

1928.

## NEW ZEALAND.

## WESTERN SAMOA

(REPORT OF ROYAL COMMISSION CONCERNING THE ADMINISTRATION OF).

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

## COMMISSION.

CHARLES FERGUSSON, Governor-General.

To all to whom these presents shall come, and to the Honourable Sir CHARLES PERRIN SKERRETT, K.C.M.G., K.C., Chief Justice of New Zealand, and CHARLES EDWARD MACCORMICK, a Judge of the Native Land Court of New Zealand: Greeting.

WHEREAS His Majesty, for and on behalf of the Government of the Dominion of New Zealand, accepted the Mandate of the League of Nations in respect of the Territory of Western Samoa, and undertook to exercise it on behalf of the League of Nations in the terms of the Mandate, a copy whereof is set forth in the First Schedule to the Samoa Act, 1921:

And whereas complaints have been made to the Government of New Zealand and to the Parliament of New Zealand concerning the administration of Western Samoa, and objections to the administrative methods adopted in the course of government under the Mandate, certain of such complaints and objections being set forth in papers printed and presented to Parliament as parliamentary paper A.—4B, 1927, and in a petition presented to Parliament during its present session:

And whereas Major-General Sir George Spafford Richardson, K.B.E., C.B., C.M.G., the present Administrator of Western Samoa, has requested an impartial inquiry into, and of, the matter of such complaints and objections:

Now, therefore, I, Charles Fergusson, Governor-General of the Dominion of New Zealand, in exercise of the powers conferred by the Commissions of Inquiry Act, 1908, and of all other powers and authorities enabling me in this behalf, and acting by and with the advice of the Executive Council of that Dominion, do hereby constitute and appoint you

The Honourable Sir CHARLES PERRIN SKERRETT and  
CHARLES EDWARD MACCORMICK

to be a Commission to inquire into and report upon the following questions:—

1. Whether, having regard to the duties undertaken by the Government of New Zealand under the said Mandate, there is just or reasonable cause for such complaints or objections.
2. Whether the Administrator or the officials of the Administration have in any manner exceeded their duty in the exercise of the authority entrusted to them respectively, or have failed to exercise their respective functions honestly and justly.

3. Whether, having regard to the Samoan Native customs and to the due maintenance of government and order in the Mandated Territory, it would be prudent and safe to wholly repeal and abrogate all power to require a Samoan to remove for a definite period from one place on the islands to another.

And further I do hereby appoint you the said

The Honourable Sir CHARLES PERRIN SKERRETT

to be the Chairman of the said Commission.

And you are hereby authorized to conduct any inquiries under these presents at such times and places, including Western Samoa, as you deem expedient.

And, using all diligence, you are required to report to me under your hands and seals as soon as conveniently may be.

And you are hereby strictly charged and directed that you shall not at any time publish or otherwise disclose, save to me in pursuance of these presents or by my direction, the contents or purport of any report so made or to be made by you.

And it is hereby further declared that these presents shall continue in force although the inquiry is not regularly continued from time to time or from place to place.

And, lastly, it is hereby further declared that these presents are issued under and subject to the provisions of the Commissions of Inquiry Act, 1908.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the seal of that Dominion, this fifth day of September, one thousand nine hundred and twenty-seven.

[SEAL.]

J. G. COATES,  
Prime Minister.

Approved in Council.

F. D. THOMSON,  
Clerk of the Executive Council.

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CHARLES FERGUSON, Governor-General.

To all to whom these presents shall come, and to the Honourable Sir CHARLES PERRIN SKERRETT, K.C.M.G., Chief Justice of New Zealand, and His Honour CHARLES EDWARD MACCORMICK, a Judge of the Native Land Court of New Zealand: Greeting.

WHEREAS His Majesty, for and on behalf of the Government of the Dominion of New Zealand, accepted the Mandate of the League of Nations in respect of the Territory of Western Samoa, and undertook to exercise it on behalf of the League of Nations in the terms of the Mandate, a copy whereof is set forth in the First Schedule to the Samoa Act, 1921:

And whereas complaints have been made to the Government of New Zealand and to the Parliament of New Zealand concerning the administration of Western Samoa, and objections to the administrative methods adopted in the course of government under the Mandate, certain of such complaints and objections being set forth in papers printed and presented to Parliament as parliamentary paper A.—4B, 1927, and in a petition presented to Parliament during its present session:

And whereas Major-General Sir George Spafford Richardson, K.B.E., C.B., C.M.G., the present Administrator of Western Samoa, has requested an impartial inquiry into, and of, the matter of such complaints and objections:

And whereas on the fifth day of September, one thousand nine hundred and twenty-seven, a Commission was issued to you the said the Honourable Sir Charles Perrin Skerrett and Charles Edward MacCormick to inquire into and report upon the several questions therein set out:

And whereas the Samoa Commissions of Inquiry Order, 1927, has now been enacted, and it is expedient that you should be constituted, appointed, and invested with powers by virtue of the Samoa Act, 1921, and the said Order :

Now, therefore, I, General Sir Charles Fergusson, Baronet, Governor-General of the Dominion of New Zealand, in exercise of the powers conferred upon me by the Samoa Act, 1921, and the Samoa Commissions of Inquiry Order, 1927, and of all other powers and authorities enabling me in this behalf, and acting by and with the advice of the said Executive Council of that Dominion, do hereby constitute and appoint you

The Honourable Sir CHARLES PERRIN SKERRETT and  
CHARLES EDWARD MACCORMICK

to be a Commission to inquire into and report upon the following questions :--

1. Whether, having regard to the duties undertaken by the Government of New Zealand under the said Mandate, there is just or reasonable cause for such complaints or objections.
2. Whether the Administrator or the officials of the Administration have in any manner exceeded their duty in the exercise of the authority entrusted to them respectively, or have failed to exercise their respective functions honestly and justly.
3. Whether, having regard to the Samoan Native customs and to the due maintenance of government and order in the Mandated Territory, it would be prudent and safe to wholly repeal and abrogate all power to require a Samoan to remove for a definite period from one place on the islands to another.

And further I do hereby appoint you the said

The Honourable Sir CHARLES PERRIN SKERRETT

to be the Chairman of the said Commission.

And you are hereby authorized to conduct any inquiries under these presents at such times and places, including Western Samoa, as you deem expedient.

And, using all diligence, you are required to report to me under your hands and seals as soon as conveniently may be.

And you are hereby strictly charged and directed that you shall not at any time publish or otherwise disclose, save to me in pursuance of these presents or by my direction, the contents or purport of any report so made or to be made by you.

And it is hereby further declared that these presents shall continue in force although the inquiry is not regularly continued from time to time or from place to place.

And it is hereby further declared that these presents are not to derogate from or annul your appointment made on the advice of the said Executive Council of the Dominion of New Zealand under my hand on the fifth day of the current month as a Commission to inquire into and report on the same matters, but are made with the intent that in respect of such inquiry and report you should have, in addition to the powers under such appointment, all the powers and authorities arising pursuant to the enactment of the Samoa Commissions of Inquiry Order, 1927.

And, lastly, it is hereby further declared that these presents are issued subject to the provisions of the Samoa Act, 1921, and the Samoa Commissions of Inquiry Order, 1927, and under the said Act and Order and all other powers and authorities enabling me in this behalf.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand, and issued under the Seal of that Dominion, this twelfth day of September, one thousand nine hundred and twenty-seven.

[SEAL.]

J. G. COATES,  
Prime Minister.

Approved in Council.

F. D. THOMSON,  
Clerk of the Executive Council.

## REPORT.

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To His Excellency Sir Charles Fergusson, Baronet, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Member of the Royal Victorian Order, Governor-General and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,—

We were entrusted by Your Excellency under two Orders in Council with the duty of inquiring into complaints made to the Government and Parliament of New Zealand concerning the administration of Western Samoa under the mandate of the League of Nations, and to report upon the following questions :—

- “ 1. Whether, having regard to the duties undertaken by the Government of New Zealand under the said mandate, there is just or reasonable cause for such complaints or objections.
- “ 2. Whether the Administrator or the officials of the Administration have in any manner exceeded their duty in the exercise of the authority entrusted to them respectively, or have failed to exercise their respective functions honestly and justly.
- “ 3. Whether, having regard to the Samoan Native customs and to the due maintenance of government and order in the Mandated Territory, it would be prudent and safe to wholly repeal and abrogate all power to require a Samoan to remove for a definite period from one place on the Islands to another.”

One Order was made under the New Zealand Commissions of Inquiry Act, 1908, and the other under a procedure which rendered the provisions of the Samoa Act, 1921 (New Zealand), applicable to the same inquiries and matters as were the subject of the first-mentioned Order.

The petition to the New Zealand Parliament, which is recited in the Orders in Council, is set out in Appendix No. I.

It is necessary to refer very shortly to the recent history of Western Samoa in order to state a few dates which ought to be remembered. Until the year 1900 all Samoa was practically under a loose protectorate of three Powers—namely, Great Britain, the United States of America, and Germany. By the Treaty of Berlin, made in that year, Germany acquired the sovereignty of that part of Samoa with which we are concerned—now known as Western Samoa—consisting mainly of the Islands of Upolu, Savai'i, Manono, and Apolima. The administration of Germany continued until the occupation of the country by a New Zealand Military force in August, 1914, and the Territory was then placed under a military administration. The military administration continued until the 30th April, 1920. In December, 1920, a mandate was conferred upon and accepted by His Britannic Majesty, to be exercised on His behalf by the Government of the Dominion of New Zealand, to administer German Samoa on the terms defined in the mandate. The mandate is conveniently set out in full in the First Schedule to the New Zealand Samoa Act, 1921. Civil administration in accordance with the mandate commenced on the 1st May, 1920. Under the authority of the Treaties of Peace Act, 1919 (New Zealand), and of an Order in Council intitled the Western Samoa Order in Council, 1920, made by His Majesty with the advice of His Privy Council, the New Zealand Government, by various Orders in Council, made temporary provision for the peace, order, and good government of the Territory, and ultimately the Parliament of the Dominion—which is regarded as the Mandatory—made by the Samoa Act, 1921, permanent provision for the peace, order, and good government of the

Territory. This enactment has been subsequently amended at divers times by the New Zealand Legislature. The main provisions for the administration of the Territory may be referred to. The administration of the Executive Government was entrusted to an Administrator, appointed by the Governor-General of New Zealand, who was in such administration to be under the control of the Minister of External Affairs. Provision was made for a High Court having civil and criminal jurisdiction, with a right of appeal from its decisions in certain cases to the Supreme Court of New Zealand. A Samoan Treasury was provided for the custody of the public revenues of Samoa; and the collection, expenditure, and control of the public revenues and the audit of accounts of the Treasury were to be in accordance with regulations to be made by the Governor-General in Council. The Administrator was charged with the duty of establishing and maintaining in Samoa such hospitals and other institutions as he might deem necessary for the public health, and all institutions so established were to be under the control of a Chief Medical Officer, to be appointed by the Minister of External Affairs. In addition to the power of legislation possessed by the New Zealand Parliament, there were two ways by which laws may be made for the Territory.

- (a) Under section 45 of the Samoa Act, 1921, which empowers the Governor-General in Council to make all such regulations as he thinks necessary for the peace, order, and good government of Samoa.

This enactment expressly confers upon the Governor-General authority by such regulations to impose tolls, rates, dues, fines, taxes, and other charges; and

- (b) Under section 46 (as amended by section 6 of the amending Act, 1923), which confers upon the Administrator, acting with the advice and consent of the Legislative Council of Western Samoa, power to make laws (to be known as Ordinances) for the peace, order, and good government of the Territory, not being repugnant to this Act or to regulations under this Act, or to any other Act of the Parliament of New Zealand or of the United Kingdom in force in the Territory, or to any regulations there in force.

This power it was declared should extend to the imposition of tolls, rates, dues, fees, fines, taxes, and other charges.

It is convenient to state the different Administrators of the Territory and the period during which they held office:—

Colonel Robert Logan, from the 29th August, 1914, to the 30th September, 1919.

Colonel Robert Ward Tate, from the 1st October, 1919, to 18th March, 1923.

Sir George Spafford Richardson, the present Administrator, from the 19th March, 1923.

We proceeded to Apia, and heard evidence and addresses from counsel during twenty-three days. Before concluding the sittings at Apia we sat at Fagamalo, in the Island of Savai'i, and heard the evidence of witnesses resident in that island called by the parties to the Commission. This sitting occupied two days. We also sat at Falealili and heard the evidence of witnesses resident on the south-coast of Upolu. This sitting occupied two days. Altogether 155 witnesses gave evidence before us—ninety called by the complainants, and sixty-five called on behalf of the Administration. Three of the witnesses for the complainants spoke on behalf of thirty-two, twelve, and thirty-two other Natives respectively, most of whom were actually present in Court and assented to the evidence, or were accounted for; and three witnesses for the Administration similarly spoke on behalf of thirty-two, thirty-one, and six Natives, who were present in Court or accounted for. We thus obtained the views of three hundred persons in all.

Mr. Baxter, with him Mr. Slipper, appeared as counsel for the organization known as the Mau and for the Citizens Committee, both of which will be presently referred to. Mr. Meredith, with him Mr. McCarthy and Mr. Klinkmueller, appeared on behalf of the Administration.

The complaints made against the Administration (See Appendix II) may be conveniently divided into two main classes—

- (1) A complaint relating to the total prohibition of the manufacture, importation, and sale of intoxicating liquor; and complaints more specially affecting the trading and business community. For convenience' sake, in this class have been placed charges of alleged extravagance of expenditure of the public revenues of the Territory.
- (2) Complaints and charges relating to acts of the Administration relating to Native affairs and Natives, and to the part directly or indirectly taken by Samoans in the government of the Territory.

At the outset we wish to state that the widest scope to bring complaints before the Commission was allowed by us. The reason for the adoption of this course was the inability of the Samoans to understand any limitation of the scope of the inquiry, and the almost childish desire manifested by them to give evidence before us without regard to the circumstances that their testimony might, in the main, be a reiteration of evidence already given, and without reference to the importance or materiality of their statements. We are unaware of any complaint having been excluded from evidence which could by any reasonable possibility be worthy of investigation.

We think that it is a significant circumstance that with reference to the acts of the present and previous Administrator, both on the European and Native sides of their administrations, no act of malfeasance, misfeasance, or misconduct on their part, or on the part of their European officials, was charged by the complainants. At one time it was suggested that charges of this nature might possibly be made against the present Administration, but absolutely no evidence of such charges was tendered before us. Furthermore, except in respect of so-called orders of banishment, of orders for the deprivation of titles, and of orders requiring Natives to return from Apia to their homes made late in the year 1926, or in the year 1927 in connection with the operations of the Mau organization—which will be later dealt with—no allegation was made that the Administrator or any of his Head Office officials had acted in a high-handed or arbitrary manner. The absence of such allegations speaks highly for the spirit in which the administration has in the past been conducted.

## PART I.

We propose now to deal with the charges and complaints comprised in the first class of the division we have for convenience sake made. They relate—

- (1) To the total prohibition of the manufacture, importation, and sale of intoxicating liquor;
- (2) Complaints relating to the action taken by the Administration with regard to the sale on consignment as agent for the producers of part of the copra produced by Samoans, known as "Native copra";
- (3) Charges of extravagance in the expenditure of the public revenues of the Territory.

### *As to (1) the Total Prohibition of the Manufacture, Importation, and Sale of Intoxicating Liquor.*

The case made by the complainants under this head may be thus succinctly stated: It was said that the requirement of the mandate that the supply of intoxicating spirits and beverages to Natives should be prohibited could be effectively enforced by prohibiting the supply to Natives, but permitting the sale to "Europeans" under some system to be devised. It was further contended that the consumption by Natives of a home-made beer, known as *fa'amafu*, containing a content of proof-spirit in excess of 3 per cent. had increased since the coming into force of total prohibition on the 1st May, 1920. A suggestion was also made that there had been sales to Natives of spirit distilled from divers fruits and vegetable products. The prohibition of the manufacture and sale of

intoxicating liquor in, and its importation into, Western Samoa is now effected by sections 336 to 341 (inclusive) of the Samoa Act, 1921 (New Zealand) as amended by the amending Act of 1923. The prohibition is statutory, and the Administrator must, of course, respect and enforce it. The consideration of this matter is not within the scope of the inquiry which we were directed to hold, and we are not entitled to express an opinion upon it. For convenience sake we attach the evidence heard by us on this question, including the evidence of, and certain valuable returns put in by, Mr. Braisby, Inspector of Police. It appears clear that the legislation has proved effective to prevent, so far as could reasonably be expected, the consumption of intoxicating liquor by Samoans. In any consideration which may be given to this question it is to be remembered that many persons of mixed European and Polynesian descent have, under the Act of 1921 as amended by section 2 of the amending Act of 1926, the status of a European. By these provisions any person being the legitimate child of a father who is a European, either by birth or registration, under the principal Act is, unless such first-mentioned person has been declared a Samoan, excluded from the definition of a "Samoan" and thus becomes a "European." According to the census taken in 1926, the number of persons of pure European blood was 446, and the number of persons of mixed blood was 1916.

(2) *As to the Complaint relating to the Action taken by the Administrator with regard to the Sale on Consignment as Agent for the Producers of Part of the Copra produced by Samoans known as Native Copra.*

In order to understand the complaint it is necessary to give some preliminary explanation. The main export of the Territory has been, and is at the present day, copra. Some trader witnesses said that it was the main source of their profits, but others said it represented about one-half of such profits. At one time it was practically the sole export. In recent years there has been added to the Territory's exports cocoa and rubber. Copra is produced at the present time—

- (a) By the Samoa (New Zealand) Crown Estates, now known as the New Zealand Reparation Estates ;
- (b) By private planters, including lessees of some of the Reparation Estates ; and
- (c) By Samoans.

The quantity of copra produced by Samoans and available for export is some 12,000 tons. It is the only source from which the Samoan can obtain ready cash. Every effort is being made to induce the Natives to produce cocoa, for the growth of which the soil and climate of the country are admirably adapted ; but so far the production of cocoa by the Natives is negligible. The country produces bananas of excellent quality, and the Administration fostered a scheme for the planting of a considerable area with that fruit, to be carried, when produced, with pineapples and other suitable fruits by the new motor-vessel now being built for the New Zealand Government to the distributing market in New Zealand. This scheme has unfortunately been checked by the operation of the Mau. Such catch crops would be of the greatest assistance to the Samoan ; but, as things are, he has to depend for his ready cash upon the sale of his copra. Food for the maintenance of himself and his family is raised by him with the minimum of exertion.

For years past the Samoan had to sell his copra to the local traders. The traders made a practice of fixing a price to which all, as a general rule, adhered. The maximum or standard price was the price fixed for copra delivered to the trader at Apia, and the price paid for copra delivered at stations outside Apia was such standard price less a sum which purported to be an allowance for the extra cost of delivery from the out-station to Apia. There was no real dispute amongst the traders who gave evidence before us as to the method of fixing the prices to be paid for copra. At page 26 of the Notes of Proceedings Mr. Voigt, secretary for P. C. Fabricius, Ltd., said :—

Well, how do you arrive at that figure [meaning the price to be paid for copra fixed from time to time with reference to the price for the product in the European market]?—This principle is a very old one, and as far as I can remember, twenty-five years back, it has always been followed.

What is the principle?—The price fixed in Apia is the highest price that shall be paid. In olden times the Natives had an abundance of boats, and they brought their copra to the place where they could get the highest price. Then the Natives approached the merchants to open stations where they could bring their copra right to the door and buy goods. The merchant had to see that the price he was paying for the copra satisfied the Native, otherwise he would take it away from his station to another station or Apia, where a higher price would compensate him for his trouble.

*Mr. Meredith.*] Have you got a fixed difference between Apia and the other stations?—Yes, because if we do not pay a higher price or a lower price the Native will bring his copra to Apia, and the stations that we have erected would be lying idle.

So that you fix the price so that it will not pay the Native to bring his copra into Apia, and also fix the price so that it pays you?—Yes.

So in buying copra at the stations you allow a profit for the stations?—Yes.

So that the station has a profit, as well as the profit that is made between Apia and London?—That is a matter of book-keeping.

Now there are two profits?—You can call it two or one, according to where it is accounted for.

Was the idea to pay a fair price at the stations so that this price, plus the cost of getting it to Apia, would be equivalent to the Apia price?—If it were not so the Natives would bring the copra to Apia themselves.

It was common ground that for many years, upon each substantial change of the European market price, the traders met and fixed a common price to be paid for copra, whether delivered at Apia or at any of the out-stations of the traders. It is said that occasionally a trader broke away from the agreement fixing prices; but we are satisfied that, as a general rule, for a considerable period of years the Samoan had to be content with such price as the traders chose to pay him for his copra. There was no real competition. The Samoan producer was helpless. If he did not accept the traders' fixed price he had practically no other means of disposing of his product. One other circumstance is of great importance. The traders made it a rule to pay one price only, whatever the quality or condition of the product, provided only it would pass the Government Inspector as fit for export. The Samoan producer had no incentive to exercise care and attention in the preparation and drying of his copra. The better the quality of his copra, the more the profits of the traders were enhanced. It may well be that a change of system in the direction of paying a better price for increased quality might have involved difficulties for the trader; but it is clear that the trader had no inducement to alter the system, with which he was well content.

For many years complaints had been made to the Administrator by many Samoan District Councils complaining of the system under which the Samoans were compelled to sell their copra, and pressing the Administrator to provide some remedy, either by controlling the sale of or regulating the price of Native copra, or in some other way ensuring an increased price for their product. The Samoans were aware that in American Samoa, either by sale to or by marketing through the Administration, Samoans living in that Territory obtained better returns for their copra than the price paid by traders in Samoa. There appears no reason to believe that the copra produced in American Samoa was of better quality than that produced in Western Samoa. The quantity available for export from the first-mentioned Territory was about 600 tons, as against 12,000 tons in Western Samoa. It was admitted that the traders were for some years past aware of the complaint of the Samoans that they were not getting fair treatment in the matter of their copra from the traders. The traders, however, appeared content with the position. It is clear that the Samoan was not in a position, nor was he possessed of the knowledge necessary, to enable him to deal on equal terms with the traders for his copra. The Samoans were wholly incapable of forming a co-operative marketing organization of their own. The Administrator, regarding himself as standing in a quasi-paternal relationship to the Samoans, apparently devised a scheme to deal with a portion of the Native output of copra, and it is the possible extension of this, or the adoption of some similar but more extensive scheme, which has alarmed the traders. In February, 1926, the Administrator had obtained authority from the Minister of External Affairs to assist the Natives to market their copra through the agency of the New Zealand Reparation Estates. These estates had been German property vested in the New Zealand Government by the New Zealand Reparation Estates

Order, 1920, mentioned in subsection (2) of section 7 of the Samoan Amendment Act, 1926. They were, in substance, purchased by the New Zealand Government, the purchase-moneys going through the proper channel towards the provision of the war-reparation payments payable by Germany. The properties are, in fact, managed and carried on by a Board of Control. As a fact, the New Zealand Government has paid a proportion of the profits of carrying on these estates into the Samoan Treasury. The practice has been for New Zealand to pay a gratuity of £20,000 a year to the Samoan Treasury, of which sum latterly £12,000 has been provided out of the profits of the New Zealand Reparation Estates. The scheme designed by the Administrator had two main objects—namely, firstly, to educate and induce the Natives to produce a high-grade copra; and, secondly, to sell the copra so produced through the machinery of the New Zealand Reparation Estates, and so ensure a fair price to the Native producer for his product—advancing to him on delivery of copra at Apia of approved quality a sum approximately within £10 of the current London forward market price, and on delivery of copra elsewhere of a similar amount, less the cost of transport to Apia. Accordingly, brief instructions were published in the Samoan language in the official paper, called the *Savali*, as to the method of drying and preparing copra, and an Inspector was detailed to go from village to village to set the scheme working. Some five stations, including Apia, were appointed for receiving the copra, and approximately 100 tons of copra of approved quality were up to date dealt with under the scheme. The advances made to the Native producer ranged from £16 16s. per ton for copra delivered at Apia to £16 1s. 5d. per ton delivered at Fagamalo, in Savai'i. Colonel Hutchen in his evidence stated that information had been received from the New Zealand High Commissioner in London that the first shipment of Native copra was not sold until after arrival and after analysis was made as to its quality. The quality proved excellent, and the shipment was sold for £27 per ton, the best quotation for "Straits" copra—a high-grade copra—being £27 12s. 6d. It appears that once copra has arrived on the overseas market it is not possible to hold up for high prices to the same extent as could be done in the case of copra to arrive. This appears to be proved by the further advice received from the High Commissioner when a second shipment of Native copra was sold (to arrive) for £28 per ton, the equivalent quotation for "Straits" copra being £27 17s. 6d. The High Commissioner has recommended regular shipments. We think that the results have shown that the Samoans are quite capable of producing a high-grade copra which will command a good price in European markets. The value of the scheme, to our minds, lies in its providing an incentive to the Samoans to use care and attention in the preparation of copra for export, and the provision of a reward for the exercise of industry and attention, to which they are not very accustomed. We think that it may be hopefully anticipated that the adoption of the scheme will assist in inculcating habits of industry and care in the Samoans. As we have pointed out, the sale of copra is the only way by which they can provide themselves with ready cash, and the obtaining of a good price for copra will, therefore, be a very desirable thing for them.

The objections to the scheme proceed from traders, who are exporters of copra, and may be thus summarized, namely:—

- (1) That the scheme was an improper interference with private enterprise:
- (2) That the advances made by the Administration were too large, so that they must result in loss:
- (3) That if the Administration should undertake the marketing of copra extensively it must mean the elimination of the trader and the closing-up of trading stations throughout the Territory, involving the loss of the capital invested in trading stations.

We have arrived at the conclusion that the system adopted by the Administrator was a pure measure of policy, and does not come within the scope of our inquiry. Nothing in the Orders in Council appears to justify us in criticizing or in dictating the policy which the Administrator should adopt in exercising his powers of administration. It is to be observed that the marketing of the Native copra has been undertaken by the New Zealand Government through the agency of the New Zealand Reparation Estates, and any loss which may be incurred in carrying out

the scheme will fall upon the New Zealand Government. It is true as we have said, that hitherto the New Zealand Government has given a substantial sum, representing part of the profits of the Reparation Estates, each year to the Samoan Treasury. It has been said that any loss involved by the scheme will reduce the amount of such contribution. The Samoan Treasury, however, has no right to this contribution. It is a pure act of generosity, and it may be at any time discontinued without causing legitimate complaint from the Samoans. It appears to us to be too remote for the Samoans to claim that because of the contributions from time to time given by the New Zealand Government to the Samoan Treasury they are interested in the methods by which the Reparation Estates and their operations are carried on. There may be some objection to the close association of the Administration of Samoa with the management and conduct of the business and operations of the Reparation Estates, but with this we are not concerned.

We do not, however, in the conclusion at which we have arrived rely on the circumstance that the marketing of the Native copra was undertaken by and at the risk of the New Zealand Government. Had the scheme been carried out by the Administrator as a Samoan undertaking, we should still have felt that it was a pure policy measure and was not the subject of consideration by us. It was not contended that such a scheme would be beyond the powers of the Administrator. We think it proper to point out that the scheme is at present experimental and tentative. No provision for its future extension has been, or could at the present time be, made; and whether such an extension will be necessary or desirable depends obviously on conditions which may in the future obtain, and is a matter of policy with which, as we have said, we have no concern. We think it right to further point out that the special relationship which under the mandate subsists between the Mandatory and the Samoans, and the duties which have been cast upon such Mandatory of watching and safeguarding the moral and material interests of the inhabitants, may warrant interference with private enterprise which under other and normal conditions might not be justifiable. It cannot be said that the conditions under which the Samoans sold their copra to the traders were just or reasonable.

We have not found it necessary to come to any determination upon the submissions by the traders that they were not making an undue profit from their purchases of Native copra under the conditions which obtain, nor do we think it a material matter for our inquiry whether the costs and charges debited by the Reparation Estates against the sale proceeds of the Native copra are sufficient. If the advances are too great, a reduction of the advances can readily be made; and if the costs and charges debited against the sale and proceeds are not sufficient experience will enable a correction to be made. In this connection it is interesting to observe that the private planters of cocoa in the year 1922 complained to the Administrator that the system under which they were compelled to sell their beans to the traders was entirely unsatisfactory. They alleged that the price was insufficient, and that the market was graded by the inferior article, so that the best cocoa was shipped with the inferior article and invariably brought the same price. Yielding to their solicitations, the Administration decided to guarantee the planters £50 per ton for unwashed and £55 per ton for washed cocoa of approved quality for all cocoa shipped by them through the New Zealand Reparation Estates. The price then paid to the planters by the local merchants was generally between £40 and £45 per ton. The traders, in consequence of the action of the Administration, raised their price, so that there was no necessity for the planters to take advantage of the offer to have their cocoa handled by the New Zealand Reparation Estates.

### *3. Charges of Extravagance in the Expenditure of the Public Revenues of the Territory.*

It was charged that the expense of carrying on the work of the Administration was too high. The complainants did not attempt to criticize the organization and staffs of the different Departments, or the salaries paid to the officers. It was probably impracticable to do so. Certainly we should not have had the time or felt ourselves competent to embark on a critical examination of the working of the Administration to ascertain whether it was overstaffed or its officers overpaid. However, we were not invited to make such an examination, nor was it a duty

required of us under the Orders in Council. The evidence before us was avowedly confined to making a comparison between the Samoan expenditure and the expenditure in the Fiji and Tonga Groups—particularly of the expenditure of the Fiji Group. It was sought to show by such comparison that the expenditure in the working of the Administration was demonstrably excessive. For this purpose an elaborate report was prepared by Mr. E. W. Gurr and Mr. A. G. Smyth, and they were called as witnesses before us. We very much doubt whether the conditions which obtained in Fiji and Samoa were so similar as to be comparable with, or afford any definite or satisfactory test by which the propriety of the amount of the Samoan expenditure can be judged. However, the figures on the basis of which Messrs. Gurr and Smyth made their comparisons proved to be wholly incorrect and misleading. This was admitted on cross-examination by these gentlemen, and also by counsel for the complainants in his final address. Nearly every figure quoted from the Fijian Year-book for the calendar year 1925 was either incorrect or was improperly used as a comparison with the figures of the Samoan expenditure. This book was in the possession of the two gentlemen who prepared the report at the time of its preparation. Even the figures of the Samoan estimates of expenditure for the year 1926–27 were misstated, although the printed estimates were in their possession. So gross were their mistakes, and so numerous, that it is difficult to understand how they came to be made. The report and its conclusions were rendered perfectly useless as supporting the conclusions of its authors on the ground adopted by them. This was not denied by counsel for the complainants, who confined his concluding speech on this head to a submission that the errors were not wilful or intentional. We certainly are unable to impute wilful misstatements to Messrs. Gurr and Smyth, but it is impossible to escape the conclusion that in the preparation of an important report they were guilty of inexcusable carelessness. The same observation can be made of the Tongan figures used in the report. Wherever they could be checked they were found to be inaccurate and misleading.

The sole ground on which the complainants based their charge of extravagant expenditure was, on their own admission, cut away from them. We may add that nothing was elicited in evidence which would justify us in thinking that the Administration was overstaffed or overpaid, or was otherwise extravagant. At the same time, we wish to make it clear that it was impossible for us to enter into a detailed inquiry as to the organization or staffing of the Administration.

It would be a waste of time to set out the errors which appeared in the report, but we think it advisable to mention a few examples.

(1) In the report (see State paper A.—4B, 1927) at page 10 a comparison is made between the costs of the Post and Telegraph and Telephone Departments of Samoa and Fiji. The cost of the Samoan Department is correctly stated to be £8,050, and the cost of the Fijian Department is stated to be £11,494. This latter figure, it is admitted, should have been £27,688. Mr. Gurr, in cross-examination, admitted that the correct comparison with the Samoan figures should be not with £11,494, but £27,000.

(2) In the report (see State paper A.—4B) at page 10 a comparison is made between the expenditure in connection with the Department of Agriculture in Samoa and Fiji. The cost of the Samoan Department is correctly given as £3,250, and the cost of the Fijian Department is stated to be £4,195. The Fijian figure was admitted by Mr. Gurr to be entirely incorrect, and, instead of being £4,195, should have been £34,955.

(3) In the report (see State paper A.—4B) at page 9 a comparison is made between the expenditure in connection with the Police and Prisons Department of Samoa and Fiji respectively. The cost of the Samoan Department was correctly given at £6,837, and the cost of the Fijian Department at £10,057. It was admitted by Mr. Gurr that the figure relating to the Fijian Department was incorrect; instead of being £10,057, it should have been £18,179.

(4) In the report (see State Paper A.—4B) at page 10 some figures relating to the Samoan expenditure in connection with the Public Works Department are given, and the following comment is made:—

From this it appears that a Maintenance and Improvement Account of £9,398 (estimated) requires an expenditure in salaries for the administration of the Public Works Department of £4,962, or approximately about half the estimated sum of maintenance and improvements.

The figure of £9,398 was incorrect. That sum appeared at the bottom of page 20 of the estimates; but the expenditure upon public works was continued on the next page. On that page a contemplated expenditure of £6,100 and £36,000, totalling to a further sum of £42,100, was shown in addition to the one figure of £9,398 mentioned by Messrs. Gurr and Smyth. This error was admitted by Mr. Gurr, and is palpable upon a cursory examination of the printed estimates. By reference to Colonel Hutchen's evidence at page 348, it will be seen that all the work shown on the estimates for the year in question—viz., 1926–27—was carried out, with the exception of an Inspector's residence at Fagamalo, for which a sum of £1,000 was appropriated.

In this connection we think that we ought to refer to a remarkable passage which appears in the report of Messrs. Gurr and Smyth (see A.—4B, page 13). It is to be remembered that this report was read and approved by the three members of the Legislative Council who are members of the Citizens Committee—namely, Messrs. Nelson, Williams, and Westbrook—and they would naturally be expected to know at least the main facts connected with an important transaction of the Administration. The passage reads:—

The Committee understand that the public debt of £100,000 was originally incurred for public improvements in the Mandated Territory, and the money was loaned by the New Zealand Government on the security of the Samoa Crown Estates. The committee may be in error, and, if so, we are prepared for correction.

The New Zealand Government, we are informed (probably erroneously), has now taken over the Samoa Crown Estates, and they are held by the New Zealand Government under the title of the New Zealand Reparation Estates.

The property which was pledged for the repayment of this loan of £100,000, upon which the New Zealand Government has already received interest and part sinking fund, amounting to the sum of £28,997, is now, by the action of the New Zealand Government, the property of that Government. The New Zealand Government has, in plain language, foreclosed on the secured property. It is submitted that the loan now should be wiped out, and we recommend that the Administration be requested to apply to the New Zealand Government for a release of the loan or mortgage debt.

A mortgagee, having foreclosed on a property which was secured by a loan of £100,000, and having become the owner of the property without further payment, appears to be in an anomalous position when he continues to carry on the loan whilst he possesses the property which was secured for the repayment of the loan.

This last paragraph is not, probably, in accordance with facts, but the committee is seeking certain information which at present is not disclosed to the committee, and this paragraph has been inserted with the particular view for putting the committee right where it may be in error. Explicit information concerning all public funds is sought for when the public is directly interested, and even in cases of indirect interest, such as the revenues of the New Zealand Reparation Estates in Samoa.

Now, the facts connected with this transaction are incapable of dispute. The sum of £100,000 lent by the New Zealand Government to Western Samoa was not secured by any mortgage or charge of or upon the New Zealand Reparation Estates. The repayment was secured under section 33 of the Act of 1921 by a first charge on the Samoan revenues after payment of the salaries and allowances of the Samoan Public Service. Provision was made for payment of annual instalments to the New Zealand Treasury sufficient to provide interest on the loan and a sinking fund under the control of the New Zealand Treasury sufficient to pay off the loan within a period of thirty years. The New Zealand Government never had a security over what is described as the Reparation Estates; these estates were never the property of the Samoan Government, and, of course, were never foreclosed under any security. As we have said, it is surprising that the three members of the Legislative Council were not aware of the main conditions under which the loan of £100,000 was raised. It appears to us that the misstatements contained in the passage quoted are hardly palliated by the expression of some doubt as to their accuracy. These doubts could readily have been resolved. All that was necessary was an inquiry of the Samoan Treasury officers and the exact position of the loan could have been ascertained.

It is to be remembered that this report was read at a meeting largely attended by Samoans, and a circular was issued in the Native language to the Samoans purporting to be a precis of the proceedings of the two meetings. It may well be that the Samoans were not able to fully appreciate or understand the details of the figures or of the financial operations dealt with by the report, but what was said must have been known to be calculated to breed suspicion in their minds as to

extravagance of expenditure in the working of the Administration, and as to the likelihood of Samoan property being sold under some security granted to the New Zealand Government. In the circular, "O le Fono Tele" (Exhibit No. 10), the following statements are made as being some of the decisions of the first meeting, which is significantly described as "The first *fono* ever held where white people and Samoans combined," namely:—

"11. (a) That the accounts (money matters) of the Government of Samoa be inquired into; that the white officials be decreased, and their salaries;

"(e) That the debt of the Samoa Government to New Zealand be inquired into—where has this money gone?"

Lago Lago, a prominent chief, in his speech to the Minister (see A.—4B, page 30) said, "I am worried myself because the debt of Samoa is increasing." Faumuina, an influential chief, in his speech on the same occasion (see the same page) said, "We do not like the expenses of European officials and the small pay given to our Native officials—where is our money going to?" Faumuina in his evidence before the Commission, at page 159, said:—

Did you understand from the report that the Government here was spending more money than was being spent in Fiji and in Tonga?—Yes, I heard that.

And you believed that?—Yes.

And did you believe that New Zealand might take over Samoa for the money that Samoa owed to New Zealand?—I had my suspicions about it; in fact, I am quite certain that if Samoa owes a debt to New Zealand she will be unable to pay it and New Zealand will take over Samoa.

Is that what Mr. Gurr told you?—No, it is my own opinion.

And is that the opinion of the Samoan members of the Citizens Committee?—Yes, that is what we are very much afraid of.

Again, at the same page, Faumuina said,—

Do you remember the Governor explaining to you at an assembly of Samoans all about this £100,000 loan and the financial position of Samoa with New Zealand?—Yes, the Administrator spoke to quite a large assembly of Natives at Mulinu'u.

And did you not believe what the Governor told you on that occasion?—I did not believe it, on this account: because he said New Zealand does not want any money from Samoa, and if New Zealand sees that Samoa is unable to pay it back, she will remit the loan. But we are quite satisfied that there is interest being paid on that loan to New Zealand. That is the reason why I did not believe him.

Ainu'u, another chief, in his evidence at page 167 expressed his agreement with Faumuina's evidence on these points. Tofaeono, another influential chief, in his evidence at page 177, referring to the European reports read at the public meeting, said,—

Then you do not know what is in the European reports?—Only what I heard was referred to the committee.

What were you told about the debt?—I heard it said that the debt of Samoa to New Zealand amounted to £100,000.

Did you think that if Samoa could not pay that debt New Zealand would take Samoa?—That is the fear of the Samoans.

We think that there can be no doubt that the foundationless statements contained in the report read at the meeting, and probably circulated in other ways amongst the Natives, caused them to believe that the expenditure of the Administration was grossly extravagant, and that there was a grave fear of losing some of the property of Samoa under a mortgage or security to the New Zealand Government.

Apart from the misstatements made by Mr. Nelson in his report relating to the proposed reforms of the Legislative Council, to which we shall hereafter refer, he, in his evidence at page 218, made some very reckless statements, which could easily have been ascertained by him to have been mistaken. He referred to property which he alleged had been paid for by the Samoan Government as having been transferred to the New Zealand Reparation Estates Board, and added that Government House would soon belong to the Reparation Estates Board. He referred particularly to the Central Hotel and to a laundry. It was quite clear, as Mr. Nelson was forced to admit, that the Central Hotel and the laundry remained the property of the Samoan Government and had never been transferred to the Reparation Estates Board.

## SAMOAN MEDICAL DEPARTMENT.

It is necessary to refer to the work of the Samoan Medical Department. In the opening speech of counsel for the complainants allegations were made reflecting on the efficiency of the Medical Department of the Administration—which included the care of sanitation and general public health—and on its cost. These charges were at the conclusion of the evidence withdrawn. We nevertheless think it right to make a few observations on the subject. In our opinion, the medical administration has been most zealously conducted by its Medical Officers, and has been most efficient. The greatest desire has been evinced to spread the benefits of medical attention over as wide an area as possible. The efficiency of the Medical Department in Samoa can readily be demonstrated. From 1886 to 1917—a period of thirty-one years—the increase of the Native population was very slow, requiring a period of approximately ninety-two years to double itself. In 1918 an epidemic of influenza caused a loss of the whole increase of population during the preceding twenty-one years. Since that date the rate of increase of population has been greater, and during the last three years it has been greater than at any other period. The loss during the epidemic, which was equal to the gain in population during the twenty-one years (approximately) preceding it, has been more than made up in eight years.

Dr. S. M. Lambert, of the International Health Board of the Rockefeller Foundation, in his report on Western Samoa, 1924 (page 37 A.-4A) says,—

In Samoa we have a long-visioned Administration which is giving every support to a strong Native Department and a modern Department of Public Health, these two working hand-in-hand. Yaws is well under control, and may be eradicated in the near future. Hookworm-control measures are well advanced, and will now be prosecuted with the vigour given to the yaws campaign. Adequate sanitation, proper latrines, and pure water supply are gradually being installed in all villages. Definite plans are undertaken for child-welfare work in Native villages with the new year.

The same authority, in his "Health Survey of the New Hebrides," 1926, on page 15, says,—

The vital question as to whether the decline of Native Pacific races can be checked and their numbers brought back has been answered brilliantly by the New-Zealanders in Samoa by intensive efforts against hookworm disease and yaws, especially with good hospitalization and the establishment of confidence in their Government in the Samoan mind. In a period of less than three years a birth and death rate practically equal has been changed to a birth-rate of 55 and a death-rate of 22, with an infant-mortality rate that many civilized countries might envy. Samoa lays emphasis on her yaws and hookworm campaigns as the important features of this racial recovery.

P. A. Buxton, M.R.C.S., D.T.M., and H., formerly Milner Research Fellow, and now Director of Medical Entomology, London School of Hygiene and Tropical Medicine, in his "Researches in Polynesia and Melanesia," published in London in July, 1927, at page 4 remarks of Samoa,—

It is, perhaps, not impertinent to state that New Zealand provides a public-health service which might serve as a model to any small tropical country, and that the administration of that Department seemed to be characterized by vision and forethought.

Dr. Ritchie, who before being appointed Chief Medical Officer in 1922 had been associated with the medical service in Western Samoa, and his efficient medical colleagues, are entitled to full credit for the remarkable improvement effected in the health of the people.

We are glad to be able to make these observations, because a very uninformed attack was made upon Dr. Ritchie by some of the witnesses. He was, unfortunately, taken seriously ill after the opening of the Commission, and could not be called as a witness on the medical subjects involved in the inquiry.

We are satisfied that careful attention has been paid to public health and sanitation, and it is only necessary to refer to Dr. Hunt's evidence on this subject. We will, for convenience' sake, refer in the second part of this report to the medical tax which was complained of before us. Mr. Williams's report, which was read at the public meeting to which we have so often referred, affords a striking example of a very misleading statement made in connection with hospital administration. Referring to the nursing staff at the Apia Hospital, he said (see page 14 of A.-4B), "In 1925-26 the number of in-patients admitted to hospital was 144, which works out at an average of sixteen patients to each nurse per year—which is certainly

ridiculous." As a fact, the number of in-patients for that year was 144 Europeans 688 Samoans, and 315 Chinese and Melanesians—in all, 1,147. Mr. Williams took only the number of European in-patients and treated the whole nursing staff of the hospital as having been exclusively employed nursing them.

#### AUDIT.

Complaint was made as to the inadequacy of the system of audit of the Treasury accounts. Careful regulations have been made by the Governor-General in Council pursuant to the Samoa Act, 1921, providing for the collection, expenditure, and control of the public revenues and the audit of the accounts of the Samoan Treasury. These regulations have been complied with. Apparently a local Auditor is employed, the Public Trustee—an officer of the Administration—who audits all subsidiary accounts and reports any irregularities which come under his notice to the Administrator, whose duty it is to forward the local Auditor's reports to his Minister. This is in fact done, and the reports are in practice, and under the regulations, available to the Government Auditor acting under the Controller and Auditor-General of New Zealand. The officer acting as local Auditor is, according to the tribute of counsel for the complainants, a gentleman of integrity. The Government Auditor is occupied for one month in each year in auditing the accounts of the Treasury and of the New Zealand Reparation Estates. Passenger-steamers leave Auckland and Apia at monthly intervals, and thus a month is the period which can conveniently be given to an undertaking in Samoa. Counsel for the complainants submits that this period is insufficient, but this submission is wholly unsupported by evidence. It is merely a submission of counsel. It is sufficient for us to say that the system and method of auditing the accounts of the Samoan Treasury are under the control of the New Zealand Controller and Auditor-General, and he appears to be satisfied with the efficiency of the audit. No possible complaint against the Administrator or the Administration can be sustained on this head.

#### PART II.

We now propose to deal with the complaints and charges relating to acts of the Administration with respect to Native affairs, and to the part directly or indirectly taken by Samoans in the government of the Territory.

#### SOCIAL AND GOVERNING CUSTOMS FA'A-SAMOA, AND COMPARISONS WITH THE PRESENT SYSTEM.

In order to appreciate the evidence given by Samoans at the inquiry, and to understand and weigh the significance and value of circumstances disclosed by the evidence, it is essential to have some knowledge of the social system which obtained prior to the intervention of the European in Samoan affairs, and its bearing on the existing system. Events are looked at by the Samoan from an aspect and an angle of his own, created by his history, traditions, and environment. Some assistance in understanding his point of view is obtainable from a general view of his system of life.

The basis of the Samoan social system is the family—used in the wide sense. One or more families—all probably interrelated—occupy a village. If there are a great number of families in a settlement that settlement is designated a town, but the town does not radically differ from the village in the social and governing conditions which obtain. The social system may be loosely described as patriarchal with a kind of family communism. Each family had its own land, and the land and whatever property might exist outside of it were vested in the family. The control or power (*pule*) of the lands and property of the family were vested in the head or *matai*. He allocated the family lands for cultivation and controlled the distribution of the produce, and in more modern times the proceeds of the produce amongst the family. The office of *matai* is not necessarily hereditary; but the appointment to the office is made under circumstances which give a voice to members of the family who are not of the rank of *matai*, and are known as the young men (*taulealea*—plural *taulealea*).

The important point to be borne in mind is that the produce and property of the family are held in common; and no incentive exists for individual industry or effort. The family under the *matai* is the unit of the social and also of the political system of Samoa. No Samoan can be a chief unless he is a *matai*, and the *matai* may, and frequently does, hold a high chiefly title. The system has in the main been closely followed in the organization of the local administration adopted by New Zealand. The principle at the basis of the system is, as far as possible, to utilize in its local administration and to associate with the legislative authority affecting Native affairs the Native chiefs, rulers, and councillors.

In old Samoa the following meetings were, according to Dr. Brown, a great authority on Samoa (see "Melanesians and Polynesians," 1910, page 431) part of the political system:—

In Samoa, and I think in many other places in eastern Polynesia, the following meetings were held: First, meetings of the separate villages, at which all of the political relations of the principal or ruling town of the district were considered and dealt with by the local chief or chiefs, *tulafales* (orators), and heads of families; secondly, meetings of the chiefs and representatives of the different villages at the principal town of the district with which they were immediately connected, at which all matters affecting the local interests of that portion of the district were dealt with, as well as any matters which affected the political relations of the town and its dependencies to the rest of the district with which it was connected; thirdly, meetings at the ruling town of the district, at which chiefs, *tulafales*, and heads of families from all the towns which composed the large district decided upon all matters which affected the district as a whole, and especially upon any matter affecting the political relations which existed between them and other districts; fourthly, meetings of chiefs, *tulafales*, and representatives from the several districts gathered together on some great emergency to discuss any matters affecting their own national interests or their relations with any foreign power.

Meetings of the first and second classes have their counterpart in the Village Committees and District Councils established by New Zealand, but the necessity for meetings of the third and fourth classes arose from the circumstance that Samoa as a whole never really possessed a national or central Government. For these meetings is substituted a Fono (meeting) of Faipules for the whole of Samoa, which constitute what may be described as an Advisory Parliament.

The New Zealand system commences with the Village Committee, composed of the village chiefs, *tulafales* (orators or councillors) and *matais* (heads of families). This committee, like the former Village Council, is entrusted with the control of village affairs and the peace and order of the community. It is in substance the counterpart of the Native Village Council, with such minor variations as the altered times and conditions required. These variations will be discussed later. Each village or each convenient group of villages has its *pulenu'u* (town ruler), who is a paid officer of the Administration, and whose duty it is to supervise the enforcement of the laws and to act as the medium (although not the sole medium) of communication with the Administration.

The meeting of the second class (*i.e.*, the old District Council) has its counterpart in the District Council established by New Zealand. All Samoa was anciently divided into political districts (some eighteen in number), and the boundaries of the respective districts were jealously preserved. Native District Councils were composed of chiefs and *tulafales*, who were selected by the *matais* of each village. The place of this Native District Council was taken by District Councils established by the Administration, and these Councils were regularized and their constitution, powers, and functions were defined by the Native Regulations (Samoa) Order, 1925. This Order in Council created convenient districts, the boundaries of which were fixed with a due regard to the boundaries of ancient districts. The constitution of these Councils is not objected to, except it is said that it is not in accordance with Samoan custom that the number of chiefs chosen by the Village Committee to sit in the Council should be limited at the discretion of the Faipule of the district. The criticism of the New Zealand system will be later dealt with. If a district should prove too large, a subdistrict is constituted.

For each district and subdistrict there is a paid Government official called a Faipule. He is the chief local administrator. It is around the method of appointment of these officials that the main controversy has arisen. It is asserted that they have been appointed by the Administrator without in any way consulting

the wishes of the people of the district, or of the District Council, as to the persons to be appointed to the office. This matter will be fully dealt with later on. For each district or subdistrict a paid Fa'amasino, or Native Magistrate, is appointed for the determination of merely local disputes and the punishment of breaches of local by-laws or regulations.

A further step in associating the Samoans with the Government of the country is the establishment of a Fono or meeting of *all* the Faipules for the discussion and consideration of all matters affecting the whole country. These matters are chiefly brought before the Fono either by the Administrator or by remits from the District Councils. The powers of the Fono are advisory only. The Fono sits twice a year at headquarters, and is presided over by the Administrator. The Administrator is thus enabled to keep in personal touch with his Faipules and to be informed of the current of Samoan opinion. The determinations of the Fono are published in Samoa in the Government *Gazette*, called the *Savali*, published in the Samoan language; and a typewritten record of the determinations of each Fono is given to each Faipule to enable him to communicate them to his people.

It may be well to conclude this brief sketch of the Samoan system by a reference to the classes recognized by that system. Firstly, there are the chiefs. They were "of different ranks, some only having power or rank in their own village, others were of higher rank and represented large and powerful families. Then there were others who occupied a still higher position and received an *ao* or title from some important town or district. The petty chiefs had little or no influence outside their own family and immediate connections." Various causes, amongst them government by a European Administrator, have necessarily reduced the actual power of the chiefs; but the chiefly titles are still greatly respected by the Samoans—so much so that in the selection of Government officials the possession of a chiefly title is usually a predominating factor. In modern times the chiefly class is very numerous. It is said that in Samoa, out of a population of about 9,507 male adults, there are about 2,985 chiefs of varying grades and *tulafales*. So in Apolima, which is of small area and consists only of the cone of an otherwise submerged extinct volcano, there are fifteen *matais* and sixteen *taulelea*.

The next in rank for all practical purposes are the *tulafales* (the orators or councillors). Dr. Brown (page 432) says: "They were a very powerful and influential class, and in fact the real control of the district was often exercised by them. He would be a very bold chief who dared to act in direct opposition to the advice of the *tulafales* of his town or district." It was from these two ranks that Government administrative officials were usually selected.

The remaining class would be those who had not attained the rank of *matai*. (Me. and Poly., page 432), "They were not necessarily an inferior, much less a servile class, but were the ordinary members of the respective families having an acknowledged head as their representative. Very few indeed, however, of this class were ineligible for the position of head of the family if a vacancy occurred, and they were selected for the position."

We add that the Samoan is greatly indisposed to continuous or systematic labour. The islands are most fertile, and his necessities in food are supplied him with the minimum of effort. The climate is tropical, and the material for building his exceedingly-well-designed houses, or *fales*, lies ready to his hands. The conditions under which he has for generations lived, and the communal system which obtained, has destroyed any real motive or driving force to labour. It is accepted that Samoan paid labour cannot be used to any great extent in the care of plantations, or in other productive enterprises, and shipping companies trading to the Tongan and Samoan Groups carry their loading and discharging gangs to and from Fiji.

Although some reference has already been made to the part taken by Samoans in the government of the Territory, it is necessary to shortly state the system in force since the mandate.

1. *Pulenu'u and Village Committee*.—Each village or each group of villages, which for convenience are grouped together, has a paid official under the Secretary for Native Affairs known as the *pulenu'u* (town ruler). His duty is to see that the laws and village regulations are observed; to supervise the cleanliness of the village; and to collect and account for taxes. He is selected by the people of the village or town, and his appointment is confirmed by the Administrator (page 379).

There is also in each village or town a Village Committee, consisting of the chiefs and *tulafales*, which supervises village or town affairs, and is entitled to send remits for the consideration of the District Council. The system of Village Committees was in operation at the time of the coming in force of the mandate, and probably for years previously; but no positive legal sanction for its operation existed. The Village Committee carried on as before. By the Native Regulations (Samoa) Order, 1925, it was provided in clause 14,—

The Administrator may for the more convenient government of the villages in any district appoint Village Committees with such constitution as he thinks fit, and may, in addition to the executive powers conferred on such committees by these regulations, confer on them from time to time such further executive powers as he thinks fit. Such constitution and further executive powers shall be such as may be notified from time to time in the *Savali*.

This power has not been exercised by the Administrator, but he has allowed the Village Committees to function in the same manner as they formerly did (page 379). The Administrator stated that he had not appointed any individual member of a Village Committee. It is clear that the committee is composed in the same way as formerly—of the chiefs and *tulafales* of the village or town. He also stated that he defined the duties of the Village Committees; but the definition was not brought before us.

2. *Faipules*.—For each district or subdistrict there is, as before explained, a paid Government official known as a Faipule. His salary is £30 per annum. We will deal at a later stage with the controversy which has arisen as to the method of their appointment. This method is now regulated by the statute which also recognizes and defines the duties of the Fono of Faipules. Section 4 of the amending Act of 1923 provides :—

4. (1) The Administrator may from time to time, by Warrant under his hand and the Public Seal of Samoa, appoint such number of Samoans as he thinks fit to be Faipules. No person shall be appointed as a Faipule under this section who is not qualified, in accordance with existing Samoan usage and custom, to occupy the position of Faipule in any council or body having advisory functions.

(2) The appointment of any person as a Faipule (whether such appointment has been made before or after the commencement of this Act) may be at any time revoked by the Administrator for any cause that he deems sufficient.

(3) All persons for the time being holding appointment as Faipules shall together constitute a Council of Advisors to the Administrator, under the name of the Fono of Faipules, and shall meet at such times and places as the Administrator from time to time appoints in that behalf.

(4) The Administrator shall preside at any meeting of the Fono of Faipules at which he is present.

(5) It shall be the function of the Fono of Faipules to consider such matters relative to the welfare of the Samoan people as of their own initiative they think proper or as may be submitted to them by the Administrator, and to express their opinions and make their recommendations to the Administrator.

The duties of the Faipule are important, and are set out in the booklet referred to by Mr. Lewis, the Secretary for Native Affairs, in his evidence. He is the representative of his district on the Fono or Council of Faipules.

3. *Fa'amasino*.—As before stated, for each district or subdistrict a paid Fa'amasino or Native Magistrate is appointed. His jurisdiction and duties are set out in the booklet before referred to.

4. *District Councils, how appointed*.—Councils consisting of the chiefs and *tulafales* of each district were established. They were, as we have said, the counterpart of the old Native District Councils. They were regularized by the Native Regulations (Samoa) Order, 1925, which defined their constitution, functions, and powers. A copy of this Order is Exhibit No. 70. The functions of a District Council are set out in clause 6 of the Order :—

(a) The more convenient administration of the district for which it is established and the maintenance of law and order therein; and

(b) The making of by-laws for the district more particularly defining the duties of the Samoans resident in that district in regard to the matters set out in the next succeeding clause; and

(c) The exercising of the executive powers which are conferred on District Councils by these regulations, or which the Administrator shall from time to time, in his discretion, confer upon them.

The Faipule of the district presides over meetings of the District Council. The power given to the Faipule to determine the number of the chiefs of the district

which were to be chosen by the Village Committees of the district, to be members of the Council was the subject of criticism. We do not think that there is any substance in this criticism. There appears to be good reason for taking power to limit the number of chiefs entitled to sit in the District Council. As we have shown, the number of chiefs is so great that some limitation may be necessary to render the machinery practicable. As a fact the number of chiefs to be selected by the Village Committees has never in practice been restricted.

The regulation that the Faipule should preside at meetings of the District Council has been objected to as not being in accordance with Samoan custom, and as unduly enhancing the importance of the Faipule. It is probable that in early times there was no Chairman of the meetings of the District Council. Speakers probably addressed the meeting in accordance with their rank, or their interest in the subject under discussion. No decision at a Samoan meeting was arrived at by a majority—by show of hands or by counting for and against a question. Mr. Gurr (see page 181) explained that if unanimity could not be obtained at the meeting it would be adjourned, and negotiations ensued with the dissentients which usually resulted in securing their assent, probably under some kind of compromise. Under modern conditions Samoans have no doubt acquired a knowledge of the modern procedure at public meetings and its advantages. It is clear that they do now arrive at decisions by a majority.

We see no weight in the objection to the Faipule of the district presiding at meetings of the Council for his district. He is obviously the most knowledgeable and efficient person to do so; and the suggestion that his chairmanship *ex officio* is objectionable as being contrary to Samoan custom is, in our opinion, without foundation.

5. *Fono of Faipule*.—A Fono or meeting or council of Faipules was established whose functions have already been sufficiently stated. This Fono, according to Mr. Lewis, can be traced back to an assembly that was in existence in the consular period. The number of seats in the Fono occupied by Faipules now total thirty-four. The objection to the Fono of Faipules is that it is said that it is dominated by the Administrator.

6. *Plantation Inspectors*.—There are other paid district officers known as *pulefa'atoagas* or plantation inspectors. There is thus, as Mr. Lewis points out, a chain of procedure from Village Councils to District Councils, from District Councils to Fono of Faipules, and thence to the Legislative Council if an Ordinance is necessary, or to the Minister of External Affairs if an Order in Council is required.

