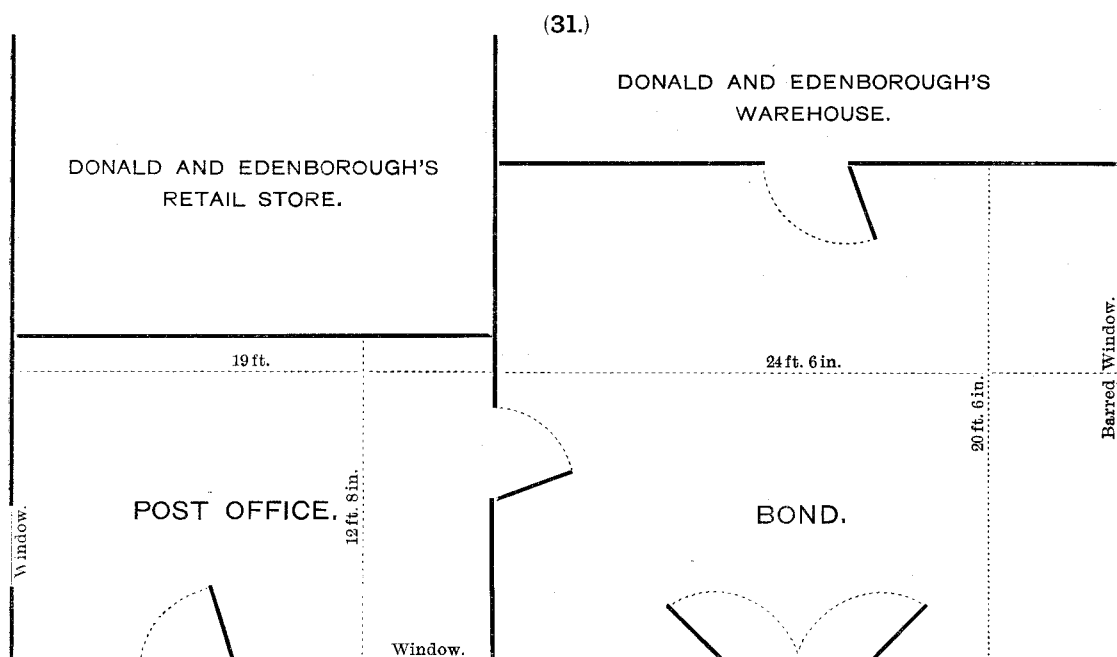
3. That we can have no faith in the accuracy of the public accounts, nor in the legality of documents signed by the present Government Auditor, on the following grounds: (1) That the Government Auditor has been permitted to audit his own accounts; (2) that the Government Auditor is living in Rarotonga under a different name to the one he went under before coming to these islands.

WM. TAYLOR.

C. KOHN.

E. PILTZ.

To F. J. Moss, Esq., British Resident.



Rarotonga, 10th November, 1897.

## (32.)

## BREACH OF THE PASSENGER ACT.

YOUR HONOUR,—

Collector's Office, Rarotonga, 28th December, 1897.

I have to report to your Honour that I was not aware of fifty passengers proceeding by the schooner "Titia Tonga" to Aitutaki. No one reported the circumstance to me, and, as I am entirely without assistance in my office, it is impossible for me to proceed on board every vessel leaving or arriving here to count the passengers. Had I been aware of the fact I certainly should have taken measures.

I should like to point out that for many years previously to the natives owning ships it was the general custom for shipowners and shipmasters of any nationality to carry as many passengers as they chose. This they did at a reduced price for a large number, and availed themselves of the privilege (according to my information) to a much greater extent than the natives at present do. When, however, the latter became themselves owners they of course preferred to travel by their own ships.

Sir James Prendergast, K.C.M.G., Chief Justice.

I have, &amp;c.,

J. H. GARNIER, Collector.

## (33.)

DEAR SIR HENRY BERKELEY,—

The Residency, Rarotonga, 20th November, 1897.

Welcome to Rarotonga. You will find a buggy waiting at the wharf for yourself and Captain Leggatt. I should like to be there to meet you, but an eagle eye is kept on my movements just now, and everything misrepresented to the natives.

We have a spare room, and shall be glad to have you with us. Other places will be also at your disposal, but we can talk over that when you land.

I received your letter by the "Upolu," and have had the papers prepared.

Yours, &amp;c.,

FREDERICK J. MOSS.

## (34.)

## NON-PAYMENT OF MONTHLY SALARY.

SIR,—

Avarua, Rarotonga, 23rd December, 1897.

