

No. 143.

Sir,—

Rarotonga, Cook Islands, 8th February, 1904.

I have the honour to forward herewith Ordinance No. 4 of the Rarotonga Council, an Ordinance to restrain and regulate the Sale of Spirituous Liquors.

There are in reality two Ordinances which I have forwarded as alternative, inasmuch as one of them introduces the Gothenburg system, and I am not clear how far you may be in sympathy with that system. The other merely defines and improves the present custom of the Islands and gives it the force of law.

I am myself strongly in favour of the Gothenburg system.

You will notice that I have included Chinamen among the prohibited parties. This is necessary or no measure passed could be a success.

I have also in section 8 allowed claret to be sold by outside persons. This I have done because the *vin ordinaire* called "claret" here is not intoxicating and is used by visitors, who can thus buy a bottle from a store and take it to the boardinghouse where they have their dinners. Such people will not come to the bond for their claret. But my chief reason is this, that the claret is so poor a wine that the utmost care has to be taken in the bottling, and it is very apt to turn into vinegar. I would therefore prefer to leave it in private hands.

I have the honour to request that you will choose between these two Ordinances.

I have, &c.,

W. E. GUDGEON,

Resident Commissioner.

The Hon. C. H. Mills, Minister for the Islands.

Enclosures.

RAROTONGA COUNCIL ORDINANCE NO. 4.—AN ORDINANCE TO REGULATE THE SALE OF SPIRITUOUS LIQUOR WITHIN THE ISLAND OF RAROTONGA.

BE IT ENACTED by the Island Council of Rarotonga,—

1. The Short Title of this Ordinance is "The Sale of Spirituous Liquor Restriction Act, 1904."

2. From and after the date on which this Ordinance shall become law, the importation of beer, wine, and spirits shall, so far as private enterprise is concerned, cease absolutely; but it shall be lawful for the Collector of Customs, with the approval of the Resident Commissioner, to import such spirituous liquor as may be necessary to carry out the provisions of this Ordinance.

Any one who shall infringe the provisions of this section shall be liable on conviction to a fine of not exceeding one hundred pounds sterling.

3. Immediately after the date on which this Ordinance shall come into operation, the Collector of Customs may take possession of all the intoxicating liquor on the Island of Rarotonga, and may pay such compensation to the owners thereof as may be arranged between the said owners on the one part and the Collector of Customs acting for the Government on the other.

Provided always that the owner of any of the liquor as aforesaid may re-export the same if he objects to the compensation offered.

Provided also that the Collector of Customs may refuse to take over any liquor which in his opinion is unsaleable, or of inferior quality.

4. The Collector of Customs at the Port of Rarotonga shall be the officer to administer this Ordinance.

Provided always that should a boardinghouse be erected for the accommodation of visitors to these Islands, the Resident Commissioner may appoint the owner or manager of such house to sell liquor on behalf of the Government, subject to such regulations as may be necessary, and may authorise that the liquor be sold in the accommodation-house aforesaid, and, further, may pay a salary to the person authorised to sell liquor as a Government servant.

5. In order to give effect to this Ordinance, the Resident Commissioner may make regulations and do all things necessary to secure the proper administration of the Ordinance, and shall report annually to the Minister in Charge of the Islands the steps taken and profits made during the year.

All regulations made and gazetted in the *Cook Islands Gazette* shall have force of law, and any breach thereof shall be punishable under this Act.

6. No spirituous liquor shall be sold or given to any native Polynesian except on the written authority of the Resident Medical Officer, and for the purposes of this Ordinance all Chinamen shall be deemed to be Native inhabitants of Rarotonga.

7. All offences under this Act shall be heard in the High Court of the Cook Islands, and this tribunal may issue prohibition order against any person on cause being shown.

8. Notwithstanding anything contained in section two of this Ordinance, the Collector of Customs may grant permission to any trader of good character to import and sell the light wine known as "claret."

Provided that each and every shipment shall be placed in the bond and issued thence by the Collector as required; that not more than six bottles nor less than one of such claret shall be sold to any person at one time except by permission of the Collector of Customs, and that each sale shall be recorded in a book to be kept by the trader; that no claret shall be sold to any person prohibited under sections six and seven of this Ordinance.

9. Any person who shall manufacture the liquor known as "bush beer," or shall in any way aid or abet in the manufacture or drinking of the same, shall, on conviction, be liable to a penalty of not exceeding five pounds sterling.