The matters in this class investigated by us may be divided into main or principal complaints and subsidiary complaints. The main complaints may be thus stated:—

- (1) The system of Government permitted the rule of an absolute dictator, and caused officers of the Administration to think that they could carry out certain policies regardless of the customs and feelings of the people in Samoa.
- (2) That the Faipules were appointed by the present Administrator without consulting in any way the people of the district as to their appointment; or, in the words of Mr. Baxter's "charge," "That all Faipules are not qualified in accordance with existing Native usage and custom to represent their districts, for the reasons that they have not been selected according to Native custom and/or that they have received appointments for unlimited periods."
- (3) That the Faipules were guilty of misconduct in the performance of their duties, and interfered with the jurisdiction and duties of other Native officials (such as Native Magistrates (*Fa'amasinos*), Agricultural Inspectors (*pulefa'atoagas*), and village officials (*pulenu'us*)). See paragraph 12 of petition to Parliament.
- (4) That the imposition of the medical-tax was unjust.
- (5) That there has been improper and unnecessary interference with the ancient customs of the Samoans in relation to *malagas* or journeys for the presentation of Fine Mats and the individualization of family lands.

- (6) The objection made that a presentation made to Your Excellency Government House, Wellington, in December, 1925, possessed political significance.
- (7) Complaints relating to Orders made by the Administrator, (a) requiring a Native to leave a certain place and to reside in a defined place in Samoa; (b) requiring a Native to return to his home; and (c) depriving a Native of his titles. These Orders relate to two periods: (1) Orders made prior to the creation of the organization of the Mau, and destitute of political significance, and (2) orders made after the Mau organization had, rightly or wrongly, been recognized as one which should be suppressed.
- (8) Finally, there are the subsidiary matters, such as the suggested reform of the Legislative Council, and certain orders relating to two trading licenses and one boatman's license.

It is necessary to trace the genesis and growth of the organization known as the "Mau" if we are to understand the actions of the Administrator and the complaints as to the course of action adopted by him in consequence of its activities. The narration will necessarily involve a short account of the circumstances which led to the setting-up of the present Commission.

#### THE MAU, ITS GENESIS AND GROWTH.

We are satisfied that until the public meeting of the 15th October, 1926, there was no real dissatisfaction amongst the Samoans with the Administration. There was in point of fact no satisfactory evidence of any dissatisfaction existing prior to that meeting. Mr. Williams, a member of the Legislative Council, who was concerned in the creation of the organization, at page 71 of the Notes of Proceedings gave evidence as follows:—

When would you say this unrest had commenced in Samoa?—I should say there was a certain amount of unrest about three years ago.

When in your opinion did it attain serious proportions?—There was growing unrest after the public meeting and from then on.

Do I understand that there was no serious unrest before that?—There was dissatisfaction.

But no serious unrest?—Oh, no—not serious unrest.

The evidence of all of the Native Government officials was to the effect that there was no real dissatisfaction amongst the Natives with the Administration prior to Mr. Nelson's return in September, 1926. This is the opinion of Captain Bell, the Resident Commissioner of Savai'i, whose evidence is quoted later on. Certainly no satisfactory evidence was adduced before us from which we could infer the existence of any unrest or dissatisfaction amongst the Natives before this date. Mr. Nelson returned from a lengthy visit to Sydney on the 24th September, 1926. He returned to Apia via New Zealand for the express purpose of interviewing the Prime Minister and the Minister of External Affairs on Samoan matters. Prior to leaving Apia on his visit to Sydney in February, 1926, Mr. Nelson, who was a member of the Samoan Legislative Council, had been on very friendly terms with the Administrator. Before this we can find no evidence of any disagreement on Mr. Nelson's part with the main policy or activities of the Administration, and certainly no intimation or warning was given to the Administrator that any acts or policy of the Administration were causing, or tending to cause, dissatisfaction amongst the Samoans. Mr. Nelson determined while at Sydney to go to Wellington to interview the Prime Minister because of certain communications he had received from Samoa. The reasons which he avers actuated him in making the complaints to the Prime Minister were—firstly, that he was informed that the Administrator was going on in the same way as before in respect to his Native policy; secondly, that Mr. Westbrook wrote to him and informed him that things were very bad in Samoa, and that there were thousands of coconut-trees being cut down for one thing and another; and, thirdly, because of a letter from an employee of his in Apia complaining of the arrest of two or three of his permanent workers employed at Apia headquarters.

Disregarding for the moment the objection relating to the Administrator's Native policy, the other matters were destitute of any real significance. The state-

ment communicated to Mr. Nelson that thousands of coconut-trees were being cut down was a grotesque exaggeration, and referred to the few coconut-trees which it was necessary to cut down in order to provide open spaces and space for the houses in reconstructed villages. With regard to the letter from Mr. Nelson's employee, it is clear from the letter itself that a mistake was made, and the matter had been corrected before the letter was transmitted to Mr. Nelson. The letter says,—

The Native Department issued orders that all Samoans living in the villages near Apia and to which they do not belong must return to their own villages unless they have permanent employment. We supplied the said Department with information to this effect for all our labour thus notified, but they must have overlooked that, as two or three of my best and permanent workers did not turn up one morning, and I learnt they were in gaol. After about a week of free Government keep we were able to get them out again, and they are now back at work. Leagi and Lia were both here in Captain Kruse's time, and as they were very steady workers I was anxious not to lose them.

During his absence from Samoa Mr. Nelson wrote and received friendly private letters to and from the Administrator. The letters from the Administrator to Mr. Nelson were produced by Mr. Nelson's counsel before the Joint Committee of Parliament which sat at Wellington, and copies of Mr. Nelson's letters to the Administrator were produced before us. These letters will be found in Exhibit No. 53. These letters contain no trace of any disagreement between the Administrator and Mr. Nelson, and render it highly improbable that there had been any disagreement between them before he left for Sydney as to any important matter of administration. Mr. Nelson, however, says that there was hardly a point which he raised in Wellington that he had not previously spoken to the Administrator about. This is denied in the evidence of the Administrator, who says that there was prior to Mr. Nelson's departure from Samoa no disagreement between them on any important matter of administration. Three cases of so-called banishments included in one Order were mentioned by Mr. Nelson to the Administrator. He was probably interested in these Natives, as they came from a village near Mr. Nelson's former home in Savai'i. The discussion with respect to these cases involved no general principle relating to banishments.

On the 1st September, 1926, Mr. Nelson had an interview at Wellington with the Prime Minister of New Zealand and the Minister of External Affairs, the Hon. Mr. Nosworthy, and at this meeting it was arranged that Mr. Nosworthy should pay an official visit to Samoa before the next session of the New Zealand Parliament. Upon Mr. Nelson's arrival in Samoa on the 24th September, 1926, he did not inform the Administrator of his interview with the Prime Minister, nor of the complaints made by him at that interview relating to Sir George's administration. On the 26th September, 1926, a public reception was given to Mr. Nelson at Apia at which the Administrator was present. At that meeting, in welcoming him, the Administrator made a speech highly eulogistic of Mr. Nelson. A short extract will indicate the nature of the speech: "Mr. Nelson as a colleague has my whole-hearted sympathy and friendship, and I hope that I shall always be able to retain that friendship long after I have left Samoa."

Mr. Nelson in reply made a speech from which this is a short extract: "The spirit in which you have come here to-night with your worthy consort to honour a private citizen and a Native of Samoa shows your sense of fair play and good British sport. Your kindly letters to me while away from my home, your very thoughtful telegram of welcome on the day before my arrival, and your wonderful speech to-night all go to prove your tactfulness and kindness of heart. One cannot help feeling more confident than ever that a representative of the people may represent public opinion before you and the community without inciting personal animosity. I thank you again, and ask you to accept my sincerest goodwill and respect in your social and official life in Samoa. For Lady Richardson I pray that God may grant her health and strength to long remain here to comfort and encourage you in your official duties, as well as take the lead in our social life."

The following is the evidence of Mr. Nelson relating to his action with respect to the calling of the two meetings which will be presently referred to:—

Had you told the Administrator at that time that you had laid charges against the Administration before the Prime Minister and the Minister of External Affairs?—No.

And the charges that you made before them were that the Administration had been unfair in their treatment of the Samoans, were they not?—Yes, that is right.

Did you tell the Administrator that you were going to call a public meeting before you actually called it?—No; but it was advertised in the paper.

Yes, the public meeting was advertised in the paper, but did you tell the Administrator that you were going to call a meeting as well as the object of the meeting?—No, but I think the objects of the meeting were published in the paper.

Had you mentioned one word to the Administrator about the matter?—No.

This was the public notice, was it not: “The elected representatives of the Legislative Council of Western Samoa have formed themselves into a provisional committee to convene a public meeting for Friday, 15th October, at 8 p.m., in the Market Hall, to consider representations to be made to the Hon. W. Nosworthy, Minister of External Affairs for New Zealand, on his forthcoming visit. All are invited to attend.” That was the notice, was it not?—Yes.

And you have told the Commission that you had not mentioned one word to the Administrator before that notice was published?—No.

Before the meeting was held did you mention to the Administrator what was the object of the meeting, or did you leave it to himself to see it in the newspaper?—I did not speak to him, and he should have seen it in the newspaper.

And you left it at that?—Yes.

And you left it at that after accepting his kindly words at your reception and after your remarks wishing him every success in his social and administrative duties in Samoa?—Yes.

As a fair man, Mr. Nelson, do you think it was right, after accepting those remarks from him at your reception, that you should not have told him what you were doing? I ask this question from you as a fair man, Mr. Nelson?—The matter was decided by the public meeting.

Did you not owe a duty of friendship to the Administrator?—I did not have to consider the friendship of the Administrator when the public meeting decided on it, and it was not necessary to get his confirmation or criticism about it. He did not tell me when he ruled against me.

Did you know the night of your reception that you were going to hold this meeting?—No.

When did you have the meeting in Sam Meredith’s house?—I think it was between my coming and the night of the reception—I am not sure. However, I think it was within six days.

That was before the Administrator made this speech at your reception, was it not?—Yes.

The meeting at Mr. Meredith’s house was before the night of your reception—that is clear?—I think so: I cannot exactly say. It could not be far away—it would be about that time.

I am going to put it to you that it was before: will you agree with that?—Yes.

The conduct so disclosed we think is properly subject to animadversion. If Mr. Nelson was actuated by public motives, why should he not have given some intimation of his proposed course of action with respect to the ventilation of the alleged grievances, and have discussed them with the Administrator? According to him he was then on friendly terms with the Administrator, and he regarded the Administrator as a man to whom representation of public opinion could be made without exciting personal animosity; yet, although he had decided before the reception to call the public meeting, he made no communication of any kind to the Administrator on the subject before the reception, or at any other time.

The meeting held at Mr. Samuel Meredith’s house before this reception is not, in our opinion, without significance. Mr. Nelson attended a meeting at this house, which is situated on the outskirts of Apia, at which were present Mr. Williams, Mr. Westbrook, Mr. Meredith, Faumuina, Malietoa, Lago Lago, Tuimaleali’ifano, and Tofaeono. The latter chief, who was called as a witness by the petitioners, was a member of the Mau Committee, and had been required to resign his office in the Administration as District Plantation Inspector. This witness said that it was arranged at the meeting in question that a public meeting of Europeans and Samoans should be called. Mr. Nelson’s evidence oscillated, as to what took place at this meeting, between describing it as a mere visit of courtesy and as a meeting at which the holding of a public meeting of Europeans and Samoans was discussed. He denied that the public meeting was the outcome of the talk at Mr. Meredith’s house. We have no hesitation in accepting the evidence of Tofaeono on this point. We are satisfied that at this meeting it was in fact arranged that a public meeting consisting of Europeans and Samoans should be held. Mr. Nelson has said that, when giving evidence before the Joint Committee of Parliament, he had completely forgotten this meeting at Mr. Meredith’s house. It was not mentioned either by Mr. Meredith or Mr. Williams in their respective evidences, but was elicited upon the cross-examination of Lago Lago and Tofaeono, complainant’s witnesses. The importance of this meeting was twofold: firstly, it was held out by Mr. Nelson that the attendance of a large number of Samoans at the public meeting was purely accidental, and, secondly, for Europeans to mix themselves up with Samoans in the ventilation of purely Native grievances was very unusual and contrary to the prevailing European sentiment. We recall the fact that in the Native circular

this meeting was described as the first *fono* ever held where white people and Samoans combined. It is to our mind somewhat singular that Mr. Nelson should have completely forgotten the meeting at Mr. Meredith's house, because we are satisfied that it was at this meeting that the course was determined upon of calling a public meeting to be attended by Europeans and Samoans.

The public meeting was accordingly held on the evening of the 15th October, 1926, at the Market Hall, and it was attended by Europeans and a large attendance of Samoans. An account of what took place thereat is given in a report by Inspector Braisby (Appendix No. 1) and in the minutes of the public meeting put in (Exhibit No. 52). It is sufficient to say that at this meeting two committees were appointed—the European committee, consisting of Messrs. Nelson, Williams, Westbrook, Gurr, Smyth, Baxter, Cobcroft, S. Meredith, and Meyer, and a Native committee, consisting of six Samoans—namely, Lago Lago, Faumuina, Ainu'u, Tuisila, Alipia, and Tofaeono. Messrs. Baxter, Cobcroft, and Meyer subsequently seceded from the committee. The three European Legislative Councillors were to be *ex officio* members of the committee, which was styled the Citizens Committee. At this meeting sub-committees were formed to prepare reports on the various matters which it was designed should be brought under the notice of the Minister. Before the holding of this first meeting an intimation was received that the Minister of External Affairs would not be able to visit Samoa until the following May.

The adjourned public meeting was held on the 12th November, 1926, and at this meeting the reports prepared by the various sub-committees were read, and given what afterwards appears to have been very superficial consideration. The same can be said of the consideration given by the Citizens Committee at its meeting held prior to this meeting. After these meetings, according to Mr. Nelson, a number of Samoans saw him and requested representation on the committee. Mr. Nelson accordingly formed a further and supporting committee, consisting exclusively of Natives, and this committee was functioning when the Minister of External Affairs arrived in Apia. This supporting committee evidently became numerically very large, and it is said that it contained representative Samoans from every Faipule district of Western Samoa.

In consequence of the delay which took place in the projected visit of the Minister of External Affairs to Samoa, it was decided to send a deputation consisting of Europeans and Samoans to New Zealand for the purpose of interviewing the Minister. The Minister agreed to receive a European deputation, but said that he would not receive a Samoan delegation until he was assured that they were really representative of the Samoan race, and that their views on Native affairs were endorsed by the *Fono* of Faipules.

The following Natives applied for permits to leave Samoa—namely, Ainu'u, Tofaeono, Alipia, Tuisila, Lago Lago, and Faumuina. They informed the Inspector of Police that the complete expenses of their journey would be paid by the Citizens Committee, and they wished to leave Samoa by the January, 1927, steamer. The Inspector of Police refused the permits.

In consequence of the permits being refused Mr. Samuel Meredith proceeded to New Zealand in January, 1927, and published and circulated a pamphlet which has been put in evidence. (Exhibit No. 12).

In March, 1927, a petition was prepared purporting to be from "the chiefs and orators of Western Samoa who have been authorized to represent the large majority of the Samoan people owing to their increasing dissatisfaction with certain features of the New Zealand Administration in Samoa."

This petition was sent to New Zealand for presentation. No mention, however, was made either to the Administrator or to the Minister of External Affairs when he arrived in Apia of the preparation of this petition, or of the intention to present it to Parliament.

As will be later narrated, Native delegates were in November, 1926, sent to Savai'i to collect subscriptions for the *Mau*, and to distribute the circular "O le *Fono Tele*" (Exhibit No. 10).

The Minister of External Affairs arrived in Apia on the 2nd June, 1927, and had a meeting with the Citizens Committee, including the Native members; an account of the proceedings of this meeting is contained in State paper A.—4B. At

this time there was a great attendance of Natives in and around Apia, partly because of the festivities connected with the King's Birthday, but mainly by reason of the meeting with the Minister which was about to take place. It is impossible to obtain any satisfactory estimate of the number of Samoans in Apia at this time, but they amounted to a considerable number. The adherents of the Mau by this time formed an important proportion of the Samoan inhabitants. The population of the islands of pure Samoan race in June, 1927, was 38,624, and it is difficult to say what proportion of the population were members of the Mau. The word *mau* in Samoan means "an opinion." It is certain, however, that somewhere in the region of about one-half of the adult male members of Samoa were adherents of the Mau. For example, it was said that the whole of Aleipata, a somewhat populous district in Upolu, were in the Mau. It is probable that the witnesses who gave this evidence—namely, Polo'a'ali'i and Maui'a—were exaggerating. Mr. Baxter informed us that the population of Aleipata, according to the 1926 census, was 1,978 people, but this, of course, includes men, women, and children. In the district of Safata, according to the witness Lau'ifata, the great majority of the people belong to the Mau. In a district known as Solo Solo, on the eastern coast of Upolu, one witness named Leota Seiuli said that the whole district had joined the Mau, and that the only supporter of the Government there was the Faipule. There is, of course, a great deal of conscious and unconscious exaggeration as to the number of the Mau adherents, but we have said enough to make it clear that a very substantial proportion of Samoans had joined the Mau, a number quite sufficient, if they determined to resist and thwart the activities of the Administration, to paralyse the functions of government.

It is necessary to state what, in our opinion, were the purposes and designs of the organization. We are satisfied that the organization had two purposes. The first was the intention to secure practically self-government for the Samoans. For example, Tamasese, who was the successor to a kingly title, gave the following evidence :—

You told us that you were a member of the Mau ?—Yes.

Were you aware that one of the purposes of the Mau is to secure certain political reforms in favour of the Samoans ?—I am aware of that.

Were you told that the object of the Mau was to secure practical self-government for the Samoans ?—That is also my opinion.

That is not quite an answer. Were you aware that the object of the Mau was to advocate self-government for the Samoans ?—Yes, that is a true object of the Mau.

Did the Mau desire to have New Zealand removed from the government of the country ?—Yes ; it is the wish of the Mau that Samoa should be controlled by the Samoans.

The Mau desire that the Samoans should control the government of Samoa, and not New Zealand ?—That is the true desire, with the condition that Samoa should be under the protection of the British flag—to protect this country by the British flag if they were attacked by other nations.

Did you understand from the *papalagi* members of the Mau that these were some of the purposes of the Mau ?—That was my true opinion, and also the opinion of the other Samoans.

Did the *papalagi* members of the Mau know what was in the minds of the Samoan members of the Mau about the control by the Samoans of Samoa ?—I do not know about that.

Do you regard the members of the Citizens Committee as members of the Mau ?—They also have grievances as well as the Samoans.

You have not yet answered my question. Do you regard the members of the Citizens Committee as members of the Mau ?—They are, but there are different grievances.

Have you great confidence in the *papalagi* members of the Citizens Committee ?—No, I have confidence in only myself and my own people.

Do you say you have no confidence in the European members of the Citizens Committee ?—No. I have no confidence in the *papalagi* members of the committee.

Do not the *papalagi* members of the committee guide the work of the Mau ?—That is the fact when the two sides join together.

When the two sides join together would not the Samoan members of the Mau naturally defer to the opinion of the *papalagi* members ?—They have their own different inspirations.

Did the Mau ever work for the removal of the present Administrator ?—No.

That was not, then, an object of the Mau ?—No.

Are you sure that it was not the purpose of the Mau to secure the removal of the present Administrator—Yes or No ?—No.

The following chiefs, adherents of the Mau, agreed in this view as to the purposes of the Mau—namely, Alipia (page 99), Tu'u (page 102), Umaga (page 103), Molio'o Saoletai (page 111), Tialavea (page 115), Fuataga (page 126),

and Tuisila (page 130). It might be convenient to quote the evidence of the last witness, at page 130 :—

Are the objects of the Mau to get a Government of Samoa by the Samoans ?—The Samoan people to make their own Government.

They do not wish any Europeans to be governing in Samoa ?—It is my contention that the Governor and the officials of the Government be all sent away and that only the flag of the Government of Great Britain be allowed to wave over the country.

Did you attend a meeting when the European members of the Citizens Committee produced their reports ?—I was present.

Did you hear them explained by the European members ?—It is the opinion of us, the chiefs of Samoa, that the Governor and Europeans be taken away from the place, that we do not wish them to rule the country : the Samoan people themselves to rule the country.

Did you listen to what the Europeans had to say in their reports, or did you take no notice of them ? That was the unanimous wish of the Committee, the reports that were submitted.

The second purpose of the Mau was undoubtedly to frustrate and render ineffective the functioning of the Administration. It is clear that there was an organized refusal among the members of the Mau to obey the laws and regulations. There was an organized refusal to recognize the authority of the Faipules and *pulemu'us* and inspectors of plantations. Generally speaking there was an organized refusal to destroy the rhinoceros-beetle, although in some districts the beetles were still being caught, but handed over to committees appointed by members of the Mau. There was an organized refusal to attend District Councils and to send their children to the Government schools. There was a further organized refusal to attend the *malagas* of the Administrator and the Resident Commissioner : and to recognize the authority of Native Magistrates.

These actual consequences of the Mau organization were really not in dispute before us. It was clear to us that there was an organized and deliberate attempt to frustrate and render abortive the activities of the Administration, and ultimately to set up a Samoan Government. Captain Bell is asked at page 316—

You have the responsibility for the local administration of Savai'i, subject to general supervision by the Administration ?—Yes.

What will the result be so far as the government of Samoa is concerned if the present activities of the Mau are permitted to continue ?—The position is impossible.

Captain Bell very properly in his evidence called attention to the importance of the *malagas* which the Administrator and himself from time to time made. He points out that these *malagas* are an important part of the machinery of administration, and are absolutely necessary, and bring the Administrator and his officers into personal contact with the Natives. Captain Bell also says that during these *malagas* he does his local work and stays until the work is finished, and complaints are always invited on these *malagas*. He contrasts the *malaga* in Savai'i of 1925 with the subsequent *malaga* in July, 1927. He says at page 314—

The last *malaga* the present Administrator made round Savai'i was in 1925. Everything went splendidly. There were very many improvements, the tone of the Samoans was excellent, there was no hostility towards His Excellency, the *malaga* was everything that one could desire. When the Governor (meaning the Governor-General) came over he visited Safotulafai and Fagamalo, and he commented on the wonderful reception given to him.

Captain Bell's evidence continues :—

Since you have been Resident Commissioner have the Samoans put forward complaints against the Administration ?—No, I have had the usual complaints about water-tanks not being fixed up, and minor complaints, but they have made no serious complaints against the Administration.

What opportunities did the Natives have for putting forward their complaints ?—On my own *malagas* I visited different parts of this island about four times each year. During my first year I visited every village in the island. Now I visit different villages at different times according to whether they are difficult to reach or the locality is important. I send out circulars to say that I am making a *malaga* and that I will be there about so-and-so—I will be at a certain village at a certain time. I will stay there until all matters concerning that village have been completed. Sometimes I stay one day and sometimes seven or eight. I leave that village and go on to the next, and in that way do every village. During the time I am at the villages I ask them for any complaints, and they come to me with any matters they are troubled about. They call me their father, and sometimes, because I am a bachelor, their mother as well, and they have always treated me as such.

How many times would you go round in a year ?—About four times. Including *malagas* around Savai'i and visits to Apia I am away about half the year from these headquarters.

Captain Bell was further asked :—

What reception did you receive?—In the Faasaleleaga district it was satisfactory, because I went to the district which was composed of many Government people. I visited other places and practically no one met me except officials. At Palauli there was only the Faipule to meet me. At Satupaitea no officials met me—there was only an orator who was selected by the Mau to meet me. They are all Mau at Palauli except two, and they are all Mau at Satupaitea.

How do they regard Government instructions?—They have told me that they have instructions from the Mau Committee not to obey any Government instructions, or to do any Government work, or obey any laws from the Government.

Captain Bell gave the following evidence in cross-examination (at page 315) :—

*Mr. Slipper.*] You spoke of good feelings existing up to the inception of the Mau?—Good feelings existed until after October of last year.

But did you not know that there was a lot of discontent amongst the people?—I know that there was alleged discontent. I never found any discontent. I have made special appeals on *malagas* and in no case anywhere have they told me what the trouble was. They referred to Apia every time.

Previous to there being any committee did you not hear of dissatisfaction?—Minor complaints only.

Captain Bell also gave the following evidence (see page 316) :—

Do you think that in any sense they—the Samoans—are timid of approaching the Administrator or his officers with complaints that they have to make?—Emphatically, no.

They have a pretty wholesome regard for their rights, have they not?—Yes, more that that—many petty minor matters that from their point of view are important.

They are jealous of their rights, big or small?—They are most jealous of their rights—jealous and sensitive.

Are the Samoans prone to follow in any new venture or new experiment?—Yes. If I started a Salvation Army movement here, there would not be a mission Native in the place.

That is because of the novelty of the thing and because of the big drum?—Yes.

We are of opinion that between October, 1926, and June or July, 1927, there must have been an organized campaign throughout Samoa to spread the purposes of the Mau and to secure adherents for it. We think that this propaganda was continued after June or July, 1927. The Natives say that they were told by Mr. Nelson not to obey the laws and regulations of the Government, but little reliance can be placed on evidence of this kind. Undoubtedly the Natives recognized Mr. Nelson as the head of the organization, and would interpret instructions from the committee of the Mau at Apia as emanating from him personally. Mr. Nelson denies that he was concerned in any such propaganda, and, apart from allowing his traders to collect subscriptions for the Mau, there is no direct evidence that he was so concerned. It must be borne in mind that evidence of such intervention would be difficult to obtain.

There is evidence that the Mau soon displayed its objectionable characteristics. Seinafo (see page 260) a member of the Council of the district of Va'a-o-Fonoti, produced a letter addressed to the Faipule, signed by the *ali'i* and Faipule of a village called Salatele in Upolu. This letter was dated 24th April, 1927, and reads: "We are not attending" (referring to a meeting of the District Council which had been called). "It is not because we oppose your order and the District Council, but we are not satisfied with the announcement by the leader of the *fetu*, and also there have been too many orders from yourself. Therefore we notify hereby that we will not attend. We will not abide by any more orders or any instructions from the District Council." The *fetu* referred to in the letter is a species of Boy Scouts, and, without entering into any detailed discussion, appears to us to have been unobjectionable.

In July, 1927, a chief named Tamaseu was convicted that he did on the preceding 20th June at Apia commit a breach of the Maintenance of Authority in Native Affairs Ordinance, 1927, in saying in the hearing of a number of Samoans, "We will not obey orders of the Government; we will not search for beetles; we will not pay taxes, and we do not attend any more district meetings held by the Faipule."

On the 5th July, 1927, a number of chiefs, adherents of the Mau, wrote to the Administrator :—

We the selected representatives for the whole of Western Samoa in the matter of the Mau, with due respect, advise Your Excellency of our opinions, which are endorsed by all Western Samoa, and

which are as follow . . . (b) We formed the Mau and continued to support all laws of the Government for the past seven months, but in doing so we have belittled ourselves in your opinion ; therefore we have decided to remain gathered together in Apia until we receive the decision which we are expecting, and none shall depart until the answer we are waiting for shall be received.

It is clear that very shortly after the Minister's visit to Apia the Administrator quite properly came to the conclusion that the Mau organization had set out to paralyze the activities of the Government, that a constant propaganda originating from the committee at Apia was being distributed amongst the Natives, and that a large number of Natives were determined to remain in Apia until the result was known of Mr. Nelson's visit to New Zealand, which will be presently referred to. The Administrator's officers, both European and Natives, including his Faipules, impressed on him the necessity for taking steps to suppress and discourage the organization. He himself was satisfied that the activities of the Mau could not be permitted to subsist alongside of and concurrently with the administration under the mandate. The steps taken by him will be more conveniently discussed at a later stage when dealing with the so-called banishment orders based on political considerations.

It is clear that it is of the utmost importance for the economic welfare of the Natives that they should be under continuous inspection in relation to the weeding of their coconut plantations as well as to the replanting partially of the plantations from time to time. If the plantations are not weeded they quickly become choked by vegetation, one of which, a creeper, has been given the descriptive name of a "mile-a-minute." Cognate with this is the necessity for keeping down the beetle known as the rhinoceros-beetle, which feeds upon the fronds of the coconut-palm and is most destructive. This is shown by the circumstance that in the financial year 1926-27 beetles, larvæ, and eggs to the amount of over 5,300,000 were accounted for to the Department of Agriculture in the Territory. We are satisfied that the Natives are not to be trusted to keep their plantations clear, or to keep down the beetle, unless they are under constant inspection. All well-informed opinion agreed as to this necessity : see the evidence of Mr. Connor, an Inspector whose district comprises about 4,000 acres of coconut plantations (at pages 328-29), and also the evidence of another Inspector, Mr. Southon (at pages 335-36). There is no doubt that as soon as the official inspection of plantations is relaxed the plantations deteriorate in condition. That has been in the main the consequence of the organized refusal by members of the Mau to render obedience to the law relating to keeping their plantations clean and the destruction of the beetles. It is obvious from the figures we have given that unless the destruction of the beetles is constant and continuous the consequence must be serious to the Natives in reducing the efficiency of their plantations.

The persons of mixed or wholly European blood who were concerned in the activities of the Mau were : Mr. Nelson, who is a half-caste Samoan and a person of considerable wealth acquired in Samoa ; Mr. Meredith, also a half-caste Samoan, and married to Lago Lago's sister ; and Messrs. Westbrook, Williams, and Gurr, all Europeans who have married Native women. Mr. Smyth is of pure European descent. We mention these circumstances because their association with the Samoans was calculated to increase their influence with them.

While on this subject, it is right to say that we are satisfied that the ordinary trader in no way associated himself with the organization, and that there was no sign or indication of the existence of any German influence supporting the Mau.

Mr. Nelson left Samoa on the 1st June, 1927, to visit New Zealand for the purpose of supporting the parliamentary petition of March, 1927, to which we have referred. That petition was referred to a Joint Committee of members of the Legislative Council and the House of Representatives of the New Zealand Parliament. Mr. Nelson's evidence was taken at great length. A parliamentary paper, entitled, "Joint Samoan Petition Inquiry Committee," and containing a full report of the addresses of counsel and the evidence taken before the Committee was made available to all parties to the Commission, and a copy of it was, on arrival of the Commission at Samoa, handed to Mr. Baxter, the leading counsel for the petitioners.

The greater part of the evidence taken before the Joint Committee, perhaps necessarily, was hearsay, and we determined on this ground to exclude the report

from being put in evidence before the Commission. The propriety of this determination was not questioned either by the counsel for the complainants or for the Administration.

After this necessary digression we now proceed to consider seriatim the main or principal complaints.

#### I. ALLEGED DICTATORSHIP OF THE ADMINISTRATOR.

The first complaint is expressed in Mr. Nelson's own language. It was that the system of government permitted the rule of an absolute dictator, and because officers of the Administration could think that they could carry out certain policies regardless of the customs and feelings of the people in Samoa.

It is evidently a generalization. If it means that the officer who is responsible under the mandate for the administration of the Territory is given the right, subject to the general supervision of the Parliament of New Zealand and the Minister of External Affairs, to lay down the policy of the Administration we do not see how it can be avoided. This subject will be referred to later on, when we deal with the suggested reforms of the Legislative Council. We think, however, that the complaint does no more than to generalize the main charge against the Administrator—namely, that in his administration he did not pay due regard to the customs and feelings of the people of Samoa. This charge will be carefully dealt with later on, and shown to be, in our opinion, unfounded.

#### METHOD OF APPOINTING FAIPULES.

The charge against the Administration respecting the method of appointing the Faipules is thus expressed: that they were appointed by the Administrator for the time being without in any way consulting the people of the district as to their appointment, or, in the words of Mr. Baxter's charge (Appendix II), "That all Faipules are not qualified in accordance with existing Native usage and custom to represent their districts, for the reasons that they have not been selected according to Native custom and/or that they have received appointments for unlimited periods."

This charge has been repeated over and over again in Mr. Nelson's evidence before the parliamentary Joint Committee, and on it was based the charge that the Administrator in appointing Faipules acted regardless of the custom and usage of the Samoan people. Samoan chiefs were called who said that Native Faipules were appointed without any consultation with the people; but it was quite apparent to us that they were not really in a position to give any reliable evidence on the point.

The affirmative evidence before us showed that the charge was without foundation. There are thirty-one Faipules, two of whom were appointed under the German regime, and two were appointed under the British military regime. The unfortunate epidemic of 1918 carried off all the Faipules except the before-mentioned four, and in the years 1919 and 1920 the Administrator for the time being, Colonel Tate, appointed some seventeen Faipules. Between 1923 and 1927 the present Administrator has made ten appointments, some to fill vacancies and others being additional appointments.

Of the four first-mentioned Faipules, Aiono and Toelupe were appointed under the German regime by Dr. Solf after consultation with the Natives of the district to which they were respectively appointed. Toelupe was one of the original thirteen Faipules mentioned by Mr. Lewis, and has been Faipule of his district for more than twenty-eight years, "through changing systems and changing Governments." Both of these Faipules are greatly respected and both have great influence in the Territory. Tainau and Malupo were the two Faipules appointed during the military occupation, the same method of consulting the people of the district being adopted.

The names of the seventeen Faipules appointed in 1919 and 1920 are given in Mr. Lewis's evidence at page 2 of his evidence, and the names of the Faipules appointed during the present Administrator's regime are given on the same page of Mr. Lewis's evidence. Of the seventeen Faipules appointed during

the years 1919 and 1920 in consequence of the epidemic, twelve were called as witnesses before us in order to deal with complaints as to their conduct. Of these twelve, seven gave evidence that they were appointed after consultation with the people of their district. Of the remaining five, three were not asked as to whether their people were consulted as to their appointment. One of them, named Mala-itai, was appointed in 1919 by Colonel Logan, and one by Colonel Tate after the epidemic. One of them, Tuatagaloa, was Land Titles Commissioner from the German time to his appointment in Colonel Tate's time (see page 290). Fonoti, who was appointed in Colonel Tate's time, was the only witness who said that there was no meeting of his people prior to his appointment. It is, however, to be remembered that these Faipules were appointed between the years 1919 and 1920, a considerable time ago, and we have no reason to disbelieve that Colonel Tate appointed them all on the recommendation of his Secretary for Native Affairs, and had ascertained through his Native advisers whether the appointments were agreeable to the district. The significant fact, however, is that no objection was made to any of these appointments until after the first public meeting, in October, 1926.

Of the Faipules appointed during the present regime, Mr. Lewis has said that all were appointed with the approval of the Ali'i and Faipule of the districts concerned. Of the appointees, five were appointed to districts in Savai'i. Captain Bell, at page 320, corroborated generally this evidence. He could not, however, speak with respect to the appointment of Suisala, which was made before Captain Bell took office in Savai'i, and he gave an account of the method in which Seumanutafa was appointed. The Administrator, at page 364, with respect to the appointment of Suisala, says:—

The first appointment I made was Suisala, of Fagamalo, on the 18th August, 1923. On this occasion I raised the question of procedure in appointing Faipules with the then Secretary for Native Affairs, who informed me what the previous custom had been—viz., for the Administrator to suggest or nominate one of the most important chiefs in the district, preferably one who had previous experience as a *pulenu'u* or other official—and to ascertain if his appointment would meet with the approval of the remaining Ali'i and Faipule. To appoint one that was not approved of in this way would cause trouble for the Native Department and the Administrator. I ascertained that Suisala was approved of by his people before I made the appointment.

Of the other appointment, that relating to Seumanutafa, Captain Bell says, at page 320:—

I did not have any special *fono* of the Ali'i and Faipule, but on the ordinary *fono* during my *malaga* I brought the matter before it and it was discussed. The predecessor of Seumanutafa was a very sick man for about eighteen months or perhaps two years, and he was not able to do any work. Out of sympathy for him I did not call a meeting of the whole of the Ali'i and Faipule, but I discussed the position with him and also with many of the Ali'i and Faipule and Seumanutafa, and they all agreed that he should still act as Faipule because he was a very sound official, capable, and of very high rank. He acted for a while, but as he was so very ill he resigned.

He continues:—

So far as Seumanutafa was concerned, I did not do much in that matter except to call the adjoining Faipules—four of them—to discuss the position with the village. The matter was again brought forward by the Administrator in the district, and there was no opposition and he was appointed on probation for twelve months.

The Administrator in his evidence, after dealing with the appointment of Suisala at page 364, says:—

In every one of the remaining nine appointments made by me I have received an assurance from the Native Department that (1) the chief selected was the most suitable for the appointment; (2) that the Ali'i and Faipule approved of the appointment. With one exception, I have visited the districts of these Faipules since their appointment, and the Ali'i and Faipule have expressed to me personally approval of their representative.

With a view to making a little progress towards the time when Samoans may be safely trusted to use modern methods of electing their own representatives, I have since 1924 appointed Faipules for three-year periods, a system which the Faipules who had themselves previously received permanent appointments thoroughly approved of. I did not consider it advisable to make the new rule apply to those older Faipules who had been given to understand that their appointments were permanent so long as they carried out their duties satisfactorily.

I have also taken a further step by endeavouring to get the Ali'i and Faipule (chiefs and orators) of districts to sign their names to a document accepting responsibility for nominating their Faipule when a vacancy occurs. This has not been entirely successful, as instances occur where chiefs apparently do not care to sign their names to a paper to give what they consider to be increased *pule*, or authority, to another chief, and in some cases I have not been able to get them to do so.

In selecting Faipule to fill a vacancy the method the Samoans have always hitherto preferred is for the suggestion as to the nominee to come in the first place from the Administrator, and then for the Ali'i and Faipule to discuss and agree among themselves, after which one or more chiefs come in to the Native Office and notify their approval.

The system of throwing the entire responsibility upon the Ali'i and Faipule to nominate their representatives has in one case caused a delay of eighteen months, and a decision has not yet been reached, so that I anticipate having to revert to the former method and make the first suggestion myself.

These progressive steps taken during my regime are in excess of what the law provides, but they are educational processes in the necessarily slow development of the Samoan people, and merely mark a very little advance towards that goal to which the Natives are being directed—viz., to some day stand alone and play their full part in controlling their own affairs. That goal is far distant, and at the present time it is not only unsafe but dangerous to introduce modern electoral methods for this backward people.

The Faipules are a thoroughly representative body, who know the wishes and needs of their people, whose welfare they do their best to promote.

The evidence of Asi Mama (at page 271) is instructive on this point. He was suggested as Faipule for the Vaimauga district, and a meeting of the district took place to consider his appointment. A part of his district objected to his being appointed, but ultimately withdrew their objection, and his name was then sent on to the Administrator as a suitable person for the position. He was accordingly appointed by the Administrator.

We are satisfied that there is no foundation for this, the important charge made against the administration of Sir George Richardson. We are satisfied that he did consult the people of the district before appointing a Faipule and assured himself that the appointment would be an agreeable one to them. We are satisfied that this was also done during Colonel Tate's administration. We are satisfied that no complaint was ever made as to the method of the appointment of Faipules by the Administrator until after the meeting of October, 1926. It was then taken up by the Mau as a cry or slogan against the Administration.

It was urged by Mr. Baxter in his concluding speech that after the making of the Order of 1925 relating to District Councils and Village Committees the Administrator ought to have again gone through the process of ascertaining whether or not each of the existing Faipules was acceptable to his district. It is clear that the Samoan Amendment Act of 1923 contemplated the continuance in office of the existing Faipules. We cannot see any ground of complaint against the Administrator that he did not reconsider the appointment of all the Faipules. It is to be remembered that the amending Act confers on the Administrator the power to revoke the appointment of a Faipule at any time for any cause that he deems sufficient. As a fact, prior to the statutory provision the Administrator had revoked the appointments of Faipules whose conduct he did not approve of.

### 3. ALLEGED ACTS OF MISCONDUCT ON THE PART OF FAIPULES.

The third matter investigated by us was the following allegation: That the Faipules were guilty of misconduct in the performance of their duties and of interference with the duties of other Native officials, such as Native Magistrates (*fa'amasinos*), Agricultural Inspectors (*pulefa'atoagas*), and village officials (*pulenu'us*), see paragraph 12 of the petition to Parliament. A great deal of evidence was called under this heading, and, with two or three exceptions, every Faipule whose conduct was impugned by the evidence was called to answer the charge against him and to submit himself to cross-examination.

The first observation about the evidence called before us in support of this charge is that, generally speaking, it disclosed instances of a most trivial nature. All the alleged acts of misconduct which we were able to investigate were disproved, and, as we have said, nearly every Faipule against whom a charge was made, no matter how trivial, was called before us. This character of the charges against the Faipules is shown by a few extracts from the evidence to be presently given by us.

We do not think that the evidence justifies us in embarking in this report upon a detailed statement of the charges and the evidence relating to them. Our brief references to the nature of the charges will show how ridiculously trivial were the instances which were given in evidence to support them. This was not denied, and it could not be said, nor was it suggested, that the instances in support of the charges possessed any special or peculiar significance in the Native mind. Mr. Baxter, at page 408, in his concluding speech, said :—

There is another striking phase of the Samoan evidence, and that is the number of complaints made against the Faipules by the Samoan witnesses called. Every Samoan witness called, no matter on what subject he was called, when asked if he had any complaint against the Faipule, had some. Many were trivial and unimportant, and a number were denied by the Faipule, and others do not concern the Commission at all. I do not propose to go into the merits.

*The Chairman :* Will you mention one complaint that is not trivial ?

*Mr. Baxter :* I do not think I can mention one that is not trivial, and that is what impresses me. It is evident from the very fact that these trivial complaints have been made that the Faipules are disliked and distrusted by the Samoans. If the Faipules had the confidence of the Samoans and were liked and trusted by them, then these trivial complaints would not be brought up against them ; but that dislike and distrust caused the Samoans to bring forward these complaints. The Mau cannot be blamed for that, because these complaints of the Natives are not natural to the Mau, and from the diversity of the matters which they cover and from the personal nature of the majority of them it is clear that the Mau did not suggest them. It comes back to the same thing ; the Natives consider that the Faipules are put in power by the Administrator and are removable only by the Administrator, and obey the instructions of the Administrator, and are consequently Government officials.

Some of the charges might have been regarded as serious had they been supported by the evidence. If the Faipules had been shown, as was suggested, to have been usurping or interfering with the functions and duties of other Native officials, particularly of the Native Magistrates, such conduct would have been highly objectionable, and would have tended to disrupt the system of local government.

Some very general allegations were made against certain of the Faipules, such as that they were overbearing towards the Natives of their districts. On investigation this very general charge was disproved, and usually turned out to be based on the attempt of the Faipule to dissuade Natives from joining the Mau. General charges were laid against one or two Faipules that they were lazy or deaf, but no proof of any neglect on their part to perform their duty was given.

The most general complaint was the alleged failure to bring complaints from chiefs and District Councils before the Fono of Faipules. These complaints usually related to the medical tax and to *malagas*, or journeys for the presentation of "fine mats." The evidence satisfied us that these complaints were wholly unfounded, and that the Faipules did their duty in properly transmitting all matters submitted to them for consideration by the Fono. It is to be remembered that the medical tax and *malagas* concerning "fine mats" were constantly, in one way or another, being considered or discussed by District Councils and the Fono of Faipules. There is also the significant admission that no single complaint was made either to the Faipule concerned, or to the Secretary of Native Affairs, or to the Administrator as to any omission in this respect on the part of any Faipule. We are satisfied that had there been ground for complaint there would have been no hesitancy on the part of the chiefs to make a complaint through one or the other of the channels we have mentioned.

It will have been seen already that the very triviality of these complaints was relied upon by Mr. Baxter for the contention that the Faipules were disliked and distrusted by the Samoans. It is to be remembered that these complaints were not heard of until the organization of the Mau came into operation, and the true inference must be that all attempts to justify such complaints failed. We cannot assent to Mr. Baxter's logic, and think that the trivial nature of the complaints made to support the recent objections to the Faipule shows that the complaints were foundationless. In Appendix III will be found examples of the charges made against Faipules, and the answers to or explanations of such charges.

#### 4. MEDICAL TAX.

The next matter to be considered is the imposition of the medical tax. The history of this tax may be thus stated : It is to be remembered that the Samoa Act of 1921 imposes upon the Administrator the duty of establishing and main-

taining in Samoa such hospitals and other institutions as he may deem necessary for the public health, and the Minister is required to appoint a Chief Medical Officer and such Assistant Medical Officers as he thinks necessary to assist the Chief Medical Officer in the execution of his duty.

It was, of course, necessary to provide funds to enable this duty to be performed. Prior to 1923 the only taxation imposed upon the Natives was a poll-tax of £1 4s. per *matai* and £1 per *taulealea*. The Natives were expected during the currency of this taxation to pay for medical treatment and medicine. The medical tax came into force at the beginning of April, 1923, and imposed a tax of £1 per adult male Samoan. It will be seen from Dr. Hunt's evidence that the first medical tax was imposed with the consent of the Samoans. The two taxes which have been mentioned—namely, the poll-tax and the medical tax—were, by the amending Ordinance of 1927, amalgamated, and the sole Native tax now imposed is a direct personal tax of £2 per *matai* and £1 16s. per *taulealea*. It is also shown by Dr. Hunt's evidence that the amalgamation of the taxes was effected with the consent and at the request of the Natives.

The imposition of the medical tax, of course, imposed upon the Administration the obligation of providing adult Samoans, their wives, and children with free medical treatment. Prior to the tax the Natives were chargeable with fees for medical attention and medicine. As might be expected, many Natives abstained from seeking proper medical aid, setting up the plea that they were unable to work when ill, and therefore had no money to pay for treatment. Towards the end of 1922 the Fono of Faipules passed a resolution—set out in Dr. Hunt's evidence—to the effect that the Fono considered that a system of general subscription for medical purposes would be preferable to the present system of individual payment, and the matter was left to His Excellency the Governor to examine and to decide whether to levy a tax or not. The Fono desired that, if His Excellency should decide to levy a tax, such tax should not exceed £1. The tax was accordingly imposed, and a promise was given that its imposition would be reviewed after three years. Dr. Hunt's evidence shows that in August, 1923, written replies were received from the Faipules showing the concurrence of their people with the tax. We are satisfied that the general trend of Samoan opinion was in accordance with the resolution of the Fono of Faipules, and was favourable to the imposition of the tax. As we have said, free medical treatment was commenced in the beginning of April, 1923.

Some startling figures were given by Dr. Hunt as to the attendance of Natives at two of the hospitals in the year before the adoption of free treatment and the year subsequent. The institutions whose figures are given are the main hospital at Apia and the hospital at Tuasivi, in Savai'i. Eliminating attendances for the treatment of yaws and hookworm, the attendance for treatment for other complaints in the free year exceeded the attendance in the previous year in the Apia Hospital by over 13,700, and in the Tuasivi Hospital by over 7,200. Dr. Hunt in his evidence says, "Four and a half years after the inception of free medical treatment we have out-stations and dispensaries dotted throughout the group, as shown on the accompanying plan." He then gives a list of hospitals, out-stations, and medical staffs outside Apia, and points out that the list does not include mission stations, to which drugs are supplied free. In addition, there is also employed a visiting Medical Officer for the northern coast of Upolu from Mulifanua to Falefa. Mr. Baxter in his concluding speech (see page 407) said: "I think that due consideration by reasonable people must show that the country has benefited largely from the medical services here, and it is essential that we have a fixed revenue for medical services."

We are of opinion that the medical tax was imposed with the general consent of the Samoans, and that the medical treatment which has enabled the Administration to provide for them has proved a blessing to them in the very efficient care it has taken of their health. It is a truism to say that no public-health system can be maintained only out of payments by patients for medical treatment, which is the only alternative suggested for the tax.

##### 5. UNNECESSARY INTERFERENCE WITH NATIVE CUSTOMS.

The next matter to be dealt with is the allegation "That there has been improper and unnecessary interference with ancient customs of the Samoans in relation to *malagas*, or journeys for the presentation of "fine mats," and the individualization of family lands."

*Malagas for Presentation of "Fine Mats."*

First, as to *malagas* for the presentation of "fine mats." The word *malaga* literally signifies a journey. It is undoubtedly an ancient custom of the Samoans to make journeys for the presentation of "fine mats" on various ceremonial and other occasions. The giving of "fine mats," according to the usage, involved return gifts to the donors by the recipients. The mats were given to the chiefs and *tulafales*. One of the evils—perhaps the main evil—of the usage was that great numbers joined in the *malaga*—namely, chiefs, *tulafales*, and *taulealea*. The visitors rarely left their hosts' village until they had consumed the provisions they had brought with them and also the store of provisions of the hosts. This characteristic is humourously referred to in Stevenson's "Footnote to History." The plantations of both the visitors and hosts were neglected during the feasting which accompanied these ceremonies. In their turn the hosts subsequently descended on their former visitors and the cycle of feasting was repeated. There can be no doubt that *malagas* conducted without supervision or regulation resulted in great poverty in districts in Samoa. The position was also complicated by "fine mats" being used as a medium of exchange for the building or purchase of houses and boats and the payment of debts.

The predilection of the Samoans for this custom has always given rise to concern in the minds of those charged with the administration of Samoa. Consideration was given to the regulation of the custom by the German Government of Samoa, as is shown by a paper written somewhere between 1905 and 1909 and referred to in the evidence of Mr. Lewis. Mr. Lewis traces the system of control which was adopted. It involved apparently the appointment of a committee to work under the Faipule for the purpose of costing and distribution of "fine mats" at any ceremony, and an attempt was made to standardize the value of the various makes of mat. For a time in some districts this system of control worked satisfactorily, but subsequently it was ascertained that the committee control was not working satisfactorily, and it was not further used. Apparently provision was made in the year 1918 that mats were to be marked and costed, and these distinctive marks would be permanent, doing away with the need of a committee, which apparently had varied the cost according to their own views, which were not always accepted. We pass by the system of control shown in Mr. Lewis's evidence and adopted by the Fono of Faipules in October, 1918.

As to the subsequent regulation of these ceremonies, Mr. Lewis's evidence is as follows:—

1923. This custom was a matter for discussion at the Faipule Fono in June, 1923, and the following resolution passed, as appeared in the *Savali* of 10th July, 1923:—

*"Fine Mats.*

"(1) Fine-mat *malaga* will be withheld for three years.

"(2) Any person who has a debt of fine mats will pay such debt, but a *malaga* for such purpose is prohibited. This only holds good until December, 1923.

"(3) *Malagas* for the purpose of presenting fine mats or goods in exchange therefor are prohibited.

"(4) This order to take effect from 1st July, 1923."

1924. This subject was further discussed at the Faipule Fono in January, 1924, and the following resolution passed, and published in the *Savali*, 22nd February, 1924:—

"A committee to be appointed to inquire into breaches of the regulation as to fine mats. Four Faipule from Savai'i and four Faipule from Upolu. The regulation to be still in force, but it is allowed for any one to use fine mats for the (payment of) building of his house, or for anything that he wishes to purchase with a fine mat, such as boats and the like, but a fine-mat *malaga* for such purpose is forbidden."

1926. After discussing all remits from District Councils on the subject the following decision was registered by the Fono, 1926, as published in the *Savali*, July, 1926:—

"It is the resolution of His Excellency the Administrator and the Fono of Faipules that the regulation concerning fine mats shall be continued as commenced in 1923 until the full term of experiment has expired. No change has been made in that regulation. *Malagas* for the exchange of fine mats and property, and also death feasts, are prohibited. But it is permitted to use fine mats for the following objects:—

"(i) The building of houses;

"(ii) The building of boats or purchase of boats;

"(iii) Presentation to parents in a weak state or about to die;

"(iv) Disinterment and reburial (not more than two mats);

"(v) Gift to a widow just after her husband's death (not more than two mats);

"(vi) For buying and selling;

"(vii) For the payment of work done."

It is to be observed that the main purpose of these decisions of the Fono of Faipule was directed against *malagas* for the exchange of "fine mats" and property, and also in connection with death feasts. It was apparently desired that they should be allowed to use "fine mats" for reasonable purposes.

It is necessary to state quite clearly that this resolution of the Fono of Faipules is not a law or a regulation enforceable by any sanction. The functions of the Fono of Faipules, as we have said, are purely advisory. Its resolutions can only be given effect to either by an order of the Governor-General in Council or by being embodied in an Ordinance of the Samoan Legislative Council. This has not been done.

The Faipules and Native Magistrates, according to their evidence, appeared to be well aware that the resolution is not enforceable by fine or otherwise. It is described as a pure exhortation. No person has been punished by fine or otherwise for a breach of the resolution. In cases where a paid official of the Administration has broken the resolution he has been dismissed from his office. We think that this course was quite justifiable. It would never do to permit paid officials to disobey a resolution of the Fono of Faipules approved by the Administrator even though it had not the force of law. To allow this to be done would tend to destroy the value of the experiment made in the prohibition of "fine mats" and in other matters.

It is hardly necessary to add that we do not consider it part of our duty to express an opinion as to the expediency of enacting laws prohibiting *malagas* in connection with "fine mats," or laws regulating such *malagas*, or the conditions under which they should be permitted.

#### *Individualization of Family Lands.*

As to the suggested individualization of family lands: There can be no doubt that the existing system under which the lands of a family are placed under the control of the *matai* does not make for individual effort or industry. It is, however, deep-rooted in the customs of the race, and ought to be modified with caution, and then only after modern conditions have radically altered the Samoan outlook on life. The object of the suggestions for the individualization of family lands is to facilitate the bringing into cultivation of virgin lands, and to enable each young man to have assigned to him a portion of land for himself, his wife and children, which he may himself cultivate, subject to the condition that he should yield a portion of the produce in accordance with the village regulations under the right of the *matai*.

It was suggested that the District Council should have the right to apportion or lease virgin lands up to 5 acres in area to a *taulealea* during his lifetime for purposes of cultivation at a rental of 1s. per acre—this rental to go to the owner of the uncultivated land, or to the District Council in any other case. The moneys payable to the District Councils are to be paid into a Land Fund of the district, to be used only for "cleaning of lands of the district." Power, it is suggested, should be given to the *matai* who owns cultivated land, "if he has sufficient," to apportion 10 acres or less to each person, such person to "cultivate under the right of the *matai*."

The resolution relating to the division of family land is purely optional with the Natives: they can carry out the scheme or not as they think fit. It is in no way made compulsory. No *matai*, or other person, has been, or can be, forced to subdivide his lands unless he consents to do so, and the right of the *matai* to the *pule* of the family lands is not affected. The *matai*, if he chooses, can still retain his ancient control over them.

#### 6. PRESENTATION OF EMBLEMS OF "SOVEREIGNTY."

The next matter we have to deal with is the objection made that "a presentation made to Your Excellency at Government House, Wellington, in December, 1925, possessed political significance." This related to an incident which happened in connection with a presentation of a *kava* bowl and certain other articles to Your Excellency. The Faipules desired to make a courtesy presentation, and requested the Administrator, who was on a visit to New Zealand, to make it to you. This was accordingly done; and the gift was accompanied by a translation of a speech

made in the Fono of Faipules by Toelupe, describing the articles and the purpose of the presentation. The objection made before us was that Toelupe in his speech had described the articles as the “ emblems of sovereignty of Samoa.” Toelupe, who was called before us, said that the articles were just presents given to show their respect to the Governor-General of New Zealand in accordance with the custom of Samoa, and that the gift possessed no other significance. We have read a translation of Toelupe’s speech of presentation, which is contained in New Zealand State Paper, 1926, A.—4C, and it contains nothing which justifies the suggestion that the gifts were intended as a symbolic transfer to New Zealand of the sovereignty of Samoa, or that they were given otherwise than as curious, interesting, and historic emblems. They are now in the guardianship of the Speaker of the New Zealand House of Representatives.

The attitude adopted by the Commission towards this matter was stated by Judge MacCormick, with the concurrence of his colleague, thus:—

*Judge MacCormick* : Will you, please, translate this : “ The presentation of these articles, whatever they were, by a Samoan chief or chiefs to the Governor-General has no effect whatever upon the position of New Zealand in regard to Samoa. The position of New Zealand with regard to Samoa is fixed by the mandate from the League of Nations, and neither the Samoan chief nor the Government of New Zealand can alter that mandate, and whatever took place between the chief or the chiefs and His Excellency the Governor-General has no effect on the relations of New Zealand and Samoa. I make that statement with the concurrence of the Chief Justice, and we hope it will relieve the Native mind of any suspicion as to any effect the presentation might have. The Commission has no authority to speak for His Excellency the Governor-General, but he, no doubt, would understand the presentation of the articles referred to to be a mere compliment. However that may be, these emblems can have no effect whatever in regard to the standing of New Zealand with Samoa. Having that explanation, I think the reference to this question might be considered as closed.

*Mr. Baxter* : It relieves me of the necessity of having to worry any further about this matter, and I hope it will be satisfactory.

We are satisfied that there was no substance in the suggestion that this gift in any way disturbed the mind of the Samoans. We regard it as entirely without political significance to either the European or Native mind. The view which we expressed was not really dissented from by counsel for the complainants.

## 7. LOCAL BANISHMENT ORDERS.

The next matter to be dealt with is thus stated : “ Complaints relating to orders made by the Administrator (a) requiring a Native to leave a certain place and to reside in a defined place in Samoa ; (b) requiring a Native to return to his home ; and (c) depriving a Native of his titles. These Orders relate to two periods : (1) Orders made prior to the creation of the organization of the Mau, and destitute of political significance ; and (2) Orders made after the Mau organization had, rightly or wrongly, been recognized as one which should be suppressed.”

### (a) Orders before the Mau.

We propose to deal with the orders made prior to the organization of the Mau, which are admittedly destitute of political significance. These orders were the exercise of a jurisdiction conferred upon the Administrator by the Samoan Offenders Ordinance, 1922, passed during the regime of Colonel Tate. Before referring to the provisions of this Ordinance it is necessary by way of explanation to state something of the history connected with the local banishments. It is quite clear that in ancient days the Samoans exercised the power of banishing an objectionable individual from a village or district in the islands to some other village or district in the Group. The incidents of the exercise of this custom were sometimes harsh and cruel. There are authenticated incidents of an individual being set adrift at sea in a small canoe with a meagre amount of food. Nevertheless the custom was well founded in the traditions of the people. The usual form was a banishment from one place to another in the Group.

When the German Governor took over the administration of Samoa he, by a Proclamation dated 16th September, 1901, forbade the Samoans themselves to exercise the custom of local banishment, and the power of banishment was thereafter exercised by the Imperial German Governor himself. This policy was followed by the Military Administrator of Samoa, who, by a Proclamation dated 20th

March, 1916, and by a regulation dated 12th February, 1918, made provision for the manner in which applications for local banishments should be dealt with, and the before-mentioned Proclamation of the 16th September, 1901, was declared to be and to remain in force. There can be no doubt that the Samoans themselves exercised the power of banishing individuals whom they thought objectionable from a village or district to another in the Territory. This would be done either upon complaint by the chiefs, or by families, or individuals aggrieved, and in all probability the banishment was the act of the people of a particular village or district.

As showing the real views of the Samoans in this matter we may refer to certain evidence given before us. The chief, Ale Lui (at page 87), said :—

Do you believe in banishments ?—They are very wrong.

Do you know two boys, Sola and Kele ?—Yes.

Did you ask for them to be banished from their village ?—Yes.

Was that not very wrong, then ?—It was not very wrong because they were up against me.

And were they banished ?—Yes.

How long were they away from their village ?—I do not remember how many months.