As teacher of the public school for the district of Avarua, I would like to bring before the notice of your Honour the following facts: That my salary has not been paid for three months; that I have been communicated with that I am not to receive it, though no reason has been given; that the teacher at Ngatangia assures me he received his last month. I have written to the teacher at Arorangi, but so far I have not received any reply as to whether he has been paid. Correspondence has passed between the British Resident and myself, and, if necessary, can be produced.

Sir James Prendergast, Chief Justice of New Zealand.

I have, &amp;c.,

E. A. SIVEWRIGHT.

DEAR MR. RICE,—

Avarua, Rarotonga, 17th December, 1897.

Will you kindly tell me whether you have received your last cheque? I knew there was some delay at first, and I have wondered if you have received it, and, if so, were you also paid the assistant's money? I am anxious to know, and would consider it a great service if you would let me hear from you.—With kind regards, believe me, &c.,

E. A. SIVEWRIGHT.

DEAR MISS SIVEWRIGHT,—

Avarua, 27th December, 1897.

Replying to the above, permit me to say, Yes, we have received all school-moneys due us up to 30th November, 1897. I signed the papers required by Mr. Moss after his Proclamation, and there has been no interruption in the receipt of our pay.

Trusting you will pardon the unintentional delay in replying, I remain, &amp;c.,

J. D. RICE, Head Teacher, A.P.S.

## (35.)

## NON-PAYMENT OF MONTHLY SUBSIDY.

SIR,—

Rarotonga, 23rd December, 1897.

On Monday, the 13th December last, the steamer "Upolu" conveyed to His Excellency the Governor of New Zealand the copy of a letter sent by the Hospital Board to the British Resident, re the non-payment of the monthly subsidy guaranteed by Parliament to the Board, and as you, the representative of the Governor, are now in our midst, we beg respectfully to lay before you a copy of this same letter, together with the memorandum on general hospital affairs drawn up previously by us.

We have, &amp;c.,

F. GOODWIN, Chairman  
(For the Hospital Board).

To Sir James Prendergast, Chief Justice of New Zealand, &amp;c.

## (36.)

## HOSPITAL SUBSIDY.

His Honour Sir James Prendergast, &amp;c.

Rarotonga, 20th November, 1897.

WHEREAS your Honour has been appointed by Her Majesty Queen Victoria's representative over these seas to inquire into matters pertaining to the welfare of the inhabitants of the Cook Islands, now under Her Majesty's protection: We, the undersigned members of the Board of the hospital for these same Cook Islands, do suggest your Honour to recommend that the said hospital be placed on sound financial and structural bases, on the following grounds:—

1. That it is futile to expect a properly qualified medical man to take up a permanent position here, unless it be to a certain extent guaranteed that the said medical man shall be able to receive or make a suitable income.
2. That it is necessary for the conservation of the native races of this Protectorate, and also for the comfort and safety of white settlers, that a medical man, qualified to cope with various forms of disease, be resident here.
3. That it is to be regretted that in the past, through the incompetence or ignorance of a so-called medical man, life has been endangered, and even lost.

4. That it is useless to expect the Maoris, at the present state of civilisation to which they have attained, to understand or fulfil the obligation of personally and privately supporting a hospital.

5. That the Board has, in the past, sought to increase the income of the hospital—(a) By endeavouring to obtain a larger annual parliamentary grant; and (b) by the issue of "orders," so as to prevent undue advantage being taken of the free treatment given at the hospital: but that by these actions it has only incurred the opposition and censure of the British Resident.

6. That the present building is unsuitable as to position and structure.

We have, &amp;c.,

F. GOODWIN, Chairman.  
J. W. HARDING, Vice-Chairman.  
A. E. LARGE, LL.A., Treasurer.  
A. H. BROWNE, Secretary.  
(For the Hospital Board.)

His Honour Sir James Prendergast, &amp;c.

SIR,—

Rarotonga, 8th December, 1897.

I have the honour to acknowledge the receipt of your letter of yesterday's date. We would respectfully remind you that on the 1st September, 1896, the Cook Islands Hospital was handed over to the sole management of a Board. In pursuance thereof we entered into an honourable agreement with an accredited medical man.

We fail to see how any political changes can legally affect our liabilities as a Board, and we cannot admit the justice of making the payment of the guaranteed monthly subsidy contingent on the furnishing by us of certain information which has never hitherto been asked of us under such conditions.

Therefore we, as a Board, reiterate the request that you, as British Resident, and as administrator of the Cook Islands expenditure, give orders that the monthly subsidy now due be at once paid.