The high chief Tamasese said (at page 90) :—

Did you hear that Ale Lui asked for Sola and Kele to be banished from their village ?—Yes.

And that Ale Lui thought it was right for them to be banished because they were up against him ?—Yes.

Would you ask for any one to be banished if you were up against him ?—We would do that by Native authority, which we wish the Administrator to uphold.

Then it is the Samoan custom to banish when Natives raise trouble in their villages ?—I would do the same as Ale Lui and request the Government to exercise the power.

The evidence of the high chief Faumuina, a leader of the Mau movement and head of the village of Lepea, the gathering-ground of the Mau near Apia, on the subject of banishments, is too long to quote. It is contained in pages 160 to 161 of the evidence. The witness approves of the custom, but asserts that the chiefs and orators ought to decide the individual cases. This would be contrary to the law both under the German administration and the subsequent British and New Zealand administrations. The witness, however, admitted, after some fencing, that he took a leading part in obtaining the banishment of one Panini in 1924. The evidence of this witness (on page 160) is very illuminating as to his real views.

The Administrator in his sworn statement deposes (page 362) that “Faumuina headed a deputation of chiefs who interviewed me at Mulinu'u on 31st March, 1924, when he, speaking for himself and the deputation, expressed approval of the banishment of Tamasese,” and that they had come specially for the purpose.

One of the complaints made against the Faipule Toelupe was that he did not cause a man named Tupai to be banished (page 252). As we have said, the Samoan Offenders Ordinance, 1922, was passed which prohibited any Samoan person, whether he be a chief or Government official, from expelling or taking part in expelling any person from his village or district, and contained the following further provisions :—

3. If the Administrator is satisfied that the presence of any Samoan in any village, district, or place is likely to be a source of danger to the peace, order, or good government thereof, the Administrator may, by order signed by him, order such Samoan to leave any village, district, or place in Samoa, and to remain outside such limits for such time as the Administrator shall think fit, and by the same or any subsequent order the Administrator may order such Samoan to reside in any place specified in such order.

Sections 4 and 5 are supplementary. The first gives a power to authorize the arrest of the Samoan against whom the order has been, or is being made, and the latter clause provides for the punishment of disobedience of the order.

6. (1) The Administrator may from time to time, if he is satisfied that such a course is necessary for the peace, order, and good government of Samoa, or of any part thereof, by order signed by him directed to any Samoan, prohibit the use by such Samoan of any Samoan title or titles named in such order for such time as the Administrator may think necessary.

(2) Any Samoan who, after any such order has been served on him, uses any Samoan title in breach of such order shall be guilty of an offence, and liable to imprisonment for a term not exceeding one year.

7. Any order made by the Administrator under this Ordinance may be at any time revoked by the Administrator.

9. No prosecution for any offence under this Ordinance shall be heard save by the Chief Judge of the High Court of Western Samoa.

It will be perceived that this Ordinance authorizes the making of the following orders :—

- (a) An order requiring a Samoan to leave any village, district, or place, in Samoa, and to remain outside such limits for such time as the Administrator thinks fit, and to order such Samoan to reside in any place specified in such order :
- (b) An order prohibiting the use by a Samoan of any Samoan title or titles named in such order for such time as the Administrator may think necessary. Disobedience of the order was punishable by conviction before the High Court. (Section 5.)

It is to be observed that the full Supreme Court of New Zealand has held that the provision authorizing the Administrator to make these orders is not punitive ; that the Administrator may satisfy himself in any manner he sees fit as to the propriety of making any such order, and so long as he acts *bona fide* the question whether his opinion is justified or not, or whether he should have been satisfied or not on the materials before him, is not examinable by the Courts.

The orders with which we are now dealing and which have been brought before us extend from the year 1922 down to the end of the year 1926. Two of them—namely, the orders against Autagavaia and Matafa—were made by the ex-Administrator, Colonel Tate, on the 22nd September, 1922. The remainder of the orders were made by the present Administrator.

Of the cases, involving fifty-six persons, the complainants or applicants for the orders in cases involving thirty-nine persons were the chiefs of the district, or the chiefs of the district together with the heads of the family, or the heads of the family or individuals aggrieved. In nine cases, involving thirteen persons, the Administration was prosecuting. In two cases, relating to four persons, the applicants are left in doubt.

During the sittings of the Commission, at the request of counsel for both sides, we gave a direction as to the materiality of the evidence to be called in relation to the local banishment of Samoans from the 11th September, 1922, the date of the coming into force of the local Samoan Offenders Ordinance, 1922, until the end of the year 1926. It was desired to ascertain how far it was necessary to call witnesses as to the circumstances attending the making and putting into force of such banishment orders. The direction we gave was as follows :—

2. It is common ground that none of such orders relates to any participation in the Mau movement, or to any alleged political offence or misconduct in any way relating to the Mau movement. They all relate to domestic offences, matters, and conduct.

3. It is clear that the Commission cannot investigate or review the merits of the offence, conduct, or matter on which these orders respectively are based.

4. We are of opinion, and so direct, that evidence as to these orders should be limited to the following matters : Did the Administrator in each such case, before making the order, for the purpose of satisfying himself that the presence of the Samoan in question in the particular village, district, or place was likely to be a source of danger to the peace, order, and good government of such village, district, or place, cause the matter alleged against the person in such case to be investigated and reported on by a Faipule, or meeting of Faipules, or by the Administrator, or by some official or board appointed by him for that purpose, and was such person in such case present or given an opportunity of being present at the inquiry, and given an opportunity of asking questions and presenting his case.

5. The proof of these matters ought to be in the possession of the Administration ; and we suggest that counsel for the Administrator should begin on this branch of the case, reserving leave to counsel for the petitioners, if they find it necessary so to do, to call rebutting evidence. We think it reasonable that counsel for the Administrator should, a reasonable time before calling such evidence, give to counsel for the petitioners a general statement of the procedure in the case of each such order.

The suggestion made by us and mentioned in paragraph 5 was adopted by counsel. It was obviously quite impossible for the Commission to attempt a rehearing of the grounds upon which the orders were made, but we thought it proper that an inquiry should be made directed as to the manner in which the case against each person was investigated by, or at the instance of, the Administrator, and as to whether such person was given an opportunity to be present at the inquiry and of asking questions and presenting his case.

In all the cases comprised in the class we are now considering an inquiry was held before one or other of the following quasi-tribunals, and in all cases the

person whose conduct was complained of was present at the inquiry and given the opportunity of presenting his case. Inquiries were conducted by (a) the Administrator himself, sometimes associated with the Secretary for Native Affairs, or (b) by the Secretary for Native Affairs, or (c) by the Secretary for Native Affairs and a Board of Faipules, or (d) by a Board of Faipules, or (e) by the Chief Judge, or (f) by the Resident Commissioner of Savai'i. The report of the tribunal investigating each matter was transmitted to the Administrator for his consideration. If he thought proper he adopted the recommendation of the report, either with or without modification.

The orders in these cases were orders that the Samoans complained of should leave a village, district, or place and remain outside such limits for such time as the Administrator thought fit, or during his pleasure; and sometimes it was directed that the Samoan should reside in a place specified in such order. If a place was directed in which the person named in the order should reside such place was usually, although not without exception, a village or district in which the Samoan had relations, and in which he had, according to Samoan usage, a right to share in the produce of and to cultivate the village lands.

In certain cases the order contained a prohibition of the use by the Samoan of his Samoan title or titles, either for a definite time or during the pleasure of the Administrator.

It is necessary to state in what way orders for banishment and orders which prohibited the use by a Samoan of any of his Samoan title or titles affected his interest in the family lands. Usually the person against whom the order was made was a *matai*, and therefore had the control or *pule* over the family lands. If a *matai* is banished from his village or district or is deprived of his title, then the family have the right to appoint another person as *matai*, and that person then becomes entitled to exercise the *matai* control, or *pule*, over the family lands. If, however, the family do not choose to appoint a new head of the family, the family lands of the banished *matai* remain unaffected, and the family and relatives attend to the plantations and the land during his absence from the village, or during the deprivation of his title. If, however, the family choose to elect and do elect another *matai*, that person will have all the rights of the *matai*, and the first-mentioned person will lose his rights as *matai*, but not his rights as an individual member of the family. The effect, therefore, is that it requires not only the banishment or loss of title of a *matai*, but, in addition, the substitution of another person as *matai*, to deprive the person who is banished, or affected by the order of his *pule*, or control of the family lands. It is therefore clear that an order of banishment, or deprivation of title, does not affect the rights of the person banished, if he be a *matai*, to the family lands: It is only the substitution in addition of a person in his place as *matai* that produces that result.

With reference to these orders, we have come to the conclusion that they were regularly made after a proper investigation and report by a competent quasi-tribunal at which the person proceeded against was able to present his case, and after the report had been personally considered by the Administrator.

#### (b) Orders after the "Mau."

We now propose to deal with the orders made after the Mau organization had been recognized as one which should be suppressed. It is necessary to remember what we have already said with regard to the conclusion which, in our opinion, the Administrator properly came to as to the Mau organization, and as to whether the existence of such an organization was consistent with administration under the mandate. As we have said, Apia was full of members of the Mau. Faumuina and AINU'U had been selected as delegates to proceed to Savai'i to collect funds for the Mau and to tell the people about the meeting. To the delegates was added the Native secretary of the Mau, Matau Karauna, to assist in the same purpose. Faumuina proceeded to Savai'i in November, 1926, taking copies of the circular "O le Fono Tele," before referred to, for distribution. AINU'U was stopped by the police from proceeding to Savai'i for the same purposes. To anticipate a little, matters got worse from the point of view of the Administration in Apia, and in June and July, 1927, it became clear that the large number of people in Apia were determined to remain there indefinitely, or until they heard the results of Mr. Nelson's

visit to New Zealand. Mr. Nelson left for New Zealand on the 1st July, 1927, for the purpose of promoting the petition to Parliament of March, 1927. It must be remembered that the Administrator at this time knew nothing of this petition, but apparently that it was to be presented to the New Zealand Parliament was known to the Native members of the Mau. It was made plain to us that the Native members of the Mau had formed the most optimistic anticipations of the results which would follow Mr. Nelson's visit to New Zealand. These opinions were probably encouraged by radios sent by him from New Zealand to the Citizens Committee at Apia. This is indicated by a letter dated 25th July, 1927, written from Apia by a man named Anapu, addressed to the heads of his family and Ma'opu of Tuia'ana and to the chiefs and orators of Sa'anapu, which letter was produced in the course of the Administrator's evidence. In this letter the writer says: "The chief thing in the wireless message is that Samoa is to be cut off from the control of New Zealand. Mr. Nelson will return with a verdict as to which Government is to have control of our country, but New Zealand is finished with Samoa. This is absolutely true, and the crown of victory is now within our grasp."

Under these circumstances the Administrator considered that it was necessary for him to take prompt measures to suppress the organization of the Mau, and to secure that the large number of Natives in Apia should disperse to their villages and districts.

After the creation of the Mau the Administrator was faced with a trying position. The Natives were definitely divided into two parties—those loyal to the Government and those in the Mau. The adherents of the Mau, as we have pointed out, were very numerous, and if the organization was permitted to carry on it would be impossible for the Administrator and his officials to perform their duties under the mandate. Each step taken by him was met and countered by the activities of the committee of the Mau, who remained in and around Apia. His first steps were directed to stop the dissemination of Mau literature and propaganda and the collection of funds for the organization. He therefore ordered eight chiefs, who were actively concerned in the Mau, to remain at their homes in or near Apia. Five of these orders were made on the 25th November, 1926, and three on the 12th January, 1927. Among the persons affected by these orders were Matau Karauna, Ainu'u, and Alipia.

The principal Samoan concerned in the Mau was Lago Lago, and with him was associated Faumuina, an influential chief. After the failure of conciliatory negotiations by the Administrator with these two chiefs they were, on the 20th June, 1927, ordered to leave their villages—namely, Pesega and Lepea respectively—and to remain in Apolima during the pleasure of the Administrator. It may be as well to state that the order in Faumuina's case was later varied so as to require him to remain at his own village, Lotofaga, instead of at Apolima.

In June, 1927, it became, in the opinion of the Administrator, necessary to ensure the dispersal of the Mau Natives in Apia to their homes elsewhere, and to require the Natives in Apia to remain at their own homes and not to travel elsewhere. He accordingly served orders upon each of the Natives against whom he was proceeding, requiring them to return to their villages outside Apia. These orders were not obeyed.

The Administrator had also been informed that steps would be taken by the members of the Mau to frustrate and render abortive the *malaga* which he was about to undertake throughout the Island of Upolu.

☛ An instructive correspondence is contained in Exhibit No. 29.

☛ On the 21st June, 1927, a number of Natives wrote to the Administrator asking that an investigation should be made into the grievances of the Mau before their representatives, Faumuina and Lago Lago, were deported, and that there was likely to be a disturbance of the peace if the deportation took place before an investigation was made to clear up the matter for the benefit of the people. On the 23rd June, 1927, the Secretary for Native Affairs replied that the Administrator was very pleased to receive the letter, and that it gave His Excellency great pleasure to know that they wished to meet him. The letter further stated that His Excellency the Administrator would be glad to meet the writers of the letter, and, as he would commence his *malaga* around Upolu on Monday next, he would soon be in their

district, and hoped to meet them together with the Faipule. The writers might then bring up any subject they wished.

On the 25th June, 1927, some seventy or eighty Natives wrote to the Administrator informing him that their opinions were—(1) "All punishments received by each person who has already been punished must be put upon us, as we are representative of the whole Samoan Committee (Mau)." (2) "We wish to have investigation before we are going to be punished."

On the 30th June, 1927, the Secretary for Native Affairs wrote to many of the signatories to the letter informing them that the Administrator would be glad to meet them, and, as he had commenced his *malaga* around Upolu on Monday last, he would be soon in the district of the writers, and hoped to meet them together with the Faipule. On the 5th July, 1927, a number of Natives wrote to the Administrator, portion of the contents of which letter has already been quoted. It is sufficient here to say that the letter informed the Administrator that they had decided to remain gathered together in Apia until they received the decision which they were expecting, and none would depart until the answer they were waiting for was received. It further stated that these ideas would be upheld by all the people in the Mau, and therefore if any of the people in the country disobeyed any of the orders and His Excellency deemed it right to punish them he ought to throw the punishment on their shoulders—that would be on the whole country.

Some fifty-nine orders in all were made, affecting fifty individuals. Forty-two orders directed Natives to return to their homes from Apia or to remain in their home village of Apia or its environs, and eight orders directed Natives to remove to other villages than their own home villages. Some of these orders were to continue in force for a period of three months, and some for a period of twelve months. Of the total orders made some thirty-nine were disobeyed, and it was found advisable not to enforce them. These fifty-nine orders are the orders which were mostly complained of before us.

Orders were made prohibiting the use by thirteen chiefs of their Native titles. These orders were made in July, 1927. The list of the chiefs affected is set out at page 193 of the evidence. The spokesman for these chiefs gave evidence before us. There were absent five in all of the thirteen. The remainder were present and assented to the evidence given by the spokesman. These chiefs were prohibited the use of their titles because they, being members of the Mau, had in concert abstained from attending *fonos* in their respective villages or districts called by the Administrator during his *malaga* through Upolu in July, 1927. There can be no doubt that their abstention was deliberate, and designed to frustrate the purposes of the Administrator's *malaga* at a very critical time. It is clear that each of the chiefs was called before the Administrator, and each had the opportunity of presenting his case. It is true that the spokesman said that what was referred to at the inquiry was their having joined the Mau; but we are satisfied that what was in fact investigated was their concerted abstention from attending the Administrator's *malaga*. At the inquiry the thirteen chiefs were present. The Administrator told them to retire and consider what he had said, and on the following morning they could appear again and apologize to him if they felt that they were wrong. The representative chief who gave evidence at once replied saying that there was no necessity for them to consider the matter, and asked him to state then what their punishment was to be. The Administrator then made orders prohibiting the use of their titles. The orders, of course, were subject to revocation by the Administrator.

It appears to us that these orders were made after a proper inquiry, and that no objection can be taken to them. We are not concerned with the form in which the orders were drawn up. The Administrator satisfied himself of the propriety of making them, and gave to each person affected the opportunity of appearing before him and stating his case. Some so appeared and others declined. We are satisfied that these orders were made upon a proper procedure, and that no objection can be made to them. We are wholly unable to see that, in the circumstances which obtained, the Administrator was not justified in exercising such powers as he possessed to discourage the organization of the Mau and to

compel the dispersal of the Natives to their respective homes. It is clear to us that the Administrator was right in his opinion that the organization of the Mau as understood and used by the Natives could not exist alongside of and concurrently with the administration of the country under the mandate. One or other must give way.

#### LEGISLATIVE COUNCIL.

It was urged upon us that we should recommend alterations in the constitution of the Legislative Council. It was suggested (a) that the Samoans should in some way select representatives on the Council; and (b) that the number of elected and Samoan members should equal the number of nominated members, preserving the Administrator's casting-vote.

The constitution of the Council is purely statutory. It is defined by section 48 of the Samoa Act, 1921, as amended by section 6 of the amending Act of 1923. The Council now consists of—

- (a) Official members (not being less than six in number), being the holders for the time being of such offices in the Samoan Public Service as the Governor-General from time to time appoints as entitling the holders thereof to sit in the Legislative Council; and
- (b) Unofficial members (not more in number than the official members), who may be either elected members or nominated members, or partly elected and partly nominated members, as the Governor-General in Council may determine.

By regulations made by the Governor-General in Council the number of the elected members of the Council was fixed at three. The qualification both for office and as an elector was confined practically to persons of European or mixed European descent, and to persons possessing a certain property or trade qualification.

The alteration of the constitution of the Council appears to us to be purely a matter of policy to be determined by the Parliament of New Zealand and in part by the Governor-General in Council. It is plain, however, to us that under the conditions which at present obtain there are great difficulties about any scheme providing for the election of representatives by the Samoans. The Samoan system has no conception of a popular election. Local and family combinations and jealousies and antipathies would tend to prevent the working of any scheme which might be devised. In the year 1925 the Administrator suggested for discussion at a Fono of Faipules the question whether it was desirable that the Fono should elect representatives to the Council. The Faipules decided that they did not desire such representation, and the Administrator's suggestion was negatived. He has since formed the opinion that Native representatives would not do useful work on the Council, and that they do more useful work on their own Native Councils. We see no reason to dissent from the views of the Administrator. We are by no means satisfied that there is a genuine demand amongst the Samoans for representation upon the Council, or that their presence on the Council would be advantageous. But, subject to what we have to say later, on the question of numbers, we see no real objection to Samoan representatives on the Legislative Council if a satisfactory method of election or appointment can be evolved.

The suggestion that the Samoan and elected representatives on the Council should equal in number the nominated members appears to us to be unwise and dangerous. The casting-vote of the Administrator as President of the Council is insufficient to give that stability to his policy which it ought to possess. He would have responsibility without power. The danger that the Native representatives might fall under the influence of the elected members is, in our opinion, real, and should be constantly borne in mind. Indeed, we doubt whether it would be possible to procure a man of self-respect and reputable standing to accept the administratorship of the Territory under conditions which might render him practically powerless to say, subject to the supervision of Parliament and of the Minister, what the policy of the Administration is to be. Under such a system he would soon lose his authority and influence with the Samoans. The suggestion that whenever the Administrator should in the reformed Council exercise his casting-vote the matter as to which it is exercised should be referred to the Minister in New Zealand for final determination is, in our opinion, unworthy of consideration. Such a system would be wholly impracticable.

In connection with the suggested scheme for reforming the Legislative Council it is instructive to notice the misstatement made by Mr. Nelson himself in his report on the Legislative Council which was read at the public meeting of the 15th October, 1926, which has so often been referred to. In his report Mr. Nelson states (see page 5, 1927 State paper A.-4B): "In Fiji there are ten official and ten unofficial members in the Legislative Council. The latter are made up of seven elected Europeans, two Fijians, and one Indian. Where the elected members vote *en bloc* in opposition to the Government members the matter is referred to the Secretary of State for the Colonies, even though the Governor's casting-vote gives the Government a majority." This is an entire misstatement. The Legislative Council in Fiji consists of fourteen nominated and seven elected members. The nominated members include eleven European officials, two Fijian officials, and one Indian member. There is nothing that requires any matter on which the elected members vote *en bloc* in opposition to the Government members to be referred to the Secretary of State for the Colonies. As a matter of fact, the Governor of Fiji has power to disallow any vote or resolution of the Council; and, further, when a Bill is passed by the Legislative Council the Governor may either declare his assent thereto or refuse his assent to the same, or may declare that he reserves the same for the signification of the King's pleasure. This error is the more singular because the actual facts relating to the constitution of the Fijian Legislative Council could, with very little industry, have been ascertained from the Fijian Year-book for the year 1925, which was in the possession of the European committee.

#### • BOOK OF LAWS.

Another matter was discussed at the close of the inquiry by counsel for the complainants. The Administrator prepared a collection, in the Samoan language, of all the laws, Orders in Council, and regulations affecting Samoans. In this book he included some resolutions of the Fono of Faipules which were only advisory and experimental, and which were not enforceable under any sanction. It is clear that the Faipules knew the laws which were binding and those which were experimental. There was no evidence before us of a single case in which an experimental or advisory resolution had been enforced as a law. Technically, of course, it was a mistake to include these experimental and advisory resolutions amongst the enforceable and binding laws. In our opinion, no harm was done by the adoption of this course.

#### TRADERS' LICENSES.

A complaint was made that the Administrator had purported to cancel the traders' licenses of three persons named—Henry Hunken, Ale Lui, and John Kruse. It was submitted by Mr. Slipper that the cancellation was not valid. The provisions as to licenses are contained in the Taxation, Licensing, and Revenue Ordinance, 1921, as amended by the Taxation, Licensing, and Revenue Amendment Ordinance, 1924.

Mr. Meredith, counsel for the Administration, admitted (see page 356) that the Ordinances did not provide for the issue of a trader's license. Only two kinds of licenses are prescribed—viz., business licenses (section 42 of the 1921 Ordinance) and store licenses (section 3 of the 1924 Ordinance). Mr. Meredith further admitted that the three men named "had no licenses of any kind which could be cancelled."

After consideration of the Ordinances we are of opinion that these admissions were properly made, and that the purported cancellation of licenses was of no effect, there being no licenses to cancel. The position was misconceived by the Administrator's legal advisers.

#### A PASSENGER-BOAT LICENSE.

A further complaint was made that a boatman's license issued to one Papalii-Ulu under the Taxation Ordinance had been taken away. Mr. Slipper, who appeared for the complainant, did not submit that the taking-away was illegal, and his examination referred indifferently to boatman's license and boat license. The

complainant, Papalii-Ulu, had been ordered to leave Apia, where his boat was kept and used, and to remain at Vailele, two or three miles away. It is not disputed that complainant was notified that his boat license was cancelled, and it was stated that "his boat was in Apia and his license was for Apia. If he was sent out of Apia his license was cancelled, so that there would be no excuse for his coming to Apia." Boat licenses are provided for by the Boat Traffic Ordinance, 1921, and the Taxation, Licensing, and Revenue Ordinance, 1921.

We are of opinion that the license was a license of the passenger-boat itself, and no provision was made for licensing the owner or person in charge of the passenger-boat. It appears clear that the only power to cancel the license of the passenger-boat, which was contained in section 16 of the Boat Traffic Ordinance of 1921, could not in the circumstances have been invoked. We think, therefore, that, though there may have been sound practical reasons for stopping the use of the boat in question, there was no legal power to do so—at all events, in the manner adopted.

#### POWER OF LOCAL BANISHMENT.

The last matter we have to deal with is the third question stated in the Orders in Council—namely, "Whether, having regard to the Samoan Native customs and to the due maintenance of government and order in the Mandated Territory, it would be prudent and safe to wholly repeal and abrogate all power to require a Samoan to remove for a definite period from one place on the islands to another."

At the inquiry there was no demand on the part of the Samoans that this power should be repealed. As we have said, it is incorporated in the customs and usages of Samoans, and even in recent years it has been on many occasions exercised on their application. For instance, in the list put in by Mr. Allen, affecting in all eighty-four persons, the applications made by chiefs or on behalf of the families of the persons affected numbered no less than sixty-seven. It is to be remembered, as Captain Bell has observed, that, as a rule, the so-called banishments mean that a man goes from one part of his family to another part of his family in another village or district. The custom appears to have been evolved from the family and communal system under which the Natives live. It has undoubtedly its uses, as pointed out by Captain Bell, in preserving order in villages and in preventing irritation likely to result in violence. Moreover, the power appears to us to be useful at times or places where there may be Native unrest and it may be desirable to isolate affected Natives and restrict the growth of disorder. We do not think that it is possible to rely wholly upon the ordinary criminal procedure. Many acts which might well justify the removal of a Native from a village might not come within the definition of any crime. Moreover, there is practically no adequate Police Force in the Territory. The gaols are few and are wholly insufficient to provide for a number of persons whom it might be desirable, as a safeguard, to keep in custody. We are, therefore, of opinion that it is not prudent or safe to wholly repeal the power which we are considering; and, further, that no demand exists for such a repeal. The power, of course, ought to be exercised with wisdom and caution.

We have the honour to be,  
Your Excellency's most obedient servants,

C. P. SKERRETT, Chairman.

Wellington, 29th November, 1927.

CHARLES E. MACCORMICK, Member.

## APPENDICES.

## APPENDIX I.

## PETITION.

(This is the translation marked "A" mentioned and referred to in the annexed declarations of Matautia Karauna and Edwin William Gurr declared before me at Apia this 5th day of May, 1927.— F. D. BAXTER, a Solicitor of the Supreme Court of New Zealand.)

A HUMBLE PETITION TO THE NEW ZEALAND GOVERNMENT (PARLIAMENT) FROM THE CHIEFS AND ORATORS OF WESTERN SAMOA WHO HAVE BEEN AUTHORIZED TO REPRESENT THE LARGE MAJORITY OF THE SAMOAN PEOPLE OWING TO THEIR INCREASING DISSATISFACTION WITH CERTAIN FEATURES OF THE NEW ZEALAND ADMINISTRATION IN SAMOA.

1. We feel confident it is the desire of the New Zealand Government to establish for us a good government, that we may live in peace, amity, and security in our native soil.

2. We now wish to express, with sorrowful hearts, some of the main causes of our dissatisfaction with the administration of Samoa by gentlemen who have been appointed to represent New Zealand in Samoa.

3. We wish to express in all humility our loyalty and true confidence in the New Zealand Government and her integrity, that it will ever be pleased with the necessary indulgence to heed the subject of a plea to her from a small and weak nation which is under its sacred trusteeship, and that it will give it earnest consideration with the affection of a father to his son.

4. This petition we entrust to the New Zealand Government to be placed before the Parliament of New Zealand for their consideration with our following assurance: The main object in our placing these matters before the New Zealand Parliament is based on our earnest desire to assist to produce the very best result for the Samoan people and the New Zealand Government from this trust. We do not make this petition with any intention to deprecate the New Zealand Government, nor to deprecate any good work instituted for our welfare; but we strongly urge that the present position be considered favourably, in the true confidence that all the causes of our dissatisfaction will be removed, so that the honour of New Zealand in the faithful execution of her trust in Samoa may be established.

5. We wish to express the disappointment and the sorrow of our hearts in that we could not have believed our application for a deputation to New Zealand would be declined, and all channels closed to a ward begging and pleading with his guardian for the investigation of matters under which Samoa suffers and is dissatisfied with the care of her by New Zealand representatives and their responsible officers.

6. We bear witness to the following: Starting from ourselves and our wives, even to our children, we all complain together at the weight of the load we have to carry nowadays, brought about by some laws made expressly for the Samoans, oppressing us to the point of slavery, whereas we cannot believe this to be our status.

7. There is no doubt in our minds the policy adopted by the Administrator has been prompted by the best intentions towards us, and he has meant to produce good results for the Samoans from this policy.

8. But some of the methods for carrying out this policy have revealed his lack of knowledge of, or his wish to ignore the temper and true character of the Samoan. The Samoans are well described in one of our old proverbs: "We are moved by love, but are never driven by intimidation."

9. Another evidence of the lack of knowledge of the Samoans by the Administrator is that he has misinterpreted our obedience to laws, and our patience under heavy punishments to be proofs of our approval of such laws. That erroneous idea has resulted in the imposition of heavier punishments whenever an attempt is made to express the pain and the groaning of the Samoan people under laws with which we have not been made acquainted by past Governments. Furthermore, these matters have set aside our time-honoured customs and privileges.

10. These laws and punishments have been attributed to the Fono of Faipule, but the Faipule have never been vested with such powers by any previous Government of Samoa since the beginning, even when the Faipule were our own elected representatives in past Governments, from which sprang the name "Fono a Faipule."

11. It is our true wish that our time-honoured customs and privileges be revived, and none of them abolished, except such as may be found by our own elected representatives to be repugnant to the advancement of our country.

12. The conditions which we should like to have established are—

- (a) While the Fono a Faipule exists, the Faipule should be selected by the districts such as was the custom in past days.
- (b) The Fono a Faipule should confine their functions to deliberations with the Administrator on subjects essential to the genuine welfare and the liberty of the Samoan people.
- (c) The Faipule should cease to assume any position in the village or district except that which is his by personal right.

- (d) The Faipule should cease to interfere with the work or position of other officials, such as the Native Magistrates, Commissioners (Land and Titles), Agricultural Inspectors, or village officials (Mayors).
- (e) Each village should select their own village official, and he should confine himself to the duties of his office and not take advantage of his official position to assume other than his own personal status in the village.
- (f) The rule of the hereditary Village Councillors should be re-established in accordance with Samoan custom, for the preservation of peace and harmony of the villages. This should also apply to the District Councils, according to Samoan custom, with any necessary reservations to comply with Government requirements.

13. We earnestly pray that all laws empowering the Administrator or the Faipule to inflict punishments on the Samoan people without trial be repealed.

14. As an earnest of New Zealand's desire to upkeep the prestige of the Samoan people, the matter of dealing with Samoans in respect to the law should be confined to the High Court, and there should also be means for Samoans to appeal to a higher Court against a decision of a lower Court.

15. We humbly express our sincere wish as follows: That the High Court of Samoa be opened, or a special Judge be appointed from New Zealand, to investigate all cases wherein Samoans have been punished under the Samoan Offenders Ordinance, and the said Ordinance be repealed in all its stages.

16. To insure the acquisition of a knowledge by the Samoans of the law, we sincerely wish to have representatives of the Samoan people in the Legislative Council, so that they deliberate in equal status with the European representatives, such as is done in Fiji and New Zealand.

17. We state in all humility that we should very much like to see all laws in force in Samoa printed and published in the Samoan language as well as in the English language at the time they are put in force. We should also like to see in each year publication of all statements appertaining to the finances of the Samoan Administration, such as is done in the English language. We are very sorry to learn authentically of a debt owing by the Samoan Administration to the New Zealand Government, which debt we understand was started some years ago and is ever increasing, whereas this has not been known to the Samoan people owing to the finances of the Samoan Administration not being published in Samoan.

18. We emphasize most humbly the following: The presentation by the Fono of Faipule to the New Zealand Government, in the first month of the past year, in the form of a "fine mat" and other valuable articles of our country we approve of whole-heartedly; but the speech of Toelupe in which he conferred on the said articles the sovereignty of Samoa, we beg leave of the New Zealand Government to totally ignore that speech, because he did it on his own account and has no authority whatever over such matters. He has not been in any way empowered by our country to speak on them.

19. We beg leave to explain the following: In the month of October of the past year a public meeting of Samoans and Europeans was held in Apia. A committee of Samoans and Europeans was then appointed to prepare means by which our feelings would be represented to the Minister (of External Affairs), then due to arrive in Samoa. On the day of that meeting the news reached us that the Minister's visit was postponed till May of this year. A request was resolved on to be made to the Minister to come to Samoa earlier. Owing to the Minister not acceding to that request, another public meeting was held on the 12th November, 1926. The Administrator expressed his dissatisfaction with that meeting, but he did not produce satisfactory reasons to call the meeting off. A resolution was then passed to respectfully request the Minister to receive a delegation of Samoans and Europeans, in the month of January (in New Zealand), who will present him reports of matters decided on by the Samoans and Europeans in respect to their relations with the Administration. A reply was received from the Minister stating he was prepared to receive the delegation, providing all the prepared reports would be firstly submitted to the Administrator for report, and on subjects affecting Native affairs they would be similarly submitted to the Fono of Faipules and the Administrator. This was complied with, but latterly the Minister stated he would not receive the Samoan delegates unless their views coincided with those of the Fono of Faipule and Administrator. We have spent a lot of money on radiograms. One of our European delegates left for New Zealand in January in the hope the Minister would ultimately be induced to conform with his original promise to receive the whole delegation and to receive the reports prepared by the committee, supported by a very large majority of Samoans and Europeans, for the consideration of the New Zealand Government; but neither the Minister nor the Samoan Administration would allow Samoan Natives to travel to New Zealand in connection with this matter. No restrictions would be placed on the delegation had it been Europeans only, but Samoans are prohibited. Many chiefs and orators of Samoa have been punished for taking part in this movement; they have been ordered out of Apia, and some have been brought back from the Island of Savai'i. Some have been relieved of their official positions, but most of all are they who have been ordered to appear and questioned by the Faipule and the Administrator, also by the Secretary of Native Affairs. The only reason for all this is the support of the committee by such Samoans. These all prove to us the very insignificant and lowered status of the Samoan people in the opinion of the New Zealand Government. The liberty of many has been withheld. By the wish of the Administrator, but without any trial whatsoever, many Samoan chiefs and orators have been deprived of their titles and family names, and banished out of their native villages. Some of these have not been reinstated or relieved from these heavy punishments.

20. We find it hard to understand the reason for the hard things imposed on us in these days, as we have not been thus treated by previous Governments. We therefore humbly pray for our being given the liberty due to our proper status. We further ask for the same channels to be opened to us such as are opened to the Europeans to present petitions to the New Zealand Government in purely Native affairs as well as in matters wherein we have united with the Europeans.

21. We wish to express our full confidence in all the work of the Citizens Committee of Samoans and Europeans, especially the reports which they handed to the Administrator by the wish of the Minister. We are satisfied, and have proofs, that this is the wish of the large majority of the Samoan people. We also wish to declare that all those who have signed this petition are the properly appointed representatives of the villages and districts they represent in this matter.

22. There are other subjects we have in mind in respect to the Administration of Samoa, but will take them up later when occasion arises.

Dated at Apia, Samoa, this 11th day of March, 1927 A.D.

		Village.	District.
LAGAAIA, P.	.. ..	Palauli	Palauli.
AUTAGAVAIA	.. ..	"	"
LEAVAI	.. ..	"	"
TUILAGI, G.	.. ..	Safotulafai	Faasaleleaga.
SETUFUGA	.. ..	"	"
TOFILAU	.. ..	Iva	"
FETAUAI	.. ..	Satupaitea	Satupaitea.
UTUMAPU	.. ..	Safotu	Gagaifomauga.
LAVEA ..	.. ..	"	"
TUILO'A	.. ..	"	"
FITIOALO	.. ..	"	"
LAVEA, U.	.. ..	"	"
TEFUA ..	.. ..	"	"
MAMEA, T.	.. ..	Safune	"
NUU ..	.. ..	"	"
TUU, F.	.. ..	"	"
MAUAI ..	.. ..	"	"
MOANA ..	.. ..	"	"
FUGAGA	.. ..	"	"
FEO SIAMANI	.. ..	"	"
FIU ..	.. ..	Sasina	"
VAVAA (i)	.. ..	"	"
[Illegible]	.. ..	"	"
MALOFOI	.. ..	Aopo	"
MASOE TAFU	.. ..	Asau	Vaisigano.
TUOLA TIPUTA	.. ..	Lealatele	Gagaemauga.
VAE'AU	.. ..	Tufu	Lealataua.
SALUI ..	.. ..	"	"
MATAUTIA VENU	.. ..	Sataua	Vaisigano.
TAGALOA	.. ..	Saluafata	Anoamaa.
[Illegible]	.. ..	Falefa	"
LAUOFO	.. ..	Lotoanuu	"
SALONO	.. ..	Falefa	"
[Illegible]	.. ..	"	"
TAVAI ..	.. ..	"	"
MOLIO'o, S.	.. ..	Faleapuna	Vaa'o'Fonoti.
PEAI, R.	.. ..	"	"
TIALAVEA, V.	.. ..	"	"
FALELAGONI	.. ..	Falefa	Anoamaa.
J. TO'OMALATAI	.. ..	Matautu	Vaimauga.
T. TAMASEU	.. ..	Apia	"
FAUALO	.. ..	"	"
ANOTELO, L. TUILETUFUGA	.. ..	"	"
ULU PAPALII	.. ..	"	"
FAUOLESA	.. ..	"	"
ASI, V.	.. ..	Moataa	"
PATU, P.	.. ..	Vaiala	"
UTU ..	.. ..	Moataa	"
APEAKI	.. ..	"	"
MALOPITO	.. ..	Magiagi	"
TUIONO..	.. ..	"	"
MASINA	.. ..	"	"
TAUPAGA	.. ..	Vailele	"
ATANOA	.. ..	Siumu	Safata.
LAULAU	.. ..	"	"
TUUU ..	.. ..	"	"
LEOTA SUATELE	.. ..	Mulivai	"
MAMEA TAULINA	.. ..	Matautu	Lefaga.
SOATOGI	.. ..	Safaatoa	"
TUAOI ..	.. ..	Tafitoala	Safata.
TALIOMU	.. ..	Lepea	Faleata.
ALE MAOU	.. ..	Toamua	"
LAUFAU	.. ..	"	"

	Village.	District.
UNE PASI .. ..	Vaimoso ..	Faleata.
M. S. SAGA .. ..	Tuana'i ..	Sagaga.
VAOULU .. ..	Saleimoa ..	"
SALA .. ..	Lealatele ..	Leauvaa.
TANOAI .. ..	" ..	"
LEOTA .. ..	Solosolo ..	Anoamaa.
SEUAMULI .. ..	Matautu ..	Gagaemauga.
POLOA FAGAMOA.. ..	" ..	"
TUIMAUGA .. ..	Faleula ..	Sagaga.
SALUA, H. .. ..	Matauta ..	Gagaemauga.
FAAILOGA O LESA .. ..	Satitoea ..	Aleipata.
TUPUOLA .. ..	Leulumoega ..	Aana.
TAUAI .. ..	Samaatau ..	"
TUA INA .. ..	Leulumoega ..	"
ALIPIA .. ..	Faleatiu ..	"
TUALUA .. ..	Fasitootai ..	"
VAILI, T. .. ..	Satapuuala ..	"
TUALA, S. .. ..	Lefaga ..	"
TA .. ..	" ..	"
PEIA .. ..	Faleasiu ..	"
TOLEAFOA, P. .. ..	Fasitootai ..	"
SAGAPOLU .. ..	Ulutogia ..	Aleipata.
AUVAA .. ..	Tiavea ..	"
[Illegible] .. ..	" ..	"
MOANANU .. ..	Mulifanua ..	Manono.
FAAONU .. ..	Falefa ..	Atua.
UMAGA, P. .. ..	Leulumoega ..	Aana.
LAUOFO.. ..	Luatuanuu ..	Anoamaa.
MATAUTIA, V. .. ..	Lona ..	Fagaloa.
FALE .. ..	Safotulafai ..	Faasaleleaga.
PASIA .. ..	" ..	"
MUA .. ..	Asau ..	Vaisigano.
MASOE TAUTALA .. ..	" ..	"
LETUFUGA TUTAU .. ..	" ..	"
TEO TAASOLO .. ..	Safune ..	Gagaifomauga.
FUIVIONO FAAFETE .. ..	Salani ..	Falealili.
TUILOMA .. ..	Faleulu ..	"
TAUAEFA .. ..	Salesatele ..	"
AUMUA .. ..	Sapunaoa ..	"
SEUEA .. ..	Salesatele ..	"
LALAU .. ..	" ..	"
TAELE .. ..	Salani ..	"
TALI .. ..	Salesatele ..	"
FUALELAU .. ..	Sasina ..	"
TALAFAAOTI .. ..	" ..	"
FUI .. ..	Samauga ..	"
TOA .. ..	Mutiatele ..	Aleipata.
ASI .. ..	Solosolo ..	Anoamaa.
TAALA .. ..	Sapoe ..	Falealili.
ANAPU .. ..	Saanapu ..	Safata.
FATUALII .. ..	Faleapuna ..	Vaa o Fonoti.
FASAVALU, U. .. ..	Falelatai ..	Aaana i Sisifo.
SALU, S. .. ..	" ..	"
MALAMALA .. ..	Samusu ..	Aleipata.
UTU .. ..	Vailoa ..	"
POLOA'ALII .. ..	Lalomanu ..	"
AMITUANA'I, T. .. ..	" ..	"
SULU .. ..	" ..	"
SAPAU .. ..	Saleimoa ..	Sagaga.
TEO UI .. ..	Vaiee ..	Safata.
SU'A, L. .. ..	Lefaga ..	Aana Saute.
FUONO, S. .. ..	Falealupo ..	Vapuaiga.
MATAU .. ..	Sataua ..	Vaisigano.
FATAIU .. ..	" ..	"
VALASI .. ..	" ..	"
LEAUPEPE PERESIA .. ..	Faleasiu ..	Aana.
NIULEVAEA .. ..	Faleula ..	Sagaga.
VAOGA .. ..	Sataua ..	Vaisigano.
TAOGAGA .. ..	Faleula ..	Sagaga.
MAUUA, S. .. ..	Fusi ..	Tuamasaga Saute.
LAUMATIA, F. .. ..	Fausaga ..	"
MAUAVA, L. .. ..	" ..	"

	Village.	District.
TEO, A.	Tafitoala	Tuamasaga Saute.
TOLEAFOA ARORAE	Fausaga	"
FUATAGA	Lalomauga	Aleipata.
LUATUA	Saleimoa	Sagaga.
VAEA	Faleula	"
LAUPA	"	"
AUNAI	"	"
M. F. FIAME	Lotofaga	Atua i Matu.
SU'A P. SEFO	Salelavalu	Faasaleleaga.
SUAFO'A, V.	"	"
TAUGATAU	Samata	Salega.
AIUTA	Vaipua	"
MATAU, T.	Fogasavai'i	"
TUUMAUGA	Fogafau	"
SOE	Samataitai	"
TAPAAI, K.	Sagone	"
ATUALO	Fogatuli	"

O matou nei o le Komiti Faatonu ua tusia o matou lima e faamaoni lo matou loto malie i lenei Tusi ma ua matou vaaiia le tusiga o suafa o latou ua muamua.

FAUMUINA.  
TOFAONO.  
AINU'U.  
L. T. AFAMASAGA.

The following are the signatures of the Citizens' Committee, who hereby certify to the foregoing signatures and their agreement with this document.

O. F. NELSON, Chairman.

In the matter of the attached petition and translation.

I, MATAUTIA KARAUNA, of Apia, in the Territory of Western Samoa, clerk, do solemnly and sincerely declare as follows:—

1. I was official interpreter in the Samoan Customs Department for five years and in the Samoan Police Department for four years.

2. I have a good knowledge of the Samoan and of the English languages.

3. Attached hereto and marked with the letter "A" is a true and correct translation into the English language correctly setting forth the terms, meaning, and effect of the petition typewritten in the Samoan language, which petition is annexed hereto and marked with the letter "B," and I have compared such translation with such petition.

4. There is no provision in the laws of Western Samoa for the authorizing and qualifying of Samoan Native interpreters.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand entitled the Samoa Act, 1921.

T. K. MATAUTIA.

Declared at Apia, this 5th day of May, 1927, before me—

F. D. BAXTER,  
A solicitor of the Supreme Court of New Zealand.

In the matter of the attached petition and translation.

I, EDWIN WILLIAM GURR, of Apia, in the Territory of Western Samoa, accountant, do solemnly and sincerely declare as follows:—

1. I have resided in Samoa for over forty-two years and have a full knowledge of the Samoan and English languages.

2. I was for eight years official Samoan interpreter to the Governor of American Samoa.

3. I have compared the translation into the English language annexed hereto and marked "A" with the petition in the Samoan language annexed hereto and marked "B," and I am of the opinion that such translation is a true and correct translation into the English language correctly setting forth the terms, meaning, and effect of the said petition from the Samoan language.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand entitled the Samoa Act, 1921.

E. W. GURR.

Declared at Apia, this 5th day of May, 1927, before me—

F. D. BAXTER,  
A solicitor of the Supreme Court of New Zealand.

REPORT OF SECRETARY, DEPARTMENT OF EXTERNAL AFFAIRS, ON PETITION  
OF LAGAAIA AND 144 OTHERS.

Department of External Affairs,  
Wellington, N.Z., 28th July, 1927.

The Clerk, Joint Samoan Petition Inquiry Committee.

SIR,—

I am directed by the Hon. Minister of External Affairs to return herewith the petition of Lagaaia and 144 others, praying for amendment of certain features of the administration of Western Samoa, which petition was forwarded under cover of your letter of the 28th instant, and to forward to you my preliminary report thereon as follows:—

1. The rules of procedure in respect of petitions concerning inhabitants of mandated territories laid down by the Permanent Mandates Commission and adopted by the Council of the League of Nations provide—

(a) All petitions to the League of Nations by communities or sections of populations of mandated areas should be sent to the Secretariat of the League of Nations through the mandatory Government concerned; the latter should attach to these petitions such comments as it might think desirable.

(b) Any petitions from the inhabitants (of mandated areas) received by the Secretariat of the League of Nations through any channel other than the mandatory Government concerned should be returned to the signatories with the request that they should resubmit the petition in accordance with the procedure prescribed above.

2. It is considered advisable that in respect of petitions from Samoa to the New Zealand Parliament a similar procedure should be followed, and that such petitions should be forwarded through the Administrator, whose report would thereby be available to Parliament when the petition was presented.

3. The Department in New Zealand has not at present full material to enable it to report in detail on each of the matters complained of in the petition, and in any case the Department could not properly so report without prior communication with the Administrator and receipt of his comments.

4. Accompanying the petition are statutory declarations signed by Matautia Karauna (Samoan Native interpreter) and Edwin William Gurr (European interpreter and legal agent), declaring that—

“Attached hereto and marked with the letter ‘A’ is a true and correct translation into the English language, correctly setting forth the terms, meaning, and effect of the petition typewritten in the Samoan language, which petition is annexed hereto and marked with the letter ‘B,’ and I have compared such translation with such petition.”

5. In the English text one paragraph has been omitted. The paragraph which appears in the Samoan text but not in the English text reads—

“22. We wish to declare also that we thoroughly understand all we have said in this petition, and we are certain also that it expresses the true opinion of the majority of the Samoans.”

6. With respect to the matters mentioned in articles 5, 18, and 19 of the petition—

As to (5), the Department is satisfied that the Native petitioners have been misinformed, as they have never been refused the fullest and freest opportunity of representing any matter whatsoever, either in person or in writing, to the Administrator in Samoa, or in writing through the Administrator, in accordance with League of Nations procedure, to the New Zealand Government or the Minister of External Affairs.

As to (18), the Samoan text reads, “that was, the ‘fine mat’ of the Government.” The important words “of the Government” are omitted from the English text. The allegation or complaint of the petitioners is without meaning, as they admit that “the presentation by the Fono of Faipules to the New Zealand Government in the first month of the past year, that was, the ‘fine mat’ of the Government and other valuable articles of our country, we approve of whole-heartedly.” It is strictly in accordance with the most ancient and unfailing custom of the Samoan people that the orator, whoever he may be and whatever the occasion, should act as the “voice” in publicly expressing the sentiment, opinion, or wishes of his chief, his district, or his *fono*, as the case may be. Toelupe, who is alleged to have spoken without authority, is the leading orator of Samoa, and for many years past has been the official “voice” of the Fono of Faipules. Toelupe acted as the “voice” of the Fono when the Faipules met the New Zealand parliamentary party in 1920; also when the Fono of Faipules met the Hon. E. P. Lee, Minister of External Affairs, in 1921; also when the delegation of the Fono of Faipules visited New Zealand in 1924–25; also when the delegation from the Faipules and people of Samoa presented a loyal address to T.R.H. the Duke and Duchess of York in New Zealand this year; also when the Fono in December last discussed the present agitation (see page 42 of Mandate Report, under heading “Statement by the Fono of Faipules”). On each and all these occasions Toelupe acted as the “voice” of the Fono, in accordance with ancient Samoan usage and custom, without comment or without challenge.

As to (19), the statement that the Minister of External Affairs was due to arrive in Samoa in October was made without authority by Mr. Nelson, the chairman of the Citizens Committee, on his return from his visit to Wellington. The Minister of External Affairs at that time had given no indication of the date fixed for his first official visit to the Mandated Territory, other than the assurance he gave in the House of Representatives in Committee on the Samoa Bill on the 12th August last year that he would pay his first visit to Samoa before he met the House again this year.

The statement made and action taken by the Administrator with respect to the public meeting held on the 12th November, 1926, are fully dealt with in the annual Mandate Report for 1926-27, at pages 3-4 and 41-44.

The allegation respecting the refusal to receive in New Zealand a delegation from the Citizens Committee is not in accordance with the facts. The Minister of External Affairs stated that he was ready at any time to receive a European delegation with respect to European affairs, but he would not receive a Samoan delegation until he was assured that they were really representative of the Samoan race and that their views on Native Affairs were endorsed by the Fono of Faipules. Also the Minister informed them that he would shortly be visiting Samoa. One European member of the Citizens Committee, Mr. S. H. Meredith, did visit New Zealand in January, and the Minister of External Affairs was advised by the committee of his intended arrival. At no time during his stay in New Zealand did Mr. Meredith write to, or seek an interview with, the Minister.

Yours faithfully,  
J. D. GRAY, Secretary.

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REPORT OF ADMINISTRATOR OF WESTERN SAMOA ON PETITION OF LAGAAIA  
AND 144 OTHERS.

Department of External Affairs, Wellington, New Zealand, 1st September, 1927.

The Clerk, Joint Samoan Petition Inquiry Committee.

DEAR SIR,—

I am directed by the Hon. the Minister of External Affairs to forward for the information of your Committee a copy of the report of the Administrator of Samoa, dated Apia, Samoa, 4th August, together with enclosures referred to therein on the petition of Lagaaia and 144 others, praying for an amendment of certain features of the administration of Western Samoa. This report was received in a mail-bag delivered by the Post Office to this Department this morning.

Yours faithfully,  
J. D. GRAY, Secretary.

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MEMORANDUM FOR THE HON. THE MINISTER OF EXTERNAL AFFAIRS, WELLINGTON, N.Z.

Administration of Western Samoa, Apia, Samoa, 4th August, 1927.

I HAVE the honour to submit this my report on the petition to the New Zealand Government from the chiefs and orators of Western Samoa, dated 11th March, 1927.

It will be seen from the following comments on the various paragraphs that a number of the statements are inaccurate, while some of the matters petitioned for are established facts. I am therefore of the opinion that neither the author of the petition was familiar with the details of Native administration in this Territory nor were the persons who signed the document cognizant of its full meaning.

*Paragraph 4.*—Although this petition states, "We do not make this petition with any intention to deprecate the New Zealand Government, nor to deprecate any good work instituted for our welfare," some of the persons who signed the petition have consistently spread seditious propaganda amongst the Natives, deprecating New Zealand without just cause, and totally ignored the generosity of New Zealand towards the Natives of this country.

I attach herewith a copy of a letter sent from Apia to an out-district by one of the Natives who signed this petition, and which is typical of the propaganda being spread around these islands, and for which Mr. Nelson and his European colleagues, who have initiated and directed the movement which gave rise to this petition, must be held responsible.

*Paragraph 5.*—The facts concerning the refusal to permit certain Natives to go to New Zealand to speak as accredited representatives for the whole of the Samoan race are given in a separate report, attached.

The Natives concerned knew that they could appeal to the Secretary of the Department in charge of Native Affairs, or, if necessary, to me, if they considered themselves aggrieved, but they were obviously influenced not to do so by their European committee.

They had openly boasted that they were going to have a trip to New Zealand to interview the Government. It was known that these individuals were not appealing for the redress of any personal grievances, and that, if approval were given, it would establish the precedent that any section of Natives could disregard their own local authorities and proper representatives and constitute themselves, or be constituted by interested European residents, to speak direct to the New Zealand Government on behalf of the Native race.

I ascertained that the matters they wished to discuss they either did not understand or were for the most part imaginary grievances that had been created for them by the committee. Furthermore, it is, and always will be, vital to the maintenance of the authority of the Administrator and all Native officials of this Territory that the Natives should not be allowed to appeal to New Zealand until they have first placed their matters before the Administrator; that no written appeals from residents or

Natives should be considered by the Government in the absence of the administrator's report thereon ; and, in the case of delegations on Native matters, that these should not be received unless the Secretary for Native Affairs is also present.

For these reasons I took the action referred to in the attached report.

*Paragraph 6.*—With reference to the statement regarding “some laws made expressly for the Samoans, oppressing us to the point of slavery,” not one law has been quoted in support of this statement. It is absolutely untrue, and when I referred to it in a *fono* composed of Native chiefs and orators it caused laughter and ridicule.

It is true that laws have been made compelling Natives to clean villages, install sanitation, and increase their plantations ; but the Natives know too well that they are to-day deriving great benefit from these laws.

The following is a summary of the regulations made by the Fono of Faipule. Not one of these can be considered as either hard or even non-essential :—

- (1) The establishment of District Councils and Village and Women's Committees providing for the Natives to control their own affairs and to submit to higher authority their needs.
- (2) Cleaning villages.
- (3) Remodelling of villages. Merely an exhortation for this to be done under the guidance and assistance of the Administration.
- (4) Prohibition of the custom of burying their dead near *fales*, or in villages, and the establishing of village cemeteries.
- (5) Provision for holding agricultural shows in villages every year.
- (6) Annual holidays and celebrations—*i.e.*, King's Birthday, Flag-raising Day, &c.
- (7) Designs for making *fales*.
- (8) Provision for latrines in villages.
- (9) Destruction of rubbish.
- (10) Care of pigs, and fines for allowing pigs to wander in villages and plantations.
- (11) Payment for making new roads and tracks, and care of roads.
- (12) Refund to villages of three-fourths of the fines imposed by village officials for establishing village funds.
- (13) Making good copra.
- (14) Care of plantations.
- (15) Protection of water-supplies.
- (16) Land leased by Natives to missions to be returned to owners when no longer used by missions.
- (17) Prohibition on *aitagi* or death feasts, and burials to take place within twenty-four hours of death.
- (18) Prevention of cruelty to horses.
- (19) Regulations for traffic on roads.
- (20) Making of wills.
- (21) Division of bush land to persons without land.
- (22) The wrong use of names or titles prohibited.
- (23) Dog-taxes.
- (24) Fines for not attending a District Council meeting when called upon to do so.
- (25) Permission to be obtained from *pulenu'u* to hold *fonos* in villages.
- (26) Proper respect to be shown by youths to chiefs and orators.
- (27) Inquests in case of sudden deaths.
- (28) Care of burial-grounds.
- (29) Debts to traders not recoverable at law from Samoans, except contracts agreed upon and approved by Administration.
- (30) Instructions for planting coconuts, and restriction on use of green nuts.
- (31) Prohibition on *fa'a-Samoa* marriages, whereby a man could live with a woman for a period, then send her to her family and get another *fa'a-Samoa* wife, and accept no responsibility for children.
- (32) Payment of interest and sinking fund on loans for district pipe-line water-supply scheme. Each *matai* to pay an annual rate to cover that portion of the costs not borne by the Administration.
- (33) Natives absent from their villages for more than six months to have no control in village matters.
- (34) Natives from out-districts not to remain in Apia unless in employment, but to return to their own lands and work them.
- (35) Fines remitted to a village not to be paid back to *pulenu'us* but to be placed by the Secretary of Native Affairs in the bank, as a village fund.

*Paragraph 8.*—The reference to the Administrator's lack of knowledge, or wish to ignore the temper and true character of the Samoan, and that he has misinterpreted their obedience to laws and patience under heavy punishments to be approval of such laws, and has set aside time-honoured customs and privileges : It should be remembered that the Natives are directly administered by a Secretary of Native Affairs, who is not only responsible to the Administrator for his Department, but is also his adviser on Native matters, as well as being a Commissioner of the High Court for the administration of justice in purely Native offences.

Samoa during the past seven years has been extremely fortunate in having exceptionally good, highly qualified, and fine type of officials as Secretaries of Native Affairs. From 1921 up to May last

this position was filled by Mr. H. S. Griffin, a New-Zealander, who had previous to his joining the Administration served in Samoa for nineteen years with the London Missionary Society. He thoroughly understood the Natives, their customs, and their language; and, while he no doubt displeased some Natives whom he as Commissioner of the High Court had to punish for offences, I am confident that no officer ever carried out his duties more conscientiously and with more regard for the interests and welfare of the Native race than Mr. Griffin.

Since the death of Mr. Griffin, in May last, this position has been filled by the former Assistant Secretary of Native Affairs—viz., Rev. Mr. Lewis—who served as a chaplain with the Australian Forces during the war, and from 1920 to 1926 was a missionary in Samoa in charge of Piula College. He also understands the Natives and their language and customs, and is a just, firm, and sympathetic administrator.

It has been my good fortune to have the services and advice of these two experienced officials, whose former service as missionaries ensured that sympathetic attitude in dealing with Native questions.

In so far as I am personally concerned, I challenge any person to quote any act on the part of the Administration to disregard time-honoured customs and privileges in opposition to the wishes of the Natives. On the other hand, in all matters of Native administration, the policy I endeavour to carry out is to preserve good Samoan customs and to develop the Natives along lines best suited to their environment and social life.

*Paragraph 10.*—“These laws and punishments have been attributed to the Fono of Faipule,” &c. It is true that the regulations I have quoted have all been made by the Fono of Faipule, and it is a compliment to the Faipule that they have, in many cases, originated them as well as having intelligently discussed and agreed to all of them in their Fono; furthermore, have discussed and explained them to the Ali'i and Faipule in their own districts, from whom no objections have hitherto been raised so far as I know.

This paragraph is incompatible with the oft-expressed wish of the Samoan people to have power to control their own affairs, and to grant to their Faipules, who are all chiefs of high rank, increased recognition and powers, which was alleged to be one of the objects of the unrest and agitation during the regime of my predecessor.

The statement that “the Faipule were our own elected representatives in past Governments” is untrue. Faipules have never been elected, nor even selected by their people, under former Governments, but at my suggestion have during the past three years actually been nominated by the Ali'i and Faipule (chiefs and orators) of the districts they represent, a fact which the petition has ignored.

In the present stage of development of the Samoan people, selection of representatives is impossible. It is opposed to Samoan custom, which necessitates that full agreement should be arrived at in *fonos* in all matters before a decision is given.

The Natives have been accustomed to accept without demur the decision of the highest authority, and the placing of a modern democratic machine in the hands of a people so recently living in the Stone Age is fraught with danger to themselves. In my opinion it will be another generation before these people can be trusted to utilize the modern method of election without risk of dividing the people into opposing factions and thereby creating continuous unrest.

In support of my statement that Faipules have never been elected, or even selected, by the people under former Governments, I attach a translation of the original instructions issued by Dr. Solf when the Fono of Faipules was first instituted in 1905.

*Paragraph 11.*—It is not clear from this paragraph what time-honoured customs and privileges are referred to.

The only old custom that has been prohibited during recent years is the one concerning the use of fine mats, which have played such an important part in causing dissensions and troubles amongst the Natives in former days.

Four years ago the Faipules represented to the Administrator that the custom of fine-mat *malagas*—i.e., the travelling of large numbers of Natives from one village or district to another for the purpose of presenting fine mats at ceremonies, such as weddings, funerals, and accession to titles—were the cause of much trouble and shortage of food. Even wars had been caused by these ceremonies involving exchange of these heirlooms (fine mats) in former days, and much discontent was still caused by this custom. Large parties leaving their villages for comparatively long periods caused neglect of their own plantations, and impoverished the plantations of those villages the parties visited. The provision of European food for feasts led to heavy debts at the traders' stores, and, so far as the Faipules could see, there was not one good point in favour of the continuation of the custom.

As these Faipules represented every district, their views in this, as in all other Native matters, were carefully considered by the Administrator, who, however, made no regulation on the subject, but asked the Natives to agree to discontinue the custom for three years as a trial in order to see its effect.

The Administrator visited every district on three occasions since that agreement was made, and with the exception of about two districts received only approving comments from the chiefs themselves, who verified the opinions previously expressed by their Faipules.

At the last Faipule Fono it was unanimously agreed that the three-years experiment had been a great success, and that the comparative absence of Native troubles in Samoa was the result of that experiment; and the Faipules recommended a law to be made which, while placing no restriction on individuals using, selling, or presenting their fine mats as they wish, these useless and harmful fine-mat *malagas* should be absolutely prohibited. This decision was given with a full knowledge of the agitation by Mr. Nelson's committee to make the fine-mat question one of the complaints to put before the Government, a complaint which certainly did not originate from districts outside Apia.

*Paragraph 12.*—(a) I have referred to the present system of appointing Faipules, and to the fact that they were not “selected by districts in past days.”

(b) The functions of the Fono of Faipules are, and always have been, strictly confined to matters concerning the welfare of the Native race they represent.

(c) The meaning of this paragraph is not understood. The Faipules were originally appointed to represent their districts, to put matters concerning their districts before the then Governor, and to convey his instructions and wishes to their people. This is their position to-day.

(d) I have received no complaints whatever regarding Faipules interfering with Native officials in their districts, but I have urged them to see that Native officials do their duty, and in cases of serious neglect of duty to report to me.

(e) The only village official is a Pulenu'u (or Mayor). He is always selected by the Ali'i and Faipule of the village.

(f) There are no hereditary village councillors—in fact, there are no hereditary titles in Samoa. Titles are not bequeathed, but are given to a successor who is appointed by the family.

During my regime increased prestige has been given to the Ali'i and Faipule of villages by constituting them as Village Committee with powers to make village laws, and to select representatives on the District Council.

*Paragraph 13.*—The Faipule have no judicial powers and do not inflict punishments. All offences are dealt with in each district by the Fa'amasino (Judge).

*Paragraph 14.*—The answer to paragraph 14 is: All Native offences are dealt with by the High Court, which sits at Apia, Mulinu'u, Fagamalo, and such other places as may from time to time be fixed. The Chief Judge and a Judge of the High Court deal with all cases at Apia, save a few Chinese cases dealt with by Mr. Carter, a Commissioner of the High Court. Minor Native cases come before the Secretary of Native Affairs at Mulinu'u, the Secretary being a Commissioner of the High Court. Minor Savai'i cases are dealt with by the Resident Commissioner, Fagamalo (Savai'i), who is also a Commissioner of the High Court. The jurisdiction of a Commissioner is set out in Rule 112 of the Rules of the High Court.

There is only one Court in Samoa, and that is the High Court. The Court at Mulinu'u has been called the “Native Court” (now a misnomer), due no doubt to the fact that during the military occupation there were two Courts, a District Court and a Native Court, the latter being presided over by the man in charge of Native Affairs. The old name has thus been carried on, the High Court at Mulinu'u being looked on by Natives as a “Native Court,” which it is not.

All decisions of Commissioners are subject to appeal. See Rules 116 to 124, inclusive. Rule 116 provides, “With leave of a Judge of the High Court, any party to any proceedings, whether civil or criminal, before a Commissioner of the High Court may appeal from the judgment of the Commissioner to a Judge of the High Court.” Appeals can also be made to the Supreme Court of New Zealand (*vide* Samoa Act).

*Paragraph 15.*—I attach herewith a list of the punishments awarded under the Samoan Offenders Ordinance for the twelve months preceding the visit to Samoa of the Hon. Minister of External Affairs.

*Paragraph 16.*—The request in this paragraph for Native representatives in the Legislative Council has been previously made by the elected European members, but never by the Natives themselves, who have had the proposal put to them but have declined. Their desire is to have their own Fono to deal with their own affairs in their own way.

I concur in their view that the appointing of two Natives on the Council would be entirely inadequate to represent the Samoan race in this Territory, where the Natives consist of a number of political divisions and comprise 95 per cent. of the population, and that it would eventually lead to the abolition of the Fono of Faipules, in which every political district is now represented.

I am able to state with the utmost assurance that not even two Natives having the full confidence of the Samoan race to represent them could at the present time be found in this Territory with the ability to deliberate and discuss in English the matters brought before this Council. Native representatives under these conditions would be mere dummies, and would learn less and render less useful service to their country than in a purely Native Assembly.

*Paragraph 17.*—I attach copies of the Samoan Act and the Native Regulations, which also contains a precis of the various sections of the Act directly concerning the Natives, as evidence of the fact that the laws of Samoa are already printed in the Samoan language. Furthermore, all Ordinances passed by the Legislative Council are submitted to the Fono of Faipules in the first place if they concern the Natives. A precis of these Ordinances is circulated to Faipules as well as being published in the *Native Gazette*, the *Savali*. It is further proposed to publish in the Samoan language a precis of all the local Ordinances as an appendix to the Native Regulations.

The suggestion to print the annual estimates in Samoan cannot be carried out without increase of staff and expense, which is not justified in view of the fact that a precis of expenditure directly concerning the Natives is circulated to Faipules, who explain to their people the information they receive.

With reference to the loans made by New Zealand to help this Territory, the Natives do not understand Government finance, and their suspicions are easily aroused on money matters. I have endeavoured to ascertain the reason for this, and am informed that in the early days of the Samoan Government the Natives paid taxes and had reason to believe that their money was misappropriated by their leaders. During the German regime the unrest which resulted in the deportation of several chiefs to the Marianne Islands was partly due to some persons creating suspicion in the minds of the Natives as to the misuse of Government moneys.

Mission authorities here also experience difficulties in allaying suspicion on the part of their people regarding the use of Church funds.

It is well known that members of the European committee deliberately disturbed the Natives on this occasion by spreading information in their minds concerning the New Zealand loan of £100,000 made in 1921. Stories were spread around the islands by the Natives that Samoa was indebted to New Zealand for a very large sum of money, which they would never be able to repay, and therefore their lands would be confiscated by the New Zealand Government.

The European committee apparently took no steps to stop the circulation of this and other false information, which necessitated my issuing a circular showing how the money had been expended, and that the greater portion of it was interest-earning. Wherever I had an opportunity of explaining the matter to Natives they expressed entire satisfaction and gratitude to New Zealand for this loan.

The petition is incorrect in stating that details of this debt have not been published in Samoa. The Faipules were in December last supplied with details, which they have satisfactorily explained to their people.

*Paragraph 18.*—I am satisfied that the criticism regarding Toelupe's speech in New Zealand did not originate with any Samoan Native. The late Secretary of Native Affairs informed me, prior to the present unrest, that a European resident who afterwards took a prominent part in the committee had openly criticized to him this compliment paid by the Natives to New Zealand, and that he intended to make trouble about it.

*Paragraph 19.*—In October last year I was astonished to receive information that a public political meeting had been arranged for by Mr. Nelson, to be held in the Market Hall in Apia, at which Natives from different districts were being requested to attend and participate with the Europeans. I was requested by several chiefs to prevent the Natives from attending, but I did not do so, as I had no desire to prevent free speech, and considered that the Samoans were unlikely to agree to Native matters being dealt with by Europeans. It was apparent that the great majority of the Natives present at the meeting understood but very little of the proceedings, a report of which is attached.

After the first meeting the Natives were spreading stories that Mr. Nelson had returned from overseas with great power and influence; that he had seen the political leader of New Zealand; that he was displeased with many things in Samoa and had arranged for the Minister to come to this Territory, and that the Minister would stay with him at his home and not at Government House.

When it was known that the Minister was not coming until May, Mr. Nelson informed his supporters that he would send a delegation to New Zealand, which naturally excited the fortunate individuals selected to make this trip and to work hard for support to their movement.

The ridiculous and false statements circulated around the islands by Natives, purporting to emanate from the European committee, caused me to realize the danger of their propaganda, which was calculated to cause Native unrest, and at the second meeting I communicated with the chairman, expressing my disapproval.

The petition states that the Administrator "did not produce satisfactory reasons to call the meeting off." I merely refer to my annual report, in which a copy of that warning is published.

As to the resolutions that were passed, I am quite sure that every resolution was initiated by Mr. Nelson and his European colleagues, and not by the Native members of the committee, who were merely tools of the European committee, and expected to derive some benefit for themselves by following the committee's advice.

The statement that the Minister "would not receive the Samoan delegates unless their views coincided with those of the Fono of Faipule and Administrator" is untrue.

I took no exception to the Europeans going to New Zealand, because they truly represented the European community; but the Samoans nominated for this delegation were by no means accredited representatives of the Native race, for, in spite of the fact that they may have been formally appointed by those Natives who attended the meeting at Apia, they were really the nominees and mouthpieces of the European committee, and, judging from this petition alone, they would have misrepresented the matters they were intended to place before the Government.

A parallel situation would be created if the traders in an out-district of this Territory were to hold a combined meeting with local Natives, and decide to send a delegation of Samoans to the New Zealand Government without first submitting their matters to the Administrator, who could never hope to hold the respect of the Natives or administer their affairs satisfactorily under such circumstances. The statement that "the reports prepared by the committee are supported by a very large majority of Samoans and Europeans" is incorrect. In spite of the fact that Mr. Nelson has used his traders in out-districts to propagandize on his behalf, and employed his copra-launches to give Natives who supported the agitation free rides to Apia, it is only since, and chiefly as a result of, the demonstration of Natives organized by Mr. Nelson during the Hon. the Minister's visit in June last that the Native unrest has spread to any great extent.

*Re* the statement that "many chiefs and orators of Samoa have been banished for taking part in this movement," please see attached list, referred to under paragraph 15.

*Paragraph 21* states that "all those who have signed this petition are the properly appointed representatives of the villages and districts they represent." This statement is answered by the following analysis of the records of the signatories:—

*Summary of Notes in re Petitioners.*

*Status of Petitioners.*—Chiefs, 79; orators, 61; petitioners unauthoritatively using title of deceased persons, 4; non-chiefs, 1; non-Samoans, 2: total petitioners, 147. Total *Matais* in Samoa (census return), 2,985.

*Analysis of Ranks.*—NOTE.—High chiefs and orators are denoted as those who have a say in both village and district matters; medium ranks are those who have a say in village matters only; low ranks are those who have no say in either village or district matters.

Rank.	High.	Medium.	Low.
Chiefs .. .. .	46	15	18
Orators .. .. .	23	17	21
Totals .. .. .	69	32	39

Off-handedly, some 80 chiefs of high rank can be quoted as having *not* signed. This quotation is by no means complete.

Of the high-ranked petitioners, 12 are dismissed officials; 6 come under the influence or are blood relations of Nelson; 2 are dismissed pastors; 11 have been convicted of serious offences; 3 are recorded as semi-mental: total, 34.

Of the total petitioners, 19 are dismissed officials; 11 are known to have been previously convicted of serious offences; 23 are of known bad record amongst Samoans: total, 53.

Villages "covered" by petitioners, 71; total villages in Samoa, 212; Faipule districts "covered" by petitioners, 27; total Faipule districts in Samoa, 34.

In accordance with *fa'a-Samoa* custom all petitions or requests from villages or districts must be agreed upon by the whole of the Ali'i and Faipule of the village or district concerned. This petition, purporting to be from the Samoan people, does not comply with this established custom, and if referred back and explained to them would, I believe, result in further trouble and increase the friction that exists to-day between those who have been influenced to support Mr. Nelson and his party and those who are loyal to their own authorities and the Government.

Prior to October last, when Mr. Nelson called the combined meeting of Europeans and Natives previously referred to, most of those who have signed this petition had on several occasions attended *fonos* held by me, when they expressed themselves as in every way satisfied with their Government; therefore I am convinced that neither did the Samoans originate this petition, nor does it represent the views of the majority of the Natives, very few of whom know its contents. The petition contains nothing which could not have been satisfactorily dealt with by the Administrator had the matters been referred to him; but throughout this movement the Natives have been encouraged by Mr. Nelson and his committee to look to them for guidance and not put their matters before the Native Department, and so have created the situation which exists to-day, whereby a number of chiefs believe that Mr. Nelson will form another Government, which will bring them some personal gain.

I am not able to interview all those who signed this petition, but I have been reliably informed that in a number of cases the signatories thought they were merely signing a protest against the speech made by Toelupe referred to in paragraph 18.

GEO. S. RICHARDSON, Administrator.

Please see enclosures to memoranda of 22nd October and 19th November, 1926.

COPY OF A LETTER SENT FROM APIA TO AN OUT-DISTRICT BY ONE OF THE NATIVES.

[TRANSLATION.]

Vaimoso, 25/7/27.

To all heads of my family and Ma'opu of Tuiaana and all chiefs and orators in Saanapu: Greeting.

FORTUNE is with me, who is living in a strange village. Let us praise God for His love if it is the same with you all. I have to make this report to you. A wireless message of life and joy has been received as follows: Good fortune has favoured our movement (Mau) on the *malaga* of Taisi (Mr. Nelson), and advice has been received that very shortly the struggles will be over and the victory in your hands. The Mau is established; and it is further stated that our Governor is a sergeant, and should be sent home. Further, the Minister who came has apologized three times to Mr. Nelson, because a Court case between Taisi and the Minister is coming on. Further, it is reported that there will be no further banishments of Samoan chiefs or further imprisonments. The chief thing in the wireless message is that Samoa is to be cut off from the control of New Zealand. Mr. Nelson will return with the verdict as to which Government is to have control of our country, but New Zealand is finished with Samoa. This is absolutely true. The crown of victory is now within our grasp. I further wish to warn you: Do not let us be boastful or overbearing, but give thanks to God, who has given us the victory. Do not make this public, but keep it secret till we actually see our victory. Therefore to our village my appeal is, do not let us have any disputes over anything, but consider everything well lest our village slip back in its status. Let our district call a meeting, as it is now shown we have reached the land of Leape. Samoa has the victory. I shall not be further punished by the Governor. He has given up. I write this with joy to you. Let us serve our country. Do not be given over to vain boasting because of this story. Good luck to our village and the pastor. We are now staying in the house of Leleua Siavao.—Farewell.

S. ANAPU.

## MEMORANDUM FOR THE SECRETARY TO THE ADMINISTRATION.

Police and Prisons Department, 8th August, 1927.

*Refusal of Passports to Natives desiring to visit New Zealand.*

ON 13th December, 1926, I received an application from the following Samoan Natives to leave Samoa for New Zealand: Ainu'u, Faumuina, Tofaeno, Alipia, Tuisila, Lago Lago.

They gave as a reason for their application that they wished to travel to New Zealand as delegates of the Native committee to interview the Hon. Minister of External Affairs and lay before him certain complaints of Samoan Natives. They stated that they had been appointed at a public meeting held in Apia.

It is the policy to carefully question the details of any Samoan Native visiting European countries, and especially so in the case of those Samoans who have never been away from Samoa before. In answer to questions, they stated that the complete expenses of their journey would be paid by the Citizens Committee, and they wished to leave Samoa by the January, 1927, steamer, and they only expected to be away from Samoa for two months. They stated that the Hon. Minister of External Affairs had radioed that he would receive them, as described in Citizens Committee circular, O le Fono Tele a Samoa I Sisifo."

I pointed out to them that they apparently had been misinformed about the radio received. I had a translation made from the English to the Samoan language, which was read over to them. This was the first time that they had read the complete radio. (Please find attached English and Samoan copy.)

I pointed out that a journey to New Zealand for the reason stated would be useless unless the provisions of the radio were complied with. I asked if the Native committee, or any other representations, had been placed before His Excellency the Administrator. They replied that they had not; they wished to place them before the Hon. Minister himself. I pointed out that they must respect the Hon. Minister's orders on the subject, otherwise any journey to New Zealand would be useless and therefore unnecessary.

Further, I advised them that in the case of Faumuina and Ainu'u a banishment order against them was in force confining them to their villages until the 25th February, 1927, and until that had expired or been cancelled no passport could be issued; and in the case of Lago Lago no passport could be issued, because New Zealand Immigration Restriction Act provides that a person who has been convicted for a criminal offence punishable by one year's imprisonment would not be permitted to enter New Zealand until two years have elapsed since the completion of the term of imprisonment. Lago Lago had been convicted for theft of money, punishable by five years' imprisonment. He had been sentenced to one year's imprisonment, and the two-year interval does not expire until June, 1927. Also, that an inquiry was to be held in reference to the financial operations of the Tu'uafaatasi and Toeaina Trading Company, of which Lago Lago was a director. Lago!Lago would be required to give evidence.

In the case of Tofaeno, Tuisila, and Alipia, I advised them that not having shown that they had a reasonable object in visiting New Zealand, and their understanding of the communication from Hon. Minister was obviously misunderstood, a passport would be refused until such time as it could be shown that they would be received by the Minister in New Zealand.

It was indicated very clearly in the radio that the Minister would not consider any representation until he had personally investigated in consultation with the Administrator in Samoa.

I explained to the three last named that if they could show that they would be received in New Zealand by the Hon. the Minister, or they had any other reason in visiting New Zealand, then a passport would be issued. No further explanation was made by the applicants. They appeared to be very disappointed and left my office.

On the 24th December, 1926, I received the attached letters from Messrs. Wilson, Wynward, and Baxter, solicitors, Apia. A copy of my reply is attached hereto.

I have received no further application for passports from the persons mentioned since that time.

A. L. BRAISBY, Inspector of Police.

Police and Prisons Department, 29th December, 1926.

Wynward, Wilson, and Baxter, Barristers and Solicitors, Apia.

Re *Ainu'u, Tofaeno, Alipia, Tuisila, Lago Lago, Faumuina.*

GENTLEMEN,—

I beg to inform you that, in reference to your letter of 24th inst. herein, permits to leave Samoa will not be issued to above-mentioned until Hon. Minister of External Affairs, New Zealand, intimates, in accordance with his telegram, that he is ready to receive them.

Yours faithfully,

A. L. BRAISBY, Inspector of Police.

Apia, Samoa, 24th December, 1926.

The Inspector of Police, Apia, Western Samoa.

*Ainu'u.—Passport.*

DEAR SIR,—

We have been consulted by Ainuu regarding your refusal to issue to him a passport or permit to travel to New Zealand. In order to avoid mistakes and to enable us to advise our client properly, would you please favour us with a reference to the legal authority under which this passport has been refused.

We might mention that, according to our instructions, your refusal was based on an order issued under the Samoan Offenders Ordinance, 1923, but we feel sure that you have acted on legal authority other than this order.

Thanking you in anticipation,

Yours faithfully,

WYNYARD, WILSON, AND BAXTER :

F. D. BAXTER.

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Apia, Samoa, 24th December, 1926.

The Inspector of Police, Apia, Western Samoa.

*Faumwina.—Passport.*

DEAR SIR,—

We have been consulted by Faumuina regarding your refusal to issue him a passport or permit to travel to New Zealand. In order to avoid mistakes and to enable us to advise our client properly, would you please favour us with a reference to the legal authority under which this passport has been refused.

We might mention that, according to our instructions, your refusal was based on an order issued under the Samoan Offenders Ordinance, 1923, but we feel sure that you have acted on legal authority other than this order.

Thanking you in anticipation,

Yours faithfully,

WYNYARD, WILSON, AND BAXTER :

F. D. BAXTER.

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Apia, Samoa, 24th December, 1926.

The Inspector of Police, Apia, Western Samoa.

*Tofaeono.*

DEAR SIR,—

We have been consulted by Tofaeono regarding your refusal to issue to him a passport or permit to travel to New Zealand. In order to avoid mistakes and to enable us to advise our client properly, would you please favour us with a reference to the legal authority under which this passport has been refused.

Thanking you in anticipation,

Yours faithfully,

WYNYARD, WILSON, AND BAXTER :

F. D. BAXTER.

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Apia, Samoa, 24th December, 1926.

The Inspector of Police, Apia, Western Samoa.

*Lago Lago, otherwise known as Afamasaga.*

DEAR SIR,—

We have been consulted by Lago Lago regarding your refusal to issue to him a passport or permit to travel to New Zealand. In order to avoid mistakes and to enable us to advise our client properly, would you please favour us with a reference to the legal authority under which this passport has been refused.

Thanking you in anticipation,

Yours faithfully,

WYNYARD, WILSON, AND BAXTER :

F. D. BAXTER.

Apia, Samoa, 24th December, 1926.

The Inspector of Police, Apia, Western Samoa.

*Tuisila.*

DEAR SIR,—

We have been consulted by Tuisila regarding your refusal to issue to him a passport or permit to travel to New Zealand. In order to avoid mistakes and to enable us to advise our client properly, would you please favour us with a reference to the legal authority under which this passport has been refused?

Thanking you in anticipation,

Yours faithfully,

WYNYARD, WILSON, AND BAXTER :

F. D. BAXTER.

Apia, Samoa, 24th December, 1926.

The Inspector of Police, Apia, Western Samoa.

*Alipia.*

DEAR SIR,—

We have been consulted by Alipia regarding your refusal to issue to him a passport or permit to travel to New Zealand. In order to avoid mistakes and to enable us to advise our client properly, would you please favour us with a reference to the legal authority under which this passport has been refused.

Thanking you in anticipation,

Yours faithfully,

WYNYARD, WILSON AND BAXTER :

F. D. BAXTER.

COPY OF TELEGRAM FROM MINISTER OF EXTERNAL AFFAIRS.

YOUR telegram 13th November: I will be prepared to receive delegation in January, but I will not consider any representations with respect to Samoan affairs until they have been first submitted to His Excellency the Administrator for report, or until I have had an opportunity of personal investigation in consultation with His Excellency during my forthcoming visit. Any representations affecting Native affairs must similarly be submitted through the Fono of Faipule and Administrator.

ATA O LE TELEKALAFI.

O lau telekalafi o le aso 13 Novema. O le a mafai ona 'ou talia o nisi e ave'a ma Komiti i le masina o Ianuari ae 'ou te le mafai ona mafaufauina o se mataupu tau Samoa seiloga ua muamua ona faailoa ma ui mai i Lana Afioga le Kovana poo seiloga ua mafai ona 'ou matua Su'esu'e lava iai ma filifili faatasi ma Lana Afioga le Kovana i la'u malaga o loo i lumana'i noi. Oni mataupu tau tagata Samoa lava e faapea fo'i ona muamua i le Fono a Faipule ma le Kovana.

A PART OF DR. SOLF'S ADDRESS TO THE FONO OF FAIPULE WHICH WAS PUBLISHED IN THE "SAVALI" OF SEPTEMBER, 1905 (FIRST ISSUE OF "SAVALI").

There are twenty-seven new Faipules selected to make that Government; they are to stay in their districts and meet twice a year in Mulinu'u. They will each receive 500 marks per year—*i.e.*, a little over 10 dollars per month.

Their appointments will be made in accordance with the wish and the pleasure of the Governor. They will remain in their offices so long as they are of good conduct, but they will be dismissed and replaced with others if they are guilty of misconduct. I shall now announce the names of the first Faipules [Names left out of this copy] for all districts of Upolu and Savai'i. Those are the names of the newly appointed Faipules.

All Faipules will attend before me on Wednesday, 12th September, to be sworn in to office, and will receive their certificates.

The attached is a list of Samoans dealt with under the Samoan Offenders Ordinance for the period of twelve months preceding the Hon. Minister's visit to this Territory.

It will be noted that only seven were punished by "banishment"—or rather, "expulsion" (a better term)—from their village, and that all but two of these were so punished by request of the chiefs of the village concerned. In some cases those chiefs who made this request are now supporting the movement which presumes to object to the Samoan Offenders Ordinance, and have actually signed the petition now before Parliament.

Those seven persons referred to in footnotes as being ordered to remain in their villages can hardly be considered as cases of banishments. They were so dealt with for spreading propaganda, supplied by the European committee, to the effect that Samoa was indebted to New Zealand and that the Native lands would be taken in payment thereof, and other seditious statements.

It will thus be seen that a comparatively small number of cases are ordinarily dealt with under the Samoan Offenders Ordinance, and that nearly all of these are at the request of the Natives themselves, and even in such cases the offences are thoroughly inquired into.

## Return of Expulsion Orders issued under the Authority of the Samoan Offenders Ordinance, 1922.

Period 1st June, 1926, to 3rd June, 1927.

Name.	Date.	From	To	Distance.	Period.	Remarks.
Lui ..	20/8/26	Vaiusu ..	Lcauvaa ..	Miles. 5	His Excellency's pleasure	Disturbing the peace of district. Case brought at the request of District Council, of which several recent petitioners to New Zealand were members. Council constituted Board of Inquiry.
Mulu ..	20/9/26	Faga, Savai'i	Matautu, Savai'i	23	Ditto ..	Disturbing the peace of village. Case brought at the request of Alii and Faipule of village, also Mulu's wife. Order made on recommendation of Board of Inquiry. (Also theft.)
Savusa ..	31/12/26	Faleapuna..	Tuanai ..	20	.. ..	Endeavoured to usurp authority of the Government and Faipule. Order made on recommendation of Board of Inquiry.
Tialavea F.	29/12/26	Faleapuna..	Falefa ..	0½	.. ..	Same remarks as above case.
Ta'atiti ..	23/12/26	Nciafu ..	Sataua ..	5	.. ..	Disturbing the peace. Case at request of Alii and Faipule of village. Order made on recommendation of Board of Inquiry.
Lelafu ..	18/2/27	Falefa ..	Falcasiu ..	26	.. ..	This is a second order—disturbing the peace of district of Aleipata. First order—disturbing peace of village and family. Case brought by his village, some of whom signed recent petition to New Zealand. Order made on recommendation of Board of Inquiry.
Lesa ..	17/5/27	Papa ..	Lelepa ..	20	.. ..	Disturbing the peace of village and district. Case brought by District Council. Council constituted the Board of Inquiry.

Total number of Expulsion Orders, seven.

The following Samoans were ordered to remain in their home villages for a period of three months: AINU'U, PITU, TUILITUFUGA L., MATAU K. (all of Apia), FAUMUINA (Lepea) ALIPIA (Leulumoega), TUISILA (Mutiatele), ANAE (Iva). Total, 8.

The following Samoan was deprived of his title for endeavouring to usurp the authority of the Government and Faipule: TIALAVEA VEVESI, of Faleapuna, on 29th December, 1926.

## CONFIDENTIAL REPORT OF INSPECTOR A. L. BRAISBY.

## Public Meeting at Market Hall, Apia, 15th October, 1926.

Following the attached advertisement that appeared in *Samoa Times* of 8th October, 1926, a public meeting was held at the Market Hall on 15th October. The meeting commenced at 8 p.m. and concluded at 12.30 a.m. About 140 Europeans and half-castes were present and about 150 Samoan Natives. Chairman, Mr. O. F. Nelson, supported by Mr. Williams and Mr. G. E. L. Westbrook; acting-secretary and recorder, Mr. Pleasants.

Mr. O. F. Nelson addressed the meeting first, and explained that the meeting had been called in the first place to form a committee of citizens to consider representations to be made to Hon. Nosworthy, Minister of External Affairs, who was expected to visit Samoa in the near future. He had, however, been informed by central office that the visit had been definitely postponed, but the provisional committee had decided that the meeting should be held and a committee of Europeans and Samoans be formed to radio the Minister asking him to arrange to come to Samoa if possible, and if he was unable to visit, then the numerous subjects they wished to discuss with him could be outlined by the committee and mailed to the Minister.

It was obvious that the meeting had been well advertised among the Natives, as the number present was unusual for a meeting of this kind. Lago Lago appeared to be the leading spirit among the Samoans. The fact that a number of typewritten statements were produced during the evening indicates that the subject had been carefully arranged and the procedure understood. The Samoan gathering were principally from in and about Apia, with the exception of Tuisila, who is from Aleipata. A number of convicted criminals were among the party.

The first subject discussed by Mr. Nelson was—

Legislative Council: He claimed that there should be more elected members, and one of the elected members should be a Native elected by the people. Under the present conditions the elected members had no say in important matters, owing to the majority of the nominated members. Nothing should be passed or rejected unless the elected members totally agreed, and if the elected members did not agree, then the subject should be referred to the Minister; and especially should they have a say in expenditure.

Fono of Faipule: Faipule should be elected by Samoan people and not nominated. (Mr. Williams read from a statement.) Some of the Faipule were very old men who could barely sign their own names, and yet they were taken everywhere and asked to give opinions on such things as schools and hospitals, of which they have no knowledge. They use their influence and advice *re* banishment orders and loss of titles. The people have no confidence in them, but would have if they were elected. (Perrin asked how this was managed in Fiji. Mr. O. F. Nelson stated that, as far as he was able to gather, in Fiji, three persons were elected from each side of the group, and from the six, two were nominated by the Government.)

Revenue and Expenditure: Mr. A. G. Smyth read comparisons of revenue and expenditure between the year 1915-16 and 1925-26. He made a special point of Chinese and Medical Department.

Mr. O. F. Nelson asked the Samoans what they thought of it. Samoans replied that, if they were to understand, it should be translated into Samoan, the same as was done in Fiji. They could not understand borrowing money from New Zealand; if that was done, then Samoa would be in debt.

Mr. A. G. Smyth commented upon Chinese labour and overhead charges, and said they amounted to £2 each coolie per year. Repatriation charges on old Chinese who had been in the country sixteen years was still being paid. Public Works Department could not keep a proper accounting, or they would not spend so much. If P.W.D. was a private firm, they would soon be bankrupt with the system they had. He would like to see a good road around Upolu.

Mr. Kurt Meyer read a statement on plantations. (His English and speaking was so bad that much of it was not understood.) It appeared to be a history of bankrupt planters, overhead charges, roads leading to central group plantations, export-tax on cocoa, &c.

Mr. A. Cobcroft spoke of 4,000 acres of central group exporting so many tons of cocoa; export-tax. Nothing spent on central-group roads, and the consequent heavy cost of transport. Said the profits from Crown Estates plantations was £10,000 per annum, which should be spent for the general benefit of planting.

Mr. Williams read a long statement on Public Works Department, especially the wharf. Quoted unloading figures as supplied by stevedoring syndicate, showing that a wharf as proposed would not lighten cost of unloading. Said he had made inquiries as to what has been done about the wharf, but could not get satisfaction—too much secrecy about it—but understood that two piles were now necessary where previously it was only one. Considered that the expenditure of £1,000 on an Inspector's house at Savai'i was unwarranted. The luggage of Natives landing at Customs was subjected to close examination, and duty charged on all sorts of small articles; this was not done in the case of Europeans. Criticized the purchase of the Alcazar by the Administration at such a low cost, criticized the large building now being built for Engineering and Transport Department, which was quite unnecessary expenditure. Understand that it was now New Zealand Reparation Estates. That must be where the Crown Estates profits were going. Spoke of the sea-wall and how much it was costing. Said that the Medical Department was unsatisfactory, and quoted a case of a person who had to go to Pago Pago for an operation for appendicitis and the doctor there said that they had just come over in time. Thought it would be better if the C.M.O. was first-class surgeon. It would be better to import one, even if it cost £1,500 per annum. Now that the hookworm and yaws were cured, so much expenditure was unnecessary. Samoans said they all paid the same medical tax, and some of them living in Savai'i were many miles away from a doctor and medical supplies, and still paid the same tax.

Samoans handed in several typewritten pages of complaints. Lago Lago was the speaker for the Samoans. Mr. O. F. Nelson translated the subjects and read them out in the Samoan language. The subjects were various and especially complained of the taking of ancient Samoan titles. A case was quoted of a Samoan Native (O'sea) being sent to prison for life, when a European (Snodgrass) who committed the same offence, was quietly allowed to slip out of the country. Model villages were very nice, but they could not afford them.

Mr. Nelson when speaking direct to Lago Lago always addressed him as Afamasaga.

Mr. Williams: Samoan boys were sent to New Zealand for education, and when they returned it was found that they knew no more than the boys taught in Samoa.

Mr. Joe Stowers spoke of half-castes inheriting from their mothers. He was ruled out of order.

Prohibition: Mr. Nelson then spoke on the subject of prohibition; referred to newspaper reports that had appeared in *Samoa Times*. Mr. Williams read correspondence from the Administrator on the subject, also from Colonel Hutchen. Mr. Nelson discussed his interviews with the Prime Minister and others in New Zealand. Said that Europeans had the same right in Samoa to decide the question as they had in New Zealand. The law was not intended to operate as now. Then they could buy good liquor, but now they had to content with *fa'amafu*.

Mr. Cobcroft said that other mandated territories with the same law were not prohibited. If League of Nations checked out imports, did they check other territories on a European basis?

Mr. Nelson asked Mr. Butler, President L.D.S. Mission, to speak.

Mr. Butler said that he did not come to speak, he was a missionary (only one present). He was in favour of Europeans having a say in prohibition, but he was absolutely in favour of prohibition.

Samoans were asked by Mr. Nelson what they thought about it. They said that, as the Europeans brought the liquor to Samoa, in the same way that the Samoans should have a say about their ancient customs, so the Europeans should have the say about the liquor.

Mr. Nelson then addressed the meeting and suggested that a committee of Europeans and Samoans be formed and the various subjects be gone into and prepared, then to be submitted to the public for approval, and, if approved, to be mailed to the Minister. Fifteen European members were first suggested, then ten; then it was decided that the elected members of Legislative Council should act on the committee *ex officio*, and to make the total number ten; Samoan members to be six. European nominations were then received, and the following appointed: Messrs. A. G. Smyth, Baxter, A. Cobcroft, Sam Meredith, Kurt Meyer, I. Carruthers. Samoans elected: Faumuina, Tuisila, Leta'a P.F., and three others. It appeared that there was some doubt among the Samoans as to the procedure. Faumuina made a speech and the election went on.

The general conduct of the meeting was orderly. No opposition was made to any of the subjects. The programme had obviously been arranged in detail.

A. L. BRAISBY, Inspector of Police.

Administration of Western Samoa,  
Police and Prison Department, Apia, Samoa, 15th November, 1926.

MEMORANDUM FOR THE SECRETARY TO THE ADMINISTRATION.

Re Report of Inspector A. L. Braisby, in reference to a Public Meeting held at Market Hall, Apia, 12th November, 1926.

I RESPECTFULLY wish to render a report on the above meeting, which was a continuation of a public meeting held at Market Hall, Apia, 15th October, 1926, on which a previous report has been rendered.

The meeting commenced at 8 p.m., and concluded at 11.25 p.m. The following conveners of the original meeting occupied the platform: Hon. O. F. Nelson, M.L.C. (chairman); Hon. G. E. L. Westbrook, M.L.C.; Hon. A. Williams, M.L.C. The chairman was not appointed by the audience present.

By 8.30 p.m. there was a total of approximately 430 persons in the Hall, made up as follows: Europeans and half-castes, 104; European and half-caste females, 4; Native Samoans, male and female, 332: total, 430.

Please find list of names of Europeans attached hereto, marked "A." Of this number, approximately seventy-five were young Native boys and girls who had casually entered the hall.

Nelson, Hon. O. F., M.L.C. (chairman).	Easthope, R. Gabauer, H., sen.	Williams, Mfnu. Cross (tourist).	Olderhaver, jun. Hoefflich, Max.
Westbrook, G. E. L.	Herderson.	Hawk, C. V.	Brunt, F.
Williams, A.	Pleasants, R.	Craue.	Yallop, H. M.
Sapsford.	Menzies.	Reid, R.	Caine, J. T.
Rogers, R. J.	Burnett.	Adams, C.	Johnston, J.
Meacham.	McFall.	Mann, G.	Dean, C. C.
Allen, H.	Carter, R. J.	Tui, G.	Robertson, E.
Woodward, Judge.	Carter, jun.	Ulberg, P.	Johansson, B.
McKnight, Dr.	Butler, Elder, L.D.S.	Ulberg, O.	Gascoigne, J.
Ritchie, H. P.	Netzler, Gus.	Pearman, L.	King, A.
Watson, W.	Meredith, A.	Keil, Hans.	Kruse, F.
McFarlane, L.	Netzler.	Phillips, sen.	Ulberg, E.
Gurr, E. W.	Robinson, E.	Parsons, T.	Carruthers, I. H.
Smythe, A. G.	Netzler, J.	Godinet, F.	Fabricious, P. C.
Coberft, A.	Helg, F.	Godinet, L.	Allen, R.
Myer, K.	Kruse, R.	Godinet.	Sydall, H. A.
Baxter, F.	Swenke, Max.	McCarthy, A.	Hunken, K.
Meredith, S. H.	Botham, H.	Gardiner, C.	Williams, A.
Don, J.	Morrison (school).	Crichton.	Johnston, W. E.
Allen, T.	Kohlasse.	McKenzie, S. V.	
Newland.	Churchward, G.	Meredith, F.	<i>Ladies.</i>
Chisholm.	Alexander, A. R.	Felix.	Miss N. Caine.
Labban.	Christmas.	Klinkmueller, G.	Miss S. Jennings.
Anderson.	Burton, E. J.	Hall, C. E.	Mrs. Anderson.
Paul, E.	Halcrow.	Lober, jun.	Mrs. S. H. Meredith.
Mills, J.	Coe, R.	Meredith, P.	
Helg, J.	Bernard.	Olderhaver, sen.	European police on duty, 4.

Business was commenced by Hon. O. F. Nelson commencing to address the audience. This was interrupted by Hon. A. McCarthy, Acting-Secretary to the Administration, who notified the chairman and audience that he wished to say a few words before the meeting opened, and to read a message from His Excellency the Administrator.

Mr. McCarthy spoke to the audience, and said that it was His Excellency's wish that public officials take no active part in the meeting. Mr. McCarthy then read his Excellency's letter.

I regret to inform the people that, owing to the Natives being drawn into the recent political meeting, misunderstandings have occurred, and the Natives are unsettled on certain matters. Being Administrator of these islands and personally responsible for the peace, order, and good government of the country, I consider a serious error has been made in asking the Samoans to discuss politics which affect only the Europeans. Freedom of speech and honest criticism of the Government are not barred in any way; they are British privileges to which no exception can be taken. Unwarranted attacks, however, on the Faipules, the leaders of the Samoan race, cannot be passed over by me without it being misunderstood by the Natives. I wish certain persons to clearly understand that.

The effect of bringing the Natives into the European political arena is unwise and likely to cause trouble. It is a simple matter to upset a Native race which is composed of many factions, like the Samoan race, and I ask Europeans not to do it. If you persist, you are doing a thing unheard-of in the annals of colonial administration, and are almost certain to discredit the European community in the eyes of the outside world. The inevitable result must be to disturb the peace, order, and good government of the Territory. Every person knows what that means. I ask the Europeans to confine themselves to those matters which concern them, and to leave alone those matters which concern them not.

To the Natives, I wish to inform them that they have the fullest freedom to bring their complaints before the Government by the proper channels. I cannot, nor can the New Zealand Government, receive complaints from the Natives save those coming through their own properly constituted channels, such as the District Councils and Fono of Faipule.

Every Native can rest assured of the fullest hearing and the utmost consideration in any matter brought forward in the proper way. Chief and Taulealea are treated alike, and both have the same rights of redress for injuries as Europeans.

I ask the Natives to refrain further from co-operating with the Europeans in their agitation on certain matters which do not concern the Samoans.

I wish all people here to clearly understand that I do not approve of a political meeting which mixes Native politics with European politics, as its tendency must be to disturb the peace, order, and good government of the Natives.

The letter was then read over in Samoan language by Laupue, of Native Department.

Following the reading of the message there ensued a long silence, which indicated that this was an unexpected development, not anticipated. The three members on the platform held a discussion, which was followed by a speech by Mr. Nelson, which was in fact as follows: He regretted that the

letter had not come through elected members, but through a Government official. The question was whether the interest of Samoans were identical—that one depended on the other. Samoans had a right to know all there was to know about financial matters: this had never been discussed with them, and they were 95 per cent. of the population. No financial statement had been published in the Samoan language. His Excellency was his own Prime Minister. As Administrator he should not be criticized; as leader of Government political party he should. Was it not a fact that in other colonies Europeans dabbled in Native affairs. Quoted India, Fiji, New Zealand. Fiji has same status as Samoa, and they had Native members on the Council, who advised on all affairs with Europeans in connection with Fiji. Samoans have not free access to His Excellency; they find their way barred. They had been told that the laws were made for the future welfare of Samoans, but the laws were being enforced by intimidation. There were too many laws. Those laws that affected old Samoan customs should be repealed. The audience should decide if the meeting should be held. He approved.

Mr. R. J. Carter then spoke from the audience, and suggested that the members adjourn to discuss the matter.

Mr. Williams said the meeting was a citizens' meeting, and Samoans had as much right there as Europeans, as the matter for discussion affected Europeans and Samoans.

O. F. Nelson then asked, in English and Samoan, that someone propose that the meeting continue. None appeared to be willing to do so. A long pause followed, and it appeared that no proposer would be found.

Hon. Westbrook then proposed that the meeting continue.

Chief Faumuina then addressed the meeting in Samoan in reference to the message received from the Administrator, and advised them to think it over carefully, to obey the laws, but to follow Nelson's suggestion and talk about the financial affairs of the country, which are not known to the Samoans.

The chairman then asked for a seconder for the motion before the meeting, Mr. Williams seconded the motion.

One of Vaimoso, Asi of Vaimauga, Tagaloa of Anoanaa spoke, and said that the meeting should continue.

The motion as to whether the meeting should continue or not was then put before the meeting, and by a show of hands carried by one hundred for, six against. The remainder remained neutral.

The chairman then notified that the meeting would continue as arranged. When this statement was made a number of Europeans, including officials, and up to the present nominated candidates for election, left the hall.

The chairman then explained that at the last meeting a committee of Europeans and Samoans had been elected and a radio had been sent to the Minister asking him to visit Samoa during November. (Read the radio.) A reply had been received stating that the Minister may arrive in Samoa in May next. (Read the radio.) The chairman explained that the committee had gone into the various subjects brought forward at the last public meeting he regretted that the reports were so long that it would take a considerable time to read them through. There were still many things to be looked into, and probably other matter added. He suggested that when the reports were complete, they be posted in a public place, such as the post-office, so that they could be read by everybody, and the place made known by newspaper report. He said that the meeting would be asked to decide if delegates from the Europeans and Samoans were to be sent to New Zealand to lay the report of the committee before the Minister, and that the cost of the journey be paid by voluntary subscription. It was for the meeting to decide. If it was decided that the delegates were to go; they should leave Samoa not earlier than January, 1927, as reports would not be ready by next steamer, and December steamer would land them in New Zealand during the Christmas holidays.

Mr. A. Cobcroft, on behalf of the Planters' Association said that he had been instructed by the planters to say that they had no criticism to make in reference to the Government Native policy. They recognized the channel of the Fono of Faipules. They did not feel confident to advise on Native affairs. He had notified the committee to that effect. The planters would supply the committee with agricultural information as far as it affected the association.

The chairman then asked the meeting to decide if delegates were to be sent to New Zealand.

A number of Samoans then spoke and expressed their approval of sending delegates to New Zealand: Toomalatai (Jack Toa), Matautu, Apia; Tagaloa; Tipumaga, Leulumoega; Malu-ale, for Faleata; Mataia, for Faleata; Leutele, for Atua.

Europeans were asked to put a motion before the meeting. As none appeared to be forthcoming, the chairman asked if the Europeans would discuss the matter. Finally Mr. A. G. Smyth proposed that a European delegate be sent to New Zealand, providing that the cost was forthcoming. This was seconded by S. H. Meredith. Motion put and carried unanimously. The chairman then suggested that a telegram be sent to the Minister asking if he would receive the delegates by January steamer. Mr. Chisholm proposed that a telegram be sent; seconded by Mr. Baxter. Same motion proposed by Papali'i-Ulu, Apia; seconded by One of Vaimoso. Motion put to meeting and carried unanimously.

The chairman then suggested that the meeting leave it to the committee to decide who should be the delegates, or the meeting could elect the delegates. He mentioned that the result of the election would be shortly known, and perhaps it would be better to leave it to the committee. Mr. Chisholm proposed that the matter as to who the delegates should be left in the hands of the committee. Mr. E. Paul second the motion. Motion put and carried unanimously.

The chairman then announced that cash contributions towards cost of delegates would be received. Moneys were then paid in, Karauna Matau acting as secretary. Mr. A. G. Smyth acted as treasurer. It was announced that £3 2s. had been received, being £3 from Solo Solo and 2s. from Mulifanua.

The subject of the reports of the committee was then raised by Mr. Chisholm. He suggested that, as they were not complete, perhaps the chairman would read out those parts that were complete. Apparently, Mr. Chisholm's request was misunderstood, as the chairman had the reports read as they stood, and in order of—

History of Legislative Council from Constitution Order, 1920, to present time. Comparison, Samoa—Fiji. Read by O. F. Nelson.

Report on Medical Department. Read by A. Williams. This covered all branches of Medical and Public Health Department. Efficiency and expenditure. Also covered report of Native committee.

Revenue and expenditure. Read by Mr. Gurr. The report consisted mainly of a comparison between Native taxation per population, Samoa, Fiji, Tonga. He assured the meeting that the figures he was quoting were correct in detail. Read over in Samoan language.

Either the meaning of Mr. Chisholm's request was misunderstood or ignored, as no mention was made as to which part of the report was incomplete.

By this time the majority of the Europeans had left the hall, about fifty half-castes remaining.

At the conclusion Mr. Gurr commented on the able manner that Mr. Nelson had composed his speech in reply to His Excellency's letter. He called for three cheers for Mr. Nelson. This terminated the meeting.

The conduct of the meeting was orderly. There being no discussions from the audience, there was consequently no arguments. It was obvious that the material of the political discussion was an unknown quality with 75 per cent. of the audience. All suggestions came from the platform.

1. Commenting upon distinctive features of the meeting, it was noticed that what may be considered to be the O. F. Nelson factor of the audience were placed on both ends of the hall. On one flank was Lago Lago, with his Samoan committee support; on the other flank was Lealofi, Tamaseu P.N., Messrs. Burnett, Kruse, Kohlasse, Atoa P., &c. As O. F. Nelson tapped the table with his hand, the walking-stick of Lago Lago rapped on the floor at one end, and Atoa at the other, and so the applause was developed.

2. It was noted that among the audience was the majority of O. F. Nelson and Co.'s employees. A big proportion of boatmen, wharf workers, taxi-drivers, persons against whom banishment orders have been made, convicted criminals who have served terms of imprisonment were present.

3. No Samoan parties from west of Leulumoega were there; none from Malie or Faleula; no parties from east of Falefa; none from Aleipata (with the exception of Tuisila; none from south side of island; none from Savai'i or Manono. The Samoan audience may be considered to have been not representative.

4. Only one European missionary was present—viz., president Latter-day Saints (Mormon), and he arrived late.

5. No executive official of the trading firm of Burns, Philp, and Co., Ltd., was present.

I attach hereto verbatim notes in the main, taken by Mr. E. T. Allen, Customs Department, as shorthand practice, marked "C."

A. L. BRAISBY, Inspector Police and Prisons.

PUBLIC MEETING OF CITIZENS HELD IN THE APIA MARKET HALL, 12TH NOVEMBER, 1926.

(Chairman, Hon. O. F. Nelson, M.L.C.)

*The Chairman:* In the last public meeting we—

*Mr. McCarthy:* Mr. Chairman, might I interrupt for one moment. I crave the attention of the meeting for a few minutes. I have been directed by His Excellency the Administrator to address you for a few moments and hand in a letter for the chairman from His Excellency, and I wish to address a few words to the public servants to save complications. [Letter handed by Mr. McCarthy to chairman.]

*The Chairman:* The meeting has been interrupted by Mr. McCarthy, acting in accordance with instructions from His Excellency the Administrator. This is the letter addressed to the chairman:—

DEAR SIR,—

I have asked Mr. McCarthy, the Acting-Secretary, to attend this meeting and read to it a letter. This letter will also be read by a Samoan interpreter. You will please have this letter read before the meeting takes place.

Yours, &c.,  
ADMINISTRATOR.

I do not think there should be any objection to this letter being read, so will ask Mr. McCarthy to proceed.

*Mr. McCarthy:* Before reading this letter I wish to point out to all public servants that they are not allowed to take any active part in this meeting. [Letter from His Excellency read.]

*The Chairman:* A message has been received from His Excellency the Administrator, and I, as chairman of this meeting, feel it necessary that we have to consider this message. In countries where they have a certain amount of self-government such a message would have come through the people's elected representative. Our status does not permit of this, and it comes through a Government official. We have heard the message from His Excellency exhorting Europeans to refrain from mixing in politics that concern Samoans. The same exhortation is also given to Samoans to keep away from politics that appertain to Europeans. The question for this meeting to decide is whether the interests of the Samoans and the Europeans can be separated, or are they identical.

His Excellency states that there are various matters in which the Samoans have no business, and likewise that the Europeans should not interfere in Samoan affairs. It is difficult to see where the sphere of Samoans and Europeans end. If we speak about financial matters, have not the Samoans the right to know about financial matters, as they represent 95 per cent. of the population? Has a statement of the country's finances ever been published in Samoa? We have to consider the fact that His Excellency the Administrator is his own leader of Parliament and Speaker of the House. In other countries of higher status than ours these positions are not held in the same person. Consequently the Government may be easily criticized. We have not reached that status. To-day we have in the person of His Excellency the Prime Minister and leader of Government. As the representative of His Majesty he is supreme; as leader of the Government he is open to criticism. We are told that no Europeans have dabbled in Native politics in other British colonies. Indians and Fijians are in the Legislative Council in Fiji, consequently they legislate and deliberate on matters that are the welfare of the Territory as a whole. In New Zealand the same thing happens. New Zealand is a self-governing Dominion, and we do not wish to compare ourselves in any way with New Zealand. Fiji is not; it is a Crown colony, with the same status as ourselves. Fijians and Indians are in politics there. In India it is just the same. So I say that in other countries where there is a Crown colony with Natives they certainly legislate and deliberate with Europeans in matters appertaining to politics. We are told that there are certain proper channels through which the Samoans can lodge their complaints. I know, to the contrary, of Samoans who have tried to reach His Excellency and have been afraid to do so, because these channels have been barred. When New Zealand accepted the mandate of Western Samoa she accepted a solemn obligation to see that the Native inhabitants received impartial justice and free treatment. The old settlers in Samoa, and particularly the British, who have spent practically their lives here, have the interests of the Samoans and Samoa as a whole at heart, and therefore how can they be separated? [Notes incomplete.] In every British country there are all sorts of Courts of Appeal, and finally the Privy Council to appeal to. Have the Samoans been told that they may go to a higher Court than His Excellency? Have they? I say, No. Indeed, as to the politics belonging to the Europeans and those which belong to the Samoans, I say, which belong to which? Whose interests are finances? Do they belong to the Europeans? I say, No. The Samoans are the largest taxpayers. When we talk of the Legislative Council, who deliberate and legislate on the Territory's finances, should they have the power to legislate for the Samoans, who have 95 per cent. of the population? I say, No. Everywhere we move the two interests mingle, yet I say that His Excellency has adopted the policy of causing dissension between Samoan and European, and has tried to discredit the trader in the eyes of the Native. Have we not been told from the house-tops that all laws are made for the future welfare and development of the Samoans? In what way can they be led to advancement and self-help? By intimidation? I say, No. Is not His Excellency open to criticism? As the Administrator and His Majesty's representative, I say No; as Prime Minister, I say that he is open to criticism, and the Samoans have a right to criticize. Are we going to submit to intimidation? The British flag was not made for that. The Samoans have always been a free people, and a free people they shall remain. They certainly should be allowed to state any grievances they may have. It is up to you, gentlemen, to decide as to how the actions of the Administrator as leader of this Government are to be taken. The matter before the meeting, gentlemen, is how far we are to take the message from His Excellency the Governor. As I have already stated before, as Administrator we have not the right to resist his orders, but I contend that as Prime Minister and leader of the House we have the right to criticize even his speech from the throne. Would any one—

*Mr. Carter* : As the meeting has not yet opened, I am entitled to speak. Would it not be possible, in the face of that letter from His Excellency the Administrator, for the gentlemen who are responsible for convening this meeting to adjourn for about a quarter of an hour and then come back with their decision. I feel that the letter is a serious one, and should have the consideration of those who are responsible for calling the meeting.

*The Chairman* : This meeting is out of the hands of the original conveners. It is simply a continuation of the first meeting for the purpose of reporting on the actions and reports that the committee then elected were asked to make as a further step to achieving those aims and advantages for which the first meeting was called. The meeting is in the hands of the citizens present, Samoan and Europeans, as to what steps should be taken in regard to this letter from His Excellency the Administrator. As far as I am concerned this meeting may proceed, but not without the consent of the rest of the meeting.

*Mr. Carter* : The meeting has not yet been opened.

*The Chairman* : The meeting has already been opened, and if we went out and deliberated for three hours it would still remain in the hands of the citizens present as to what steps be taken in regard to this letter from His Excellency the Administrator. If I inferred otherwise it must have been a grammatical error. As far as I am concerned the meeting may proceed, but not without the consent of the rest of the meeting.

*Hon. Williams* : This meeting was called as a citizens' meeting, and as a citizen I think that the Samoans have just as much right here as the Europeans. We are here to-night not to discuss matters affecting the rights of the Europeans or the Samoans, but affecting the whole community. I fail to see where this meeting is out of order.

*Hon. Westbrook* : I would like to propose that the meeting go on. We must obey the Administrator, but have the right to criticize the Prime Minister, as he has criticized us Europeans.

*Chief Faumuina* : Europeans and Samoans, we have heard to-night the message from His Excellency, and I exhort all here not to take lightly this message, for he is the representative of the Mandatory Power and the King, and as Governor we should obey him. This is only a continuation

of last meeting. We must regard the Governor as the father of us all and obey him. But he should look after his children, and we know that sometimes we cannot get access to our father. I exhort you to obey our father; but if there is anything we regard as being wrong we must complain to him, and if that door is closed, we may complain to New Zealand. As mentioned by Mr. Nelson, we would all like to hear more about financial matters. It is quite right for us to pay our taxes, but we should like to know more about the financial problems of our country, and these matters have never been disclosed to the 95 per cent. of this country's population.

*The Chairman*: The motion before the meeting is whether the meeting be carried on, or shall it be closed.

*Hon. Williams*: I second the motion that the meeting be carried on.

*The Chairman*: It has been proposed and seconded that we proceed to further business. Any amendment?

*Une*, of Vaimoso: You have heard the remarks of the previous speakers, and also the letter from His Excellency the Administrator. It is incumbent upon each of us to weigh up the pros and cons of his letter and to consider whether we continue the meeting. The only thing that the previous speakers have done is to exhort the people not to break the law, and, as we are in no way breaking the law, I propose on behalf of those I represent that the meeting be continued.

*Asi*, of Vaimauga: This is a wonderful meeting. I see around me all sorts of people. It reminds me of a palace of many colours. It is a great advance for the Samoans that they can come to these Fonos and hear about things affecting them that have been kept from them before. As far as my district is concerned, proceed; but always remember that we must abide by and keep within the law in every shape and form.

*Tagaloa*, of Anoaana: The text of my subject shall be divided into, firstly, three big subjects—God, the Governor, and the Government; the second small subject is our grievances. We have heard the letter from the Governor, and I also exhort the people to obey the law; but hold the meeting.

*The Chairman*: Is there nothing further from the meeting? We will hold a vote to open the meeting. Those who agree with the further proceeding of the meeting, hold up hands in the usual way. There are over one hundred for proceeding with the meeting and about six against it, so the original motion is carried. We shall proceed with the meeting.

*Interjection*: Kick them out.

*The Chairman*: Enough of that, now. The last meeting decided on two things: (1) The election of a committee, and the same committee were to convey to the Minister of External Affairs an expression of regret from the citizens of this territory at the postponement of his visit. This has been done in the following manner: "Representative meeting Samoans and Europeans regret postponement of your visit. Respectfully urge that you arrange to visit Samoa November." No reply was received for eleven days. On the 26th—ten days after—the committee met and decided that a further telegraphic message be sent to the Minister of External Affairs, begging for a reply, as follows: "Anxiously awaiting reply telegram 16th October." Both telegrams were sent through His Excellency the Administrator, with a covering letter. The first telegram was sent promptly; the second has not been sent, for reasons I will explain. On the 23rd a letter was sent to the Minister of External Affairs formally confirming the telegram, pleading its urgency, and the feeling with the plea. On the 27th October a letter was received from the Assistant Secretary, enclosing copy of telegram received from the Minister of External Affairs on the 19th (eight days before), as follows: "Reference your telegram 16th October, while regretting quite impossible to meet citizens November look forward with pleasure to meeting your citizens May." (2) Meeting of the European and Native Committees were to be held to make up reports. The European and Native meetings were held separately, but elected members were present at both. The report of the sub-committee on agriculture was submitted to the general committee and confirmed. It was further resolved that a deputation of representative members be sent to Wellington to present reports, expenses to be met by voluntary contributions.

*Mr. A. Cobcroft*: Mr. Chairman and gentlemen, at a meeting of the Planters' Association to discuss these various points, while confirming the election of Mr. Meyer and myself to prepare a report on agricultural matters, wish it to be distinctly understood that it will not criticize the Government's Native policy. We feel that the Natives have the Fono of Faipule to express them, and that as planters we are not sufficiently conversant with Native affairs to criticize the Government's policy.

*The Chairman*: I should have told you that the planters have put in their report to the general committee, and then retired from the committee, in order that all the reports can be supported unanimously. The question now to decide is whether the reports be sent forward or taken up by a deputation.

*Too'malatai*, Matautu (for Vaimauga): I wish to give my opinion on the subject in regard to the presentation of the reports to the Minister of External Affairs. I agree that May is a long time away, and we may all be dead by that time. I say on behalf of our district that we shall share in the expense of sending a delegation with the reports to Wellington.

*Tagaloa* in general terms supports Too, and states that their district will also contribute to the expense, and wish to record their confidence in the committee.

*Tipumaga* (Leulumoega) speaks in the same tone about the delegation and they will support it with their confidence and their cash.

*Mahu Ale* (for Faleata) supports same motion.

*Mataia* (for same district) likewise.

*The Chairman*: Is there any word from the European side in support or objection?