In persisting in your present attitude, you are only throwing obstacles in the way of our fulfilling our part of the agreement, and putting the community in danger of being again without the services of a competent and qualified medical man.

All the necessary reports will be duly furnished by the Board at the termination of the financial year. This complies fully with the Government Act under which the Board took office.

If the authorisation for the payment of this subsidy be not at the hospital by noon to-morrow, the 9th instant, we must request you to forward the enclosed copy of this letter to His Excellency the Governor of New Zealand.

I have, &amp;c.,

FRED. GOODWIN,

Chairman to the Hospital Board.

F. J. Moss, Esq., British Resident.

## (37.)

## HOSPITAL SUBSIDY.

SIR,—

British Residency, Rarotonga, 23rd December, 1897.

With reference to the petition to His Excellency the Governor of New Zealand from Messrs. Kohn, Taylor, Piltz, and Drs. Geo. and W. Craig, I have the honour to bring to your notice that, according to the published reports of the Hospital Board, twenty indoor patients and 264 outdoor patients were treated during the six months ending the 30th September, 1897. The accounts of the Board do not show that anything has been received from these patients, and the Board have refused to give me any information.

I would submit to your Honour that if any money has been received it is public money, and ought to have been shown in the receipts of the Board equally with the Government subsidy.

I have, &amp;c.,

FREDERICK J. MOSS, British Resident.

His Honour Sir James Prendergast, Rarotonga.

## (38.)

## LIQUOR TRAFFIC: TOTAL PROHIBITION.

YOUR HONOUR,—

Rarotonga, 30th December, 1897.

As I understand that total prohibition has been suggested, and that you would like to have some persons' views on the subject, I respectfully offer mine.

I may inform your Honour that I do not profess to be a temperance man, as I use wine and spirits in moderation, but I do not sell liquors of any kind; and I am of the opinion, as well as others to whom I have spoken on the subject, that total prohibition would be the best law that could be made for these islands, and that it would be beneficial to all. It is quite evident that the present liquor law is an absurdity, and always has been since its creation. I do not question the probity of Mr. Garnier, the Collector; but he is not able to cope with the everyday abuses that happen. I fully believe that there would not be any difficulty about enforcing the law if a fine of not less than £100 sterling, or heavy imprisonment, or both, were put on any person known to bring liquor to the islands, and that one-half the amount be paid to the person who would inform the authorities; and if it would be too big a strain on the public revenue by losing the proceeds of the liquor tax, I would suggest to put the tax, or a portion of it, on something else; and by doing so it would be better for all than the present state of things. I am quite sure that such a course would stop the importation of liquor, both to Rarotonga and the rest of the Cook Islands. Trusting that my remarks and suggestions are not impertinent to your Honour,

I am, &amp;c.,

WM. TAYLOR.

To His Honour Sir James Prendergast, Chief Justice of New Zealand.

## (39.)

## COMPLAINT AGAINST LICENSING OFFICER.

YOUR HONOUR,—

Rarotonga, 27th December, 1897.

I wish to lay before you a charge of partiality in the discharge of his duty as Licensing Officer on the part of Mr. J. H. Garnier. The facts are these: I arrived here last August from the French colony of Tahiti, where I had been employed, and found a tradesman residing here named Estall, with whom I had had business relations while he was in Tahiti, and continued to do so here. After I had been here a few weeks he asked me to let him have some spirits for medicinal purposes, which I did, not knowing him to be a prohibited man at that time, for doing which I was summoned by the Licensing Officer for a breach of the liquor law, although it came out in the Court as evidence that the Licensing Officer gave permission to a man to take down the prohibition notice from where it was posted. I was condemned to pay a fine for the above breach of the liquor law. Mr. Moss, jun., a son of the British Resident, appeared to conduct the case for the Licensing Officer, and in doing so he (Mr. Moss) showed a great deal of personal spite. I was afterwards informed that Mr. Moss, jun., also supplied Mr. Estall with intoxicating liquor, well knowing him to be a prohibited person, and when I laid the facts before the Licensing Officer, and after a great deal of correspondence passed between us (copies of which I am enclosing to you), the case was allowed to drop, even after the Licensing Officer wrote to me that the evidence was perfectly satisfactory.

Hoping that you will see the injustice in this case, I remain, &amp;c.,

ISIDORE GOLDSTEIN.

Sir James Prendergast, Esq., Chief Justice of New Zealand, Her British Majesty's Commissioner to Rarotonga, &c.

## (40.)

## ILLEGAL SALE OF LIQUOR.

SIR,—

Rarotonga, 30th December, 1897.