*Leutele* (for Atua, particularly Fonoti): We agree that the matter be taken up urgently. Do not leave it until May. It is too far ahead. Proceed.

*Mr. A. G. Smyth*: I wish to confirm this motion, and would also propose that the Government be asked to send their best interpreter in order that everything be brought up clearly.

*Mr. S. H. Meredith* : I second the motion.

*The Chairman* : We will now leave it to the vote.

Motion put, and carried unanimously.

*The Chairman* : Another matter which shall need to be decided upon to-night is that a telegram be sent to the Minister of External Affairs that it is the wish of this meeting that a delegation be sent to report these matters. I think that January steamer is the earliest that could be done. Therefore I should suggest to the meeting that the committee be empowered to send a telegram to the Minister of External Affairs asking him if he will receive this deputation by the January boat.

*Mr. G. Chisholm* : I propose that a telegram be forwarded to the Minister of External Affairs that a delegation be sent up in the month of January.

*Mr. F. D. Baxter* : I second the motion.

*Papalii* (Ulumalautea, Apia) also proposed the motion.

*Une*, of Vaimoso also seconded the motion.

Motion put and carried unanimously.

*The Chairman* : The next matter is whether this meeting shall leave it to the committee to decide who shall go, or elect now who shall go.

——— (Native) proposed that it be left to the committee.

——— (Native) seconded the motion.

*Mr. G. Chisholm* : I propose that it be left in the hands of the committee.

*Mr. E. Paul* : I second the motion.

Motion put, and carried unanimously.

*The Chairman* : It has been decided unanimously that it be left to the committee to decide who shall be the member of the delegation to be sent to Wellington, and the only thing now left is for the offertory to be taken up.

*Hon. Williams* : The reports have been drawn up by the committees and are now nearly finished. Some are very lengthy, and we shall be here until daylight if they are all read out. I shall propose that the reports be not read, but be put up in some conspicuous place for all to read.

*Tufuau*, of Solosolo : Before going any further, we of Solosolo wish to support the motions passed, and wish to give our contributions to the trip away, right now.

*Chief Faumuina* expressed the thanks of the committee to the meeting for the confidence placed in them, that the matter be left in the hands of the committee as to who are to be sent as delegates to New Zealand. He assured them that the committee was working not for themselves, but for the good of all, and further exhorted them to carry on the traditions of Samoans as a law-abiding race.

*The Chairman* : We cannot resist thanking the other side for the cash contributed. Mr. Smyth has consented to act as treasurer, and Karauna Matau will act as secretary. We might consider the subject of these reports, and we shall continue with the meeting while the contributions go on. Is it your wish, gentlemen, that the matter of these reports, which are not quite finished, be left to another general meeting, or left to the committee to finish, and it be advertised in the paper that they be placed in a conspicuous place where they can be read. The matter before the meeting is whether the reports be finished and presented at a later meeting, or open for inspection by any member of the public at a later date, or whether parts of the reports be read to-night.

*Mr. F. Wilson* : I suggest that part of the reports be read to-night.

*Mr. G. Chisholm* : I second the motion.

Motion put and carried.

Report on Legislative system read by chairman. Briefly,—

1. Formation of Legislative Council, with nominated members, 1920.
2. Provision in 1923 for three elected members, and elections.
3. Impotency of elected members under present conditions with Government majority in Council.
4. Compared Samoan Legislative Council unfavourably with that of Fiji. Fiji equal number of elected and official members, with appeal to Colonial Office if elected members voted *en bloc*.
5. Faipules a nominated and not an elective body.

Reports on Medical Department read by Hon. Williams. Briefly,—

1. The C.M.O. should be an efficient surgeon and physician.
2. Both Samoans and Europeans have no confidence in Medical Department—go to Pago Pago for operations. Tutuila smaller place than Western Samoa, yet can get good medical officers.
3. Want a Department that inspires confidence, and not one that brings ridicule on the Territory.
4. Private practitioners needed. Formerly four private doctors did well. At present no competition or incentive to doctors to do their work well.
5. Native community dissatisfied with doctors. Especially since enforcement of medical tax, they have been lax and careless in treatment of patients.
6. Proper encouragement should be given to Native medical practitioners.
7. Lift medical tax. Districts with no facilities for attention still have to pay same tax.
8. White nurses—Samoa, nine ; Fiji, six ; Tonga, one. Term of their engagement should be extended from eighteen months to three years. In 1924 144 in-patients at Hospital—sixteen per nurse per annum.
9. Two Sanitary Inspectors Samoa—one at £500 per annum ; one at £380 per annum. In Fiji only one at £250. Senior Sanitary Inspector Samoa, £500 per annum and free motor-cycle. Responsible official like Postmaster and in charge of Savings-bank deposits, £515 and no allowances.
10. Secretary Hospital, £310 and free conveyance. Positions such as these could easily be filled locally, cheaper.

Native Committee Report also read by Hon. Williams. Briefly,—

1. Efficient doctors required.
2. Medical tax should be abolished.
3. Private doctors should be encouraged to carry on.
4. Samoans who have had training be sent away to New Zealand or Australia to complete studies and qualify.

*The Chairman* : You have heard these reports ; we will now read the financial report.

Financial report, with statistics and comparisons between Samoa, Fiji, and Tonga, read by Mr. E. W. Gurr, after which meeting to be closed.

Writer left as these were being translated into Samoan.

The foregoing report on the citizens' meeting held at the Market Hall on the 12th November, 1926, was taken down by the writer (E. T. Allen) as practice in shorthand, and may be taken for what it is worth.

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## SUPPLEMENTARY REPORT OF ADMINISTRATOR OF WESTERN SAMOA ON PETITION OF LAGAAIA AND 144 OTHERS.

Office of the Minister of External Affairs, Wellington, 6th September, 1927.

The Clerk, Joint Samoan Petition Inquiry Committee, Parliament Buildings, Wellington.

DEAR SIR,—

I am directed by the Hon. the Minister of External Affairs to forward to you, for the information of your Committee, the following radiogram, dated Apia, 5th September, from the Administrator of Samoa :—

(Begins) Add to my report on Petition: Native officials of Savai'i report that they are confident that the petition was signed by many who did not know what they were signing, and that it was signed before the Minister's visit (Ends).

Yours faithfully,

J. D. GRAY, Secretary.

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## APPENDIX II:

Apia, Samoa, 28th October, 1927.

The Secretary, the Royal Commission on Samoan Affairs, Apia.

DEAR SIR,—

I beg to forward you herewith " Specific Complaints " against the Administration of Western Samoa, delivered in accordance with the undertaking given.

Yours faithfully,

F. D. BAXTER, Counsel for the Mau.

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### SPECIFIC COMPLAINTS.

#### *Government Interference in the Copra Trade.*

THAT the Administration of Western Samoa and/or the New Zealand Reparation Estates for and on behalf of the said Administration, without reasonable justification or due inquiry, has entered into competition with established copra-merchants in Western Samoa in respect of the copra trade in a manner likely to seriously and prejudicially affect the business interests of such copra-merchants.

#### *Legislative Council.*

1. That, to the prejudice of the interests of the Territory of Western Samoa and of the inhabitants thereof, the constitution of the Legislative Council of Western Samoa does not provide for the expression of Native Samoan opinions, thoughts, or ideas at the deliberations of that Council.

2. That the Legislative Council as it now functions does not allow of the effective expression of other than official opinions, ideas, and policies.

#### *Medical Department.*

No charge.

#### *Finance.*

1. That the rate of annual general expenditure for the Territory of Western Samoa is too high for the annual general revenue thereof.

2. That the annual cost in the Territory of Western Samoa for public works and services is too high for the nature, quality, and extent of such works and services.

3. That there is no proper or satisfactory control of the public funds of the Territory of Western Samoa.

1. That the administration of Native affairs in the Territory of Western Samoa has been tactless and unwise, in that insufficient regard has been taken of Native social and political systems, and of Native customs, beliefs, and wishes.

2. That the Administrator of Western Samoa has exceeded his authority in that he has approved of or assented to regulations purporting to have been passed by the Fono of Faipules, and, in particular, regulations affecting—

- (1) Division of Native lands to provide for individual ownership.
- (2) Making of wills.
- (3) Succession of titles of chiefs.
- (4) Registration of births and deaths.
- (5) Burials.
- (6) Limitation of days for Native games, such as cricket and football.
- (7) Prohibition on contracting debts with traders.
- (8) *Fa'a-Samoa* marriages.
- (9) Restriction on young men and girls leaving their districts to reside in or near the Town of Apia.
- (10) Care of animals.
- (11) Duties of District Councils and Village Committees.

3. That all Faipules are not qualified in accordance with existing Native usage and custom to represent their districts, for the reasons that they have not been selected according to Native custom and/or that they have received appointments for unlimited periods.

4. That the said Faipules do not hold the confidence of the Native Samoans, for the reasons that—

- (a) They hold office during the pleasure of the Administrator, and not of their districts.
- (b) They do not faithfully convey to the Administrator of Western Samoa the complaints, desires, and wishes of their districts or of the individual inhabitants thereof, and/or do not duly advise their districts and the individual inhabitants of the decisions of the said Administrator and of the Fono of Faipules.

5. That under the provisions of the Native Regulations (Samoa) Order, 1925, the Faipules were granted administrative and other powers in respect of the districts under their control without the Ali'i and Faipule of such districts being given an opportunity of expressing their opinions as to whether or not the Faipules then in office were still acceptable to such districts under and in view of the provisions of the said order.

6. That the Administration of Western Samoa has lost the confidence of the Natives for the reasons hereinbefore set forth, and for the further reason that the only Native opinions and advice sought by the said Administration are the opinions and advice of the said Faipules.

#### *The Growth of the Mau.*

1. That the Administrator of Western Samoa has accused the Citizens Committee and the members thereof collectively and individually, in general terms and without any lawful justification, of sedition, of disloyalty, and of disaffecting for ulterior motives and material gain a peaceful, contented, and law-abiding Native community.

2. That the Administrator of Western Samoa wilfully or negligently failed to deliver to the Citizens Committee or any member thereof specific details or allegations in respect of such charges of sedition, disloyalty, and disaffecting as aforesaid, notwithstanding that the Citizens Committee and individual members thereof did request the said Administrator to supply such specific details and allegations to enable them to refute the same.

3. That the Administration of Western Samoa did refuse to accept or consider representations from Samoans unless and until such representations had been submitted to the Fono of Faipules, notwithstanding that some of the said representations were in respect of the said Faipules.

4. That the Administrator of Western Samoa did endeavour to intimidate supporters of the Mau (including members of the Citizens Committee), in that without reasonable justification he did threaten that the European members of the Citizens Committee would be deported without trial, and did issue against various Native members of the Mau removal orders under the provisions of the Samoan Offenders Ordinance, 1922.

5. That a state of serious unrest was occasioned in Western Samoa by reason of the allegations set forth in the four preceding paragraphs.

F. D. BAXTER, Counsel for the Mau.

Apia, Samoa, 29th October, 1927.

The Secretary, The Royal Commission on Samoan Affairs, Apia.

DEAR SIR,—

Directed by Mr. Baxter, I beg to forward you herewith "Specific Complaints" against the Administration of Western Samoa in so far as the matters mentioned have been entrusted to me during the sittings of the Royal Commission.

It is intended that my statements will follow on those of Mr. Baxter.

Yours obediently,  
THOS. B. SLIPPER.

*Prohibition.*

1. That the mandate provided only for the prohibition of liquor being provided for the Natives.
2. That the Government of New Zealand exceeded the provisions of the mandate and made the prohibition general.
3. That the result is that the evident intention of both mandate and the Samoan Act has resulted in the very misfortune that both sought to avoid.

*Cancellation of Trading Licenses.*

That the cancellations that have been attempted and those that have been threatened are unjustifiable at law, and have been regarded and are in fact nothing less than intimidation by the Administration.

*Deprivation of Titles.*

1. To deprive Samoans of their titles is to effect a punishment which is of a most serious nature to the Samoans.
2. That the deprivation of titles carries with it the deprivation of landed rights.
3. That no deprivation has been accompanied by any authoritative statement as to the term of such deprivation, and that, on the contrary, every such deprivation appears by the order relating thereto to be for life.
4. That, while the deprivation is made by His Excellency the Administrator, it is possible for the family of a person so deprived to supplant him without reference to the Administration.

*Banishments.*

1. That banishments are a form of punishment not contemplated by the Samoa Act of 1921.
2. That there has not been a systematic method of impartial inquiry into all matters leading to banishment.
3. That banishments have been effected in addition to punishment for the same offence in the British Court of law.
4. That the records of banishments show on their face that irregularities have occurred.
5. That the records show that there is no case of banishment based on any matters that could not have been properly dealt with and tried under the Samoan Act by the British Courts.
6. That the precedent of ancient *fa'a-Samoa* banishments has been perversely used by the Administration for political purposes, and that it is admitted that only a German precedent is relied on.

*Generally.*

The matters of cancellation of trading licenses, of deprivation of titles, and of banishments have proceeded without reference to the age-old requirements of fair trial, the three essential elements of which are,—

- (a) The presenting of a definite charge or charges, brought to the notice of the accused in time for him to prepare a defence;
- (b) Evidence on oath;
- (c) The right of cross-examination.

APPENDIX III.

EXAMPLES OF COMPLAINTS MADE AGAINST FAIPULES TO SHOW THEIR CHARACTER.

AGAINST MATA'AFU.

*Charge.*—That he had not obtained payment for roadwork at Aleipata for which he had signed a contract on behalf of the people. (Page 206.)

*Answer.*—That the work was not carried out properly, and the Public Works Engineer would not pass it; but on Mata'afu's representations the Engineer agreed that if the work were done properly he would pay something extra to the contract price, but the people would not do it. (Page 275.)

*Charge.*—Alleged interference with the Fa'amasino in trying two cases. (Page 209.)

*Answer.*—He heard one case only at the request and in the absence of the Fa'amasino. It was a case between two girls, one of whom slandered the other. Settled by directing £1 compensation to be paid to slandered girl. The charge or complaint was not by the girl who paid, or by her family, but by the family of the girl who received the money, "because the procedure is not proper." (Page 276.)

AGAINST TUILAEPÄ.

*Charge.*—That he tried cases, instead of the Fa'amasino. No details given. (Page 119.)

*Answer.*—Absolute denial. (Page 281.)

*Charge.*—That he conferred title of To'oa. (Page 119.)

*Answer.*—That he controlled the title and had the right to confer it, and accordingly did so. (Page 281.)

## AGAINST SEINAFO.

*Charge.*—That he approved of “fine mats” regulation. (Page 107.)

*Answer.*—It was proved that he remitted protest to Fono of Faipules. (Page 107.)

*Charge.*—Gambling. (Page 199.)

*Answer.*—Admitted playing cards with other chiefs for matches. (Page 324.)

*Charge.*—That he dismissed *pulenu’us*. (Page 199.)

*Answer.*—Power of dismissal rested with Administration. Admitted reporting one *pulenu’u* to Secretary of Native Affairs for abandoning his wife and large family and taking up with another woman. (Page 324.)

## AGAINST TOELUPE.

*Charge.*—Taking away titles of two persons. (Page 105.)

*Answer.*—Denial. Titles still in use by the holders who were alleged to have been deprived of them. (Page 286.)

*Charge.*—Failed to banish a chief named Tupai. (Page 252.)

*Answer.*—District Council settled the dispute between Tupai and others. No complaint by the parties themselves. (Page 283.)

*Charge.*—That he used for his own purposes cement belonging to village.

*Answer.*—Cement belonged to the Administration. Toelupe bought four barrels and was properly charged for them. (Page 283.)

## AGAINST SEIULI.

*Charge.*—Imposing punishments. (Page 211.)

*Answer.*—Denial, and statement that he knew a Faipule had no power to inflict punishment. Admitted, however, that he consulted the Fa’amasino as to whether a general refusal by people of a village to take treatment for hookworm could not be punished. No punishment was inflicted. (Page 293.)

## AGAINST TAPUSOA.

*Charge.*—That he sat on an inquiry, as the result of which the witness (Tu’u Fautupua) was banished. (Page 101.)

*Answer.*—That he was appointed to sit by the Resident Commissioner of Savai’i. (Page 303.)

## AGAINST ASI-MAMA.

*Charge.*—That he disregarded the regulations as to funerals. No details given. (Page 136.)

*Answer.*—Denial. (Page 271.)

## AGAINST MALUPO.

*Charge.*—That he was not a titled man but a *taulealea*. That Malupo was not a chiefly title. (Page 164.)

*Answer.*—It was admitted that Malupo was an Alo Ali’i (one of the great chiefs of Samoa). (Page 201.)

*Charge.*—That he inspected plantations himself. (Page 201.)

*Answer.*—Admitted. (A perfectly proper thing for him to do.) (Page 300.)

*Charge.*—That he held an inquiry, instead of the Fa’amasino.

*Answer.*—That he merely endeavoured to reconcile the disputing parties. It was not a trial. (Page 300.)

## AGAINST LEILUA SIAVI’I.

*Charge.*—That he recommended friends or relatives for official positions. (Page 192.)

*Answer.*—Denied assertion that chiefs of high standing have been getting the appointments. (Page 295.)

*Charge.*—Intimidation in telling Pasia he had better keep his mouth shut. (Page 192.)

*Answer.*—Admitted a remark to that effect. Explained he had obtained a remission of the Government order that Pasia should not speak at village meetings, and Pasia then used his influence to persuade people to join the Mau. (Page 295.)

## AGAINST SU’AMUI.

*Charge.*—That he did not forward remits to Fono of Faipules. (Page 201.)

*Answer.*—Complainant himself admitted that the remits had been brought up before the Fono. (Page 210.)

## AGAINST SU’A LATU.

*Charge.*—That he was given presents to get Matamua’s title back. (Page 202.)

*Answer.*—Denied. The people themselves wished it. A Faipule has nothing to do with titles. The family controls titles. (Page 304.)

*Charge.*—That he was deaf. (Page 202.)

*Answer.*—Denied (physically disproved). (Page 304.)

## AGAINST SALANOA.

*Charge.*—That he fined members of a committee appointed by District Council to inspect schools for their non-attendance on the inspection. (Page 204.)

*Answer.*—The District Council imposed the fines and the money was paid to it. (Page 293.)

*Charge.*—That he banished Galo and Tito. (Page 250.)

*Answer.*—That these troubles were settled by Mr. Griffin, the then Secretary of Native Affairs, and not by the Faipule. (Page 294.)

## AGAINST AMA.

*Charge.*—That he reported breach of “fine mats” regulation. (Page 212.)

*Answer.*—It was Seinafu who reported the case, not Ama. (Perfectly proper in any event.) (Page 321.)

## AGAINST SAGAPOLUTELE.

*Charge.*—That he promised work on roads, but it was not given. (Page 212.)

*Answer.*—That Public Works Engineer would not consent to the village *pulenu'u* being foreman of the road gang. Villagers would not work except with their own foreman, and therefore did not get the work. (Page 292.)

## APPENDIX IV.

Apia, Samoa, 23rd October, 1927.

The Chairman, Royal Commission, Apia.

SIR,—

I am instructed by High Chief Tuimaleali'ifano to ask for leave to approach you again with a view to his being heard. I do this not as counsel engaged by the Mau, but as solicitor for my client. I could well wish that there were another solicitor in Apia who could represent my client, but unfortunately he had practically no choice.

My client is not a member of the Mau and has had no association with the movement. He is one of the two Fautuas who occupy the highest position in this territory, subject only to the Administrator. These Fautuas are of princely rank, and are the personal advisers of His Excellency the Administrator.

My client would have appeared had he been called by either the Malo or the Mau. The Malo has not called him. The Mau cannot, as their case, saving arranged exceptions, is closed.

May I draw your attention to the advertisement over the name of Mr. Mason appearing in the *Samoa Times* of 16th September, 1927. May I also draw your attention to the printed and circulated directions of His Excellency. From these publications it would appear that any person has a right to bring forward a complaint.

You, sir, will remember that at Falealili you directed (at my request) that at the resumption of sittings at Apia at 8.15 a.m. on Saturday last no person need attend unless (a) he desired so to do, (b) he had any matter to bring forward.

My client asks respectfully that he may be given the opportunity offered and advertised. He further instructs me to mention this matter on Monday morning.

Yours obediently,

THOS. B. SLIPPER.

Royal Commission of Inquiry into Samoan Affairs, Apia, 25th October, 1927.

Thos. B. Slipper, Esq., Solicitor, Apia.

DEAR SIR,—

I am in receipt of your letter dated the 23rd October, 1927, received at 11 o'clock on Sunday morning.

Tuimaleali'ifano, long after the case for the petitioners had closed and while the case for the Administration was in its closing stage, intimated to the Commission for the first time that he desired to give evidence. The Commission has been informed that all the Native evidence on both sides has been heard by the Commission. We have considered that evidence carefully. Tuimaleali'ifano was neither an actor nor concerned in any single incident or subject of evidence brought before us. It therefore appears clear to us that he can give no admissible evidence on any matter before the Commission. Neither party thinks that his evidence can be of use to the Commission, and our opinion coincides with theirs. At present we see no reason for altering the decision given by the Commission. If we were to do so we could hardly refuse other applications, and so an already unduly lengthened inquiry would be further protracted.

The only thing which would induce us to reconsider our decision on this point would be a written statement from you showing the particular topic or topics within the purview of the Commission on which the applicant desires to give evidence, and the nature of the direct evidence which he is able to give on the topics in question.

In your letter you say, "You, sir, will remember that at Falealili you directed (at my request) that at the resumption of sittings at Apia at 8.15 a.m. on Saturday last no person need attend unless (a) he desired so to do, (b) he had any matter to bring forward."

This statement in the connection in which it is used amounts to a misstatement. The statement was made at your request, and referred to witnesses in attendance at Falealili, and particularly to your witnesses, and to no other witnesses.

Yours truly,  
C. P. SKERRETT, Chairman.

Apia, Samoa, 24th October, 1927.

The Chairman, Royal Commission, Apia.

SIR,—

I have your letter dated 25th October. I presume that the date is intended to mean the 23rd. I re-urge that you will hear High Chief Tuimaleali'ifano. I respectfully desire to make the following written statement:—

1. My client is a Fautua.
2. My client desires to record his views of the Mau and the growth of the Mau, and the relation of the Mau to the objections and complaints that have been made against the Administration.
3. As to particular topics, my client refers especially to—
  - (a) The *fono* at Mr. S. H. Meredith's residence which marked the first definite step towards representing grievances to the Hon. the Minister of External Affairs.
  - (b) My client's view of the attitude of Mr. Nelson in all these matters.
  - (c) Why my client signed a letter apparently expressing confidence in the Administrator.
  - (d) The desire of my client's people to bring representations before His Excellency.
  - (e) The constitution of whatever examining Boards of Faipules may exist, and especially the Board of Faipules that sat in judgment on my client.
  - (f) Why my client's official position was suspended.
  - (g) My client's attitude as to his official position.
  - (h) The Administrator's attitude towards the Fautuas.
  - (i) Banishments and removal of titles.
  - (j) The recent law providing for banishment to the Tokelaus for as much as two years.
  - (k) The abolition of Samoan customs.
  - (l) The medical tax.
  - (m) The fact that the Faipules are not representatives of the people.
  - (n) The number, in my client's opinion, of Government officials whose services are not warranted.
  - (o) The multiplicity of means for punishing Samoans.
  - (p) The ordered disinterment of the body of a Samoan boy at Tanugamanono.
  - (q) The desire of my client's people to have a share in their own government.
  - (r) The indisposition of His Excellency to heed the suggestions of the two Fautuas.

May I say that my client is not a member of the Mau. I trust that this letter will assist your Honour.

Yours obediently,  
THOS. B. SLIPPER.

## MINUTES OF EVIDENCE.

APIA, SATURDAY, 24TH SEPTEMBER.

*The Chairman* : I will ask the Secretary to read the Commissions.

*The Secretary* read the Commissions.

*The Chairman* : Who appears before the Commission ?

*Mr. Baxter* : I appear on behalf of the Mau, which includes the Citizens Committee.

*Mr. Slipper* : I appear with my friend Mr. Baxter.

*Mr. Meredith* : I appear on behalf of the New Zealand Government.

*Mr. McCarthy* : I appear with my friend Mr. Meredith.

*Mr. Klinkmueller* : I also appear with my friend Mr. Meredith.

*The Chairman* : When you speak of the Mau, Mr. Baxter, I understand you to mean the Natives who are associated with the Citizens Committee ?

*Mr. Baxter* : I used the term "Mau" in order to make the expression wide enough.

*The Chairman* : That is understandable, Mr. Baxter. [To Mr. Meredith :] When you refer to the New Zealand Government, I suppose you mean that you represent the Samoan Administration. There is no attack upon the New Zealand Government. Whatever charges are made they are exclusive to the Samoan Administration.

*Mr. Meredith* : That is the position.

*The Chairman* : I understand that you have been instructed by the New Zealand Government to appear on behalf of the Samoan Administration and the officers of the Samoan Administration who may be subjected to attack.

*Mr. Meredith* : That is the position.

*Mr. Slipper* : May I observe that in a notice that has been supplied to us the first question to be investigated is, "Whether, having regard to the duties undertaken under the mandate, there is just or reasonable cause for the complaints and objections which have been made concerning the Administration of Western Samoa." That does not appear to be borne out by the Commission as read to-day.

*The Chairman* : You need not trouble about that notice ; you will have regard to the terms of the Commission.

*Mr. Slipper* : I saw by the printed paper—

*The Chairman* : You need not refer to that—that has nothing to do with the Commission.

*Mr. Slipper* : My point is this : the Commission as read refers to the administration of Western Samoa, and it might embrace consideration of the New Zealand Government.

*The Chairman* : We will come to that later on.

*Mr. Slipper* : I just mentioned the point at this stage.

*The Chairman* : What have you to say about the question of procedure, Mr. Baxter ?

*Mr. Baxter* : I wish to say that I discussed the matter with Mr. Meredith yesterday morning, and we quite agreed that it was the duty of the committee to put its case first and for the Administration to proceed with its case later on. I also mentioned to my friend the points which we are bound to raise, and they are under several headings so as to clear the ground. The points we are proposing to cover are—(1) Interference by the Administration in the copra trade ; (2) prohibition ; (3) Medical Department ; (4) general expenditure ; (5) growth of the present Mau movement ; (6) Legislative Council (local) ; (7) excess of authority on the part of officials ; (8) banishment of chiefs and the removal of titles ; (9) Native affairs generally. The latter includes the present system of administration. I should like to mention that from the form of the Commission it would appear under the second heading that there is going to be an attack as to the honesty or the character of the officials. I believe that something was mentioned in New Zealand on this point. What it is I do not know ; but I want to assure the Commission that nothing under that heading will be brought before this Commission, and it is my idea to try and keep the evidence as clean as possible, and I do not think there will be any attack from our side. If there is, ample notice will be given to the other side, but I know of no evidence at present respecting this.

*The Chairman* : That means that there is no intention to attack the integrity of the officers of the Administration apart from the performance of their duties.

*Mr. Baxter* : That is so. I should also like, if possible, to leave it open, if evidence should come in—if it should be within the scope—to mention it later if it arises. I am sure that my friend Mr. Meredith will not refuse any reasonable application. I wish also to point out another matter, and it is this : owing to the shortness of time in the preparation of our case, and the number of headings to be dealt with, and the extent of ground to cover, it is essential that Mr. Slipper and myself should separate the various matters and each confine himself to the matter that he has taken in hand. There will be no attempt on our part to go over the whole ground, and I should therefore respectfully request that if a witness is called to give evidence on more than one matter both counsel be allowed to examine him or cross-examine him, as the case may be, each counsel to confine himself to the points which he is working out. I mentioned the matter to my friend Mr. Meredith, and he does not appear to raise any objection to it so long as we confine ourselves to the respective points of our case.

*The Chairman :* We think that that is quite a convenient course. We feel satisfied that, as counsel has asked for an indulgence—which is an unusual one—we can trust to the honour of counsel to observe the conditions on which the indulgence has been granted.

*Mr. Baxter :* Certainly, sir. I should like to raise the point respecting the subpoenaing of witnesses. By whom are the subpoenas to be issued ?

*The Chairman :* There is a provision in the Act respecting that matter. I think it would be better to deal with that question in Chambers. The only difficulty about the matter is the question of witnesses' expenses, which may concern Mr. Meredith. It is quite obvious, if the procedure is taken which involves the payment of witnesses' expenses, some *prima facie* case will have to be made as to the relevancy of the evidence of the witnesses to be called. However, I think the matter can be conveniently dealt with in Chambers.

*Mr. Baxter :* I have another matter that I should like to bring before the Commission, and it is the question of the proposed *malaga* on the part of the Commission.

*The Chairman :* We could more conveniently deal with that matter in Chambers and come to some arrangement which will be helpful to all parties.

*Mr. Baxter :* Would it be possible to deal with that matter in Chambers this morning ?

*The Chairman :* I doubt whether you will be in a position to deal with the matter, for this reason : we do not know until we hear your opening addresses what evidence you are likely to call in Apia, and how far it will be convenient to make this journey to hear the evidence of witnesses. It seems to me that there can be no urgency about the matter.

*Mr. Baxter :* The question I wish to submit to the Commission is this : You have doubtless heard of the banishment of certain chiefs who are material witnesses to us. The Administration, on our representation, allowed them to come in this week for the purpose of preparing evidence. They are due to return on the 26th—namely, Monday. My reason in raising the question of the *malaga* and the question of the issuing of subpoenas is that I wish to know whether or not there is going to be a *malaga* and whether we will be entitled to call these witnesses before the Commission, although we have no wish that they should be detained in Apia longer than is necessary to enable them to give evidence.

*The Chairman :* Before we decide the question we will hear what Mr. Meredith has to say respecting the matter.

*Mr. Baxter :* I would like to bring under the notice of the Commission the fact that there is a lot of ground to cover ; the witnesses are Samoans, they are difficult, and they take a considerable amount of time, and there are certain documents to be collected and translated. The Prime Minister advised Sir John Pindlay on the 6th instant respecting the order of reference according to my advice. It will be seen, therefore, that we have had a little over fourteen days to prepare our case, which I submit is too short a time to enable us to prepare our brief of this size ; and this must be realized when you consider the scattered nature of the country, the nature of the evidence, and the fact that Mr. Slipper and myself have practically one-man offices. We have given as much time as we could to the subject, but we cannot give our whole time to prepare the evidence. I wish also to point out to the Commission that a very material witness to the Commission on a good many points will be Mr. Nelson, and he does not arrive here until the 1st October. The papers respecting the Samoan petition of inquiry were only made available to us yesterday morning, and necessarily that will take some consideration. We were also, I submit, somewhat led astray by the announcement of the Prime Minister to the effect that the Commission would not sit immediately except for the purpose of taking formal evidence. I quite appreciate that time is valuable, and we propose to assist the Commission in every direction.

*The Chairman :* The statement of the Prime Minister was made at the time when it was assumed that Mr. Nelson would be coming to Samoa by the same steamer as the Commission. The idea was to give him a few days to ascertain the position for himself ; but he did not arrive, and the conditions seem to be substantially altered.

*Mr. Baxter :* They are so far as he is concerned, but they are not so far as counsel is concerned, except for the worse. If he had been here he would have been of some assistance to us. It is extremely difficult to get matters to such a stage as they can be put before this Commission in the way they should be put. We do not wish to delay matters once we commence.

*Mr. Meredith :* In regard to the application for an adjournment, I would like to say that my friend has not indicated how long an adjournment he asks for. So far as the Administration is concerned, the desire is to get the fullest inquiry made into these suggested troubles, and if it were thought that any opposition to an adjournment would militate against the fullest inquiry I would not object, but after careful consideration of the position I feel it impossible to see how my friend can possibly be prejudiced by being asked to proceed at once. As Mr. Baxter admits, they are virtually in the position of having made allegations, and in the ordinary course should proceed with them right away. All the matters which are the subject-matter of this Commission started as far back and prior to October of last year. At that time a Citizens Committee was set up, consisting of Samoan residents, half of them being Europeans and the other half being Samoans, and this committee set up various sub-committees to prepare specific detailed reports of the various matters. The matter was gone into in detail, and it was further gone into for the purpose of a meeting with the Hon. Mr. Nosworthy in June of this year ; and there is a further statement made by Mr. Nelson on that occasion that the matters had been inquired into in detail as far back as September, 1926. It is impossible in the light of these facts, with the whole of the details in support of their allegations, which have been ready and available for at least practically a year, to ask for an adjournment in order to collect evidence. Every one of that committee with the exception of Mr. Nelson and Mr. Smyth is and has been in Samoa, and has been continuously here. The various sub-committees who prepared

these reports have been and are here ; and I submit with respect that it is difficult to understand how my friends are not ready to proceed at the moment. The only person who is absent is Mr. Nelson, and it is impossible to suggest that they are unable to proceed without him. His absence now is not a matter of misadventure, but was really of his own volition—not to proceed at the same time as the Royal Commission. In any case, Mr. Nelson will be here in ample time to enable him to offer any evidence which he may have to tender to the Commission. Any adjournment means a waste of time and the holding-up of the Commission without any solid or sound reasons. As I said before, if there were any definite reasons I would not object, but after careful consideration of the position it appears that there is no real foundation for any suggested adjournment. My friend raised another matter, about the question of certain witnesses who are under banishment. This, I submit, is a matter that could be discussed in Chambers, except that I might say if in the opinion of the Commission it is advisable or necessary in the interests of my friends' case that they should be kept here for the purpose of consulting with my friends, that they should be given permission to remain by the Administration on the understanding that my friends will notify me, and we will consider each case as it comes up.

*The Chairman :* What have you to say about the suggested *malaga*, Mr. Meredith ?

*Mr. Meredith :* I understood that we were going to discuss that question in Chambers.

*Mr. Baxter :* When my friend said that we had gone into the matter twelve months ago I would like to point out that that was not gone into by the solicitors : we practically briefed no Native evidence at all. My unfortunate position is that I do not know what evidence the Natives are able to give. I wish to say, with respect to the question of banishments, that I am prepared to discuss with my friend this matter, but it will have to be early, because those concerned have to get back on Monday.

*The Chairman :* We are of the opinion that no adequate ground has been made for the application to have an adjournment. As Mr. Meredith has pointed out, the main charges which, under the order of the Commission, we have to investigate are not new charges, but they are charges which have been investigated and reported on for many months at least. The reports were prepared at least towards the end of 1926, and Mr. Nelson has said in a public paper, as mentioned by Mr. Meredith, that his information had proved to be complete. It is impossible for a Commission such as this to be held up for an indefinite period upon the mere suggestion that there has been inadequate time to brief the evidence, and particularly the Native evidence. I venture to say that the less the Native evidence is briefed the better it will be in the interests of truth : so far from that being a disadvantage in the investigation of the truth it appears to me to be a distinct advantage. It appears to us that if we were to grant the adjournment asked for we should render the Commission ineffective and we should bring the Commission into disrepute in the minds of the Natives. At the same time I want to say to both Mr. Baxter and Mr. Slipper that they are not in the least responsible for Mr. Nelson's wilful abstention from taking part in the investigations before the Commission, nor are they responsible for his delay in appearing here. Nevertheless we have a high duty to perform, and that duty requires the prompt and expeditious investigation of this matter. The only assurance that I can give counsel for the petitioners is that we will do all we can to assist them by giving them every opportunity of presenting their case before us. If they find on any particular topic that they have a difficulty they should mention the topic to Mr. Meredith as representing the Administration, and then to us if no arrangement can be come to. That is the utmost that we can do. I may say at once that both my colleague and myself are pleased to have the petitioners represented by counsel in the way they are doing in the present case. With regard to the banishment orders, I propose to accept Mr. Baxter's assurance as to any person who has been the subject of a banishment order and is required by the petitioners as a witness ; and if he intimates to the Secretary of the Commission those Samoans who are the subject of banishment orders and whose attendance he requires as witnesses, that attendance will, I have no doubt, be arranged through Mr. Meredith with his Excellency the Administrator. At the same time I must ask both Mr. Baxter and Mr. Slipper to see that every promptitude is used, because it is obvious that it would make the order a complete farce in the minds of the Natives if the necessity for giving evidence were made a mere excuse for their remaining in Apia. Subject to that condition I do not think it would be necessary for you to submit any names except to the Secretary to the Commission. We are not dealing with irresponsible persons : we are dealing with you as an officer of the Court, and we feel that we are entitled to place reliance upon your sense of duty to your office. I think that is all I need to say at present. Do you propose to open your case on Monday, Mr. Baxter ?

*Mr. Baxter :* We will open on Monday, and we will endeavour to arrange the evidence to be taken for that week.

*The Chairman :* It seems to me desirable, as it is undoubtedly the practice, for the petitioners to formulate charges—specific charges—so that the Commission may deal with the matter. It will be observed that Mr. Hoggard before the Joint Committee intimated his intention of formulating specific charges, but it did not arrive at that stage. I recognize that upon this point both Mr. Slipper and yourself may be placed in a difficulty.

*Mr. Baxter :* The difficulty is that we do not know exactly what complaints will come forward.

*The Chairman :* We will wait until Mr. Nelson arrives, and then you can intimate when you will be able to carry out the wishes of the Commission in this respect. I should like to consult counsel with regard to the hours of the sittings of the Commission. What the Commission proposes is that the sittings commence at 8.15 a.m. and adjourn at 12 noon until 2 p.m., and then resume the sittings until 5 p.m.

APIA, MONDAY, 26TH SEPTEMBER.  
OPENING ADDRESSES OF COUNSEL.

*Mr. Baxter* : According to the permission granted by you on Saturday, I propose to deal with the points which I have worked up myself ; Mr. Slipper will deal with the other points taken. First, the birth and growth of the Mau. The main witnesses on this point will be the members of the committee themselves, and evidence will also be sought from the Natives who come into Court. It is essential in dealing with this subject that I should deal fully with it for the purpose of indicating to the Commission the attitude of the gentlemen who form it. I wish to show particularly by the evidence which will be called that the movement is entirely constitutional and law-abiding. Dealing with the history of it, in August, 1926, Mr. Nelson returned from New Zealand after having had an interview with the Prime Minister, the Minister of External Affairs, and the Minister in Charge of the Cook Islands. He called together his colleagues on the Legislative Council and one or two other gentlemen, and informed them that he was given to understand at this interview that the Minister of External Affairs would very shortly be visiting Samoa to hold an inquiry into the state of affairs here. For that reason he called them together to see what course should be followed for the purpose of arranging material to place before the Minister. This preliminary committee, as it might be called, decided that a public meeting should be called to ascertain the true wishes of the people. Before the meeting was called, however, several Samoans approached various members of the committee and stated that they also had grievances which they wished to bring before the Minister, but they did not quite know how to go about it without some assistance. These Samoans were informed that the elected members could not say how that could be done, as they were calling a public meeting to decide what course would be followed. On the 15th October, 1926, a public meeting was called and held in the Market Hall. Various members of the committee prepared papers on various subjects for the purpose of reading them, and so encouraging discussion and ascertaining the true wishes of the people. Before the meeting actually was called a wireless had been received from Wellington stating that the Minister would not be in Samoa until the autumn. However, the meeting continued, and it was resolved that a wireless be sent to the Minister suggesting perhaps that he might come earlier. A committee was elected after a discussion, consisting of the three elected members—Messrs. Nelson, Williams, and Westbrook ; six Europeans—Messrs. Gurr, Smyth, Myer, Cobcroft, S. H. Meredith, and myself ; and six Samoan members—namely, Faumuina, Tuisila, Lago Lago (otherwise known as Afamasaga), Ainu'u, Tofaeono, and Alipia. Anybody who wished to speak spoke at the meeting ; there was no dominance of the meeting in any way at all, and the meeting was orderly throughout. I might mention at this date, so as to clear the matter, that I later resigned from this committee on account of business reasons. After the first meeting the wireless resolved on was sent, and a reply was received to the effect that the Minister would be in Samoa in May. The committee, however, had started the preparation of material and decided to go ahead with it. The matters they were preparing papers on were—(1) Agriculture, (2) finance, (3) medical, (4) Legislative Council, (5) Native policy, and (6) prohibition. For this purpose the committee had divided itself into subdivisions, and the Europeans considered matters separately from the Samoans. In the report placed before the Council there is a separate European report and a separate Samoan report. Messrs. Cobcroft and Meyer advised the committee that they were unable to retain their seats on the committee so far as the committee was going to discuss Native policy, but they were prepared to remain with the committee for the discussion of other matters. On the 12th November, 1926, the committee called a second meeting for the purpose of reporting on the work done and to ascertain what course should be followed in view of the information that the Minister would not be here until May. This meeting was well conducted ; the police were largely in evidence, and notebooks were very prominent. The chairman of the meeting, Mr. Nelson, had hardly opened his mouth when he was interrupted by the Acting-Secretary, who said he had a message to read from His Excellency the Administrator. This message was read, and the message referred to page 20 of the Report of the Proceedings of the Parliamentary Committee (see Exhibit No. 52). This was somewhat uncalled-for, as the presence of the police and the reading of this message were regarded by the meeting as an endeavour to stifle it. However, the meeting, after a discussion, decided that while His Excellency the Administrator, as the representative of the King and the country, was supreme and could not in any way be criticized, yet, as his own Prime Minister and the man responsible for the policy of the country, he should not object to that policy being criticized in a constitutional manner. The meeting therefore proceeded, and during its proceedings decided to send a delegation to New Zealand to place the reports before the Minister of External Affairs. The meeting was entirely orderly throughout. After this meeting there was a considerable number of rumours and half-truths floating round as to what had actually happened—particularly among the Native community. The committee therefore prepared and published a short *résumé* of what had been done at the meeting. In view of the necessity for collecting funds for the purpose of sending delegations to New Zealand, and in view of the necessity of showing that the meeting was entirely constitutional in every way, it was deemed necessary to send a couple of delegates to Savai'i. Faumuina and Ainu'u, two Native members of the committee, were selected to proceed to Savai'i for the purpose of collecting any funds that were voluntarily offered, and also for the purpose of telling the people about this meeting. However, His Excellency the Administrator invoked the powers given to him under the Samoan Offenders Ordinance of 1922, and issued what is generally known as banishment orders against these two gentlemen. Ainu'u was stopped from going at the Customhouse here by the Chief of Police, but Faumuina had already gone to Savai'i, where the Chief of Police had followed him, and from where he came back. Just about this time Tofaeono, another Native member of the committee, had to resign from his position as Government Copra Inspector on account of his sitting on the committee, and he was called before the Secretary of Native Affairs and

informed that the last Native who inquired into finance—namely, Lauati—had been deported. On the 8th December, 1926, the Fono of Faipules met, and I think it was on the next day that the Native members of the committee were arraigned before the Fono and warned to sever their connection with it.

*The Chairman* : Where did the Fono meet ?

*Mr. Baxter* : At Mulinu'u. I believe that some protest was made respecting the matter, but as all the correspondence is with Mr. Nelson I am unable to say definitely whether that happened or not. However, preparations were then made to send a delegation to New Zealand, and it was decided that all the Native members of the committee should be on the delegation. Passports were applied for to the Inspector of Police, but they were refused on the ground that they would not be allowed to land in New Zealand, and the Inspector was waiting to see whether the Minister would be prepared to see them or not. The correspondence referring to that appears at pages 15 and 16 of the petition proceedings—that is, the Joint Committee (see Appendix 1). The committee therefore decided to send Mr. Meredith to Auckland in order to seek counsel's advice, and to see what he could do towards bringing matters before the New Zealand Government and before the New Zealand public. Mr. Meredith sought interviews with the Minister of External Affairs and the Prime Minister. He had an interview with the Prime Minister, but, as he was satisfied that nothing would come out of it, he published a pamphlet over his name, and this will be produced by Mr. Meredith when he gives his evidence. The annoyance on the part of the Samoans was due at this time to the fact that the Government had taken up the wrong attitude, and that it would not listen to anything which was not approved of or advised by the Fono of Faipules.

*Judge MacCormick* : Is that on record in any way ?

*Mr. Baxter* : Yes, sir.

*Judge MacCormick* : There will be evidence about that ?

*Mr. Baxter* : Yes. All the information is, of course, with Mr. Nelson, and consequently I am not in a position to mention the matter further than what I have said at the present time. As a number of complaints affected the Faipules directly, it was felt that there would be no chance of their being put forward through the Faipules. By this time the feeling had got very high, and there was a considerable amount of talk and rumour in existence. As Faumuina and AINU'u had been prevented from going to Savai'i, and as statements had appeared regarding the committee, the Natives of their own volition decided they would send delegates to Lepea, a village on the outskirts of Apia and which is the centre of the Native movement. The object of sending the delegates was for the purpose of ascertaining what was really happening, and also to keep the people in their districts posted as to what the committee was doing and what the Government was doing, and generally to inform them as to the state of affairs in existence. As time went on the number of delegates grew, and when after the Minister's visit in June of this year the European members of the committee were cut off from the Natives by the Minister's letter these delegates took charge of the Native situation themselves, and there and then arose a system of committees, sub-committees, and village committees controlling the whole situation, apart from and cut off from the Citizens Committee. After the second meeting here the feeling of bitterness continued to increase, and it became evident that the people seemed to be unable to leave politics out of the social life or any other form of life. It seemed to be the one subject, and it was breaking the community up and putting the Natives into two camps. Even those who did not desire to take an interest in politics were looked upon as mere rail-sitters. This feeling was brought about largely through the fact that the members of the Mau had no manner of expressing themselves. Statements were made, which were published in the columns of the newspapers, which in many instances were misrepresented, and there was a desire to express themselves and to correct errors, but there was no source through which these errors could be corrected. There was a feeling then that they could not and would not be heard. This feeling was relieved somewhat by the *Samoa Guardian* newspaper, when it came into operation, because it expressed their viewpoint, and so long as the people are getting their viewpoint expressed they become very much easier.

*Judge MacCormick* : When did the *Samoa Guardian* start ? Was it in operation long before the Minister's visit ?

*Mr. Baxter* : I think, about a month, sir. I think there were about two weekly issues published when the Minister arrived. I wish to mention at this stage that this newspaper, although it was started through the European members of the Citizens Committee, is purely a business concern, having on its directorate and on its shareholders list people who are not connected with politics in any way. I am informed that the date of the first issue of the *Samoa Guardian* was the 28th May of this year. The Minister, of course, arrived on the 2nd June. When the Minister was due to arrive preparations were, of course, made for the purpose of interviewing him. As there had been no means of expressing the feelings and of showing that there was really a large body supporting the contentions of the committee, it was decided that members of the Mau should wear a purple badge. There is no significance with respect to the colour, but it was intended to show the extent and support of the committee.

*The Chairman* : The colour was purely accidental ?

*Mr. Baxter* : Yes. However, large numbers of Natives came in, and some came for the usual Birthday celebrations ; but a large number came to hear the decision of the Minister after the interview the Citizens Committee had with him. For the purpose of entertaining these Natives and to keep them quiet, Native quarters were arranged at Lepea. I mention this merely because there seems to be some idea in the minds of some people, as was mentioned by the Minister, that the sports were a counter-attraction to the sports at the park which were held on the 3rd June. The evidence will show that that was not the intention. I wish also to mention another matter : it may be of no importance, but it was mentioned by the Minister, and it is that His Excellency the Administrator gave a ball on the 3rd June, and a number of people were not asked to that ball. I believe the reason

for that was, as has been stated by the Government, that certain people had not signed the visitors' book within the twelve months previously. Among those people who were not invited were the three elected members. Mr. Nelson had a dance at his home, and to this dance were invited only those people who had not received invitations to the Administrator's residence. There was no intention that this should in any way be intended as a slight on the King's birthday or the celebrations in honour of it. No written invitations were issued to people to attend that dance, and all the invitations were given verbally. On the ninth day after the Minister's arrival here he granted an interview to the Citizens Committee, and present at that interview were all the members of the committee and a number of Faipules, the two *Fautuas*, and certain officials who attended on the Minister. As soon as Mr. Nelson was about to speak the Minister informed him that he proposed to answer first the reports in a general way. The Minister then read a long speech, which could be boiled down to practically two charges—namely, disloyalty and intriguing—against the Citizens Committee. Mr. Nelson spoke after the Minister and the two elected members, and certain Natives, at the request of the Minister, each spoke. After they had all spoken the Minister again stated that he had nothing further to add, and that he was satisfied that there was disloyalty and sedition, and that he would give them a reasonable time to undo what they had done, and, if not, he would take such steps as he thought necessary. What the impression was which was intended to be conveyed I do not know, but the evidence will show that the impression that was conveyed tended largely towards increasing the suspicion and unrest. The Minister absolutely refused to hear what they had to say, and he had prejudged them. A large number of Natives crowded outside the Courthouse in order to be ready to hear what the position would be. They came of their own volition. As to the numbers here, the estimates vary considerably, but I will leave it to the various witnesses to give their own estimates. As I say, they were waiting here to ascertain what had been said by the Minister. Fortunately, the members of the committee realized that that was not the time to tell them the attitude which the Minister had adopted. They took care when the Minister came out that the Natives should stand for him. I believe "God Save the King" was sung, and then the committee got the Natives to go to Lepea, and there the members told them of the attitude, and reported to them the result of the meeting, and they were able to keep them quiet. Either on the day that the Minister left or the day after, Mr. Nelson, the chairman of the Citizens Committee, received two letters, which were signed by the Minister, one informing him that the law had been altered to provide for the deportation of permanent residents, if the Administrator was satisfied that such a course was necessary and after it was signed by the Governor-General in Council. The other letter stated that the members of the committee, mentioning their names separately, might find that further powers had been invoked against them if they did not undo the work they had done, and also if they did not cease having anything to do with the Natives at all. About the same time Faumuina and Lago Lago (otherwise known as Afamagasa) were called before the Fono of Faipules, and they were addressed by His Excellency the Administrator and told that they would be forgiven if they severed their connection with the committee and if they apologized and dispersed the Natives assembled around the village. They were not given an opportunity to reply—not even given a chance to make an explanation. They therefore addressed a respectful letter—copy of which is in Mr. Nelson's possession—to His Excellency; but they were nevertheless banished to the small island of Apolima. This was at a time when there was considerable disturbance, and, fortunately, these two chiefs were able to advise the Natives that the proper thing to do was to obey the law, and that they wished to obey the law themselves. Despite the fact that these two chiefs had accepted their banishments and had kept the people quiet when they were annoyed about it, and despite the fact that the committee had ceased to have anything to do with the Natives—that is, the European members of the committee—and had done everything they possibly could to get the Natives to disperse, and had been successful in this endeavour, the Administrator continued to make general charges of sedition and disloyalty against them, and at the same time keeping prominently before them the power of deportation. Several times he was requested to state what specific matters he referred to, so that these gentlemen would have a chance of answering and explaining the matter; but up to the present time no such particulars have come to hand. There is correspondence on this matter, but that correspondence is with Mr. Nelson, which he took with him to New Zealand for the purpose of instructing counsel there. It was then decided by the committee that as there was no hope of getting the grievances heard here, or through the channel open to them—namely, through the Minister of External Affairs—Mr. Nelson should proceed to New Zealand for the purpose of seeing if he could get the other members of the Cabinet interested, and also the interest of the general public of New Zealand. Mr. Smyth, who was a member of the committee, and who was about to make a holiday trip, diverted his trip to accompany and assist Mr. Nelson. Just as these two gentlemen were leaving they received letters from His Excellency the Administrator informing them that it might be necessary to deport them on their return. These letters are referred to at page 40 of the Joint Committee proceedings (see Exhibit No. 51A). This might have been intended to be merely a warning, but it was regarded by the gentlemen and the committee, as well as the committee's supporters, as an attempt to gag their mouths in New Zealand. I think I should mention that prior to Mr. Nelson going away—I could not say whether it was prior to the Minister's going or not—a petition from Samoans had been forwarded through counsel to Mr. H. G. R. Mason, a member of Parliament in New Zealand, to bring before the House of Representatives there. That petition came before the House, and it was referred to the Joint Committee. Then commenced the period of the greatest unrest in the whole history of this movement, and I think the evidence will show—that is, the evidence of the Natives and of the members of the committee—that this unrest was caused not by the committee, but by the tactless and foolish policy followed by the Government for the purpose of settling the country. Starting with the impression that arose when the Minister had refused to hear the Natives, carrying on through the banishment of Faumuina and Lago Lago, made worse by the letters sent to Mr. Nelson and to Mr. Smyth, the feeling was generally that of unrest,

and the Native delegates persisted in staying in and around Apia in order to see what was going to happen. The talk of deportation had upset everybody, and made everybody anxious to know what was going to happen, and most people feared they might be deported, and even though they were not personally interested themselves, they did not know what the result would be. Then the feelings were picked at and tantalized by the wholesale use of the powers conferred on the Administrator under the Samoan Offenders Act. I do not mean to deal with that Ordinance at all. However, numbers of Native supporters of the Mau received orders to leave Apia. At first these orders were obeyed, but the orders still kept coming. The next thing was that they were sent away in irons because they had taken up the attitude that they would not go willingly.

*The Chairman :* That was to leave Apia and live in their own homes.

*Mr. Baxter :* I do not think it was in that case, because it was not their homes.

*The Chairman :* The Commission would like to know.

*Mr. Baxter :* I cannot give you specific cases, but my friend Mr. Slipper, who is dealing with the question of banishments, will deal with that point. A number of traders down the coast received notices to show cause why their trading licenses should not be cancelled by the Administrator. Several, I believe, were cancelled. However, this is another point which will be dealt with by my friend Mr. Slipper. I merely mention this matter in passing, but the details Mr. Slipper will be able to give you later on. I would like to mention another point, and it is that police outposts were placed at Afega and an iron gate was placed across the Letogo Bridge and policemen were stationed at those points. The position is that the object of this was not known by the people, and it did not tend to lessen the unrest in any way. Special police were signed on—I do not know how many—and there were rumours that rifles had been issued to certain gentlemen. I say it was a rumour, but it did not help to lessen the state of unrest and excitement, and it was brought to a head when a Native round at Matautu absolutely refused to acknowledge his banishment order and absolutely refused to do anything but sit down and challenge the police to come and get him.

*The Chairman :* Where was he ordered to go to ?

*Mr. Baxter :* He was ordered to be arrested.

*The Chairman :* I am asking the terms of the banishment or the so-called banishment order.

*Mr. Baxter :* That is another point which my friend Mr. Slipper will deal with.

*The Chairman :* You do not know ?

*Mr. Baxter :* That is so.

*The Chairman :* That is quite sufficient.

*Mr. Baxter :* This was a source of danger, but fortunately the Acting-Secretary realized the position, and he interviewed the Samoan concerned and as a result of that interview the matter was satisfactorily settled without any further danger. The Acting-Secretary stated that he would recommend to the Administrator that no further banishment orders should be issued for the time, anyhow. No further banishment orders were issued, and the feeling settled down considerably.

*The Chairman :* You appear to use it as applying to an order to leave Apia ?

*Mr. Baxter :* Yes, an order to leave Apia.

*The Chairman :* And go to his home ?

*Mr. Baxter :* Not necessarily, sir.

*The Chairman :* I am not saying that it does, but do you include that ?

*Mr. Baxter :* Yes.

*The Chairman :* I want to know in what way you are applying the term "banishment order." I am not criticizing what you say, but I want to know what you mean ?

*Mr. Baxter :* At any rate, matters generally were carried on in a quieter strain, the public waiting more or less to hear the result of the Petitions Committee which was sitting in Wellington. Subsequently an announcement was made that a Royal Commission was coming, and the country has been quite quiet ever since. Generally it was the endeavour of the committee and the intention of the committee—the evidence will show that it was the result of its work—that everything should be done in a constitutional manner, and throughout it was a constitutional organization. Passing now to some of the other heads—

*The Chairman :* Before you depart from the subject, can you state categorically the nature of the reforms which it was the purpose of the committee to have effected ?

*Mr. Baxter :* I am quite mindful of your direction with respect to this matter on Saturday last.

*The Chairman :* I do not mean a general statement of the charges, but we should like to hear as soon as we can what was the purpose which this committee had in view throughout. The purpose may be innocuous or not.

*Mr. Baxter :* The purpose for which the committee was formed, and had in its mind when it was formed, was to prepare reports, as were prepared by it, and place them before the Minister on his arrival, in the hope that the Minister would see his way clear to make reforms in the matters of complaint brought before him. That was the intention with which it was formed. Circumstances, as I have suggested throughout my address—circumstances of the idea arising that they were not going to get a hearing, the general feeling that they were being repressed—caused the movement to grow. It was never the intention of the gentlemen who first sat on that committee that such an organization as this would arise ; they expected it would be a body for preparing and placing material before the Minister in accordance with the wishes of the people, and they expected it to finish after the Minister dealt with the subject. But the Minister's delay in coming ; particularly the second meeting ; the prominence of the police—all excited the feelings in the community ; and the movement was increased by the general steps for repression that were taken. This is what built up the movement.

*Judge MacCormick* : It does not seem to me that you are answering the Chief Justice's question. What the Committee said is on record, and we know that. What did it want done—what did it want the Minister to do? I have read with great interest, for instance, the report of the interview, the Minister's verbal reply and his written reply. They point out many things which they think are wrong. That is a very easy thing to do. What the Chief Justice is asking is, what did they want done? That is a most important thing.

*Mr. Baxter* : My instructions that I received after reading this report through were these: that their idea was to bring these matters before the Minister. They considered that they had put arguments there sufficient to cause the Minister to make inquiries into these matters. Their idea was that they wanted to raise the interest of the Minister to such an extent that he would inquire into matters fully and definitely—to see whether what they stated was right, or whether their allegations were wrong; and they thought that the Minister, having so inquired into matters along the lines they suggested, would be convinced from his own inquiries of the necessity for an alteration. They did not presume to suggest schemes in their place, and all they wished was that the matters complained of to the Minister would bring about a proper inquiry either by himself or by some other independent person, and that something more than official reports would be sought. That was the idea at the time. They did not presume to say—

*Judge MacCormick* : If the Minister said, "I will sit down myself and inquire into these things," what was the committee going to ask him to do? It seems to me that we are still without the information which the Chief Justice is asking.

*Mr. Baxter* : If the Minister said, "I will sit down and inquire into things," they would have been quite satisfied, provided that the Minister also asked questions of others on the beach. The idea was to try and create an inquiry into the affairs complained of. They did not presume to say that they knew how to govern the country; they only wanted to suggest points that they could see were not working rightly, and they only wanted the Minister to inquire into it in order to get these points put right. They did not presume to say that they knew how to govern the country.

*The Chairman* : Then I may take it, so far as you are instructed, that the object of the committee was to ensure the investigation of complaints, and that their purpose was not to put forward any general scheme of reform in the system of administration in the island?

*Mr. Baxter* : That was not their idea, sir. The next point I wish to mention is with respect to Government interference in the purchase of copra. Under this heading I propose to call the evidence of the representatives of the companies of Burns, Philp (South Sea) Co., Ltd.; Morris, Hedstrom, Ltd.; P. C. Fabricius, Ltd.; and O. F. Nelson Co., Ltd. These are the principal trading businesses in the country, and the three first have been in no way associated with politics throughout this trouble. The secretary of the Chamber of Commerce will also be called to produce a letter. The evidence will show that, despite statements to the contrary, the Government's scheme of purchasing copra or of advancing against copra was commenced at the beginning of this year—not before the Mau had started, but after the Mau started, some months ago. These gentlemen will each produce figures worked out to show the cost per ton of getting copra from the Native vendor to the purchaser in London, to show that only a reasonable profit is made on the copra, and that the allegations that the Natives have been exploited is not true. These figures will also show that the merchants could not pay the price that the Government is now advancing. The difficulties of the purchase of two grades of copra in this country, and the reason for it, will be pointed out. The evidence will also show that the Administration has in no way sought to discuss the position with the merchants, or to see if the merchants are agreeable to work in with a scheme for the purpose of improving the quality of the copra in this country by giving a better price.

*Mr. Meredith* : The Administrator never discussed it with them?

*Mr. Baxter* : No.

*Mr. Meredith* : Either as to the price or as to the quality.

*Mr. Baxter* : That is so. The letter to be produced by the secretary of the Chamber of Commerce will show that they received an answer to the effect that he is satisfied they are not getting a sufficient amount for their copra. As a matter of fact, the merchants are quite prepared to work in with any scheme for the improvement of the quality of the copra, provided it is a workable scheme, and one that is within the financial possibilities and not one that is outside. Mr. Brady, of Messrs. Burns, Philp will also point out the inadvisability of the collecting of taxes by copra.

*The Chairman* : Taxes by copra?

*Mr. Baxter* : Yes. That heading might be taken down to this; that the allegation is that the Government has interfered in the copra trade without duly considering the rights of those who are paying licenses, and without inquiring into the position fully in order to ascertain what is a fair price to pay for copra in this country. The evidence under the heading of "Medical" will be mainly Native evidence. It appears in the committee's report, and Mr. Williams will go into the box to give evidence on the question of the necessity of a purely administrative man being in charge of the Department. The Native evidence will be directed to the medical tax. This tax is now being included in the "personal tax" to a certain extent. It is one of the sources of complaint, and there will sure to be Native evidence on it. They claim it was brought in by the Faipules without the consent of the Faipules' district—that is, different political districts which the Faipules represent.

*Judge MacCormick* : They had no power to impose the tax?

*Mr. Baxter* : That question will be brought up later on. The Natives also complain that the tax is unfair, in that certain Natives get more benefit under it than others. The Natives around Apia, Tuasivi, and Aleipata, where there are hospitals and dispensaries, are able to seek medical attention and assistance the whole time; but the others are not in that position, being too isolated to get it, and the only attention they get is an occasional medical *malaga*, when that takes place. The next point

I wish to mention is finance. The financial report is amongst the parliamentary papers, and the case will be based practically on that report. Mr. Gurr, a licensed accountant, will be called, and Mr. Smyth will be called as soon as he returns. The evidence will be practically confined to giving a reason as to why comparisons were made between Fiji, Tonga, and Samoa, the reason being that this was the most satisfactory way of showing the nature of the expenditure of this country, by showing the expenditure of Governments of the same nature. That will be in answer to statements in the Minister's reply, where he states it is a distasteful manner in which to criticize. The Minister also criticized the revenue shown per head—that is, £3 4s. It will be shown now that revenue was worked out, and why we consider it a correct revenue. It will also be shown that the revenue of the other countries was worked out the same way. The question of Vailima will be touched on. It is held that notwithstanding that it is necessary to keep it up partly on account of it being Stevenson's home and partly because it is the Administrator's residence, the expense is excessive. As a matter of fact, there is very little there now which was associated with Stevenson. Native affairs will be dealt with shortly. It will be submitted that the Native Department is too expensive, and that it would be less expensive if the Secretary for Native Affairs was relieved of the duties connected with the High Court, and an official of the High Court carried out those duties. It will be submitted that that would give greater satisfaction; and, moreover, the Secretary would be in a much less invidious position than he is now, where he has to sit on the Bench and be counsel for both sides. It is submitted that it would relieve him of the work and also cut down the size of the staff, and would generally be more satisfactory by the separation of the judicial from the political. As I say, this arrangement would not cost the country money; it would not be necessary to put a full-time officer there; he would have other duties in the High Court, and the fees and costs would go to pay the cost of his salary and expenses. It will be submitted that the method of control of public money is unsatisfactory; and it will be shown, when the question of the Legislative Council is dealt with, that the position of the Legislative Council is such that there is in reality no control over the public money at all, apart from that of the Administrator and the Minister.

*Judge MacCormick*: That will come under the heading of "Finance," and not "Native affairs."

*Mr. Baxter*: I was speaking of that, but I went on to the control of public money.

*The Chairman*: That is a subheading really.

*Mr. Baxter*: Yes. There are certainly auditors, but the gentleman who comes from New Zealand is here only a month, for the purpose of reviewing the whole of the expenditure and work of the Administration and the New Zealand Reparation Estates; and the local auditor, who is a gentleman in whom we have absolute confidence, is still not the independent man than an auditor should be, he being on the staff. There is no suggestion of any malpractice at all, and no suggestion of any malfeasance. It is the principle of the Government control of money which we consider is wrong. The committee quite recognizes that the subject of the New Zealand Reparation Estates and the Departments run by the Reparation Estates are outside the scope of the Commission—it is not part of the Administration, but is what might be called a separate venture of the New Zealand Government. I wish now to take the heading of "Legislative Council." The main evidence will be that, of course, of the three elected members, Messrs. Nelson, Williams, and Westbrook. Their evidence will be to show that they are not only outnumbered—six official against three non-official members—but are also consistently outvoted; that the opinion of the elected members is neither sought inside the Council nor outside it, nor is it considered when it is offered. Evidence will also show that the officials themselves do not exercise their own discretion and judgment, but vote in accordance with the way matters are introduced—by the Administration or not. The Native evidence and the evidence of the elected members will show the advisability of having Samoans on the Legislative Council. It will be shown that by far the greatest taxpayers in the country are the Samoans, and that the Legislative Council is the only really legislative body here, and they are naturally interested in the work of the Council. It will also be shown that in Fiji Natives are allowed in the Council. It is also thought that it is essential that there should be an expression of the combined racial feelings and opinions as against that of purely Europeans so far as the Legislative Council is concerned. Through the medium of the half-castes the races are closely linked together here, and there is a combined racial thought and opinion which would be expressed if there were Natives on the Legislative Council.

*The Chairman*: How do you refer so far as the half-castes are concerned?

*Mr. Baxter*: They are Europeans. It has been suggested in the report that there should be an increase in the number of non-official members. I suggest that if they were made equal—say, four to four, or six to six,—the numbers do not matter. That would be very satisfactory and would make the voting more even, and would give a larger expression of local opinion, particularly if Natives were on the Council; and the risk of the stability of the Government being upset, or of Natives not getting fair treatment, would be entirely nil, from the fact that the presiding Chairman, the Administrator, who is responsible for the stability of the country, would have the casting-vote. The stability of the country would be safe because the Administrator, as I say, would have the casting-vote. Under such circumstances it will probably be advisable that the matter in issue should be referred to the Minister for his expression of opinion on the matter, as he is the official really responsible for the country; but as far as the country here is concerned it would make provision for a much better expression of opinion while guaranteeing the stability of the country where stability of government is most essential. There is another matter I wish to touch on, and it is this: On the Legislative Council the Chief Judge holds a seat. Now, the Chief Judge is a man in whom we all have the utmost confidence and for whom we have the utmost respect, but here again I want to speak of the principle and not of the person at all. There is an inherent feeling that the head of the Court should not have a seat on the Legislative Council. It is felt that it is unfair to him—that it places him in an invidious

position that he should be sometimes required to sit on the Legislative Council and hear discussions concerning Ordinances and the reason for their being brought in, and then be asked to sit on the Bench and adjudicate on them. Generally I might say that the Legislative Council is not expressive of the country, and that it is entirely dominated by the Administrator. It is in effect a one-man show. Turning now to the subject of Native affairs: This is a difficult and complicated matter to deal with, and, while I know the lines along which I propose to lead evidence myself and lines upon which I propose to cross-examine, I cannot say what the Natives themselves will say when they are in the box; but the evidence will be led—or, rather, the expert evidence that will be called will be that given by Mr. Gurr and Mr. Nelson, and probably a Samoan to show what is the Native social system—the *fa'a-Samoa* system of government—and that the present system is repugnant to the Natives, and clashes with their own inherent ideas of the rights and authorities of the Natives. Native evidence will be called showing that dissatisfaction was amongst the Samoans before the 15th October, 1926—that is when the first meeting was held—and was largely due to the medical tax (which I have previously mentioned), the Faipules and their way of exercising their duties (as I will mention more in detail later), and the exercising of the powers contained in the Samoan Offenders Ordinance called “banishment orders.” I will also refer to what is generally known as the “emblems of sovereignty,” or “emblems of authority,” which is very often referred to. This refers to a gift of a *kava* bowl and various other Native articles to the Governor-General. The Natives resented the speech made by the Chairman of the Faipules, and they have, rightly or wrongly, looked upon it as a sort of ceding of the sovereignty of Samoa to New Zealand. They have regarded it from that point of view. The evidence will show that this has caused considerable unrest, and it will be claimed that the Natives were not consulted before that was done by the Faipules. It was done by the Faipules without the knowledge or consent of the Natives as a whole. The question of “fine mats” will also come up. I do not know the details of that, but it has something to do with the repression of gifts of “fine mats.” There is a ceremony when a chief dies, and a present of “fine mats” takes place, and this also applies in the case of marriage, and tributes are paid in connection with the presentation of those mats. I may say that it was considered that too much time was spent, and the custom was suppressed by the Government for the purpose of saving this waste of time. In connection with this matter of the “fine mats” presentation detailed evidence will be given from the Natives themselves; I cannot say exactly what it is. It will be submitted that it was a cause of unrest, and whether it was a good policy to follow or a bad policy to follow I am unable to say. If it was a good policy then there should have been a period of education before it was brought in. Another point that has raised considerable feeling among the Natives is the idea of individualization of land titles. The experts mentioned before that I propose to call will show that the system of land-tenure in *fa'a-Samoa* is that the land belongs to the family and under the control of the head of the family, or the *matai*. He has the complete *pule* of the land, but he must look after his family and he must work on the land. The proposal of the Government was to allocate 10 acres of land to each man, so that each man would have his own piece of land and consequently be encouraged to work upon it and look after it for himself, but it would not be under control of the family. The scheme clashes very fiercely with the Samoan idea of the family control of the land. They base all their importance upon the land. They place considerable weight on the fact of whether the family has much land or not, and they object very much to parting with possession of this land. It is quite probable and quite possible that when they come to divide up these lands into 10-acre lots the family of one *matai* would find that they had not sufficient land to divide up into 10-acre lots. If *matai* B has not got enough land some land would have to be taken from *matai* A and given to *matai* B so as to give every man his 10-acre subdivision.

*The Chairman*: Has this scheme been brought down in any concrete shape?

*Mr. Baxter*: Yes.

*The Chairman*: In what shape?

*Mr. Baxter*: It has been brought down, and is mentioned in some of the regulations that were brought down by the Government, and it has been discussed in the Fono of Faipules.

*The Chairman*: That is not an answer to my question. Has the Administrator brought down any concrete scheme to give effect to what, no doubt, was under consideration by some one or other?

*Mr. Baxter*: I have not seen the scheme.

*The Chairman*: How do you suggest that it comes within the scope of this Commission?

*Mr. Baxter*: It is mentioned in the Minister's reply.

*The Chairman*: But that does not bring it within the scope of this Commission.

*Mr. Baxter*: It is also mentioned in the report as one of the complaints.

*The Chairman*: To what report do you refer?

*Mr. Baxter*: What is generally called the committee's report—that is, the report that was put forward by the committee to the Minister.

*The Chairman*: It looks as if it was a scheme in the clouds.

*Mr. Baxter*: But it is a ground on which trouble has arisen—it is one of the causes of the present trouble.

*The Chairman*: We do not want to unduly limit you—we have already allowed considerable liberty; but my recollection is that this matter to which you are now referring is not a complaint or an objection made to the Government of New Zealand or to the Parliament of New Zealand.

*Mr. Baxter*: No, sir, except that it appears in the Minister's letter, as I am pretty certain it does, and the Minister's letter was made a portion of the parliamentary paper.

*The Chairman :* The question is whether it has been made a matter of complaint or an objection to the Government of New Zealand or the Parliament of New Zealand? My recollection is that it was not referred to in Mr. Nelson's evidence before the Joint Committee.

*Mr. Baxter :* May the point be left over until such time as I can obtain fuller particulars on the matter?

*The Chairman :* By all means. We have no desire to limit you, but we do not want to discuss matters that are not of any assistance to us in the report.

*Mr. Baxter :* Certainly, sir. Complaints were certainly made regarding the Faipule's action, and there will be considerable evidence on that. The evidence of the experts and of other Natives will show what the Faipule is in the *fa'a-Samoa*, and what his duties were—he was the representative of the body that sent him there.

*The Chairman :* My attention has been drawn by the Secretary of the Commission to the Samoan report which formed part of the proceedings of the Citizens Committee. Paragraph 5 on page 16 of A.—4B says, "The new land law which the Administrator is endeavouring to bring into effect is fraught with much danger, and is undoubtedly causing much trouble. Protests are heard on every side, and it is well worth the while of the author of it to seriously consider the pros and cons of the measure before putting it into operation." It is still in the air, and we cannot give directions as to the future administration of Samoa.

*Mr. Baxter :* No, sir.

*The Chairman :* We will leave the matter as it stands.

*Mr. Baxter :* The only way I proposed to bring it in was that it does tend to show that Native administration has been such that the complaints against the Native administration are justified. If it can be shown that the Native administration has followed along a course of not sufficiently educating the Natives and of not seeking the agreement of the Natives themselves as apart from the Faipules, then I submit it would come in and would be used for that purpose, and would be an example of a wrong policy being used. So far as the Faipules are concerned it will be shown that the Fono or the Faipules themselves are dominating their districts through the District Councils, the composition of which is set forth in the Native regulations. It will be shown that they are not working satisfactorily in that they do not seek the opinion of the *matais* and the elite of the districts, which is repugnant to the Samoan system. It will also be shown that the Faipules do not ascertain the opinions of their districts before they come to the Fono for the purpose of advising His Excellency as to the feelings and opinions of the Natives on certain matters. The Act does show that they are nominated by the Administrator. The expert evidence will show that a Faipule is a representative who should be selected by the wish of the whole of the Natives. It is intended to show that in some districts the consent of the Natives has never been sought. As I say, the Faipule has been nominated, and even though his district is dissatisfied with him he still remains in the Fono, and there is no chance of getting him removed.

*The Chairman :* The conditions of appointment are imposed and regulated by statute, and those conditions must be carried out by the Administrator.

*Mr. Baxter :* That is just where my case will be directed.

*The Chairman :* But you have not said so far.

*Mr. Baxter :* It will be shown that they are appointed by the Administrator, and that the opinion of the district has not been sought before the Faipule is nominated by the Administrator, as has been stated by the Administrator. It will be shown also that the position is very unsatisfactory in that persons have tried to bring forward complaints, but these complaints must come through the Faipule, and if the Faipule refuses to bring them forward then they are unable to be brought before the Secretary to the Native Affairs Department, or before the Administrator, because they have not come through the proper channel, and they are told to go back and send them through the Faipules.

*The Chairman :* Are not the Faipules bound to send forward the complaints? If a complaint is made is not the Faipule bound to send it on to the Secretary of the Native Affairs Department?

*Mr. Baxter :* He should do so, but my instructions are that he does not, and if he does not it is no use complaining about it. There are in the districts, besides other officials, Faamasinos, who might be characterized as Native Judges—that is, they are called Native Judges, but it is more the idea of a Justice of the Peace.

*The Chairman :* The local Magistrate.

*Mr. Baxter :* Yes, a sort of local Magistrate. I am instructed that the Faipules interfere with these local Magistrates in the exercise of their duties—that is to say, they have insisted upon sitting with these local Magistrates, and they have directed them as to what sentence they are to give. I am also instructed to say that in many cases where the Faipule makes a complaint against a chief and requests that he be banished the Faipule is the sole person who inquires into the advisability or otherwise of the banishment, and in many cases it has been as a result of purely personal matters.

*Mr. Meredith :* In matters such as these I think my friend should give me some specific details as to the particular instances he has in mind.

*The Chairman :* Mr. Baxter has told us that he cannot give us the particulars.

*Mr. Meredith :* Where there have been individual cases of Faipules doing it, that should be within their knowledge now. I would like to obtain particulars of those instances.

*The Chairman :* Can you state an individual case, Mr. Baxter?

*Mr. Baxter :* I cannot state an individual case at the moment. It will be some time before Native affairs will come before the committee, and perhaps the evidence will be cleaned up by that time.

*Judge MacCormick :* The only ground for complaint against the Administration is that it refused to take notice of such instances.

*Mr. Baxter :* Yes.

*Judge MacCormick* : The administration is not responsible for the misconduct on the part of the Faipules unless it is brought to their notice and they refuse to investigate it.

*Mr. Baxter* : They have in fact placed the Faipules there and will not hear anything against them.

*The Chairman* : That is a general statement—that is an inference—that is not what His Honour has referred to. His Honour refers to the fact that it is reasonable to expect upon this ground of complaint that the subject of complaint should have been any specific instance brought before the Administrator, or before the proper officer, and that he should have declined to investigate the matter at all.

*Mr. Baxter* : Yes, sir.

*Judge MacCormick* : That is all you can bring before us ?

*Mr. Baxter* : I can say that.

*Judge MacCormick* : If you say a Faipule has misconducted himself, then the remedy is to remove him, which I understand the Administrator has ample power to do ?

*Mr. Baxter* : That is so.

*Judge MacCormick* : The only way in which the Administrator could act would be if he was advised of the fact.

*Mr. Baxter* : I am not in possession of the facts at present, but I understand details will be given later. I have endeavoured in my opening address to give as near as possible the lines upon which I propose to conduct my case for the benefit of the Commission, and particularly for my friend, so that he will know the position. As I said before, Mr. Slipper will deal with the other matters.

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*Mr. Slipper* : May it please Your Honours, the first topic to which I want to refer to is a minor one, and it is the question of prohibition. The question of prohibition, however, is one which concerns not only the whites in Samoa, but the Natives as well. The view that will be put before the Commission is that the mandate said nothing about prohibition, but it did say that there should be no liquor supplied to the Natives. The Legislature of New Zealand has passed an Act in which it makes prohibition apply to the whole Territory. It will be represented that this is a considerable hardship on the old residents who made their homes here many years ago, and who are now too old to go to another place. Some of these people have been in the habit of obtaining liquor all their lives; but that again is a minor matter—the matter to be considered is the welfare of the Natives. Wherever the white man goes, if he cannot get liquor under license he develops sly-grogging and brews liquor. That, in fact, is what is happening here—the people make their own home brew. They do not do the work themselves, but they get their Native boys to help them, and as a consequence the Natives are learning to brew. The habit is spreading throughout the Territory. The Samoans are a race who are in no way addicted to drink, but they are learning to brew liquor themselves, and they are learning to drink. I propose to call the Inspector of Police on this question in order to obtain his views on the matter of prohibition. I wish also to place before the Commission the opinions of a number of Natives with respect to this matter. I shall also bring forward evidence of Europeans along the beach. It will be shown that this country is peculiarly adapted for private brewing from a number of forms of vegetation here from which home brew can be made, and it is feared that this matter will go on spreading and gradually eat into the heart of Samoa. It will be shown that if there was a proper condition here with respect to licenses all this would be stopped, and it could be under Government control. That will be the nature of the inquiry with respect to that matter. Now we come to the question of the cancelling of trading licenses. There is an Ordinance called "The Taxation, Licensing, and Revenue Ordinance, 1921." It makes provision there, *inter alia*, for business licenses. I refer to section 42, and no doubt this will be referred to more fully later on. In the schedule to that Act a number of businesses are mentioned. I need not go over them except to say that they are traders and various businesses. Now, a number of notices have been sent round to different persons requiring them to appear before the Collector of Customs and show cause why their trading licenses should not be cancelled. I have one before me now. This is dated 25th June, 1927, and it says: "With reference to the recent efforts made to disaffect the Natives in your district and to influence them to support an organization in opposition to the Government, thereby endangering the peace, order, and good government of the Native race in this Territory, I am directed by His Excellency the Administrator to inform you that he is in possession of certain information which necessitates your being called upon to show good reason why your license to trade in this Territory should not be cancelled. Please forward your reasons direct to me as early as possible." This letter was signed by the Collector of Customs and Taxes. It will be our case that by means of these notices and subsequent orders a system of persecution commenced after the Minister's visit here. There is no provision, I am of opinion, under this Ordinance for any license to any man who is employed by a trader, yet the fact is that three traders have had their so-called licenses cancelled. I have here a form of the cancellation notice. May I go on to say that under section 2 of the Ordinance of 1924—that is, the amending Ordinance, it says, "In any case where the Administrator is satisfied that the granting to any person of any new license, or the holding by any person of any existing license under the principal Ordinance, or under the Road Traffic Ordinance, 1921, may prejudicially affect the peace, order, or good government of the Territory he may order that no such license shall be granted to that person, or that such existing license shall be cancelled, and such order shall take effect according to its tenor as from the date of such order, or any later date specified therein." It will be represented on behalf of the committee that the three particular men in question did not have a license of any sort. Their names are—Henry Hunkin, of Falealili; Ale Lui, of Safata; and

John Kruse, of Faga, Faasaleleaga; and these men have received orders similar to the one I have previously referred to. All these three men are employed by Nelson and Co., Ltd. No other person that we know of has had his license cancelled, although a considerable number received notices. All these men have informed me that they have no idea what was wrong—they are at a loss to know how their trading could be in any way prejudicial to the good government of the Territory. The men whose licenses were cancelled have never been informed why the cancellation was made, and they have never been asked any question about it. They have never had any opportunity of making an explanation, and in consequence their living has been taken away from them as a result of an arbitrary act, the basis of which they are not aware of.

*The Chairman*: According to you the cancellation was a blank cartridge?

*Mr. Slipper*: Yes.

*The Chairman*: Why could they not carry on?

*Mr. Slipper*: The reason was that Messrs. Nelson and Co., Ltd., are not prepared to keep them in their employ for fear that their trading license will be attacked if they do: in other words, they are afraid that their own license might be assailed for not obeying the order issued by the Administrator. It means that their living is taken away from them, and they do not know the reason why.

*Judge MacCormick*: They were notified to show cause?

*Mr. Slipper*: But they did not know what the cause was. In Hunkin's case the order was to take effect at the expiration of the month, and, as I say, after that date Nelson and Co. will not employ them because they are afraid that their own license might be assailed for not obeying the order. As I said previously, they did not know the cause of this.

*The Chairman*: I should have thought that there was no better reply than to say, "I am not conscious of having done anything which justifies the cancellation of my so-called license." They did not do that, according to you?

*Mr. Slipper*: In nearly every case they had to go to the Collector of Customs.

*The Chairman*: You did not tell us that, and that is why the question was asked.

*Mr. Slipper*: So concerned are we about this that we decided to test the matter. The difficulty was to have the matter brought into Court; but we are not able to say by what means we are able to bring the matter into Court as a test case prior to a breach of the law being committed. Therefore we wish the Administrator to bring the matter into Court, and I have written to the Administrator about it—at least, Mr. Nelson did as a result of a letter written by me. I refer to the letter of the 13th September, as follows: "(3) We ask that (a) His Excellency will revoke the said three orders, or (b) that he will give a written undertaking to us to the effect that if we re-employ Mr. Hunkin in his previous employment, the Administrator will at once institute proceedings against Mr. Hunkin by way of a test case, and that whatever the result of that case may be we will not be held to be disobedient to or contumacious of the law." The reply to that letter was dated 15th September, and is from the Secretary of the Administration, and it is to Messrs. Nelson and Co., and it says, "I am directed to acknowledge receipt of your letter of 14th instant, with reference to the cancellation of the trading licenses of Henry Hunkin, of Falealili; Ale Lui, of Safata; and John Kruse, of Faga, Faasaleleaga. In reply I have to advise that His Excellency the Administrator does not propose to depart from his present decision." That was in answer to my question that we would be given an undertaking that there would be no victimization so far as Messrs. Nelson and Co. were concerned. There was another, which I have not on my file at the moment, in which I asked again to have an answer to my request in the first letter as to the undertaking to protect Messrs. Nelson and Co. I then received this letter, dated 22nd September—or, rather, Messrs. Nelson and Co. received it. It says, "In reply to your letter of 19th instant, I am directed to advise you that the Administrator is not prepared to give any such undertaking as asked for in paragraph (3) (b) of your letter of 13th idem. I would point out that, as your counsel has apparently advised, Mr. Hunkin already has the right to test this legislation in the law-courts (*vide* paragraph 5 of your letter of 14th instant)." I did not say anything of the kind; but we complain that we have the right, and we cannot bring the matter into Court. If a trial of the question is to be made it will have to be a technical breach, and then the Administrator must bring in the case. However, we hope to bring the whole matter of the cancellation before the Commission later on.

*The Chairman*: What are these gentlemen doing—are they working?

*Mr. Slipper*: One is working; but I do not know what the other two are doing. One is working with Nelson and Co., but not as a trader. With regard to the question of banishments, the Ordinance is called "The Samoan Offenders Ordinance, 1922." The preamble is important, I apprehend, and it reads: "An Ordinance to control Certain Samoan customs. Whereas by a Proclamation made by the Imperial German Governor, dated the sixteenth day of September, nineteen hundred and one, the Samoan Natives were forbidden themselves to exercise the custom of local banishment: And whereas powers in that behalf were thereafter exercised by the said Imperial German Governor: And whereas by a Proclamation dated the twentieth day of March, nineteen hundred and sixteen, and by a Regulation dated the twelfth day of February, nineteen hundred and eighteen, made by the Military Administrator of Samoa, provision was made for the manner in which applications for local banishments should be dealt with, and the above-recited Proclamation of the sixteenth September, nineteen hundred and one was declared to be in force and its operation was extended: And whereas it is desirable to make the law plain in respect of powers concerning titles: Now, therefore, this Ordinance is made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act, 1921." The preamble shows that the origin of this idea is from some alleged Native custom which existed in the olden times, and it would appear that the German military Government had continued the practice and had taken it into their own hands—that is, if the preamble is correct—and it would

appear also that this Administration now has taken up the matter of the banishments into its hands. It will be our case to show that there were very few banishments in the old days. When they were made they were made after full deliberation and discussion by the people concerned; and, while it might have been justifiable to take away the local powers of banishment, that does not justify the Administration in extending it on its own behalf and using it wholesale. The operative part of the Ordinance is this: "(3) If the Administrator is satisfied that the presence of any Samoan in any village, district, or place is likely to be a source of danger to the peace, order, or good government thereof the Administrator may, by order signed by him, order such Samoan to leave any village, district, or place in Samoa, and to remain outside such limits for such time as the Administrator shall think fit; and by the same or any subsequent order the Administrator may order such Samoan to reside in any place specified in such order."

*The Chairman*: The first part of the section apparently only authorizes the Administrator to prohibit residence at a particular village, district, or place, and under the second part of the section there would be no jurisdiction to require him to do anything but to live in a particular area.

*Mr. Slipper*: That is so. It is proper for me to inform the Commission that there is a test case about this matter, which was sent to New Zealand in April, and it was of this nature. As we look further into this we find that if an order of banishment is not obeyed the proceeding then is that the offender is brought before the Court. I may say that in one case a sentence of four months was passed on one chief, Tuisila, and shortly afterwards on two other chiefs—namely, Tagaloa and Fuataga—and they were brought before the Court on a similar charge. The case that was put up on their behalf was not in the direction of its being a dispute as to the facts, but it was a legal argument on the ground that these men had had no trial at all on the merits, for the trial before the Court was on the specific charge of not having obeyed the order; that it was contrary to the principles of British justice to send men away to prison without presumably a virtual trial, and that they had never been told what they had done, and that they did not know and were never questioned, and that they were being banished because of these words: "If the Administrator is satisfied that the presence of any Samoan in any village, district, or place, is likely to be a source of danger to the peace, order, or good government thereof the Administrator may, by order signed by him, order such Samoan to leave any village, district, or place in Samoa, and to remain outside such limits for such time as the Administrator shall think fit." There was nothing to show how the Administrator had become satisfied by inquiry. That generally is the form of our argument that has gone to New Zealand. Another point is that the banishment order was invalid because it provides a form of punishment not within the confines of the Samoa Act.

*The Chairman*: What do you mean?

*Mr. Slipper*: That Act does not provide for these serious punishments, and therefore the Administration has no right to bring forward a new form of punishment. That appeal is presumably in New Zealand—it went forward a month ago. I want your Honours to know exactly the position.

*The Chairman*: The subject has been discussed in the Court of Appeal in the celebrated *Hunt v. Gordon* case. The Order in Council in that case was issued pursuant to a statutory power; here what was done was done pursuant to a statute. The decision is an authority upon the construction of the New Zealand statute. The Court of Appeal held that the exercise of the jurisdiction depended on the opinion of the High Commissioner, and that this opinion was conclusive and could not be questioned in a domestic tribunal.

*Mr. Slipper*: The committee desires to strongly represent to the Commission that an Ordinance of this sort can be used for no purpose, because there was no evidence taken on oath—in fact, no evidence was taken at all—and there was no charge made, and the man did not know what he had done wrong.

*The Chairman*: That is altered by the Act of 1927—you do not want any recommendation.

*Mr. Slipper*: It is part of our case that the existing Ordinance was arbitrary and was not necessary. The same thing would apply with respect to any Ordinance under which the power was exercisable upon the Administrator being satisfied. As a matter of fact a great number of chiefs have been banished.

*Judge MacCormick*: You started to tell us about one chief being made the subject of a banishment order, and then you went on to the question of two other chiefs who were brought before the Court. Do you wish to refer to the original instance?

*Mr. Slipper*: No, sir. I was only referring to those cases in order to make it clear what the appeal was that had gone to New Zealand. They will all speak for themselves as they appear before the Commission. There were about eighty-six banishment orders made—or, rather, eighty-six persons put on the list of banishment orders. I cannot produce all the orders, because in many cases the Natives have lost them. I do not think this matter will be contested by the other side. It will be our contention that the reports of the Administrator show that this country is gradually growing up politically, and should grow up politically, and have a share in its own government. Ever since the committee of the Mau started and went into political matters at all those people were banished. We know nothing against those chiefs except that they are members of the Mau. It will be shown that in a great many cases the chiefs were not sent to their homes, but they were sent away from their homes; and it will be shown that the Administration made no provision whatever for the maintenance of these banished people when they got there. They made no provision whatever for the maintenance of their dependents who were left at home. The Administration has been asked and has refused assistance. They are not all living *fa'a-Samoa* still; some are living *papalagi*—that is, European style; and it is a great hardship to those who have been earning wages to be suddenly cut off without any assigned reason and sent away, and have to live on the chance benevolence of such Natives who wish to look after them.

The Legislature of New Zealand has passed an Act in 1927 which has been referred to by you, sir, a little while ago. It will be shown that the Administration appeared to make frantic efforts to get that legislation passed very hurriedly, and since it has been passed it has not been used in any way. The inference is that there is no need for it, and the Administration knew it, and it was used for political purposes. Under the Act the accused person must have a full opportunity to give an explanation. Now, the question of titles comes up. I have a number of orders here—not banishment orders—which take away the titles of the Natives. This is the form of order, and it reads, “By virtue of the powers me thereunto enabling I prohibit the use of the title ‘Fa’amau’ by you the person originally known by the name of Ulumoto.” Then the Administrator signs his name. This particular one I have here was dated the 26th July.

*The Chairman:* Under what authority does it purport to be made?

*Mr. Slipper:* I am informed that it is under the Samoan Offenders Ordinance, 1922; and section 6, subsection (1), reads, “The Administrator may from time to time, if he is satisfied that such a course is necessary for the peace, order, and good government of Samoa, or of any part thereof, by order signed by him directed to any Samoan, prohibit the use by such Samoan of any Samoan title or titles named in such order for such time as the Administrator may think necessary.” Subsection (2) of the same section reads, “Any Samoan who after any such order has been served on him uses any Samoan title in breach of such order shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.” It will be represented to the Commission that there was no necessity for these harsh measures, by reason of the fact that the Samoans esteem their titles very highly, and, moreover, this repressive legislation does nothing but stir up trouble in the island. It is because of these things and of the question of the Faipules that the country has been split into two parties, and the person ultimately responsible for that is the Administrator in adopting a wrong policy. It would be well to note that these banishments were made on a very large scale immediately after the Minister’s visit, and we allege the whole purpose is to break up any political efforts or aspiration of the people, and it will be shown that the Mau is a thoroughly legal and constitutional body to which any person has the right to belong and to discuss their politics the same as in any other country. I think that is sufficient to indicate to you what part I wish to refer to during the course of these proceedings.

*Mr. Baxter:* Your Honour, I propose to deal with the question of the interference by the Government in copra-trading by evidence. I have two witnesses here, sir; do you wish one to go out until he is called?

*The Chairman:* No, not as far as I am concerned.

*Mr. Baxter:* I call Mr. Brady.

CHARLES CRIPPEN BRADY sworn and examined.

*Mr. Baxter.]* You are the manager of the local branch of Burns, Philp (South Seas) Co., Ltd?—Yes. A company with its registered office in Suva, Fiji?—Yes.

Have you in any way associated yourself with the present political movement?—No.

Has the Government, either directly or through the New Zealand Reparation Estates, been interfering with the purchase of copra?—Yes.

In what way?—They have been purchasing copra from the Native villages in the districts of both Upolu and Savai’i.

Can you specify those districts, Mr. Brady?—To my knowledge, Mulifanua and Vaitele in Upolu, and Fagamalo in Savai’i.

In what way are they carrying this out, Mr. Brady? You say they are interfering with the purchase of copra: who is doing the buying at these points?

*The Chairman.]* When you speak of purchasing, do you mean straight-out purchasing of the copra, or do you mean an advance of money and undertaking shipment on behalf of the Natives?—A straight-out purchase, as far as I know.

*Judge MacCormick:* These two places are New Zealand plantations.

*The Chairman.]* You are not dealing with the copra from these plantations?—No; only with Native copra. I also omitted to mention Apia—Crown Estates head office in Apia.

*Mr. Baxter.]* Who is doing the buying in Mulifanua?

*The Chairman:* How can he know that? I expect that you will get that admitted by the Crown.

*Mr. Meredith:* The position is, sir, that there is no purchasing, purely an advance.

*The Chairman:* Yes, purely an advance and a transmitting to the market for sale on behalf of the Natives.

*Mr. Meredith:* With returns to the Natives afterwards.

*The Chairman.]* And a rendering of the account later on to the Natives as agent?—Well, Your Honour, I have two slips here purporting to be for copra received on which no reference is made to the copra being received on consignment.

*The Chairman.]* Surely that is purely negative—merely a receipt for the copra, and nothing to do with the terms on which the copra was received. That is a big logical jump, is it not? Whether the copra was received on consignment or as an out-and-out purchase, the receipt would be the same?—If I were selling copra I would like to know how it was received.

*The Chairman:* That is a mere mechanical receipt for copra.

*Mr. Baxter.]* Leaving aside whether it is an advance or a purchase, what is the price, say, at Mulifanua—what is the amount at Mulifanua being advanced by the Administration?—At Mulifanua. I understand, 2½ cents.

Do you know what they are paying at Apia ?

*The Chairman :* You should obtain your information from Mr. Meredith as to the amount of the advance and base your questions on that.

*Mr. Meredith :* At Mulifanua,  $3\frac{1}{2}$  cents.

*The Chairman.]* Does that agree with your information ?—I thought it was less than that.

*The Chairman :* The records will show what the advances were. This shows the futility of going on like this.

*Mr. Baxter :* Do you mind giving us the amounts at all the centres ?

*Mr. Meredith :* Apia,  $3\frac{3}{4}$  cents ; Vaitele,  $3\frac{5}{8}$  cents ; Vailele, the same ; Mulifanua,  $3\frac{1}{2}$  cents ; and Fagamalo,  $3\frac{1}{4}$  cents.

*The Chairman.]* Have you any reasons to doubt these official records ?—No ; with one exception, they agree with mine.

*Mr. Baxter.]* Do you know of your own knowledge when the Government first started carrying operations in advances against copra ?—Early in 1927.

How did the price received in London before October compare with the price being received at the beginning of this year ?—The price at the beginning of this year was approximately £4 per ton lower.

*The Chairman.]* Give me the London price per ton at the beginning of 1927 ?—On the 17th January it was £24 15s. per ton c.i.f.

Can you give the previous October, 1926, price ?—On the 5th October, about the time the market started to seriously decline—

Before that date. I want to compare the higher price before the falling prices. Select your own date ?—On a parcel of copra from our Hapaai branch, shipped there in April, 1926, and arrived Home about the end of June or July, sold at £29 1s. 3d. c.i.f.

*Mr. Baxter.]* How much have the merchants reduced the price they have been paying to the Natives as a result of that fall in pounds per ton ?—£2 5s. per ton.

*The Chairman.]* That does not give us much information. I want to know if there was any considerable reduction in the price paid to the Natives ?—The reduction was brought into effect on the 7th October, 1926.

What was the price paid ?—Various prices were paid, according to the localities.

Give us the maximum and minimum prices paid ?—The maximum price would be in the vicinity of £17 prior to the fall, and the minimum about £11.

You undertake the carriage and transportation of the material to your store ?—Yes.

*Judge MacCormick.]* You pay solely on account of the locality, and not on account of the quality ?—The price is based on the locality only, and the quality must be up to a certain standard set by the Government.

*The Chairman.]* You pay one price throughout the islands ?—Yes.

*Mr. Baxter.]* What profit are you making at the present time on copra ? Could you show us what it costs to get a ton of copra from various districts to London ?—Yes. I have a list here showing the costs with respect to copra from the Native producers until delivered c.i.f. London.

*The Chairman :* Put it in please. I will look at it at my leisure. [Exhibit No. 1.]

*Mr. Baxter.]* On that list is shown various districts and various rates of shrinkage ; also how the various shrinkages occur ?—In some districts the rainfall is much heavier than in others, particularly on the other side of the island. The copra on this side of the island shows a much lower shrinkage.

*The Chairman.]* You have included shrinkage as a debit against your profit ?—Yes.

*Mr. Baxter.]* These are the shrinkages in the various districts ?—Yes. I have based this list on three shrinkages. The copra that we buy is not always of the same quality. In some cases the shrinkage is 10 per cent. In some districts where the rainfall is greater and the trader has a number of sheds under his control the shrinkage varies ; and, furthermore, if we have to rely on the Natives it is higher. It goes as high as 16 per cent. My figures are based, however, on  $10\frac{1}{2}$ ,  $12\frac{1}{2}$ , and 15 per cent.

*Judge MacCormick.]* Shrinkage after being bought ?—Yes, from the time it is bought from the Natives until it is delivered into the shed in Apia.

*Mr. Baxter.]* And these prices along the top ?—The prices on top are the prices paid to the Natives. They are the rates in the districts concerned.

What district is Mulifanua in ?—Mulifanua is in an A district.

What is the price paid there ?—£11 4s. 1d., or  $2\frac{1}{2}$  cents.

As against  $3\frac{1}{2}$  cents advance ?—Yes.

What district is Apia in ?—Apia has a price of its own. It is considered separately from the other villages adjacent.

Can you call to mind the Apia prices ?—Apia prices are 3 cents.

Against  $3\frac{3}{4}$  by the Administration ?—Yes. Three cents is the price extending to Faleula, taking in Vaitele, where the Administration are paying  $3\frac{5}{8}$  cents.

What about Vailele ?—Vailele is in an A district, where we pay  $2\frac{1}{2}$  cents.

What about Fagamalo ?—That is a B district, where we pay  $2\frac{1}{4}$  cents.

As against their  $3\frac{1}{4}$  ? I believe in Samoa you buy in cents : that is the custom ?—Yes.

Now, the item of freight appears, 12s. 6d. The freight is on your own boats. You charge up 12s. 6d. for freight ?—Yes, 12s. 6d. per 1,000 lb.

How do you account for that freight charge ?—It is necessary to cover the heavy working expenses of those boats. They are really oil-launches mostly under the care of Natives.

*The Chairman.*] Are these what you might call lighterage charges: I mean transportation from shore to ship?—No, Your Honour, from the station to Apia.

What has freight got to do with it?—That is a charge credited to the boat.

*Mr. Baxter.*] What is the nature of the boats?—Mostly small boats, carrying from 5 to 15 tons. Run on oil from the outlying stations to here?—Yes.

You charge 12s. 6d. per 1,000 lb. for copra bought in A districts. In other districts the freight is higher proportionately to the distance to be travelled. You were going to account for those freights?—I can account for them in this way—

*The Chairman:* That is a fair and reasonable charge in connection with your expenditure. You need not go into details. It would require expert knowledge to test the figures, Mr. Brady.

*Mr. Baxter.*] Do you know what charges the New Zealand Reparation Estates make for their boats?—If we hire them they charge the same rate of freight that we allow for our own boats.

These are the charges to Apia?—Yes.

And that is the total cost per ton?—Yes.

What profit do you make in Apia? What market selling-price do you take for this?—I take the latest telegraph price, £26 2s. 6d. c.i.f. London.

What profit does that show you on a ton of copra on the sale price mentioned and the purchase price given to the Natives?—The profit is according to the amount paid originally. As far as A district is concerned, the profit allowed, with a shrinkage of 10 per cent., is £1 18s. 2s. That, I may say, is not taking into consideration the rent for extra copra-sheds; the tax on extra copra-sheds; copra-buyers' licenses; commission paid to extra copra-buyers (4s. 6d. per ton in some cases); proportion of traders' wages, which are £10 per month; interest on capital value of station properties, sheds, plant, and utensils; cost of station boats and lighters, and the maintenance of same; tax on boats, which is £1 and 10s., according to the size; the proportion of the station insurance at £1 10s. per cent.; interest on the capital outlay on the properties and copra-sheds in Apia, together with the insurance of them; the interest on the money expended on the purchase of copra—

*The Chairman.*] Surely, as a trader, you cannot suggest that this affects your profit. I understand you to say that a trader in order to determine whether his profit is a reasonable one or not ought to take into consideration the interest upon capital expenditure. It would be a paradise for traders if that were possible in any part of the world?—We have to provide the money.

You have to provide the capital, and you are recuperated by the profits you earn on your profit and loss account each year. You do not debit your profit and loss account with the interest on that capital. The Income-tax officer would not allow you, would he?—We might have to pay interest to the bank.

Of course you have. No one has yet managed to borrow money without paying interest on it?—A portion of Apia office supervision and the proportion of our head-office supervision entailed in selling the copra.

At London or Sydney?—At Sydney.

What has Sydney got to do with it: you ship to London?—Our head office has to determine the sale and arrange their charters.

And so you charge a proportion of the Sydney head-office expenses?—Yes.

*Mr. Baxter.*] Leaving out all these items mentioned, give us the highest and the lowest profit.—On C district, on a 10-per-cent. shrinkage, the profit would be £5 8s. 4d. per ton; within the Apia boundary the profit would be £1 13s. 3d. per ton.

The profits are all shown, and the percentage of profit too?—Yes.

Do you know what was your average profit per ton for the year 1925 when you struck your balance?—£2 4s. per ton.

And for 1926?—In 1926 4s. per ton.

You have not struck your balance for 1927 yet?—No.

What is the price at present?—£26 2s. 6d.

Do you remember what prices were received compared with prices in London given for Tongan and Fijian copra?—Samoan copra is usually a little higher—approximately 5s.; but in some cases we have received much less for our Samoan copra than has been realized for Fijian and Tongan copra.

Can you give us any examples?

*The Chairman:* What is the value of that? You can only say on the average what the difference in value is. You cannot take an isolated case.

*Mr. Baxter:* Yes, sir, but what I want is some actual example to show that there is not such a big difference paid on Samoan copra and Tongan and Fijian copra.

*The Chairman:* And how will that help us?

*Mr. Baxter:* It is considered that Samoan copra is very much better than Fijian and Tongan, and I think it is, but we do not get the benefit. The small difference will not justify the merchants in paying a higher price. I just want to show that the price advanced by the New Zealand Reparation Estates cannot be paid by the merchants.

*Judge MacCormick:* How can comparisons help us in that? Mr. Brady says that Samoan copra is better, taken all round. We cannot deal with isolated cases.

*Mr. Baxter:* I would not call them isolated.

*The Chairman.*] What is the general rule? Which realizes the better price—Samoan, Fijian, or Tongan?—Samoan is the better.

Could we not leave it at that?—I think that the question of supply and demand comes into it.

*The Chairman:* The parity of price is determined by the London price. What we have got to determine is the relation between the advance made by the Government and the price received in London after taking away expenses. I think that it is better to leave it alone.

*Mr. Baxter.*] Is it expensive or not to set up a trading-station?—To erect a trading-station, stock it, and supply it with cash takes £1,000 at least.

Can you trade without a trading-station or a copra-shed?—No.

Why not?—There are regulations against it. Property must be up to certain specifications.

Are those specifications laid down?—Yes.

You say you incur an expenditure at the beginning of £1,000?—Yes.

Is there any mark at which you must keep the stock and cash so as to retain your license?—Yes; stock £300 and cash £100.

Are there any specifications as to the type of building you must use?—The type of building must have a superficial floor-space of 200 square feet.

Anyhow, there are specifications laid down. From what points are the New Zealand Reparation Estates collecting copra? Have they built places like this, or are they using other buildings?—They are using other quarters.

Do they all belong to the New Zealand Reparation Estates?—Yes, with the exception of Fagamalo, which belongs to the Administration.

How do you find the trading-station: is it a paying proposition or is it a sore question?—It is a sore question with me; I do not know about the others.

*Judge MacCormick.*] Why?—Because of the high expenses.

*Mr. Baxter.*] Apart from the purchase of copra, what sort of business is carried on at the station?—The selling of goods.

Apart from the purchase of copra, does it pay or not?—Certainly not.

*The Chairman.*] From what source do you expect to receive the bulk of your profit—from ordinary trading or from dealing in copra?—The great bulk of the profit under normal conditions is from copra.

*Mr. Baxter.*] I believe the Government sells the copra in Pago Pago, American Samoa: do you know what price is paid for it?—The price, as far as I remember, is 96 dollars a ton.

*Mr. Meredith.*] What is the exchange?

*The Chairman.*] What does 96 dollars represent in English money?—95.78 dollars is equal to £19 14s. 8d. on a 4.85 dollars exchange.

*Mr. Baxter.*] And how is that bought? How does the Government dispose of it, Mr. Brady?—It is put up for tender each year—the total production of the island.

What are the terms on which it is supplied to the tenderers?—The successful tenderer merely supplies the copra-sacks and twine. The accumulation of the copra and the expenses incurred are borne by the United States Government—the Pago Pago Government.

Would it be possible to collect in this country as easily as in American Samoa?—No; the difference in production is so tremendous. Pago Pago is exporting this year about 600 tons. This shows to some extent, I think, how Government interference reduces the quantity of copra made, whereas our Native production is about 12,000 tons.

Referring to the improvement in quality, would it be possible for the merchants to purchase two grades of copra, first and second grade?—Yes, it would, provided the Government and ourselves get together on a good workable scheme, and, of course, provided that sufficient of the better-class of copra was made to warrant a better price being paid for it.

You mean that you have to get a quantity of it?—Yes, to cover the extra expenses incurred.

Would the extra expenses incurred be very much?—It would mean dividing copra-sheds; in some cases extra sheds being built where at present they are too small. It would mean longer time in loading the two qualities separately, and more handling in Apia. Generally there would be more difficulty than at the present time, with only one grade.

As far as you know, Mr. Brady, has the matter ever been discussed between the merchants and the Administration?—Not since I have been in Samoa.

How long have you been in Samoa?—Nearly three years.

You say that, as far as you are concerned, you are prepared to join in a workable scheme to produce better copra?—Yes, undoubtedly.

In the Ordinance just passed there is a proposition to collect taxes or give the Samoans the option of paying their taxes in cash?—Yes.

From your knowledge of the islands and as a business man, how do you regard this proposition?—I think that the Government is looking for a lot of trouble in endeavouring to collect their taxes by this means.

Why, Mr. Brady?—Owing to the hundred-and-one different points from which the copra would have to be collected.

There are other islands where taxes are collected in copra?—Yes, but the vessel goes to one place and collects the copra for the whole island. Here there are many points from which the copra would need to be collected. It would mean expensive working generally, and I cannot see how it could be done.

*Mr. Meredith.*] How many stations have you here, Mr. Brady?—Thirty-four.

How much copra do you buy per annum?—Last year we shipped 3,900 tons.

Do you consider that you collect over a quarter of the total production?—Yes—that is, of the Native copra.

*The Chairman.*] Can you tell us the output of Native copra?—I think, between 11,000 and 12,000 tons per year.

*Mr. Meredith.*] Of that 12,000 tons how much do you get?—About 3,000 tons. We also get copra from outlying islands.

*Judge MacCormick.*] You receive about 3,000 tons out of about approximately 12,000?—Yes.

*Mr. Meredith.*] Which of your stations is the biggest? Do they vary in size?—Yes.

Where do you get the biggest proportion of your copra from?—We get a lot from Satalo, classified on that schedule as a B district.

The other traders equally have stations spread about the island like yourself?—Yes.

There is only one price paid for copra throughout the Islands of Western Samoa, and the same price is paid by all traders?—As far as I know.

Surely you know. You suggest that you do not know whether you are buying better or not?—How do I know?

Surely in business with others you know what the prices are?

*Judge MacCormick.* For which locality?

*The Chairman.*] I understand that the traders get together and agree upon a price?—Yes; the price in each district is agreed upon by the traders.

*Mr. Meredith.* Then you do know?

*Judge MacCormick.* The price is agreed upon by the traders for each district.

*Mr. Meredith.*] I take it that the traders pay the same price in each case, and that the price is worked back from the f.o.b. price in Apia: is that the idea?—Yes.

And in fixing that price do you allow no profit to yourselves on the cost of getting it in?—I take it that you mean—

What price do you charge in your books—your landed cost or your actual selling-price here?—I have based it on the actual landed cost here.

There is, of course, a profit on the freight?—Up to the end of August we made a profit of £100, which will be more than offset by repairs.

That freight is the agreed price for all launch-owners operating in Apia?—Yes.

Do you suggest that all launch-owners have agreed upon a freight list that does not show a profit to themselves?—I cannot answer that question in the way you put it.

All copra in Samoa is not equal in quality?—No.

But you do not vary the price paid by yourselves?—No.

Then, do you pay more than the value for the poor quality or too little for the value of the higher? On what do you fix your price, the lowest or the highest price?—We fix our price on the general average quality as passed by the Government Inspectors.

You admit that it is desirable to improve the quality?—Yes.

It can be done if care be taken?—Yes, I take it so.

If that object were achieved, the value would be greatly increased?—I would not say “greatly.”

It would be increased?—Yes.

If an increased price were paid to the Natives it would be to the benefit of the Natives?—Naturally.

If the traders got it, it would be to the benefit of the traders. If the traders paid no more for the increased quality of the copra and got more for the sale of it, the traders would get that, would they not?—Yes.

You know that the Natives have been complaining for some years past that they have not been getting fair treatment from the traders?—I have seen it referred to.

If the Natives choose to accept advances from the Government, and ship in that way, what objection can you have to it?—The objection that we have is that we have been put to considerable expense in the erection of the trading-stations and catering for the Native requirements in the past; and, furthermore, we consider that the advance is far too high, and does not allow for the expenses we have to incur.

Your objection is that it hurts your business?—Yes.

So you do not mind whether it is to the advantage of the Natives or not, so long as it does not hurt your business?—I do not say that.

That price of £26 2s. 6d. you have quoted: what date is that?—About a week ago.

Have you a copy of that cable with you?—No; it is a press message.

Well, I put it to you that we have a copy of a press message here, dated the 19th of this month, saying that New Zealand Reparation Estates copra sold at £27 7s. 6d.: how do you account for that?—That is quite a different quality of copra to what we have to deal with.

In what way?—That is a standardized copra—hot-air kiln-dried copra.

It is quite clear that if copra is standardized here there is going to be an appreciable difference in the price?—Yes; that is, if it is a standardized quality hot-air kiln-dried copra. I defy any one to get a standard quality right throughout the districts of Samoa, taking into consideration the weather experienced.

You told us, Mr. Brady, that the price paid to the Natives was really based on the f.o.b. price Apia?—To get at the price paid to the Natives we base it on the f.o.b. price Apia after taking into consideration the market price.

You work back from the f.o.b. price Apia to see what you would give the Natives in the respective places?—We work back from the c.i.f. value in London.

To get back to Apia. Then you go back to what it costs to get it from the various places to Apia (f.o.b.), and then you give the Natives in the particular localities what you consider it right for them to get?—Yes.

That is what I understood you said this morning.

[Here followed a discussion on the figures in the schedule handed in by Mr. Brady.]

Well in certain districts you actually deduct more from the Natives than you actually pay in transport?—Yes.

So that the treatment of the Natives in the way of price in the various districts is not equal?—We get it as equal as we can, taking into consideration the various difficulties.

On these figures, is your profit equal on copra bought from the various districts?—We made £2 4s. a ton in 1925 and 4s. in 1926: that shows that we are paying too much.

In the figures you have submitted you have worked out the net profits from the various districts on the prices paid there, have you not?—Yes.

And those profits are not equal in each case?—No.

Do you know exactly how the Administration is dealing with the Natives in regard to their copra?—I do not know exactly.

You said this morning that they were purchasing: what made you say that?—From the dockets that I have in my possession.

You came to that assumption from those dockets?—Yes, and from the prices paid.

*The Chairman:* It was an inference.

*Mr. Meredith.]* Do you know exactly the basis of that transaction between the Administration and the Natives? Do you know the nature of all their transactions with the Natives?—No.

Do you know the class of copra which is set up as a standard against which the Administration will make advances?—Yes.

Where did you find that out?—Because we purchased a quantity of copra from the New Zealand Reparation Estates which was not up to the quality they wanted.

Have you seen a sample of the standard they have set up?—Yes.

Have you seen the notice in the *Savali* in connection with this matter issued to the Natives?—No.

Do you really know much about what is going on, Mr. Brady?—I can only take the Administration's word. Personally I believe that this copra is being bought straight out and has not been bought for disposal on behalf of the Natives.

*Judge MacCormick.]* What do you mean by saying you can only take the Administration's word?—The Administrator has said that they were making advances.

That is a different thing from purchasing. When you make a purchase you take all the risks of the purchase, but when you make an advance you are merely acting as an agent?—That is what I contend. The price that is supposed to have been advanced does not allow any margin such as we would require; therefore I cannot see how they could have accepted this copra on a consignment basis.

*Mr. Meredith:* You are drawing an inference.

*The Chairman:* No, he is not drawing an inference. What I understand the witness to say is that the Administration is sending Home Native copra on consignment and making advances against that copra, but that the advances are so great that they will never be able to recuperate any deficiencies which may arise. That does not convert it into a purchase.

*Mr. Meredith.]* In any event that loss or failure to recuperate will not fall on Burns, Philp Co.?—Well, I take it that if the losses are very great our taxes will be increased.

I see: you may get it indirectly. In regard to the collection of taxes, Mr. Brady, do you suggest that it would be inconvenient to collect taxes in copra?—I say that it is impossible in Samoa.

Again, that will not be your trouble: that will not be the trouble of Burns, Philp, and it will be no concern of yours?—No.

But if the Administration do collect the taxes by copra there will be less copra for Burns, Philp to buy?—That is so.

And you are affected that way?—Yes.

*Mr. Baxter.]* There will be less copra for you to buy, Mr. Brady? Are you paying any taxes that would entitle you to expect some protection from the Government?—Yes.

The question arose this morning as to the price received for copra—£27 7s. 6d. You said that was for kiln-dried standardized copra. Your price, I conclude, would be for Native copra? To make everything perfectly clear, what do you mean by "kiln-dried copra"?—It is copra that has been dried and moisture taken out of the coconut by putting it through an evaporation process.

Is the Native copra kiln-dried or not?—It is sun-dried.

Which shows the greatest shrinkage—kiln-dried or sun-dried?—Sun-dried.

Which will show the greatest shrinkage over a month?—The sun-dried.

Which would show the greatest shrinkage going Home on the boat?—They would be about the same.

In the markets of the world which commands the better price, kiln-dried or sun-dried?—Kiln-dried.

That accounts for the difference in the price. Reference was made to a freight list. The list was fixed here, and the question arose as to whether it was being run at a loss. Are you running at a loss on your freights?—Our books show a profit of £100 to the end of August. We have two boats to repair, which will take up that £100 and probably another £100 besides. On our running we shall just about break even.

Then you said, in answer to a question of Mr. Meredith's, that you agreed that it would be better for the merchants if the Natives made a better quality of copra?—If this better quality of copra was standardized more or less we would pay the Natives more.

Then you said that the copra you obtained from the Natives of is different qualities, but you give only the same price to the Natives no matter what the quality is. What different prices do you get in London for it?

*The Chairman.]* Is the copra you export graded?—No.

Is it graded in London?—No.

*Judge MacCormick.*] It is sampled, I suppose?—In some cases. If the buyers are not satisfied with the quality they will make an analysis of it. We often have to pay out on arbitration for Samoan copra if it is not up to the quality it is reputed to be.

These advances made by the Government are not against kiln-dried copra, I understand. They buy Native copra and give it special treatment?—The Natives give it a special preparation.

That is an important point. If the Government are making these advances against ordinary Native copra and treating it themselves, there is nothing to prevent you from treating it yourselves?—It has been pointed out that the difference between the present grade of Native copra and the first-class copra produced by the Crown Estates—the last difference was £1 7s. 6d. I have often seen references in the press to the different market values of the Native copra and the standardized copra produced by the Crown Estates, and in most cases there was only a difference of 7s. 6d. to 10s.

Between the best grade kiln-dried copra and sun-dried?—Yes. If we take that £1 7s. 6d. as the basis we would be able to pay only  $\frac{1}{2}$  cent more. If we were able to get Native copra up to the standard of the New Zealand Reparations Estates we could only give  $\frac{1}{4}$  cent more to the Natives and not  $\frac{3}{4}$  or a full cent as it is now.

*Mr. Meredith.*] But you would not get the same amount of shrinkage?—No; but, as I say, £1 7s. 6d. cannot be taken as the regular difference between the two grades.

*Mr. Baxter.*] On the question of advance and purchase, it does not matter to you how you view it, whether it is an advance or purchase: what you recognize is that the price paid out is too high to make it a payable proposition?—Yes.

Could you possibly afford to work if you get just a small quantity of this first-grade copra?—No. The paying of a bigger price would depend on the quantity being sufficient to cover the additional expenses of handling it. Furthermore, it is a moot point as to whether the shipping companies could provide the storage space for this special class of copra. They find it difficult enough now to provide storage space for the different marks.

If you put second-grade copra and first-grade copra together would the first-grade copra be affected by the second grade?—Very likely it would. I have never seen copra outturned on the other side of the world, but if the second-grade copra were riddled with insects they would naturally get into the first-grade copra before very long.