I have the honour to beg that you would be kind enough to advise me as to what steps I should take to have the accusation made against me by Dr. Geo. Craig—namely, that I have sold liquor illegally—investigated.

Trusting that your Honour will inform me what form a suit, if instituted against Dr. Craig, should take, and in what Court he should be sued,

I have, &amp;c.,

F. GELLING,

For Makea Daniela.

His Honour Sir James Prendergast, Rarotonga.

## (41.)

## ILLEGAL SALE OF LIQUOR.

YOUR HONOUR,—

Collector's Office, Rarotonga, 29th December, 1897.

I am unaware of having acquiesced in breaches of the Passenger Act, or of offering facilities for obtaining drink. I shall, as soon as possible, give you a statement, as requested, in some detail *re* liquor law and its administration.

The return for which you ask, relative to the number of convictions for drunkenness and breaches of liquor law, I am unable to furnish, as this work belongs to the Judges of each settlement.

I am grateful for your suggestion about issuing permits from a more central place, and I shall arrange to have your wish carried out as soon as I possibly can after giving due notice of the intended change.

With reference to native permits, Tepou frequently issued them with several names on each, until at length I was forced to refuse to accept any permit which was not signed by the Ariki's own hand. Permits to foreigners have one name on each only.

Sir James Prendergast, K.C.M.G., Chief Justice.

I have, &amp;c.,

J. H. GARNIER.

## (42.)

## EXPENDITURE ON NGATIPA.

SIR,—

Rarotonga, 28th December, 1897.

In answer to your inquiry of this morning, I have the honour to state that all the vouchers (warrants) for expenditure on Ngatipa Road up to the 30th June last were duly signed by Makea before the documents were presented to me, and since that date all vouchers have been approved by F. J. Moss, Esq., British Resident, before payment.

Transfers to Ngatipa Road vote from unexpended votes—viz., £54 14s. 3d. from Vote No. 20, and £4 5s. 5d. from Act 4—were made in the usual manner, and were, I believe, laid before Parliament.

With reference to the 10 per cent. deducted by Makea Daniela in making the transfer from Chilean coin to British currency on amounts received by him on account of taxes due to Rarotonga Council, I submit the following as the extent of my knowledge of the matter: During the year 1895–96 Makea Daniela had considerable difficulty in obtaining British currency in payment of taxes due to Rarotonga Council, and he accepted Chilean coin at current rates, and deposited same with Messrs. Donald and Edenborough, with the understanding that a like proportion of Chilean coin to that deposited would be accepted in payment of cheques drawn on Rarotonga Council Account. When the cheques were presented the natives objected to receive any Chilean coin in payment, and at the next meeting of the Council Mr. Moss was requested by the Council to direct British currency to be paid in full for all cheques.

The arrangement (which had been made with Mr. Moss's sanction) having been explained to him, the matter rested for the time being. When deposits were made in the year 1896–97, Messrs. Donald and Edenborough informed Makea Daniela they could only receive British currency on deposit on Government account, and Makea Daniela then made other arrangements to procure British currency.

Some time since, while attempting to audit the Rarotonga Council accounts, I noticed Makea Daniela had deducted 10 per cent. for exchange on Chilean coin received by him, before depositing the amounts with Messrs. Donald and Edenborough, and he informed me it was the expense of converting the Chilean coin into British currency.

I beg to enclose herewith statement of balances, Cook Island Federation, as reported on 30th June, 1896, and 30th June, 1897.

His Honour Sir James Prendergast, Chief Justice, &amp;c.

I have, &amp;c.,

J. SCARD, Auditor.

## (43.)

## SALE OF LIQUOR TO NATIVES.

SIR,—

Avarua, 29th December, 1897.

A charge was yesterday made against me, in your Honour's presence, to the effect that I am in the habit of selling liquor contrary to law. I keep in bond a small supply of liquor, and when any of my native employés require liquor I send them to the Ariki for a permit, as the law provides. On their obtaining this, I supply them, but not otherwise. I may mention that I am one of the largest employers of native labour in Rarotonga.

I have, &amp;c.

HENRY NICHOLAS.

Sir James Prendergast, K.C.M.G., Chief Justice.

## ILLEGAL SALE OF LIQUOR.

YOUR HONOUR,—

Rarotonga, 20th December, 1897.

In reference to Dr. George Craig's statement this morning that he would bring "special evidence" before your Honour in proof of his assertion that liquor had been sold illegally by my senior, Makea Daniela, I wish respectfully to draw your Honour's attention, that, although I am empowered to act for Makea Daniela, both in an official and business capacity, I cannot, being ignorant of this alleged breach of the liquor law, bring evidence for him. I, therefore, respectfully request that your Honour direct Dr. Craig to refrain from giving evidence against Makea Daniela at this inquiry.