On the question of these advances, it is quite apparent that the scheme is to take each man's copra as it were on consignment and pay so-much as an advance. You are a practical business man: would that entail keeping separate accounts for each man?—The number would run into hundreds.

*The Chairman.*: Unless they pooled the consignment. I do not think there is any importance in the question of keeping these separate accounts. I propose to abstain from going into this question.

JOHN DOWLING sworn and examined.

*Mr. Baxter.*] You are the local manager for Morris Hedstrom, Ltd., of Suva, Fiji?—Yes.

It is before the Commission that the Administration are advancing money on account of certain class of copra to Natives at the rate of  $3\frac{1}{2}$  cents at Mulifanua,  $3\frac{3}{4}$  cents at Apia,  $3\frac{5}{8}$  cents at Vaitele,  $3\frac{5}{8}$  cents at Vaialele, and  $3\frac{1}{4}$  cents at Fagamalo. From your trading business and general knowledge of conditions here, could you afford to pay prices like that or not?—No, we could not on Native copra in small quantities.

What would be the profit on a ton of copra from the Natives, selling it in London?—In our system of book-keeping we do not attempt to show the profit on the copra from the station to London. We treat each station as a separate venture and credit each station at the rate of £16 per ton on the copra landed c.i.f. Apia, and any difference between the buying price and the price credited is reckoned to be the profit to the station. For that particular trading venture we take as a basis the landed cost in Apia, and we then show from our own copra account the charges and costs between the c.i.f. price Apia and up to the selling-point in London: that is, covering all such charges as labour in Apia, shrinkage in Apia copra-store, charges such as export tax, lighterage, cartage, lorry-hire, cost of sacks, insurance, fire insurance on shed, interest, proportion of ground rent for the shed, and proportion of the capital value of the building. We then get to the f.o.b. Apia stage—that is, landed on to the exporting-vessel in Apia. We then take our charges from Apia to the selling-point in London. That allows for exchange, freight, marine insurance in transit, London brokerage and commission, landing-charges in Europe, shrinkage, and our head office charge for selling. That is mainly to cover the cost of daily cables that pass between Suva and London, and covers not only the charge for selling, but the charge for keeping us in touch with the European markets.

[Here followed a discussion on figures handed in: Exhibit No. 2.]

How do your profits work out?—We find in taking out these figures that the profits in our  $2\frac{1}{4}$  cent area, based on what we are paying in the Faasaleleaga district in Savai'i, work out at £1 17s. 5d. per ton to the station; but it does not take into account various overhead charges. The stations in the Apia district, where we pay £13 8s. 10d. and credit at £16 per ton, does not show any profit to the station. We have four stations in that district, two of which show a loss on copra and two make nominal profits.

Could you afford to pay the prices advanced at the various points?—No, we cannot.

What is the figure in London now, the selling-price?—According to our latest advices for f.a.q. South Seas copra is £26 per ton—that is on the 10th September.

You have the wireless there?—Yes.

How much do you reckon Samoan copra would be worth then?—That is the price for f.a.q. South Seas. We figure that the Samoan should be worth 2s. 6d. to 5s. per ton extra on the average, over and above the ordinary price for Fiji and Tonga.

How do you find the trading-station as a business proposition apart from the copra question?—Well, we have not had a long experience here—we have only run for six months and we have balanced up to the 31st August. According to our balance-sheet figures the profit on our stations amounts to 1·14 per cent. of the capital outlay.

*The Chairman.*] Is that ascertained on a strict profit-and-loss basis?—Yes.

You do not include interest on capital?—No, certainly not. Nor do we include any profit that we may make on the station copra at £16 per ton. Any profit that we may make on that is a head-office profit; but, on the other hand, we charge our stations 10 per cent. on the landed cost of goods in Apia. Our balance-sheet shows only 1·14 per cent., but actually we made a little more.

What is that balance-sheet that showed a profit?—The half-yearly balance-sheet.

Head office at Apia?—Yes.

Does it amalgamate the returns of the different branches?—It amalgamates them, sir, and shows the profit made at the branches as a separate venture.

Is there no general balance-sheet showing the results?—Yes.

What does that show for the copra?—On the trading-stations as a whole the profit is 1·14 per cent. net.

*The Chairman:* That does not help us very much.

*Judge MacCormick:* That brings in your general trading operations. We are not concerned with the question of the profit on goods.

*Mr. Baxter.*] That includes both merchandise and copra dealing?—Yes.

You have to comply with any regulations before you are granted a trading license?—Yes. We have to comply with regulations laid down by the Administration.

What are they?—I have a copy of them here. [Handed in.]

That is a correct copy of the trading regulations?—To the best of my knowledge and belief. It was handed to me by my predecessor.

How much does it cost you to establish a station?—The minimum is £750, but, on an average, it is nearer £1,000.

Then, I suppose there are rentals to pay?—Yes; when we obtain a site from a Native we are bound by the Administration to pay a minimum rental of £12 per annum for a store-site and £8 per year for a copra-shed.

The idea seems to be to improve the quality of the copra. Would it be possible for the merchants to buy two qualities of copra?—Yes, quite possible.

Could you do it at the same expense?—No. It would mean the erection of additional copra-sheds and extra labour.

Would you, therefore, be agreeable to join in any scheme for the improvement of copra?—Yes, quite agreeable.

Do you consider if such a scheme were drawn up you would be able to pay the prices now advanced by the Government?—No; possibly  $\frac{1}{4}$  cent above the ordinary Native prices.

I conclude from that you could not make it a paying proposition at that price?—No, not at the prices paid by the Administration.

You have not offered so far to come up in price?—No, for the very good reason that we thought it would be useless to do so while the Administration was paying such high prices. It is no use offering  $3\frac{1}{4}$  cents for a grade of copra that the Administration is offering  $3\frac{3}{4}$  cents for.

Have you any knowledge in regard to whether it is an advance or a purchase?—Yes, I have had conversations with our traders and with an actual seller.

*The Chairman.*] Do you mean to tell me, Mr. Dowling, that you doubt the statements of the Administrator that they are consigning the copra and not purchasing it out and out?—I can assure you, sir, that some of the sellers do not understand that.

You do not believe that statement that has been made by the Administration that they were not buying any copra out and out?—I would not say that. To the best of my knowledge and belief the Natives do not understand that.

Apia seems to be a garden of suspicion?—May I put it this way: The Natives do not understand that they may be called upon to pay any losses incurred by the Government.

I certainly understand that, but it is quite another matter. If they did understand it I think there may be a difficulty in collecting it?—Would I be in order in saying, sir, that I am aware that people who have sold to the Government consider it to be a straight-out sale, and have no knowledge of any further contingencies.

*The Chairman:* You have said it, but it will not affect my mind. It is not the sort of evidence on which Courts act.

*Mr. Baxter.*] What provision have you made for freight here?—From the  $2\frac{1}{4}$  cent district at the rate of 12s. 6d. per 1,000 lb. That is the Faasaleleaga district, on Savai'i.

Is there a freight rate fixed among launch-owners in Apia?—Yes.

How is your firm doing under that rate?—Running the whole of our vessels at an utter loss.

*Mr. Meredith.*] Your firm is here to make a profit, and you buy with a view to making a profit?—Yes.

And I suppose the more profit your firm makes the better they will be pleased?—Yes.

Naturally you do not like anything that affects those profits: you will agree with me in that, naturally?—Yes, that is a natural assumption.

You have said that different grades of copra can be bought and kept separate?—Yes, at additional expense.

But, as you said, not a great deal?—It would mean the erection of new copra-houses, which would mean considerable expense—not a great deal for labour.

Of course, it is only fair that the producers of a better grade of copra should be paid a higher price?—Yes.

And it would also tend to encourage the production of better copra?—Yes.

It has not been the practice in Samoa to differentiate in the prices paid to the producers of copra?—As far as I am aware it has not been the practice.

It has to conform to the standard laid down by the Copra Inspector?—Yes. If it does not comply it is rejected.

The copra that you buy naturally varies in quality?—Yes.

So that a man who has produced good copra in the past has not been getting the benefit of his extra care?—I do not think that is quite right. I think it is more a matter of weather conditions. One man wants to take particular care with his copra and gives it every attention, and the whole of his efforts might be wasted by some days of rainy weather; another man, who might be quite careless but favoured with good weather, will turn out excellent copra; and we find out in effect that from some stations we might get one or two baskets of good copra, and the next lot may be dried in rainy weather.

*Judge MacCormick*: That should be taken into account in the buying.

*Mr. Meredith*.] Is not the man with the good copra entitled to the better price?—Well, with the ordinary sun-dried Native copra the difference in quality is not sufficient to warrant a difference in price.

Now, we have it from the other traders that the traders settle the prices that they will pay for copra in various districts: that is so, is it not?—Yes.

There is no competition in price between you and other traders?—No. In dealing with the class of traders we have to deal with in this country it would be impossible to give any of them a free hand.

And so the Native has to take the price fixed by the trader?—Yes.

And until this scheme was put forward by the Administration they had no option but to accept the traders prices: that is so, is it not?—Yes, and No.

I am speaking now of the Native?—That infers that we are not paying a fair price.

No, I do not infer that. I simply said that the Native is compelled to take the price offered?—It is very easily seen that if the traders were not offering a fair price for the copra there would be a certain amount of cream to be obtained by other traders. Other firms would start and offer more for the copra. All over the world you find that if fair prices are not being given, competition will force the price up.

How long have Morris Hedstrom been here?—Six months.

Were you after the cream?—Well, in this sense, no.

You thought there was some cream here?—We thought that trading conditions were favourable and we came here.

The very thing that you suggest has happened?—It does not follow that there will be any competition in price. There is no competition in price.

Now, of course there is nothing improper in the Native producer endeavouring to get the best price he can for his copra: that is legitimate?—Quite legitimate.

And you can suggest nothing wrong in taking advantage of the advances from the Administration?—Yes, I think there is something wrong in the principle of the Government interfering in private enterprise.

You cannot blame the Native, because if the Native can get more that way it is to his advantage?—Yes, just the same as if the New Zealand Government took over the baking of bread.

*Judge MacCormick*: But the New Zealand Government does take over certain enterprises. For instance, we have State coal, State fire insurance, Government life insurance.

*Mr. Meredith*.] You are not prepared to pay the same prices as the Government is advancing against copra?—No, we could not afford it.

You know the Government is only advancing against the highest grades of copra?—Yes.

High-class copra which the producer should be entitled to get a good price for?—Prices in conformity with the world's parity.

He is entitled to a better price if it is above the average?—Yes.

You as a trading concern cannot afford to differentiate in these small lots?—We are prepared to differentiate and pay a high price for the grade of copra that is being paid for by the Government.

Have you at any time offered to pay that higher price for small lots of better copra?—Not officially. Unofficially, yes.

Of your own knowledge, has any other trader offered a higher price for good copra before the Administration started to make these high advances?—Not to my own knowledge.

You were here before the advances were commenced to be made?—No.

In what way are you injured, Mr. Dowling, if the Government advances too much on any particular line of copra?—Well, we have to pay fairly heavy licenses and pay fairly heavily for the privilege of trading in Samoa, and, while we are not as yet affected by the amount of copra the Administration is buying, we are quite concerned at the policy of the Administration.

Why, what is your reason—that it might affect the price of copra?—What first caused me concern was not the actual buying, but the speech the Minister of External Affairs is reported to have made in Wellington, in which he stated that the ultimate objective was the elimination of the traders; and in that I saw a danger of the Government attempting to take over the whole of the copra industry in this country. That was the first thing that caused me concern.

Is that your only objection?—Yes, coupled with what I said before. Every commercial man has an objection to the Government interfering in private enterprise.

In what way is the Government interfering in your enterprise at present?—Not to any great extent, but what I am afraid of is the ultimate objective.

Then your only objection is that it may ultimately lead to the Administration taking over the whole copra business?—No, that is one of the objections.

What are the others?—Another is the interference with private enterprise.

In what way is it interfering with your enterprise at present?—We have invested a good many thousands of pounds in trading-stations throughout the Group, and if the Government purchase copra that will not permit the traders any profit. It must mean the elimination of the trader, and secondly, the closing-up of the trading-stations throughout the Group—the closing-up of a large proportion of the trading-stations and abandoning quite a number of the copra-buying centres, and quite a lot of unemployment among traders, who are, after all, a class who are least able to afford unemployment. I speak of the traders in the outlying stations; and the commercial depression means further unemployment in Apia itself.

On the other hand, if the traders' profits were cut out and their money came to the Natives there would be more money come into Apia and Samoa, only the Natives would have the money?—In theory, yes, perhaps; but the closing-up of the trading-stations and copra centres throughout the Group would mean a certain loss to the Natives in the way of rentals. A good deal of the money expended on handling copra goes back to the Natives: for instance, the whole of the labour.

But copra would still go out of Samoa whether the traders were here or not?—Yes.

And the same amount of labour would be employed as is being employed now?—Well, yes, and no, if I may put it that way. As far as labour is concerned, perhaps to some extent, yes, but not entirely.

And if the Natives receive more money they would have more money to spend in the shops in Apia and Samoa?—Yes; but, on the other hand, many of the traders now employed will be unemployed.

But might they not get employment in shipping their own copra?—Yes.

The copra is not here because of the traders—the traders are here because of the copra?—The copra is simply here because of the trader. The trader exploited copra in the very early days. It was the trader who came along here and induced the Natives to plant coconuts and prepare copra, and provided a market for the copra.

You suggest that there should be no alteration to the system?—I would say that while the traders give the Native fair treatment there should be no interference.

How many stations have you opened since you came here?—None.

How many do you control here?—Twenty-five.

Are they situated in various parts of Samoa?—Yes.

Where are your largest trading-stations?—They are all about the same size.

How many men do you employ in your various trading-stations?—Permanently there is only one trader in each station. We employ casual labour a lot in handling the copra.

Then your total permanent employees are twenty-five?—Yes. After all, we have only a small proportion of the trading-stations in this country.

How many stations are there?—I should say some hundreds in all.

How many traders in each station?—One at least.

*Mr. Baxter.*] When you are referring to permanent employees, that is just the trader at the out-station?—Yes.

Of course there will be quite a number of others on launches, &c.—Yes.

There are people who have stations on these islands, other than you and Burns, Philp Co.?—Yes, quite a number.

Mr. Meredith suggested that if the merchants all go away the Natives would get the benefit of it because the copra would be shipped by the Government?—That is so.

I conclude there would have to be some Government organization other than the Crown Estates?—Yes, a very huge organization.

That organization would consist of launches, driers, &c., and all the usual property employed by the present firms?—Yes.

Have you ever had any complaints about the prices from the Natives?—No, none whatever.

To Mr. Meredith you said that there were different qualities of copra, and you paid one price for every quality. Do you get any different prices in London?—No, not for Native copra. We get one price for it.

Apart from the big mercantile houses referred to there are, I conclude, other trading concerns in the country, and even in the out-districts there are independent traders?—Yes.

You brought out an established concern, Smyth and Carruthers, Ltd.?—Yes.

Have you ever seen any of this copra against which advances have been made by the New Zealand Reparations Estates?—Yes.

What was the quality?—It was a good quality. It is a better quality than the copra we are buying.

Does the difference in quality justify the difference in price?—No. It would justify about  $\frac{1}{4}$  cent.

*The Chairman.*] You told Mr. Meredith that a common price was agreed upon by the traders for the purchase of copra in each district. Would you be kind enough to tell me how this price is arrived at?—The principle of it is that in some districts the cost of transportation and handling the copra is much heavier than in others. Earlier in the day a 2 cent district was referred to. We have an independent trader who does business with us in this district, and a great proportion of his copra is

bought at outlying stations and has to be freighted down by mules for some miles before he can get it to a shipping-point. That is owing to there being no anchorage at the buying-point.

Yes, but that is dealing with one particular matter. Is it correct to say that the first step in fixing the price would be to arrive at a standard value of the copra?—Taking the basis laid down in those returns we would figure what the copra would be worth to us in Apia—£16 per ton.

I want to know how the price is arrived at by the traders in the separate districts?—I do not know how it is arrived at. I can only tell you from hearsay.

I want to know how it is arrived at by the traders: Could you tell us that from your own knowledge? Let us have the principle: do not go into details?—The principle is that the cost at the station plus the cost of transportation and charges to Apia, allowing the trading-station a reasonable margin of profit—

*Judge MacCormick.*] Which margin of profit naturally goes into the general fund of the company?—Yes. We figure on a profit, but the profit is not always there.

What the Chairman is trying to get is whether you fix a standard price for the copra in Apia, and whether from that you make such deductions as you think fair for each district to cover cost of transportation and shrinkage?—Yes, that is done.

Then what is the standard price in Apia?—£16 per ton.

Is that the standard fixed by all traders?—I understand it is the standard.

*The Chairman.*] We have been told that the proportion of profit in the strict sense made by all traders is largely composed from the profits of the purchase of copra?—No, certainly not, according to our records.

Mr. Brady told us that the bulk of the profit is made from copra?—My experience is that it is about “fifty-fifty.”

Now, there is a class of white men who are plantation-owners and who are experienced planters. Do you know whether those plantation-owners usually send their copra on consignment through one of the traders?—We buy a certain quantity of plantation copra.

Yes, certainly; but is the bulk of the plantation copra sent Home on consignment, or is it sold to individual traders in Samoa and then sent Home?—Some of the planters sell to the merchants in Samoa, and some of the larger planters ship through the Crown Estates. The majority sell to the traders here.

Now, the Natives are comparatively small producers of copra: they produce the product in small lots?—Yes.

At present you do not suggest that there is any real competition between the traders as to price?—We certainly agree to pay the same price in different districts.

Well, I am not referring to the difference between black and white, but are the Natives in a position and do they possess the knowledge to deal on equal terms for their copra?—Yes, they are treated on equal terms.

That is not quite the test. As Mr. Meredith put it to you, if the Native owner of copra does not wish to take your price he has no where else to dispose of it?—That is possibly right, but there are independent traders here to whom he can sell it.

The Samoans are not capable of forming any marketing organization of their own in their present condition?—No.

I might tell you that I was brought up in a school that deprecated Government interference in trade; but I would like to put one or two questions to you. First of all, the Administration in Samoa is entrusted in a sort of paternal way with the care and interests of the Samoans?—Yes.

And the Administration—not as the Administration of Samoa but as the Government of New Zealand—are the producers and exporters of copra?—Yes.

And they have drying-kilns in the Government plantations?—Yes.

They have therefore, without embarking on any special expenditure—speaking of the present time—they have the facilities for dealing with some portion of the Native copra?—No, they have not the facilities at present.

Do you doubt that they have the facilities by using the organization of the Crown Estates for dealing with some portion of the Native copra?—Not if you said the Government plantations. I will qualify that by saying that they have the facilities in the Crown Estates.

That is a matter with which you are not concerned; it is a matter for the New Zealand Government. Do you know that the Crown Estates are the property of the New Zealand Government, owned and bought by the New Zealand Government?—I know that.

Do you suggest that it is wrong to help the Samoans in some way through these Estates? Is that what you suggest?—I suggest that it is wrong in principle.

I am not bothering about principle at present. I am coming down to the special conditions in Samoa. I ask you whether they have not without the expenditure of further capital the facilities for dealing with a certain portion of the Native copra?—Yes.

Is it not a fact that the copra which is consigned through the Government must or ought to be of high quality?—Yes. Might I make one short statement in regard to one or two of your questions about the paternal interest that the Government should take in the welfare of the Natives. I would be the last to contend that the Government should not take that interest, but, seeing that the Natives are not being exploited, my contention is that they have gone the wrong way about it. They should have set up a Board.

I give you full credit for your opinion, but that is only a matter of policy—purely Native policy?—The point I was making is that as long as the merchants as a whole are giving the Natives a fair deal the Government should not take that paternal interest—not in that way.

You are perfectly right in the view that you are taking, and you must understand that I am only arriving at your view of the special advance?—Yes, I understand that.

WALTER VOIGT sworn and examined.

*Mr. Baxter.*] You are the secretary for P. C. Fabricius, Ltd. ?—Yes.

We have been informed by the Administration that the Government have been making advances against Native copra of 3½ cents at Mulifanua, 3¼ cents at Apia, 3⅝ cents at Vailele and Vaitele, and 3¼ cents at Fagamalo: have you heard of that yourself ?—I have.

Do you know when it commenced ?—The first I heard that they were buying in Mulifanua was, I think, February of this year; and then we had reports from our trader in Matautu, Savai'i, on the 14th April that the Government was buying copra.

Those prices I have given you are advances: do you think your firm can make copra if they bought at those prices ?—I can conscientiously say that it would be impossible.

Why ?—Because the margin left between that price and the London market price does not leave any margin for an emergency at all, which a merchant doing business on a safe basis must consider.

Have you worked out that margin ?—Yes, I have worked out that margin. [Exhibit No. 3.]

Will you please explain the figures ?—I have started from the original buying-price from the Natives.

[Here ensued an explanation of the figures handed in.]

What is the average price in London now ?—We made our last sales in London at £25 10s.; and this is the average price realized last year, except one lot during the coal strike, when we lost considerably.

Then, on these figures you say that it would be impossible to pay the same prices as are being advanced by the Government ?—Yes; if you take the expenses which I have here off the price which you are most likely to get for the best class of copra in London, it does not justify the price paid to the Natives or allow for any emergency.

Under what conditions are your trading licenses issued ?—We have to buy according to instructions issued by the Government.

There are conditions laid down ?—Yes.

Would it be possible for merchants to purchase copra at their stations in two different grades ?—Yes, if a workable scheme could be found. There is very little difference between first and second grade, and it would hardly warrant us going in for it.

Do you know whether or not this scheme of improving the copra by giving the Natives more money has been discussed by your company or the merchants generally with the Administration ?—Not to my knowledge.

*Mr. Meredith.*] Perhaps you may be able to help us. When is the price in a particular district fixed ?—When the European market takes a change.

In one of the merchant's offices ?—Yes, generally.

Where was the last meeting held ?—In Burns, Philips' office.

Well, how do you arrive at that figure ?—This principle is a very old one, and as far as I can remember—twenty-five years back—it has always been followed.

What is the principle ?—The price fixed in Apia is the highest price that shall be paid. In olden times the Natives had an abundance of boats, and they brought their copra to the place where they could get the highest price. Then the Natives approached the merchants to open stations where they could bring their copra right to the door and buy goods. The merchant had to see that the price he was paying for the copra satisfied the Native, otherwise he would take it away from his station to another station or Apia, where a higher price would compensate him for his trouble.

Have you got a fixed difference between Apia and the other stations ?—Yes, because if we do not pay a higher or a lower price the Native will bring his copra to Apia, and the stations that we have erected would be lying idle.

So that you fix the price so that it will not pay the Native to bring his copra into Apia, and also fix the price so that it pays you ?—Yes.

So in buying copra at the stations you allow a profit for the stations ?—Yes.

So that the station has a profit as well as the profit that is made between Apia and London ?—That is a matter of book-keeping.

Now there are two profits ?—You can call it two or one, according to where it is accounted for.

Was the idea to pay a fair price at the stations so that this price, plus the cost of getting it to Apia, would be equivalent to the Apia price ?—If it were not so, the Natives would bring the copra to Apia themselves.

Of course, each Native has only a small amount of copra ?—It varies. Some Natives possess a lot, and some smaller quantities.

If the Native has a long way to come, and the conditions are not fairly good, he will not come to Apia ?—No.

Take your schedule and the price at Matautu: You land that copra in Apia at £13 8s. per ton—£2 5s. 6d. cheaper than you land the copra from Manono; and the Natives at Matautu get £2 5s. 6d. less for their copra. Why should these Natives get £2 5s. 6d. less for their copra than the other Natives ?—Because, as I said before, the place is not so inaccessible as Manono, and we incur less expense in getting from there.

But you have charged up all the expenses ?—First of all, this difference which occurs is partly on account of station expenses. Some traders work economically, and some traders pile up expenses for the merchant. I have not gone on estimated figures; I have gone on figures which our books show.

Then, the Native is asked to pay the overhead expenses of your stations ?—Yes, to a certain extent, because we have opened a station for his benefit.

You sell goods to the Natives, do you not—at a profit, of course ?—Yes.

How much of the expenses of a station are you charging to the copra side and how much to the other side?—It is shown by my schedule as half the salary of the trader, and certain expenses for copra and certain for merchandise.

You have already debited the trader's half-salary there: what more do you want? On your figures you are landing your copra over £2 a ton cheaper from Matautu than any other copra?—On Manono we have 10 per cent. shrinkage.

But you have already allowed for that?—The shrinkage in Manono is £1 12s., against £1 17s. 9d. in Matautu.

But you have already allowed for that?—This is the practice that has been adopted by the traders in fixing the price.

I take it that the trading-station at Safotu is showing a profit?—It has this year, but not last year.

MACKAY DARROCH sworn and examined.

*Mr. Baxter.*] You are the accountant at Burns, Philp, and Co?—Yes.

You are the secretary of the Apia Chamber of Commerce?—Yes.

I wish to put to the witness a letter, dated 18th May, 1927, sent to the Administration. Is that a copy of the letter sent by your Chamber to the Administration [Exhibit No. 4]?—Yes, from the Chamber of Western Samoa.

*The Chairman.*] What is the date of the reply?—It is dated the 2nd September, 1927.

*Mr. Meredith.*] Is there any other correspondence with the Chamber of Commerce in respect to this matter?—Yes, there is other correspondence.

*Mr. Baxter:* I do not think that it affects the question at all. I will undertake to hand over any correspondence to Mr. Meredith.

*Mr. Meredith.*] Who are the members of the committee of the Chamber of Commerce?—Mr. Baxter is in the chair; Mr. Smyth, Mr. Nelson, Mr. Gurau, Mr. Churchward, and Mr. Williams.

These are the executive of the Chamber?—Yes.

WILLIAM MOWAT BURNETT sworn and examined.

*Mr. Baxter.*] You are the secretary of O. F. Nelson and Co., Ltd., of Apia?—I am.

Counsel for the Administration has informed us that the Administration is advancing against copra 3½ cents at Mulifanua, 3¼ cents at Apia, 3⅝ cents at Vailele and Vaitele, 3¼ cents at Fagamalo: can your company afford to buy copra at these points at that rate?—No.

Why not?—I think I can produce figures that will verify my contention. [Exhibit No. 5.]

[Discussion ensued on figures on schedule.]

Would your concern be prepared to join in a scheme for the improvement of the copra in Samoa?—Certainly.

Have you or your company ever been consulted as to whether the merchants would be willing to join in a scheme for improving the copra?—Not to my knowledge.

*Mr. Meredith.*] How do you arrive at these figures, Mr. Burnett?—These are actual figures from our books. I am working on a 10-per-cent. shrinkage right through, whereas it is often more than 10 per cent.

Do you attend the meetings for fixing the price of copra?—No; Mr. Nelson does that.

*The Chairman.*] We understand that in the price paid to the Native for copra outside of Apia, the price is calculated by the Apia price, less some rough allowance for the cost of transport between the place of purchase and delivery?—That is right.

Where is that reflected in your account: is the £10 1s. 7d. arrived at by making certain deductions representing cost of transport from the outside stations to Apia?—No, not in that way.

*Judge MacCormick:* It is less certain charges which makes the difference between the price in Apia and the price at the stations.

*The Chairman.*] If a deduction had not been made, the £10 1s. 7d. would have been a larger amount?—Yes; but we have the cost of our stations to keep up.

[Here ensued a further discussion on figures handed in.]

*The Chairman.*] Look at the last column, £8 19s. 3d.: that is arrived at by making a deduction in respect to the cost of the upkeep of the station?—Yes; we have to figure that D district is the farthest point out, and also a district from which we get very wet copra.

I notice that you have charged £2 4s. 10d. for the freight per ton.

*Judge MacCormick.*] And yet you get it into Apia for £13 7s. 6d., as compared with £15 10s. for Apia?—The conditions of that copra differ from the others a great deal.

*The Chairman:* It is a very strange thing, Mr. Burnett, that we have had three or four very intelligent gentlemen in the witness-box and we have been unable to ascertain from any one of them in agreement with the others the method and principle upon which they fix the price of copra.

*Judge MacCormick:* Mr. Voigt is the only one who gave us any explanation.

*The Chairman:* And you differ very materially from him.

*Judge MacCormick.*] You do not take any part in these deliberations?—No.

*The Chairman.*] Your explanation of the position not only differs from one of the others, but differs from all of the others. How long have you been in this business?—Four years.

TUESDAY, 27TH SEPTEMBER, 1927.

*Mr. Slipper:* May it please Your Honours, the subject to be brought up is that of prohibition. It is unnecessary for me to say very much before calling witnesses.

*The Chairman:* You ought to have said all you want to say. I would point out what the mandate says.

*Mr. Slipper:* The mandate orders that the supplying of intoxicating spirits and beverages to the Natives shall be prohibited. I would call Your Honours' attention to the fact that in New Zealand the matter of prohibition is referred to the people. New Zealand has always submitted the question to a referendum, but in the case of prohibition for Samoa there was no reference either to the people of New Zealand or to the people of Samoa—neither the Europeans in Samoa or anybody else in Samoa. I now call Inspector Braisby, the Chief of Police, to give his views on the matter.

ARTHUR LESLIE BRAISBY sworn and examined.

*Mr. Slipper.]* Your occupation is?—I am Inspector of Police in charge of the Police Department.

How long have you been resident in Samoa?—Since the 5th January, 1920.

Have you been in the Police Force the whole of that time?—Yes, the whole of that time.

Now, speaking from your own experience in Samoa, what were the conditions regarding liquor in Samoa when you first came here?—When I first arrived in Samoa there were several ways of obtaining liquor. First, there was an open bar at the Central Hotel in Matafele. At that time liquor could be bought and consumed on the premises. It was there for sale to Europeans.

*The Chairman.]* Europeans exclusively?—Yes, exclusively for sale to Europeans. Of course "Europeans" included half-castes. There was also a road-house, known as Kionka's Cafe, at Papasea (about three miles out of Apia). This house was a private establishment conducted by Mr. Kionka.

*Mr. Slipper.]* And what was supplied there?—Kionka's Cafe had a wine and beer license, and they supplied wines and beer to Europeans. This place was principally used for social gatherings, such as weddings, and birthdays, and events of that kind.

*Judge MacCormick.]* Was that also confined to supply and consumption on the premises?—Yes. There was another place, called Malololelei Rest-house. This place is above Vailima, and it was run on the same lines as was Kionka's Cafe. It was conducted by Germans: they had a license to sell wine and beer (to be consumed on the premises) to Europeans. These were the three principal places. There was also a club, known in Apia as the British Club.

*Mr. Slipper.]* Yes, that was situated on the waterfront?—Yes, just by the Vaisigano Bridge. They had the right to sell drinks to members of the club, but this was not a public place. The other method of getting liquor was by getting a police permit.

*Judge MacCormick.]* Was that all for consumption on the various premises?—Yes.

You could not take any away?—No; nowhere in Samoa could you take liquor away without a police permit.

*Mr. Slipper.]* That is not a Medical Officer's permit, but a police permit?—Not a Medical Officer's permit, but a police permit.

And on what basis did the police give their permits?—The police issued permits to Europeans, and issued them on the merits of the individual.

That, of course, is not the case now?—No, it is not the case now.

Now it depends on the individual's health?—It is issued by the Medical Officers, and has nothing to do with me at all.

At that time—the time you spoke of—can you say whether there was any, or much, home brewing going on in the country?—At that time—1920—there was no home brewing.

Is there any going on now?—Yes.

Can you tell us approximately when that home brewing started?—If the Court would allow me to refer to my notes made last year I could give you more accurate details. Perhaps I should mention, to make the position better understood, that when prohibition came into force, on the 1st May, 1920, Europeans in the country were in possession of fairly large stocks of liquor. I have extracted from the police records the number of permits issued and the amounts of different liquors that were drawn at different periods. For instance, during the month of February, 1920, the police issued permits for 162 bottles of whisky, and in the month of April (that is the last month that permits were issued) they issued permits for 839 bottles of whisky. Another item is wine, which was a very popular drink at that time. During the month of February police permits were issued for 749 bottles of wine, whereas in the month of April—the last month—the number of permits was 1,015. These are two instances of the amounts issued. The news was here that prohibition was coming, and they got their stocks as large as they could. In June of the same year a large number of German residents left the Territory: they had large stocks, which they distributed in the community; so for the year 1920 every one had large stocks of wine and liquors of all kinds.

But that, of course, like all good things, had to come to an end. What happened then?—About the end of 1920 these stocks were getting a bit short, and in 1921 illicit distillation commenced.

What is meant by the term "home brewing" here?—The term "home brewing," as I understand it, is the making of beer in the household—ginger-beer, hop-beer, and other forms.

Do you find that there is any intoxicating beer brewed at home here?—Yes, we have found cases of that; but such cases are not frequently before the Court.

*The Chairman:* We must distinguish between the term "home brewing" meaning the manufacture of non-intoxicating liquor, and that of "home brewing" as applied to the making of intoxicating liquor.

*Mr. Slipper:* By the Act, sir, we are allowed up to 3 per cent.

*The Chairman.]* I want the witness to answer the point—that is, does it contain 3 per cent. or more than 3 per cent.?—It is not supposed to contain more than 3 per cent.

*Mr. Slipper.]* With regard to most of the beer that is brewed, what is the quality of that?—The home brew that is made principally is made from the preparation known as "All in One."

*The Chairman.*] An imported article?—Yes, it is a tinned product of the United States. I understand that the Medical Officer has made tests, upon which he will probably give evidence, that if beer is made from “All in One” according to instructions, then the product would have no percentage of proof-spirit, but if they put other ingredients into the mixture, such as sugar, then they would obtain alcohol in quantity according to the amount of sugar that had been used and according to the way in which it was made—other circumstances being taken into consideration, of course. But if beer is made from “All in One” as it should be made, then there should be no alcohol.

The local name for that beer is *fa'amafu*?—That is the common term applied to it.

*Mr. Slipper.*] With regard to the *fa'amafu* which you have had in the Courts, Mr. Braisby, can you give the Commissioners any idea respecting the percentage of proof-spirit that has been found in that *fa'amafu*?—Yes; although, of course, only that *fa'amafu* comes before the Court which has been examined and found to contain more than 3 per cent. of proof-spirit, and anything below 3 per cent. does not come before the Court. I think that the highest percentage of alcohol which we have had in this Court is 8 per cent. It averages round about from 4 to 6 per cent.; that is the probable average.

Do you remember what it was in Pogai's case?—I do not remember, but I can find out.

If nobody objects to my reminding you, it was 8·2 per cent.?—Yes.

Is there much of this *fa'amafu* being made and drunk?

*The Chairman.*] That is, exceeding 3 per cent.?—I do not think there is as much made exceeding 3 per cent. as there is less than 3 per cent. That is my opinion.

*Mr. Slipper.*] Of course, there are no test cases available, are there? You could not put your hand on any figures to be certain about that, could you?—No; there are no figures available.

Is that home brewing of alcohol—that is, *fa'amafu* exceeding 3 per cent. proof-spirit—spreading and increasing, or is it not?—I do not think it is increasing. It certainly has not increased the last two years.

Have you had trouble with regard to any other illicit alcoholic drinks besides *fa'amafu*?—Yes, we have the distilled spirits. We have paid much more attention to the distilling of spirits than to anything else, because that, in my opinion, is the worst feature—perhaps I should describe the character of some of the residents of this place: My observations since I have been in Samoa—and I have seen a lot of it—is that the half-caste is all right if he does not get too much drink, and especially if he does not get too much liquor.

*The Chairman.*] What does that mean—too much drink and too much liquor?—Well, drink is beer usually, and liquor is worse.

Referring to spirits?—Yes. I have noticed that if they start drinking spirits they do not finish, in most cases, until they either go clean out or the drink is finished—that is to say, the spirits are finished. As soon as all the stocks of spirits were finished there was a demand for other spirits in any form; and the Chinese coolies realized that spirits had value, and they commenced to make distillations on the plantations.

From what?—From native fruits, and principally from cocoa-juice—that is, when cocoa-beans are fermented there is a liquid runs away from them, and this is gathered by the coolies. They make a crude form of still and distil that liquor from the cocoa-beans, and when distilled that is known here as cocoa-juice.

*Mr. Slipper.*] Are there any other forms of vegetation or fruits?—Yes, they also take the green mummy-apple, cut it up and ferment it, and make spirits of that. They make this not to consume themselves, but for sale.

What about the use of bananas and pineapples?—Yes; also in a few other cases they have used other forms and varieties, such as bananas, &c.

Now, you have some of that spirit in your office now?—Yes.

What is the percentage of that?—As far as I can remember, that is about 45 per cent., which is very low for spirits.

*Judge MacCormick.*] Do you mean 45 per cent. of proof-spirit?—Yes, 45 per cent. of proof.

*Mr. Slipper.*] What have you had it up to in other instances?—75 per cent.

Any higher?—I am not sure.

With regard to this 45 per cent. you have, if you put it on the table and touch it with a match, will it burn?—Yes, anything over 40 per cent. will burn.

Did this sort of thing go on when the police-permit system was in force and the open bars were in existence?—No.

Does not this illicit manufacture of liquor increase the difficulties of the Police Force very much? Not very much.

Can you patrol the country properly with the small force you have?—I do not consider that we need to patrol it, so far as this is concerned, beyond four miles of where we are now.

Can you say whether or not this home manufacture of alcohol is doing any harm to the Natives?—No, I could not say that. I know of a few Samoans round Apia (I do not consider them as being natural Samoans at all, as they are not living the real Samoan life) who will drink it when they get the opportunity; but I am referring to Samoans who work on launches and boats and live with Europeans and come into contact with Europeans. They, I know, will drink it. I do not think that it is ruining them.

Home brewing, especially of *fa'amafu*, is, as a rule, not carried out in detail by the white person—man or woman—who is making it; the work is usually done by their Native servants, is it not?—I suppose that in some cases that is so.

I suggest to you that it is a fact that Natives are learning to manufacture it?—It may be so.

Can you say whether the Samoans naturally are a drinking race?—No, they are not—not of intoxicants.

*Kava*, of course?—Yes.

What is your opinion about the present position: do you think that the present system of prohibition should or should not continue?—That is rather a wide question for me to answer.

*The Chairman*: You may feel a difficulty about answering that question in your official position, and you are not required to answer it if you do not wish, although I am not going to stop you if you wish to answer it; but witness must not be put in a position in which he feels it may injure him if he expresses his opinion one way or the other.

*Mr. Slipper*.] I would not have advanced as far as that only that Mr. Braisby prepared a report in 1926 on the subject for the Administration. However, you would rather not answer the question, Mr. Braisby?—No; if any opinion is to be given, I consider that it should be given by the Administration from my report. When I prepared that report, it was for the information of the Secretary to the Administration.

*The Chairman*.] Has it been published?—No, it has not been published; so far as I am concerned, it is still in the hands of the Administration.

*Mr. Slipper*: I am not putting it in, sir.

*The Chairman*: No. It can be regarded as a confidential paper.

[A return showing the amount of liquor issued by the permits of the police for February, 1920, and April, 1920, was put in and marked "Exhibit No. 6."]

*Mr. Braisby*: You are not interested in returns of liquor offences?

*Mr. Slipper*: I think their Honours should have a return of that.

*The Chairman*: Yes, put it in. [Exhibit No. 7.]

*Mr. Meredith*.] According to this return, Mr. Braisby, the total convictions for drunkenness in the twelve months ending 1926 were five, and as far as Samoan consumption of liquor was concerned there was no evidence at all?—No.

Those five cases of drunkenness—who would they be amongst: what kind of people were they—European or half-castes?—They were Samoans and half-castes, and one case of a European. The "drunks" were in three cases out of five the result of drinking methylated spirits.

Can I put to you this: that as far as Apia is concerned, in all cases, whether crowded or otherwise, there are no signs of drunkenness among the people in the streets?—No, there are no signs of drunkenness.

Speaking generally, there are no signs of liquor among the people moving about Apia?—That is so. It is exceptional.

Exceptionally so, you mean?—Yes, exceptionally so.

The Samoan—the real Samoan—does not like intoxicating liquor, does he?—No, not the real Samoan; he does not understand it.

Do you know whether the Fono of Faipules has considered this question?—I do not know.

When you speak about the distillation of spirits from cocoa, that was some time ago, was it not?—That commenced in 1921. By the end of 1922 it had practically ceased.

That had practically ceased?—Yes; it revived occasionally, but not as a rule.

As far as you know, it is not existent now?—No.

With regard to home brew, that can be made, and it is intended to be made, under 3 per cent.?—Yes, that is so.

But, of course, as you say, it can be made stronger if a person deliberately wishes to do so?—Yes, sir, if he wishes to do so.

By putting in other ingredients?—Yes, adding sugar.

If this were often done, would you not expect to see some signs of men under liquor?—Yes.

But you do not see them?—No; it is the exception to see men in Apia showing signs of drinking.

Have you seen the report sent in by the Citizens Committee?—Yes, I have read it in parliamentary paper A.—4B. It says, "As for the effect on the Samoan, only the most prejudiced would attempt to gainsay the fact that the law has had the most adverse effect on the Samoans, who have nearly all learnt to make and drink 'home-brew.'"

You say that is not a correct statement of fact?—No, it is not a correct statement of fact.

I suppose you are among the Natives fairly frequently, and among other villages?—Yes.

Now, another paragraph here says, "As for the Europeans, the result has been most deplorable. Hardly one who has any taste for beer, wine, or spirits at all has not broken the law in some way. Most, if not all, make and/or consume locally manufactured liquor in some form or another. It is doubtful if any one would resist a chance to smuggle liquor when the occasion arises." Do you think that is a fair and correct description of the European population in Apia?—No; it is extreme. There is a good number of people here who would not smuggle liquor if they got the opportunity.

You think that there are people in Apia who are prepared to obey the law?—I think that the biggest majority would try and obey the law as far as they could. I suppose everybody technically breaks the law at some time in some way or another.

I am speaking of this matter in particular just now: is it correct to say that every European here would smuggle liquor if he got the chance?—No, sir, he would not.

You consider that is going wide of the mark?—Yes, sir, I do.

THOMAS HENRY BATES sworn and examined.

*Mr. Slipper*.] What is your occupation?—The Collector of Customs.

Have you any returns with you as to the imports of liquor here?—This is the statement showing the import of spirits and liquor from 1926–1927 inclusive. [Exhibit No. 8.]

You were previously in Tonga?—Yes.

I would like, sir, to lead evidence to show what is done in Tonga. The Natives there are similar to the Samoans.

*The Chairman*: I suppose that I cannot stop it. You are calling for information which may or may not be of use.

*Mr. Slipper*: I think it would be of assistance. What can be told about Tonga is a matter of fact, while what is said about here is a matter of speculation for the future. (To witness :) What position did you occupy in Tonga?—Collector of Customs.

Will you give the Commissioners some idea of what was done while you were there in Tonga with regard to the question of liquor?—Liquor is imported in Tonga and sold by firms holding licenses. A few Natives have permits to drink, which permits they had to produce before the licensee when they required liquor.

And the Europeans?—The Europeans can get all they want up to a reasonable quantity.

Who controls that—the Medical or the Police Department?—The Customs in Vavau, and the Police in Nukualofa.

Not on a medical basis?—No.

How does that system work, as far as you could judge?—My experience was that a great deal of liquor got among the Natives.

Among the Natives in Tonga?—Yes, quite a lot. We could not prove that they got it, but Europeans were procuring it for the Natives and selling it to them.

ROBERT JOSEPH CARTER sworn and examined.

*Mr. Slipper*.] What is your occupation?—Commissioner of Labour.

Some time ago you and others took some interest in this matter of prohibition, did you not?—Yes.

What was done?—A meeting was held by the heads of the Administration Departments.

And what was done when the meeting was held?—A scheme was formulated and put before the Administrator.

*The Chairman*.] Is that scheme in writing?—It is, sir, but at the present time I consider that, as we have had no reply, it is more or less a State document.

*The Chairman*.] Exactly. There are State documents and State documents. Some State documents the Administration have no objection to being produced, but other documents may be of private interest and should not be produced. Have you a copy of it?—Yes.

Show it to Mr. Meredith. [Statement handed to Mr. Meredith.]

*Mr. Meredith*: I see no objection to its being read out.

*Mr. Slipper*.] That is a copy of the report of the meeting?—Yes.

*The Chairman*: Do you mind reading it out, Mr. Slipper?

[Copy of statement handed to Mr. Slipper and read out, and then put in.] [Exhibit No. 9.]

*Mr. Slipper*.] I suppose you have nothing more to add to that report, Mr. Carter?—No, nothing; but I would like to mention, in connection with Mr. Braisby's statement about the Chinese manufacturing spirits, that I am the Protector of the Chinese, and I would like to state to the Commission that these Chinese were taught to brew by the white man. They were in the employ of the white people, and it was for the use of the white people that this liquor was required, and they put their servants on to make it.

Do you know anything about how *fa'amafu* is made—who manipulates its processes, the white owner or his servants in that case?—I know nothing about that. I know nothing about the manufacture of *fa'amafu*.

WILLIAM HENRY GIBBS sworn in and examined.

*Mr. Slipper*.] Your occupation is?—A planter at Ululoloa.

How long have you lived in the Territory of Samoa?—Since the 9th April, 1920.

You have been here over seven years, and you are married?—Yes.

To a European?—No, to a local-born woman.

A half-caste?—No, a three-quarter caste.

You are frequently in touch with the Natives in your occupation?—Yes.

Now, you remember the time when there was no prohibition here?—I came here on the 9th April and prohibition came in at the end of April.

To come to matters directly, what do you know about this *fa'amafu*, by which I mean *fa'amafu* exceeding 3 per cent.?—As far as *fa'amafu* being made under 3 per cent., the average man who makes it does not make it under 3 per cent. to my knowledge. If it is made under 3 per cent. it is not worth drinking. But *fa'amafu* can be made from not only "All in One." There are many known ways to make *fa'amafu*—Kepler's malt-extract and malt of different brands, and by adding hops and sugar you get the same thing and a very good beer.

Now, is this practice of home-brewing of *fa'amafu* spreading among the Natives or is it not?—I do not think it is spreading now, but it spread at the start.

Do you think that the drinking of this *fa'amafu* is spreading amongst the Natives?—I could not say.

What would be the remedy, in your idea?—I favour very much the scheme read out by Captain Carter, a scheme I have had in my own mind—that of liberal permits for the whites, distributed by a Board—and I do not care what penalties are made for any abuse in giving Natives liquor. My personal opinion is that if it was a straight-out issue of prohibition or opening the hotels I would vote prohibition; but I am fond of my liquor, and, as a planter, I think that liquor is very necessary after

the day's work is done. If a planter is in the position of being able to afford a reasonable amount of liquor I do not see why he should not have it.

Under such a system as outlined, do you think that there is any reasonable chance of it getting into the hands of the Natives?—It certainly would; but if a term of imprisonment was imposed—

But I mean, under the strict conditions in that report, do you think that it would get into the hands of the Natives?—Yes.

To any extent?—No, I do not think to any extent.

Do you think it is fair, then, this prohibiting of the whites, especially with regard to the old residents who have been here over thirty years, without asking them about it?—Having read the mandate, I do not think it was a fair thing to take it away in the manner they did.

*Mr. Meredith.*] I understand Mr. Gibbs, that you are in favour of bringing in liquor under permit. Do you agree with the statements in the European report? Have you seen the report from the Citizens Committee?—No.

I will read this to you: "As for the effect on the Samoans, only the most prejudiced would attempt to gainsay the fact that the law has the most adverse effect on the Samoans, who have nearly all learnt to make and drink home brew." Is that correct?—Yes, to a certain extent.

To what extent?—Well, the average planter and the average person on the beach who makes it, generally with the help of Samoans or Native servants, teaches these Natives how to brew, and the Natives take that knowledge outside.

And that knowledge taken out by the servants, has that knowledge got among the Samoans generally?—I would not say "generally," but it has come to my knowledge that it has happened.

But not generally?—No, I think not generally, but it has happened and will always happen whilst the prohibition system is in force.

There is no system, of course, that will not be abused to some extent?—No, in no country.

That is, of course, unless we get a nation of perfection almost?—Yes, but we have still to find it.

Respecting the Europeans, I will read this extract: "As for the Europeans, the result has been most deplorable. Hardly one who has any taste for beer, wine, or spirits at all has not broken the law in some." Is that a fair statement?—I should say that the majority of Europeans have broken the law in the manufacturing of drink in their homes.

That is, in making a brew of over 3 per cent?—Yes, sir.

Again, this extract: "It is doubtful if any one would resist a chance to smuggle liquor when the occasion arises." Is that a correct statement?—Yes, because there again we have the penalty.

So far as the Europeans are concerned, I understand, Mr. Gibbs, that it is only the penalty that deters them?—Well, to a great extent.

The Europeans have not got sufficient respect for the law in that they will obey it only when the punishment is too severe?—I have smuggled whisky myself, but I would not take the risk any further when I saw two or three others fined £25.

*Mr. Slipper.*] Do you suggest that as a general thing you have no respect for law and order?—I have every respect for law and order.

It is purely this law, then, that you have no respect for?—I have no respect for it now, because I do not think it is a just law.

Well, with regard to home brewing, do you think, as an old settler here, that there is any likelihood of its spreading among the Natives?—As long as there is the importation of this stuff there is every likelihood.

But if stopped, what about the local drinks?—There are ample products to make it from.

*Mr. Meredith.*] Another aspect of the matter: the Samoan has already learnt to brew?—Yes, sir.

Well, would the allowance of a limited quantity of liquor to the Europeans prevent the Samoan from going on brewing if they or he has acquired the taste for it?—If the law allows the Europeans a reasonable quantity of liquor, I am sure that those Europeans would assist, so far as that is concerned, to stop the brewing by Natives.

It will not stop the Natives brewing for themselves?—No, except that the main thing they brew from, the "All in One," will be stopped.

Would they not go along and brew from something else?—No; it is this "All in One" that they have learned most about and what they have been taught most about.

PAUL OSCAR EMIL HOEFLICH sworn and examined.

*Mr. Slipper.*] What is your occupation?—Cordial-manufacturer.

And how long have you been living in Samoa?—Thirty-six years in Apia.

Consequently, there were the three Powers ruling here at that time?—Yes, the three Powers.

After that you were here during the German period, the occupation, and now the present Administration?—Yes.

What is your opinion about that, as far as the old residents are concerned?—In the old days there were not so many white ladies here, and people did not trouble themselves to walk straight, but now it is different.

In those days was there drinking to any extent amongst the Samoans?—No, there was not, and I know of no facts about drunkenness. Certainly some of the Samoan boys that were employed by the hotels would occasionally pinch some liquor and perhaps get drunk.

But as far as the Natives living generally in Samoa were concerned there was no trouble?—No; they did not seem to have a taste for it at all. Under the German Government there was a fine of £50.

A fine for what?—A fine for giving Natives liquor.

Now you see the present conditions—what about this *fa'amafu*?—I would like to shed some light on this, because it is very little known here—that is, the science of brewing—and no Native knows anything about it. For instance, at one stage it is necessary to cool the brew down to 76° F., and nobody does that here.

Have you any experience as a brewer yourself?—Yes; I am brewing beer from an English recipe. Under 3 per cent. ?—Yes.

Do you think that the different brews around the country are anything like standardized, or is there any considerable variation in quality?—I have drunk some very vile stuff here. Some of it looked like black coffee and some like *kava*, but it was all vile.

Do you think the Natives are learning to brew at all?—I could not answer that question, because I never mix with them; but I have seen them “tanked.”

That is what you say about the drinking among the Natives?—Yes; I have seen them, but I do not mix with them.

Do you know of any other home-made preparations besides this *fa'amafu*?—Yes. There is wine made here.

Anything else?—Yes. Alcohol was also distilled here from cocoa and other things, but it was vile stuff.

Have you been used to liquor all your life?—Not all my life, but ever since I reached the years of discretion.

Do you think that it is a fair thing to yourself and others that it should be taken away like it was?—No, I do not think it is fair—not that I care much for it; but some of the old gentlemen here—

Do you know of anything the whites have done to warrant their liquor being taken away as it was—that is, have they done anything to justify the New Zealand Legislature in taking away their liquor?—I think that it was done to stop the liquor from getting from the whites to the Natives.

Do you think, as an old resident, that there was any need for that?—No, there was not. It was the same before when we had the liquor here. We were prohibited from giving it to the Natives, and there was a fine if we did.

It was all right?—Yes.

From what you tell us, then, it has not stopped the Natives from getting liquor, because they make home brew?—The whites want to brew their own stuff, and the Natives see that being done.

Were you people residing in Samoa, or any residents of Samoa, consulted about the matter before prohibition became law?—I was not here at the time.

Where were you?—In Europe.

Well, can you tell us whether Samoa was consulted in any way?—As far as I know, it was not.

SAMUEL VERNON MCKENZIE sworn and examined.

*Mr. Slipper.*] What is your occupation?—I am a merchant in Apia.

How long have you lived in Samoa?—Since 1874.

When did the three Powers take charge?—That I have no true recollection of.

It was before your time?—I was here before the three-Power government.

However, you were here prior to the three-Power government and during the period of the three Powers—the German Administration, and the New Zealand army of occupation, and now the Administration already in existence?—Yes.

Before the three-Power government, what was the condition of affairs as regards drinking: was there any restriction on the whites?—There was always restriction on liquor.

Up to the time of prohibition coming in was there any real trouble about Natives getting liquor?—There was no real trouble. There has been isolated cases, as there will always be with forbidden fruit, so to speak.

Are the Natives addicted to drink?—No; but they are getting drink right now.

You have a Native wife, have you not?—Yes.

You understand the Natives thoroughly and you mix with them, do you not?—I have principally been amongst the Natives.

*The Chairman.*] Do you own a plantation?—Yes, in connection with my business.

*Mr. Slipper.*] You have been used to liquor all your life?—Yes, since I was able to take it.

Do you know of any reason, as a citizen of Samoa, why the right should have been taken away from the Europeans to obtain liquor?—I know of no reason, except that I have always considered it was a question more of sentiment than anything else. There was no danger—that is, real danger—at the time when prohibition was not in force, but there is danger now.

So it has worked out to the detriment of the mandate?—Yes, to the detriment of the mandate.

You say that the Natives are learning to drink now: in what way are they learning?—I can give you an instance of what happens in my store. I have a young family growing up, and I do not like to even sell “All in One” in my store, or even stock it in my store, for the reason that I am frightened my children might take it. I have a boy seventeen years of age, and, as I say, on account of my children growing up I have not stocked it. I have been so persistently asked by the Natives to supply them with “All in One” that I find I will have to stock it, otherwise my trade would go to another store.

If it is suggested that the importation of “All in One” into the country is increasing, would you be prepared to think that that suggestion is correct or incorrect?—I think the importation is increasing, because the people who ask for it in my store are Natives.

Are there any other means of manufacturing home-made liquor?—They can manufacture what is known as “bug” beer up to, I should say, about 25 per cent. This beer is the simplest beer to make of the lot.

The origin of the term is that it is manufactured from some sort of vegetable growth that develops in the brew while it is being made: it is on the same principle as the celebrated “Bulgarian bug”?—It may be made from a dozen different kinds of fruit, such as mummy-apple, pineapple, oranges, and other kinds of fruit—in fact, you can make *fa'amafu* from most fruit that is grown in Samoa.

How do you account for the fact that the Natives are showing a disposition towards drink?—Well, of course, I do not know the exact reason. The labour is done by the Natives mostly, and consequently they learn how to drink it. They drink it first on trial, and then they get to like it and they brew it for their own consumption.

Do you know whether there is any brewed for sale?—Yes.

What is the price per bottle?—The price varies according to the customer.

What is the common price?—At 2s. per bottle.

What is it really worth?—About 1½d.

Is it having the opposite effect to what it was intended it would have?—That is so.

Would you like to get prohibition removed for your sake and for others as well?—Yes, because I think the present system is a danger, and it is a growing danger. The longer this system is kept on, the greater the danger it is going to be in the future. As I have previously said, I have growing children, and I am always afraid that my own children will get used to this *fa'amafu*. I can see the effect of it already. Only yesterday morning—that is, in the early hours of the morning—I saw nine “drunks” in motor-cars, and they were Natives. They were not what would be termed dead-drunk, but they were hilariously drunk.

*Judge MacCormick.*] The stopping of the importation of this “All in one” will not prevent a person brewing liquor, because there are other materials available?—In former times, when the Natives did not see the European manufacture, they were not tempted. The Natives, as we know, are imitators.

That is so; but he has learnt the practice?—They will discontinue the practice. If liquor is allowed to come in under control, and the European is forbidden to manufacture and brew the present stuff, I think the custom will die out itself. Of course, there would be isolated cases which would take place.

Do you mean to suggest that all the Natives have learnt to brew?—No; but the evil is spreading.

That is the point?—I know this for a fact.

It is spreading?—Yes.

*Mr. Meredith.*] Do you think the taste would soon die out?—Yes, except in isolated cases.

Apparently the taste has not died out with the Europeans?—That is quite different, because they are almost born to it; but these people have never acquired it until recent years.

Are you a member of the Chamber of Commerce?—No, but I used to be.

Do you know that the Chamber of Commerce was requested by the Administration to cease selling “All in One” at the trading-stations?—That I cannot say.

You never heard that?—No.

So you would be satisfied to stop selling of “All in One” provided everybody else stopped selling it?—Yes.

If you stopped selling it, then your trade would go to others?—Yes.

Is there any reason why the traders should not say, “We will not sell ‘All in One’ to Natives provided that every one else does it”?—That is a question that I would not like to answer.

Would that not get over the difficulty of selling “All in One” to the Natives?—If the manufacture of liquor is not stopped I am quite sure it will increase.

You mention particularly “All in One”?—We mention “All in One” because that seems to be the easiest to brew, but that does not mean to say that you cannot manufacture it from anything else.

Assuming that the Europeans obtain their liquor, it is, is it not, still open to the Natives to use raisins and fruit?—But the temptation so far as they are concerned is not like it was before.

Even if you were able to have your whisky at night, how does that alter the temptation of the Natives to go and brew pineapple—in other words, the fact that you are able to have your whisky does not affect the Native living in his village ten miles inland?—The European that is brewing it now is placing before the Natives the temptation; and if the European is allowed to have his whisky, then the practice complained of will die out. The Natives did not have this temptation before, because they had their *kava*.

Would not the same temptation exist, so far as the Native is concerned, if the European has whisky in the house and the Native is able to see it?—I do not think so, because it is too expensive.

You suggested that the Native has developed this practice of brewing hop-beer?—Because it is so cheap to him.

They could always manufacture it cheaper by their own brew?—Yes. I may say that in Samoa example is everything, and if the example was taken away the practice would die out.

So far as drinking whisky is concerned, why should they now get the habit of drinking it?—It is too expensive; and you could not set the example to the Natives, because, as I have just said, it costs too much.

Then it is not the example of seeing the European drinking it, but it is a fact that the European give them the drink?—It is the manufacture. Buying a bottle is quite a different thing to the manufacture of it.

NORMAN HURSTHOUSE MACDONALD sworn and examined.

*Mr. Slipper.*] What is your occupation?—I am a surveyor.

And practising your profession in Apia?—Yes.

How long have you lived in Samoa?—For thirty-five years.

And you are married?—Yes.