Trusting that your Honour will direct that this be done, if in accordance with your Honour's views.

Sir James Prendergast, K.C.M.G., Chief Justice.

I have, &amp;c.,

FRANK GELLING.

## (44.)

COMPLAINT *re* POSTMASTER.

YOUR HONOUR,—

Rarotonga, 26th December, 1897.

I wish to bring before your notice a complaint which I have to make in reference to the way Mr. J. H. Garnier, the Postmaster here, discharges his duties at times. On one occasion I had to go to the post-office for a stamp, and placed 3d. down upon the counter for a 2½d. stamp. He told me before persons present that he wanted another ½d., thereby insinuating that I had only placed 2d. upon the counter. Of course I refused to give him the ½d. he asked for, as I can swear before God that I put 3d. down upon the counter for payment for the said 2½d. stamp. This I consider an insult, and not the duty of a Postmaster, as persons present might infer from his remark that I was trying to cheat.

On the arrival of the "Torch" I went again to the post-office to see if there were any letters for me. He said, in a very abrupt way, "What do you want?" I replied, in a civil way, "Have you any letters for me?" He made the remark before persons present, "You are raving." I then asked him for 1d. which he owed me, which I got from him, and left the office. Before giving me the 1d. he made the remark, "It is a pity."

I think this sort of thing is quite out of the province of the duties of a postmaster. I have written twice to him upon this matter, asking for an apology, but he will not give it, and appears to be inclined to deny both incidents, but which I can swear on oath they are true.

If this sort of thing is to be allowed here it will not add to the well-being or harmony of this community. I am not seeking any personal ill-feeling towards Mr. J. H. Garnier, but since he has refused to explain the meaning of this peculiar state of things, I am obliged to place the matter before you.

Sir James Prendergast, Chief Justice of New Zealand, now at Rarotonga.

I remain, &amp;c.,

THOS. H. MALLETT

## (45.)

## COMPLAINT AGAINST MR. GOODWIN.

YOUR HONOUR,—

Rarotonga, 20th December, 1897.

Can I bring a case before you? It is in connection with the settlement of accounts between myself and Mr. F. Goodwin. I have refrained from bringing the case before the native Court, first, because I did not think they would be competent to judge it, and, secondly, as I understood His Honour the Chief Justice of Fiji was to visit us, and that he would open his Court here, I have waited. I do not know if your Honour intends to do so. If not, I shall feel obliged if you will kindly advise me how to act.

The case is: I was in Mr. Goodwin's employ, and verbally agreed that I was to receive the same wages as my predecessor. I drew goods and cash from time to time as my requirements found it necessary, and when I left I had under the above agreement a considerable sum due me. I was about two years in his employ. I have repeatedly applied for an adjustment, and the only answer I can obtain is that he has squared off the account in the books.

Sir James Prendergast, K.C.M.G., Chief Justice.

I have, &amp;c.,

H. ELLIS.

## (46.)

MY DEAR SIR,—

Rarotonga, 29th December, 1897.

I am placed in an embarrassing position by the statements of the Drs. Craig. Their statements so often repeated, and not publicly contradicted, may seem to carry with them some force in time. The embarrassment is in the fact that neither myself nor my friends have had an opportunity to contradict their statements. There is no doubt that their statements, both concerning my want of qualifications to practise and concerning the alleged malpractice, has injured my usefulness as a physician in the Cook Islands. What can be done, and what ought to be done, in your opinion, in view of the injury done by them to my business, particularly to the society which I have the honour to represent in an official capacity?

In spite of their unfair opposition I am sure that my position among this people has been growing constantly more secure, and the natives throughout the group generally are learning to trust me and my work. Yet I cannot deny that I have been greatly embarrassed by the undercurrent of opposition set in motion by the Hospital Board from its incipency, which was greatly enlarged by the Drs. Craig.

To prosecute simply through personal spite is beneath the character of a gentleman and a Christian. Have you any positive convictions as to what I ought to do under the circumstances? If you can get time to give me a reply to this question amidst your many official duties your words will be highly appreciated by

Yours, &amp;c.,

J. E. CALDWELL, M.D.,

Sir James Prendergast.

Superintendent of the Cook Islands Medical Mission, Rarotonga.

## (47.)

[Bundle of miscellaneous papers, recent *Toreas*, &c. (not printed).]*Approximate Cost of Paper.*—Preparation, not given: printing (1,400 copies), £60 8s.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1898.

Price 1s. 6d.]