To a Native lady?—Yes.

And you have a number of children?—Yes; they are practically grown up.

With respect to the question of prohibition, do you think it is a good thing for the Natives to have this present method of prohibition in existence?—No, I do not think it is.

What is your objection to it?—The Native community did not drink to any extent whatever.

Since prohibition has been carried, what is the position?—I think the Natives manufacture what is known as *fa'amafu*.

Can you account for their doing so? How did they come to do that—that is, how did that habit arise?—Well, they evidently saw the European doing it.

Have you seen home brew manufactured in the different homes?—Yes. I have manufactured it in my own home—always under 3 per cent.

When it is manufactured in homes like that, do you know whether or not the Native boys are called in to assist in the manufacture of it?—Very often, I should say.

Is there any other kind of home-made liquor that can be produced in Samoa?—Well, I think we can produce almost any liquor if we want to. I do not, however, think it is done. Home-made wine is very often made.

Is this liquor named *fa'amafu* made over 3 per cent.?—Undoubtedly. The Natives have no means of testing the brew. I have seen evidence of it where they have been under the influence of liquor.

It would take a lot of the 3-per-cent. liquor to do that?—Yes.

Was anything of this nature going on before prohibition was in existence here?—None at all. Before prohibition the Natives did not drink. Of course, the Natives around about Apia and working on the boats might have occasionally got a drink, or when they were travelling around the island. As a matter of fact, a Native chief would sometimes be offered a nip of whisky, and it was taken as a matter of courtesy, the same as a visitor would take a nip of *kava*.

Did the Europeans here do anything to justify the New Zealand Government in taking away their license?—None whatever. We consider they were very badly treated.

Is it fair to the old residents who came here in the early days to take away from them the liquor which they had been used to?—Undoubtedly, no. In my own case, I cannot carry on work unless I have a certain amount.

The present system of obtaining liquor is on a medical basis?—Yes.

Are you satisfied with it being put on a medical basis?—Well, if you want my own opinion, I must say that I am not satisfied. I should like to say that Europeans of repute ought to be able to have such liquor as they want—that is, in reasonable quantities—and if they abuse that, then the privilege should be withdrawn.

In the course of your profession you see a lot of the island, and consequently see a lot of the Natives?—Yes.

Is your opinion based on your travels or based on the conditions operating in Apia?—Well, I must say that I have not seen very much brewing amongst the Natives. I do not go to the Native houses at all—in fact, my work does not bring me in contact with the Natives. I know as a result of mixing with the traders that the Natives are brewing their own liquor in their own districts.

Have you seen drunkenness yourself amongst the Natives?—Yes.

Do you think that the present condition of affairs is in the interest of the Natives?—No, I do not. I think if prohibition was withdrawn, and the home brewing was prohibited and we were allowed a reasonable quantity, it would be to the advantage of the Natives.

Would you say that the Natives are all brewing in their villages?—I am not speaking of the Natives.

I am referring to the Natives?—I would not say that about the Natives. I do not think that the Natives are brewing very much.

Do you think that there is a danger that they might?—Quite so; it is certainly spreading.

If it is spreading, it should be stopped?—Yes.

FAUMUINA sworn and examined.

*Mr. Slipper.*] You are a high chief amongst the Samoans?—Yes.

And you live at the village called Lepea?—Yes.

With respect to the question of prohibition amongst the whites, do you remember the time before prohibition, was in existence?—I remember.

Was there any drinking worth while talking about among the Natives?—I do not know.

Did you ever see any?—I did not see any Samoan take excessive drink.

Are the Samoans a drinking race?—No.

Are they doing any drinking now?—Yes.

What do they drink?—*Fa'amafu* and other concoctions.

Are they drinking more now than they used to do?—Drinking by the Natives has increased considerably as compared with former times.

Do you know whether the Natives are doing any brewing?—Yes.

How did they come to do it?—They have learnt the brewing of it from the Europeans.

What do you think is the best thing to do?—Proper liquor should be provided to the European so that this vile liquor should be removed.

Would that be more like old times again?—Yes.

You remember that the Government of New Zealand took the liquor away from the white man?—I remember.

Can you tell us whether the white man had been doing anything to deserve the liquor being taken away from him in that manner?—I do not know of anybody committing any offence to justify the taking away of liquor from the Europeans in Samoa.

Were you satisfied with the position then?—I am quite satisfied that there was no harm done to the Samoans.

Are you satisfied now?—No, I am not satisfied with the present position in Samoa as regards liquor.

Is it likely to get worse or is it likely to get better?—There will be a lot of trouble with the Samoans. Is the drinking among the Samoans getting worse or is it less?—It is increasing very rapidly.

Are you saying these things for the good of the white man or for the good of your own people?—I am speaking for the benefit of my own countrymen.

*Mr. Meredith.*] Have you ever tasted whisky yourself?—Yes.

Often?—Yes.

Have you ever drunk beer?—Yes.

Often?—Yes.

Have you ever drunk wine?—Yes.

Often.—Yes.

When did you first drink whisky?—Before prohibition came into force and right up to the present I have tasted whisky.

Do you like whisky?—I like it, but it makes me ill.

Have you ever been ill through drinking too much whisky?—Even if I drink a lot or a little I always feel that it does not do me any good.

Do you often drink a lot?—Yes.

Have you ever made *fa'amafu*?—Yes.

Have you made it often?—No, I have not made it often.

Do they make *fa'amafu* in your village?—Yes.

You are the chief there, are you not?—Yes, I am chief of the village.

What have you done to stop your people from making *fa'amafu*?—I have asked them to refrain from making *fa'amafu*.

Have you ever drank any *fa'amafu* that was made in the village?—Yes.

Have you drunk it often?—Yes.

*Mr. Slipper.*] Is it for you to give orders in your village?—The *pulemu'u* is the man for that work—I have no Government appointment. The *pulemu'u* is the responsible Government official in the village—I am the responsible chief for my own people.

How long have you been away from the village lately?—I have been away since the 22nd June.

That is, banished?—Yes.

To Apolima?—Yes.

#### LELEUA sworn and examined.

*Mr. Slipper.*] You are a Native District Judge?—Yes, of Vaimoso.

Are you aware that there is prohibition of liquor in Samoa?—Yes.

Do you remember the time before prohibition?—I remember.

In those days were the Samoans doing any drinking worth talking about?—Hardly any of them drank liquor.

Are they just the same now?—I have not noticed any drinking since prohibition came into force.

Have you noticed any brewing?—Yes.

Is that brewing done by the Natives or *papalagi*?—Samoans and half-castes. I misunderstood you. I thought the question referred to imported liquor when I said that I have not noticed any drinking since prohibition. As regards *fa'amafu* there is quite a good deal of it.

Is it or is it not growing—that is, the habit of drinking *fa'amafu*?—It is increasing.

Is that any good for young people?—It is bad.

Do you see any drunkenness among your people now?—Quite a lot.

At the time when prohibition came in do you know of anything that the white people were doing to justify the New Zealand Government in taking away their liquor license?—I did not see any act to justify the putting into force of prohibition.

It is common knowledge that the idea of the New Zealand Government was to protect the Natives against drink?—I know of that.

It was the intention of New Zealand to stop the Samoans from getting drink: has it had that effect?—By prohibiting liquor in Samoa it has increased the consumption of *fa'amafu*.

How do you account for the Natives taking up this *fa'amafu*, either by way of brewing it or drinking it?—Whites and half-castes have taught the Samoans how to make *fa'amafu*.

Is there anything else in Samoa from which intoxicating liquor can be made?—Cocoa, mummy-apple, and other fruits.

What do you think is the best way to fix up the difficulty?—In my opinion, for the good of my countrymen I would like the Europeans to get their liquor, but the brewing of this *fa'amafu* should be stopped.

Did you have any trouble over the imported liquor in the olden days?—I did not see any trouble of that kind.

Has it had any effect on them?—Yes, it has killed some of them.

*Mr. Meredith.*] Do you wish the Samoans to have liquor?—The Samoans should not get liquor.

Are you not afraid that liquor so brought in for Europeans will be obtained by the Natives?—That would depend upon the Europeans; but the Samoans would cease to manufacture *fa'amafu*, and they would not know how to manufacture it.

If the Europeans got liquor why would the Samoans cease to manufacture *fa'amafu*?—Because the European supplied the materials for the making of *fa'amafu*.

Do you think it is wise for half-castes to be given liquor?—I am only speaking as a Samoan, and I have nothing to say about half-castes, because they come under the status of a European.

Who mixes mostly with the Natives—the half-castes or the Europeans?—Exactly the same.

LELEI SUI AO sworn and examined.

*Mr. Slipper.*] What are you?—I am the Pulefaatoaga, and I live at Palauli.

Were you asked to come here and give evidence?—I was asked to come forward and give evidence.

Do you know that there is prohibition of liquor for the Europeans now?—Yes.

Do you remember the time before there was prohibition?—Yes.

Before prohibition did the chiefs have any trouble worth talking about as to drinking among the Natives?—There was no trouble at all.

Is it the same now?—It is quite different now.

What is the trouble now?—The trouble is caused through the manufacture of *fa'amafu*.

Are the Natives manufacturing any of it?—Quite a number of Samoans are making *fa'amafu*.

Are they drinking it?—To a great extent.

Did you ever see any Samoans intoxicated or half-intoxicated?—I have seen them very much intoxicated.

Do you know whether there is very much drinking going on among the young men?—Yes, I have seen the young men drinking *fa'amafu*.

Is there drinking going on amongst any of the girls?—Yes, the girls also drink it.

Is that habit getting any worse or any better?—It is getting worse.

Is there anything else from which the home-brewed liquor has been made in Samoa—that is, anything else besides *fa'amafu*?—There are Samoan fruits which could be used for the manufacture of intoxicating liquor.

Do you know whether any of these fruits have been used?—No, I do not know.

The great trouble is this *fa'amafu*?—Yes, that is the cause of the trouble—that is, the imported material.

Do they make *fa'amafu* from anything else than the imported stuff?—It is made from imported material as well as from Samoan produce.

Do you know whether the Europeans had done anything wrong to justify the New Zealand Government in taking their liquor away from them?—I do not know.

What do you think is the best way out of the difficulty?—In my opinion, the best thing to do would be to allow the Europeans to have their proper liquor and then prohibit the manufacture of *fa'amafu*.

*The Chairman.*] Do you mean the Europeans and half-castes?—The whites and half-castes who are of European status.

Who mixes up with the Samoans mostly, the *papalagis* or the half-castes?—Exactly the same.

How do you think the Natives got into the habit of brewing this *fa'amafu*?—They were taught by the whites and half-castes.

EDWIN WILLIAM GURR sworn and examined.

*Mr. Baxter.*] You are, I believe, a licensed accountant?—Yes.

Have you a copy of the reports put in?—I have the printed report dealing with finance.

You refer there, Mr. Gurr, to a population of 40,231. That was taken from the annual report of the Administration for 1926?—Yes, it was taken from the report of the New Zealand Government to the League of Nations.

And these other figures are taken from the Fiji blue-book and the estimates for Tonga?—That is so; the Fiji blue-book for 1925 and the Tongan Island estimates for 1926–27.

You say these figures are taken from the Fijian and Samoan official records. The Tongan figures are shown as estimates: how were those figures worked out?—They were worked out by myself on my previous knowledge of Tonga, and by asking persons who knew Tonga, such as Dr. Franzen, who have resided in Tonga recently.

You are satisfied that they are fair estimates?—That is so.

Now, under the next heading, where you give the populations of the various countries, you show Fijians and Fijian labourers: what are they, Mr. Gurr? You show Polynesians or Fijians, 36,688. Why do you show a separate heading for Fijian labourers?—Because they are so enumerated in the blue-book of Fiji.

Do you know why they are shown separately from the others?—No, I do not know.

Now, coming to the next heading, there is an item under expenditure, “Indirect Payments to Samoans, £44,912.” Have you any idea what that is?—That is the figure arrived at after deducting the amount paid to Samoans in salaries.

Was this figure worked out by you?—Yes, it was worked out by me. † believe in the estimates of Western Samoa the two sums are lumped together, and in order to get at the amount paid to Samoans in salaries by the Administration we calculated that amount and arrived at the figure £19,388.

These are the other payments to the Samoans—indirect payments to Samoans?—Yes, indirect payments to Samoans after we ascertained what was paid to the employees of the various Departments.

What is the item “direct to Samoans”?—Salaries paid to Samoans employed in offices under the Administration as clerks or Native officials in the out-districts, *pulemu’us* and others.

“Salaries and public works, £81,387 17s. 4d.” In regard to the term “public works,” what do you mean by that—the work being done by the Public Works?—I understand figures were taken from the estimates and from the report on the Mandated Territory. If you look under that table you will find that the figures of the revenue and expenditure were obtained from the New Zealand report on the Mandated Territory and from the estimates for 1926-27.

This New Zealand subsidy includes the Crown Estates’ profits?—I cannot tell you this.

What is this item “deficit”?—I presume the deficit referred to is the surplus on the expenditure side. Add the two together and they come to £25,000, more or less, which is, I understand, the amount advanced by New Zealand.

Now we come to revenue per head and expenditure per head. There is no question raised in the Minister’s reply as regards expenditure, but the revenue per head, £3 4s. for Samoa, the Minister questions as being too high. How did you work out that £3 4s.?—I took the gross revenue as stated in the table of revenue and expenditure—namely, £150,038—and deducted from that sum the New Zealand subsidy as stated in the revenue of £21,400. I then took the total population as stated in the Government report on the Mandated Territory of Western Samoa—namely, 40,231. The net revenue was found to be £128,638, and that divided by the population of 40,231 made £3 3s. 11d. and a fraction, and to put in even figures we placed it as £3 4s.

How did you work out the revenue and expenditure for Fiji and Tonga: did you work it out on the same lines?—I took the same lines with Fiji and Tonga.

All those figures of revenue and expenditure for the three places were worked out on the same scheme?—Yes.

The Minister refers in his letter, Mr. Gurr, to your not having taken into consideration the system of taxation, in that Fiji has an income-tax and here there is a different form of taxation, and also that reserves are carried in Tonga in case of hurricanes?—I would not say that it would effect the calculations. These were made on the amount of the gross taxation in this country and in Fiji.

Coming back to the headings of revenue and expenditure of the three Governments: In the note there under that heading you have, under “Public works, £52,952,” payments of the salaries and emoluments of European officials employed in the Administration. What do you refer to there under “Public works”? Does that mean all the work of the Government or the Public Works Department only?—I would say, all the improvements made by the Government, as this is a lump sum—salaries of the Public Works. There is no other item for public works or other improvements.

When you refer to “Salaries and Public Works, £81,387 17s. 4d.,” do you intend that to mean public works, or do you mean it in the sense of the general work of the Government, including the Agricultural Department?—No; I would take it to mean public improvements under the Public Works Department. The Agricultural Department would be, of course, under “Salaries.”

Now, Mr. Gurr, in drawing up your figures—you and Mr. Smyth—you make a comparison with Tonga and Fiji. Why do you follow this policy in making up your figures. What was your idea?—Our reason for making the comparison was because the other Governments of Fiji and Tonga were situated similarly to Samoa and were adjacent in the South Seas.

Am I right in presuming that you intend to convey that the comparison is really made with the idea of showing that the expenditure is too high here for this form of Government?—That was the object.

You say that the excess of expenditure per head is not justifiable; that it is not visible in the substantial development of the country, such as roads and other means of communications to remote parts. Do you intend to convey there that there were no roads or other works being done?—No.

And what is your intention, then?—The intention was to show that in the improvements to roads that have been laid down before 1921, and other roads that have since been formed, it does not appear to us to be equivalent to the outlay.

Then you refer to the excess of assets over liabilities and show a reducing scale: where did you get that from?—From the records referred to—from the estimates. Those figures were taken from one of the Government records, official records, which were produced.

Then you come down and say that a surplus of £14,957 for 1926 includes advances to the extent of £6,523. Do you know what those advances are?—Only as stated here—plant, buildings, and machinery, £6,215.

Have you any idea what that £6,523 is for?—I cannot tell you at this time.

Now, coming down to the heading “Vailima”: how long have you been in the country, Mr. Gurr?—Forty-two years.

Did you know “Vailima” in Stevenson’s time?—Yes.

Did you ever have anything to do with the control of “Vailima”?—Yes, I did after the death of Stevenson.

Is the property or the building in any way like what it was when Stevenson had it?—Only one part of it. It has been changed considerably.

What associations are there of Stevenson in "Vailima" and the surrounding grounds?—There appear to be none at the present time except for the grounds and a few old landmarks; but the buildings and the grounds are now quite different.

*The Chairman.*] How long ago did Stevenson die?—1894, sir.

*Mr. Baxter.*] "Vailima" must be kept in order?—That is so, as the Governor's residence.

I want to know if there is anything to justify a statement such as this: "I am equally certain that any neglect of the property would arouse world-wide resentment"?—I do not think that there is any justification for that.

*The Chairman.*] It is only a matter of opinion. Lovers of Stevenson may still continue to be interested in "Vailima"?—Yes, certainly. It will still be looked upon as a shrine. There is the home, and the grave, and the remains of the old Road of Gratitude; but that I may say is not being kept up.

*The Chairman.* : I remember the Road of Gratitude when it was only a few years old, and as a road it was contemptible. There was no formation, and the roots of the trees stretched across the grass to form the surface of the road.

*Mr. Baxter.*] Under the heading of "Expenditure" there is a chauffeur at £170: is that a Native boy or a European?—A Samoan, as far as we know.

What is the usual pay for a Samoan for a position like that?—The usual pay is about £10 per month for a car-driver, but I would not say that £170 is excessive for a chauffeur for the Administrator.

Then in what respects do you say that the expenditure at "Vailima" is excessive?—In the pay and maintenance of labourers and domestic servants.

In what way, Mr. Gurr? Can you tell us why?—They are unnecessary to the extent to which they are employed.

You mean there are too many for the work to be done?

*The Chairman.* : He means it is kept up in too big a style.

*Witness.* : It is my impression that there is a great deal more work done than is absolutely necessary as the Governor's residence.

*Mr. Baxter.*] What do you consider is unnecessary there?—There is the Agricultural Experimental Farm there. That is provided for in another locality, and I think that is quite sufficient for this Administration.

Anything else?—The golf-course, and the cricket-ground. There are other places where these games can be carried on. We have the pilot-station, the Apia Park, and there are other places outside of Apia.

Is there any other item there?—Upkeep of motor-cars and horses.

What have you got to say about that?—Well, those figures are taken from the Administrator's report, and I do not know how much can be proportioned to the upkeep of horses. I do not know how many horses there are there, and with the motor-cars they are not altogether necessary.

You mean the horses are not?—The horses are not altogether necessary. The lighting account seems to be an expensive one, but I am not prepared to say how far.

Coming to Native Affairs: Under the heading of Fiji is shown £475 as the salary of the Secretary of Native Affairs. I think that has been altered since?—That is so, and we state here in a note, "It is understood that this year a larger salary is appropriated for the Secretary of Native Affairs in Fiji"; but we were not in a position to state the amount at the time of making out this report.

*Mr. Meredith.*] Do you know the amount now?—No, we do not know the amount now.

*Mr. Baxter.*] And then this expenditure under Native Office—you show thirteen clerks and four messengers, both Apia and Savai'i: are these Native boys or Europeans? They show Inspectors, the Secretary, and the Resident Commissioner, and Assistant Secretary are provided for?—They would not all be Natives. At the time this report was made out there were several European Inspectors.

Talking about the clerks?—I presume they would all be Natives, and I assume the messengers here would be Samoans. These figures were taken from the report, and they are copied exactly as they are in the report.

From the fact that you have put this in and the fact of the comparison I conclude that you say the Native Department is expensively run. Can you suggest any way in which it can be less expensively run?—Yes. When I found the expenditure in the Native Department as it is stated in the reports I considered it was too expensive for the population of the Natives.

On what do you base your opinion? Have you had previous experience?—I have had previous experience. I base it on the experience I have had in Tutuila. The running of the Native Department in Western Samoa was more expensive in proportion to the population than the running of the Native Department in Tutuila.

Do you know to what extent?—About one-third more.

Per head?—According to the population. Of course, I can give you a calculation I made from the report of the Governor of Tutuila last year to amplify and bear out what I have said.

Let us have that explanation?—The payment of Native salaries for the administration of the Natives in Tutuila as stated in the report of 1926, I think, is 12,602 dollars. Added to the salaries that are paid to the Native officials there is the salary of the Secretary of Native Affairs. The Secretary of Native Affairs in Tutuila receives a salary of 3,500 dollars a year. He is also Chief Judge for American Samoa. The actual proportion of the 3,500 dollars which has been calculated previously to be charged against the Native Department or the administration of Natives is 2,000 dollars.

That is, of this salary 2,000 dollars is paid by the Native Department?—And 1,500 dollars by the United States Government as Judicial Officer. He has a clerk, who is also paid by the United States Government 2,000 dollars. The total of the sums paid to the Secretary of Native Affairs, his

clerk, and the Native officials is 16,602 dollars. For the convenience of calculations in making up this estimate I have made it at the rate which is customary here—5 dollars to the pound. That would make the total cost of the Native Department for American Samoa £3,320. The Native population of American Samoa is 8,676; the Native population of Western Samoa is 36,688. Taking the full cost of the Native Department of Western Samoa as shown by the report—namely, £19,388—by a calculation in proportion with the cost in Tutuila the expense to the Administration of Western Samoa of the Native Department would be £13,530 instead of £19,000. I might add that in the payment of the Native officials in Tutuila there is included the payments to the clerks and copra-weighers employed in connection with the copra contracts controlled by the Government in Tutuila.

Can you suggest any way in which the expenditure of this Native Department could be reduced? It is, I admit, an important Department?—Yes, I can make a suggestion which I have had in my mind since I compiled this report; and this is also from my experience. I held the position of Secretary of Native Affairs in American Samoa, and combined with the functions of the office were judicial functions. I found it very inconvenient and unpleasant, and in my annual reports I suggested to the United States Government a separation of the functions—that an American Judge should be appointed to take charge of the judicial work.

Your objection was that you did not think that the judicial work should be combined with the executive work?—Yes. And the suggestion that I have to make now is that the functions of the Secretary of Native Affairs for Western Samoa should be divided, and all judicial work be under the direct control, and I might say the active control, of the Chief Judge of Samoa.

The Secretary of Native Affairs is also a Commissioner of the High Court of Western Samoa?—Yes.

You suggest that, Mr. Gurr, as being a more efficient system of doing the work; but is it likely to cut down the expenses?—Yes; there would not be the necessity for more to be employed in the Native Department, of the European class, than one—the Secretary of Native Affairs, and another European to assist him. He could then devote the whole of his time to the executive work of the administration of the Natives.

In other words, you would get rid of some of the more expensive members of the staff?—Yes.

What about the High Court—how would that get on?—I would suggest a travelling Commissioner of the High Court to travel on circuit round Western Samoa, and to hold Court in conjunction with Native Judges in different centres. That judicial system, I estimate, would be self-supporting in the way of costs and fines that may be collected. It would be more appreciated by the Samoans, for they would feel that they were having a real hand in the government by having Court sittings in their own districts. It would be suitable to the Samoan idea of government instead of the one centre.

In other words, you think it would be a more efficient system, and also the result would be less expensive?—Yes, on the whole, to the Administration.

The Treasury Department comes next, Mr. Gurr: have you any remarks to make on that?—I have no remarks to make concerning that. In drawing up this report we thought that we might show a comparison between all the Departments of Western Samoa and Fiji and Tonga, whilst we were about it.

But you are satisfied that is a reasonable charge?—I am.

Here also you say the auditors arrive from New Zealand annually, and it is not known by the committee if the cost of auditing Treasury accounts in the Mandated Territory is defrayed by the New Zealand Government or not. Have you ascertained yet, or not?—I have not. I asked the question once or twice, and I think I was informed Samoa paid the cost of auditing, but I did not go to the Treasurer and ask for that.

So that you consider the information is undependable. Then the Customs Department: was that prepared by you or Mr. Smyth?—I prepared these comparisons. Mr. Smyth supplied me with many of the figures in this report. He had had more experience of these matters in Western Samoa than I had, and I might say that I confined myself chiefly to drawing up the report from the figures supplied to me.

*The Chairman.*] Does that apply to the whole report? Do you mean to say that most of the figures of this financial report were supplied to you?—No, I got most of the figures from the Fiji blue-book.

Who is, in fact, responsible for the figures on which the report is based?—I would be responsible, as I placed the figures in this report from the information given to me.

I want to know who is responsible for the figures which appear here?—I am responsible.

*Mr. Baxter.*] Now, have you got anything to say on the Customs?—We have simply drawn comparisons of the payments.

Now the Harbour Department, Mr. Gurr: do you know of any work being done outside Apia by the Harbour Department?—I believe the lighthouses, leading-lights, light at Apolima and on the eastern end of the island, are under the care of the Harbour Department.

Do you know of any other work—any constant work—going on outside or not?—That I am not aware of.

You draw a very striking comparison in the figures shown here for Fiji and the local Harbour Department: there is a difference of £1,000, or just about. Are you sure of your figures on these items? Yes. I have the reports I had at the time. They can be referred to.

Have you any remarks to make under this heading?—I have no remarks myself to make.

Under the heading "Department of Justice" you mention Registrar of the Court being called to fulfil other duties. Other arrangements have now been made for that Department, have they not?—I believe so.

What about the Police Department?—I have nothing to say except what is stated in the figures here.

Where did your figures come from?—From the reports, as has been previously stated—the Fijian blue-book, the estimates of Samoa, and the Tongan estimates.

The Minister in his letter says that the local Police and Prisons Department in Samoa costs £7,750 and the same services in Fiji cost £26,484. Can you explain that difference?—I cannot explain that difference from the records which I had before me at the time, and from which I took these figures. The figures in this report I am sure are correct. The Minister may have had the Fijian report of a later year. We only had at the time a report of Fiji for 1925.

Agriculture: any remarks?—No, except the statements that are here.

As far as you are personally concerned you have no complaint?—None at all.

What about the Chinese Department?—That appears to be expensive compared with the management of the Labour Department in Fiji.

In other words, you say that the comparison of these figures shows that the administration of the Labour Department in Samoa is too expensive?—Yes, too expensive.

Do you specify it in any particular aspect or just generally?—Generally.

Any remarks on public works?—No, I have not.

You refer at the bottom to both the Survey Department and the Public Works Department. That refers to the whole lot?—No, to the Survey Department. The Engineer-in-Charge of the Public Works Department also receives the sum of £220 per annum as Chief Surveyor and Commissioner of Lands. The cost of this Department is £2,400. The committee believes this to be a necessary expense to the islands, laying out boundaries in various districts, &c.

Do you also mean to convey the meaning that you also think the expenditure of £2,400 is reasonable?—Yes.

What about the Public Works Department?—In the Public Works Department there seems to be a larger amount paid in salaries than what is expended actually in public works. I think we have made some remark about that, but we have not got full information. But from the estimates before us we considered that a sum of £4,962 paid in wages was approximately half the estimated sum of maintenance and improvements.

Am I entitled to gather from that, Mr. Gurr, that the committee complains that the salaries are too high for the amount of work done?—Yes.

Education: of course, it is admitted that it is an essential expense, but do you consider it too expensive?—Personally I do not think any sum too expensive for the education of the people, but I think it might be applied differently.

In what different way?—The mission schools for many years have been teaching the children of Samoa, have been giving them an elementary education, and more money than is at present applied may be applied to the missions to assist them and to reduce several of the higher-grade schools where the higher-paid schoolmasters are employed.

Do you consider the missions capable of educating the Samoans?—The missions are capable and have been educating them so that every Samoan of five years and upwards can read, write, and do simple calculations quite sufficient for his needs. He can calculate the amount he should receive in copra, even when fractions are used. They can keep accurate figures concerning the amount due to them in wages although working only fractions of days. I do not think it is necessary to give the Samoans advanced or secondary education, which it is proposed to give them.

Why not, Mr. Gurr?—They would not be able to apply the higher education to the ordinary avocations in after-life when they are confined to their own villages and lands.

Do you consider the missionaries as capable of training the Samoans as the school teachers who are brought in?—For the elementary education, yes.

Medical Department: Do you or do you not consider the Medical Department too expensive?—Yes, it is expensive with respect to one officer, the Chief Medical Officer. I understand he is employed chiefly as a statistician, and that a lower-paid officer might do that in conjunction with the other Medical Officers.

I notice in the figures which you have made out that the visiting doctors at the three towns of Levuka, Lautoka, and Suva, in Fiji, are all private practitioners also?—Yes, I understand that they are.

Well, there are no private practitioners here?—No.

*Judge MacCormick.*] How many Assistant Medical Officers are there here?—Three on the estimates, at £888 each. Under the Chief Medical Officer there is the Resident Medical Officer and two District Medical Officers, and three Assistant Medical Officers.

*Mr. Baxter.*] These three officers at £888 are all Assistant Medical Officers?—Yes.

These figures are taken from the Samoan estimates?—Yes.

Is there any reason why a subsidized medical man should not be established instead of a full-time man?—There is no reason. If a medical man were in private practice the people would pay him fees. I believe they pay fees now to the Medical Officer attending.

You do not mean the doctor gets that himself?—Oh no, it goes into the funds of the Government, but there is a charge made.

You say that "In addition to the expenses already enumerated there are other charges of a public nature which, from their respective amounts and objects, induce an inquiry by the citizens." What is the nature of the inquiry you wish to have regarding this?—As far as allowances and expenses to and from overseas, £1,800.

The question has been raised by the committee: what is their complaint about that?—The complaint is that those who are employed from New Zealand in Samoa have their fares and allowances whilst travelling between New Zealand and here, and also when they are on furlough. That is the

objection by the committee. Our suggestion is that a reduction in the number of officials from New Zealand would render this expenditure unnecessary.

Your suggestion is to reduce the number?—Yes.

The next is the cleaning of Government property, and care of the waterfront grounds, and care of the bathing-pool. What is the complaint behind that remark?—£500 a year seems to be a large sum for keeping Government property clean and looking after the Malifa bathing-pool. We simply ask for an inquiry as to whether it is justified. We are not in a position to say if that expense is warranted.

The same, I conclude, then, applies to No. 3?—Yes, and generally applies to the whole. This report was framed for the purpose of placing it before the citizens at the meeting which was held on the 15th October, and for the citizens to make any suggestions they desired to make, or any complaints. It will be noted from the wording of this report that we throw out suggestions or hints to the citizens to make their own suggestions. What I want to say, there was no formed idea of actual complaints.

The same applies to No. 4 and No. 5. The Minister suggests that you should have made an inquiry into the new wharf. There is no secrecy about the new wharf?—We do not say that there is any secrecy with reference to the expenditure on the wharf; it was with reference to the carrying-out of the work that an accident occurred as reported to us. No bottom could be found for piles when they were being driven in.

Have you made any inquiry since?—I have made no inquiries.

*The Chairman.*] You say close secrecy was being observed?—It is not a complaint at all or a source of complaint. We intended this for the citizens to give further instructions and formulate any complaints if they so desired.

*Mr. Baxter.*] Now, your paragraphs 5, 6, and 7: These are all New Zealand Reparation Estates?—We were not aware at the time that they did belong to the New Zealand Reparation Estates. I have nothing to say about them.

Loans: Have you anything to add to your remarks there?—I have nothing to add. Mr. Smyth might when he comes.

Control of public money: It is known that the Administrator has the control of public money subject to the Minister—that is in the Act. Now, have you any complaints about this or not?—Yes, the complaint is stated here. We consider that the people who pay the taxes should have a better representation in connection with the expenditure of public money. It should not be placed in the hands of one person.

In what way do you consider that the people should?—I think what we have suggested here. It is recommended on page 13, "We realize that so long as the present Samoa Act is not amended we must submit to the present system, and we respectfully recommend for the earnest consideration of the Administration and for the approval of the New Zealand Government the creation of a Financial Board whose members will be elected by the people. This Board may first take into consideration all proposals of public expenditure and the collection of revenue, and make recommendations to the Legislative Council on revenue and expenditure."

How do you propose that the Board should be elected?—Elected by the taxpayers.

What about the Samoans?—The Samoans should have a say in the matter, and there should be certain Samoans elected on that Board.

*The Chairman.*] You say that Samoans should have a say in it? What voting-powers do you suggest that they should have?—Well, they would have as much right to speak on the expenditure as the other persons on this Board.

That is not an answer to my question. On what franchise do you suggest that the proposed Board should be elected, particularly as applied to Samoans?—The Fono of Faipule may elect several of their members to sit on this Board.

I am asking what you suggest. Your suggestion according to this is that they should be elected by the people?—Well, the Europeans would be elected in the same way as the Legislative Council here, and the Samoans may be nominated by the Fono of Faipule.

Then you do not propose to grant the franchise to the Samoans?—The *matai* is the head of the Samoan family, and from these *matai* the opinions of the people would come.

That is not direct franchise, surely?—By virtue of being a *matai* he has the right—

*The Chairman:* Very well. We will see when the matter is further investigated.

*Mr. Baxter:* The latter part of the report must be admitted to be well astray in regard to the £100,000.

*Mr. Meredith.*] You are a member of the committee?—Yes.

And on that committee there are the three members of the Legislative Council?—That is so.

Mr. Nelson, Mr. Westbrook, and Mr. Williams?—Yes.

And on that committee I think that you had some Samoan representatives too?—Yes.

Now, these various reports, they were prepared by sub-committees?—That is so.

And who was the sub-committee on finance?—Mr. Smyth and myself, of the European section.

But of course the sub-committees were preparing it for the whole committee?—That is so.

And when these reports were finished they would be submitted to the whole of the committee for adoption?—Yes.

Because these reports were sent out as the considered opinion of the whole committee?—That is so.

And I think in the covering letter Mr. Nelson sent he states, "I forward you herewith a complete file of the reports, which were sent you by the Citizens Committee and were approved of by the people of Samoa." Now, I take it that means that these various reports were explained to the Samoans?—To the Samoans who attended the meeting in November.

So these reports would be explained, of course, in detail to the Samoans, the Samoan members of the committee?—That is so.

And would the Samoans generally who attended the meeting, and the Samoan members of the committee, be assured by you that all these various reports were true?—They would be taken for granted as being true.

The Samoan, we have been told, is suspicious by nature?—Yes.

And you and the other members of the European committee were all aware of that?—Yes, we know of that peculiarity of the Samoans.

And knowing that you would be extremely careful to see that he is not misled?—That is so.

And you would appreciate the responsibility of not misleading him?—Yes, that is so.

Well, I put it to you that you would be extremely careful that there would be no possibility of misleading him?—We would certainly be careful.

I think you have told us that the basis of your report was a comparison between Samoa, Fiji, and Tonga?—That is so.

With the intention of showing that the expenditure here is more lavish than in the two other places?—Yes, that is the object of the figures.

And I take it you should have been careful to see your figures were accurate?—We exercised all the care we could at the time—at the time we prepared it.

Did you and Mr. Smyth ever go into the various figures?—I received the reports after he had prepared them. First of all he and I conferred together and we went into the matter of drawing up the reports, and then he requested me to draw it up, and I submitted it to him.

And did he check everything?—That I cannot say.

And did Mr. Nelson and Mr. Westbrook and the other members of the European committee go over it before it was discussed with the Samoans?—I cannot say that. I passed it to Mr. Smyth, and he handed it to Mr. Nelson.

So Mr. Nelson had it before it was brought up officially before the committee?—Yes.

And did he have any discussion with you prior to bringing it before the public meeting?—I do not recollect any discussion.

At what time was this financial report discussed by the whole committee before it was adopted by them as their report?—I cannot tell you at what time.

Was it ever discussed by the whole committee before its adoption?—It was at the meeting in November. I read the report before the whole of the public.

The committee as a committee did not discuss it at any time?—The report was handed round. I do not recollect a combined discussion amongst ourselves.

Why I ask these questions, Mr. Gurr, is that on page 13 you have there said, in dealing with the public debt of £100,000, "The property which was pledged for the repayment of this loan of £100,000 upon which the New Zealand Government has already received interest and part sinking fund, amounting to the sum of £28,997, is now, by the action of the New Zealand Government, the property of that Government. The New Zealand Government has in plain language foreclosed on the secured property. It is submitted that the loan now should be wiped out, and we recommend that the Administration be requested to apply to the New Zealand Government for a release of the loan or mortgage debt. . . . A mortgagee having foreclosed on the property which was secured by a loan of £100,000, and having become the owner of the property without further payment, appears to be in an anomalous position when he continues to carry on the loan whilst he possesses the property which was secured for the repayment of the loan." You know, Mr. Gurr, that that was entirely false?—I do know now.

Then why do you put that suggestion in the report? What steps did you take to find out? Why did you take the responsibility of putting that suggestion in the report?—I believed it was true. I based it on the information I got from members of the committee.

Who gave you the information, or the so-called information, of the so-called mortgage?—I recollect Mr. Cobcroft raised the question, and from what was said at the meeting this article was based.

Was Mr. Nelson, or Mr. Westbrook, or Mr. Williams present at that meeting?—Yes.

Did any one of them correct him when he said it?—I did not hear any corrections.

Do you suggest that they, as members of the Legislative Council, were not aware of the facts of this £100,000?—I cannot say.

You never discussed it with them?—No, not conjointly.

If you had any doubts at all or your committee, there were three members of the Legislative Council—why did you not ask them?—No doubt arose in my mind at all. I assumed it was correct.

Why did you put "This last paragraph is not, probably, in accordance with facts" if you had no doubt? These are the words in your report?—We felt that there was certain information that had not been disclosed to the committee.

Why do you use these words, "it is probably not in accordance with facts"?—I think it alludes to the reference to this item about the mortgage.

Do you suggest that it means that your legal analogy may be incorrect? Did you approach the Secretary to the Administration or any other responsible officer to ascertain the facts?—No, we did not.

But you were prepared to send that report out to the Samoans without making any inquiries from responsible officers of the Administration?—We had no doubt about the debt of £100,000.

I am speaking about paragraph 2, the clause dealing with the public debt?—This is a matter one would not discuss with Samoans.

You have published it to the Samoans?—That special clause would not be discussed with the Samoans; they would not understand it.

Do you consider it was proper to take the responsibility of publishing that to the Samoans when the simplest inquiry of the Administration would have settled the matter?—I did not think it was necessary to ask any one. I took the statements as they were given to me, and I considered them reliable. The members of the Legislative Council and Mr. Cobcroft, a member of the committee, and I, just looked upon it as a loan of £100,000. I have never made any inquiries as to what was done with it, and that is the object of this report; it was to be presented to the Minister when he came so that we might get the information that we wanted.

How long would it have taken to have walked to the office and asked?—It would not have taken long.

You preferred to let that go out. In regard to some of the figures in your report on page 11, under the heading "Medical Department," you have made a comparison between Samoa and Fiji?—Yes.

You have said the appropriation for the Medical Department in Fiji, not including the Leper Station, is about £16,000, and you have said the full appropriation for Samoa is £25,000: personal emoluments £13,690?—Yes, that is the inference drawn from that.

Turn up the Fiji blue-book from which you get these figures. As you know, Mr. Gurr, the heading "Medical Department of Samoa" includes all the medical services and the hospitals?—That is so.

So that £25,000 charge for Samoa includes all the medical services, including hospitals?—Yes.

You have not pointed that out here in this report?—I do not think the £25,000 includes hospitals.

The cost of maintaining hospitals?—Yes.

*The Chairman:* It does fairly appear that the £25,000 includes the cost of carrying on the hospitals.

*Mr. Meredith.]* Now, what figures are included in that £16,000 from Fiji? That is the figure you compare with the Samoan £25,000. Probably you will find it on page 60 of the Fiji blue-book?—There are no hospital expenses in that. I presume the hospital expenses are in the Medical Department.

On page 98 the amount of salaries paid is £7,700; on page 99, £3,180; page 100, £4,144; page 101, £939, before we come to the cost of the Leper Station?—Yes, these figures total £15,965, and for the purpose of speaking in round numbers we have taken it at £16,000.

I think those, Mr. Gurr, are merely personal salaries?—They are.

You did not notice it before?—The last time I saw this report was last December—until last night when it was handed to me.

Would you mind turning to page 60 of the same blue-book. Now, if you look at the end of the column "Medical Department" you will find the total £18,916, and hospitals and asylums £29,604, a total of £48,520. Those two institutions are the same as the Samoan institutions costing £25,000?—That is so.

Well, to say the least of it, the figures in your report are somewhat misleading?—I do not think so. We have specified here personal emoluments, £13,690; other charges, £11,310. Reference is made to the proportion of the Medical Department in Fiji, not including the Leper Station, at about £16,000, to show a comparison of the cost of the emoluments in Fiji, £16,000, as compared with £13,690 in Samoa.

What are the personal emoluments of the Medical Department and the hospital in Fiji? It reads £13,873 for hospital and £7,603 for asylums, a total of £21,476. Have you noticed that page before?—I must have noticed it. I cannot say that I did not notice it.

We will examine one or two other items. In regard to education, you have not stated the amount expended in Fiji on education?—No.

You have shown the total Samoan expenditure as £9,700 in salaries and other charges?—Yes.

Why did you not make a comparison between Samoa and Fiji?—I did not think it was necessary in the case of the Education Department.

Did you only choose those figures for comparison which you thought would be unfavourable to Samoa?—Not at all.

Well, I suggest in that case you might have shown them?—We only desire to show the amount of the salaries paid in the Medical Department as compared to Samoa.

You did not think it worth while to show the total cost in Fiji?—We had no complaint to make. In order to invoke an inquiry we made a comparison between the salaries paid here and Fiji.

We will not go into it any further. The Public Works Department—you make a distinct complaint there: "From this it appears that a maintenance and improvement account of £9,398 (estimated) requires an expenditure in salaries for the administration of the Public Works Department of £4,962, or approximately about half the estimated sum of maintenance and improvements"?—That is an inference.

Is the execution of that maintenance work the only work done by the officers of the Public Works Department?—One of those officers is in charge of the Lands and Survey Department, as stated here.

*The Chairman:* It is maintenance and improvement. What he means by "improvements" is new work.

*Mr. Meredith.]* That amount of £9,000 includes maintenance work and new work to be done out of the revenue for the year other than loan-money?—Yes.

Do you understand that all the work the officers controlled would be £9,000?—Yes, I understand that from the figures.

Do you know what works were going on during that period?—I had an idea of some of them.

Do you know what works were going on out of loan expenditure? You have lived here for years?—I did not inquire as to what appropriation this money was from. I took the figures as they were.

Where did you take those figures from?—From the estimates, as I have stated.

Well, now, here are the estimates for 1926–27. Look at page 20 ?—Those were not printed at the time.

When were these printed ?—1927. I cannot say whether I got them from the estimates or from the report of the mandate, but I can look it up and see.

You see there at the bottom of page 20 that the total is £9,398 ?—Yes.

That is where you get your figures from ?—Very likely.

Now, if you turn over the next page you will find the estimates for Public Works Department—Apia water extension, £750 ; new roads, Inspector's residence, Fagamalo, &c.

[Counsel read the figures on page 21 of estimates, showing an expenditure of £6,100 shown on that page and £36,000 for construction works out of loan-money, totalling a further sum of £42,000 in addition to the £939 already mentioned.]

Do you still wish to suggest that you understand that the salaries amounting to £4,380 were confined to £9,398 worth of work done ? That is the allegation that you have made ?—I have not made a direct allegation ; I say it appears from the figures we have here.

Does it appear so now ?—I would like to see where I got all these figures from . . .  
Question of salaries : In the page you refer to there are only works.

*The Chairman.*] That is the important part of it. You are in agreement as to the amount of the salaries. The question is, in respect to what works were those salaries incurred ?—I should say from the showing here, pages 20 and 21, that the persons employed for those salaries were engaged in work of a greater amount of value than what is stated here in my report.

*Judge MacCormick :* Surely the members of the Legislative Council who are members of that committee must have known of these projected works—the estimates for them. I suppose they look at the estimates in their capacity as Councillors, and if you, as you have apparently done, made a slip, surely they should have corrected you.

*Mr. Meredith.*] This is being read by the Samoans, and you tell us that you all took the responsibility of misleading them ?—There was no intention of misleading them.

*The Chairman.*] What strikes me very forcibly is that you appear to be a very acute critic—you criticize every Department ; but it is curious that it should not have struck you that the annual expenditure in salaries in respect to the country's work was more than 50 per cent. of the value of the total work to be done ?—Yes, it did strike me as being curious.

Did that not demand more care and further investigation ?

*Mr. Meredith.*] You did not turn the page ?—I really cannot recall just now.

*The Chairman :* On the page to which he must have referred it shows that these items are maintenance, not for new construction work. We have the facts, and we can draw the necessary inference.

*Mr. Meredith.*] The next is the Post and Telegraph Department. There you have drawn a comparison between Samoa and Fiji for the purpose of showing salaries paid to officials. You will see that you have got items and other charges in both amounts, have you not ?—I see other charges. The object of this was simply to show a comparison between Samoa and Fiji.

*The Chairman :* It is not your object, but what you say.

*Mr. Meredith.*] Is £8,050 the total cost of the Post and Telegraph Department in Samoa ?—I am under the impression that I did not have these estimates before me, but the previous estimates, when I was making this up.

*The Chairman.*] I cannot help that ?—We got the figures from the estimates that were supplied us.

How do the figures given by you in your own report compare with the figures in the document before you ?—They must be in my report.

In the estimates before you is the Postmaster £515 and the other charges £1,101 ? This £1,101 is not likely to be an identical figure repeated each year ; there is bound to be a variation ?—I do not see the £1,101.

*Mr. Meredith.*] Can I tell you where you got it from, because it is quite clear to me ? I thought you were an expert. It is the difference between £2,801 less £1,700 interest due to depositors in the Post Office Savings-bank. Are you now satisfied that you have given the total charges of the Post Office Department as £8,050 ?—No doubt the sum of £1,650 interest to depositors has been deducted.

Can you tell me what the total cost in Fiji is ?—No.

You do not suggest that £11,494 is correct, do you ?—Here are my figures : Postal Department—page 104, £3,570 ; page 105, £1,908 ; and under the heading of “Telephones and telegraphs,” £2,450 ; pages 105 and 106, £3,280 ; making a total of £11,208. That addition is £11,208 ; in the report it is £11,494.

What about the other charges, £7,470 : why did you not pick these up ? That will get you up to £18,000 ?—I cannot make £7,000 from these figures.

*The Chairman.*] I understand the figures you gave and which total £11,208 are separate from and independent from any other charges. I refer to the items you give on pages 104, 105, and 106 ?—They are all salaries and emoluments.

Even on your assumption you make the total, including charges, £11,494, so you are very wrong apart altogether from the £7,470 ?—I must admit that there is a difference, though I cannot explain it just now.

*Mr. Meredith.*] Turn to page 60 : Post and Telegraph Department—Personal emoluments, £12,090 ; other charges, £15,598 ; making a total of £27,688, that being the correct figure for the Fijian Post and Telegraph Department. I take it you are prepared to accept £27,000 as being the total expenditure ?—Yes.

So that the correct comparison should not be £11,000, but £27,000 ?—Yes.

Can you suggest why Mr. Smyth or any other members of your European committee did not come across these serious discrepancies before they published these figures to the Samoans?—I cannot account for it. I think Mr. Smyth drew up this part, but I am responsible.

You are all represented, are you not, and you all take the responsibility of publishing these figures broadcast?

*The Chairman:* He had the information in his possession all along if he chose to use it.

*Judge MacCormick.*] Is Mr. Smyth an accountant?—I believe so.

*Mr. Meredith.*] Is not Mr. Smyth a trader in a large way of business?—Yes.

Agriculture Department, page 10: Now, here again you have shown the total cost of the Agriculture Department in Samoa, have you not?—Yes.

At £3,250, compared with £4,195 for Fiji?—Yes.

How do you get the total cost for Fiji as £4,195?—When we were drawing up these statistics for the purpose of this report, to the best of my recollection now, we took the officials as employed in Samoa, their number, and the corresponding number of officials employed in Fiji and Tonga—not for the purpose of showing the total amount of expenditure in Fiji or Tonga, but for the purpose of showing the corresponding cost to the Administration referred to in the reports with that of Samoa. That is the line we went on.

Why in the Department of Agriculture do you show other charges in both places?—To show that the Samoan expenditure was so much more. Because at that time it was suggested that an entomologist should be appointed here.

*The Chairman.*] But that has nothing to do with other charges. Why include in both cases other charges?—Because there were other charges in Fiji.

*Mr. Meredith.*] Do you mind telling me where you get the other charges in Fiji from?—Well, I will try and find out.

*The Chairman.*] What have you got in those figures?—Here, Your Honour, in 1925, it is £34,955 18s. 11d.

*Mr. Meredith.*] You are only £34,500 out?—It is out that much. These are not the figures we obtained our information from. I cannot tell how that £495 got in there.

Did Mr. Smyth do these?—Very likely.

*The Chairman.*] This is the most remarkable of all. This is not a case of omission, but a case in which a figure is not a correct figure, although it is correctly given in the source of information?—I am certain that the figure is correct from where we got it.

*Mr. Meredith.*] Take the next one, Police Department. I take it to be a comparison between the personal emoluments paid to Police officers?—Yes.

As you know, the figures there include Police and Prisons?—I do.

Where did you get those figures from?—I must have got them from page 14 of the estimates of 1926-27.

And you see that that includes the Prisons section?—Yes.

A fair comparison for that, of course, would be the Police and Prison section of Fiji?—I would say so.

What are Police and Prison figures for Fiji?—I think that the same line of calculation has been followed there as in the others. I find the salaries here are £1,253.

*The Chairman.*] Please answer Mr. Meredith's question. What were the total salaries in Fiji for Police and Prisons Department in that period?—I make the salaries here £1,253. In this table on page 60 there is "Constabulary, £3,327."

Give us the corresponding items in each estimate?—Constabulary, £14,722 19s. 10d.; Prisons Department, £3,456 10s. 7d.

*Mr. Meredith.*] A total of £18,179. Now, that would be the correct comparison, would it not?—Yes.

There is a big difference. Have you any explanation?—I would give the same explanation as I gave just now. We have not put down all the salaries, just those which correspond with what we have in Samoa. As I said before, the object of this report was to show the comparison between the salaries, not the sum totals.

*The Chairman:* That is not a correct explanation, as shown by the document.

*Mr. Meredith.*] The Justice Department. You have set out the total cost of each Department as for Fiji and Samoa?—It is not intended to give the complete figures for Fiji.

What is the total cost of the Justice Department in Fiji?—Personal emoluments £6,208 19s. 6d., and other charges £1,470; making a total of £7,679.

Take the Harbour Department for Fiji. You notice the maintenance charge of £250: can you tell me where you get that from?

*The Chairman:* That includes the wages of twenty-five lighthouse-keepers, signal-station keeper, and Inspector of Lighthouses.

*Judge MacCormick:* If so, the Government of Fiji ought to be charged with sweating. That cannot be right.

*Mr. Meredith.*] Tell me where you get it from?—I cannot explain it.

*Judge MacCormick.*] It is obviously wrong?—It looks wrong.

*Mr. Meredith.*] I would go further than that and say it is wrong. As you have not given the total comparison I will not go further. We will now take the Customs Department. You give the total personal emoluments as £2,481, and those of Fiji as £5,020: can you show me where you get this from?—I expect the same will apply as to the others. I should like to see my typewritten copy from which I took it. We did it for the purpose of a comparison in the salaries paid, not the total expenditure.

Turn to page 60 of the Fiji blue-book. The personal emoluments there are how much?—£7,537. That is £2,500 more than you show. You have drawn a comparison on page 9 on the comparative costs of collecting the revenue?—Yes.

If the figures in the Fiji blue-book are correct your comparison is wrong?—Certainly it is much more in Fiji.

You make a remark somewhere that the cost of auditing in Samoa is not known?—I do not know. I am reading from your report: "Cost of auditing in Samoa is not known"?—That is so.

Look at page 12 of the estimates for 1926-27. Auditing expenses, £300: "That provides for expenses of auditor from New Zealand and the auditing of departmental accounts by a local auditor, who is at present the Public Trustee." How could you say the cost was not known when that was in the estimates?—It is in the estimates, but it could not have been before me when I wrote that.

*The Chairman.* But it should have been.

*Mr. Meredith.]* Were there no comments from Mr. Nelson and the others when they read that?—No.

*The Chairman:* Are you going to touch upon the figures on page 6 relative to the revenue and expenditure per head, Mr. Meredith?

*Mr. Meredith.]* I propose to touch upon them shortly. You have complained that the fares and allowances are expensive from overseas, £1,800?—Yes.

If you knew that Fiji pays £5,053 for the same, would you consider that the Samoan amount is excessive?—Yes.

You did not take the trouble to find out how much it was in Fiji?—Evidently not.

WEDNESDAY, 28TH SEPTEMBER, 1927.

EDWIN WILLIAM GURR further examined.

*Mr. Meredith.]* On page 12 in your report concerning trading concerns, Mr. Gurr, you made reference to the new wharf. Now, in connection with that new wharf, was or was not a committee set up to make recommendations in regard to that before the work was instituted?—I have heard so.

Were you not in Samoa at the time?—I was in Samoa, but not here in Apia.

Did you know the cause of holding up the work on the wharf?—I did not know for certain.

Did you not know that when pile-driving was started a false bottom was found?—I have heard so.

You heard that before this report was written?—Yes.

And, if that were so, was it not wise to have the whole of the bottom thoroughly investigated before proceeding with the work?—I should say so.

What is the secrecy to which you refer on page 12?—Secrecy as to the cost of what is stated here as a blunder.

But in what way do you say there was definite secrecy?—That it could not be ascertained, as far as I was informed, who was responsible for not surveying that part of the lagoon before the letting of the contract.

Did you inquire?—Inquiries were made by the members of the committee.

Did you yourself inquire?—I made no personal inquiries.

This is your report?—Yes, that is my report.

Do you know what will be the ultimate cost of the wharf?—I do not know. I did make inquiries, and I was told that the cost was £8,000.

You made inquiries from whom?—From the head of the Public Works Department.

What was the estimated cost of the wharf to be?—I am not sure, but I think that the estimated cost of the wharf with the Customs shed on was £12,000.

Do you not know?—Not from memory, unless I looked up the report.

Do you know what was the ultimate cost?—I was informed last week.

Did you know at the time you wrote that report?—The wharf was not then finished.

Did you know that there was to be any increased cost when you wrote that report?—We anticipated that there would be.

On what grounds?—On account of the survey of the bed of the lagoon. The contractors met with difficulties that were not contemplated before which would increase the cost.

Do you know now that the cost, if anything, is under the original estimated cost?—I could not tell you, except that I was informed by the Public Works officer that the cost of the wharf up to date was £8,000; but that he qualified (saying it could not be reckoned as under the estimate) when I remarked that it was under the estimate of £10,000. In the original estimate we had the Customs shed; that Customs shed has not yet been built.

Regarding the electric light, Mr. Gurr, that is purely a matter of the Reparation Estates, is it not?—I am not certain. At the time we thought that it was a Government utility and the property of the Administration.

You took the responsibility of criticizing it?—I did.

But you did not take the trouble to find out whether it was Government or a New Zealand Reparation Estates concern?—We took it for granted it was a Government concern.

But why did you take it for granted when you criticized?—From the reports I had received.

Hearsay?—Yes.

So that in this report you have prepared you have acted on hearsay?—There were the plans there, and we were led to believe it was a Government utility, and that it was the property of the Administration. There have been changes from the Government to the Reparation Estates from time to time.

Did not Mr. Nelson or any of the Legislative Councillors call attention to the fact that it was not Government property?—My attention was not drawn to anything else but what I have got here.

*The Chairman.*] You would expect these gentlemen to know the position, would you not?—Yes; but there was no denial of this statement.

No denial by the Administration, do you mean?—Yes; there was no denial.

*Mr. Meredith.*] In regard to the proposed hydro-electric scheme, you know that that is a Reparation Estates scheme, do you not?—I have heard since within the last few months, but at the time we did not know.

Did you inquire?—We did not make special inquiries, but we made this comment: “Before entering upon this work the public may well ask for information as to the cost which will fall upon the public Treasury.”

Is not that a direct suggestion that this is a matter which will be paid for by the Government?—I would not say so. This report was drawn up for the purpose of giving the Minister sufficient information to justify him in calling for an investigation. We did not wish at the time to have it in the form of direct charges against the Administration. There was a general complaint of the heavy expenditure of the Administration, and this information we compiled to give the Minister upon his arrival here, in order that he could go into the matter and see if it was correct, or, if not correct, to give us the information.

You intended this merely for an inquiry to the Minister?—That is so. That was my feeling at the time, and I consider that that was the object of it.

Why did you publish it in Samoan and explain it all to the Samoans?—Because the Samoans were present and they were interested. There were Samoans on the committee, and we felt that they should be informed of everything the European section of the committee did or said. They (the Samoans) had their own financial report, and we Europeans, on the other hand, had what they reported translated into English for the European section of the community.

Did not Mr. Nelson or any of the other Legislative Councillors tell you that the hydro-electric scheme had nothing to do with the Government?—No.

Have you any reason to suppose that such information would be refused you at that time if you asked for it direct?—At that time, considering the feeling that was then existing between the Citizens Committee and the Administration, we felt we would be turned out of the office.

*The Chairman.*] But you need not have gone to the Administration. You had three members of the Legislative Council on your committee, who could have given you the information. Why did you not find out from them if your suggestion was a true one?—They were present—

That is not an answer to my question. Why is it that you did not ascertain from them what were the true facts?—I included this in the report on the information I had received from the committee, and there are three members of the Legislative Council on that committee.

You say, then, that the Legislative Councillors knew that you were making this statement, or they ought to have known?—I could not say that.

Why not: are they not responsible?—They are equally responsible with me.

Ought they not to have known what the facts were?—I imagine they should have known, being members of the Legislative Council.

Do you realize that you and the committee were under a positive obligation, a positive duty, not to make false statements of fact in your report?—I submit, Your Honour, that we have made no false statements.

I am not asking you what you have done, but whether it was not your duty to take care not to make any false statements: I want Yes or No?—It certainly is—

I am not asking that. Is it your duty?—Yes, of course it is the duty of a man to ascertain the truth before making a statement.

*Mr. Meredith.*] In regard to expenditure generally, on page 12 you have made reference to an increase in the expenditure in Samoa, have you not?—Yes.

And the increase you have quoted there is from £66,765 in 1915-16 to £133,500 in 1926-27, is it not? Of that £133,500 there is, of course, a contribution from the New Zealand Government of £20,000, is there not?—Yes.

Then of that £133,500 the Samoan Government has but to find £113,500?—That would be so. I presume that the £25,000 is the annual subsidy. I do not know whether that is correct or not.

You have been criticizing the finances of this country, Mr. Gurr, but you are not sure whether it is £20,000 or £25,000?—I would be guided by the figures that were before me at the time.

Assuming, then, that it would be £20,000, then the Samoan Government has of that £133,500 to find but £113,500?—Yes.

Have you taken into consideration the fact that additional work has been done in Samoa during that period? You know that additional work has been done?—Yes.

And also that consequently the difference in cost between materials prior to and subsequently to the war has increased tremendously?—Yes.

Did you consider these factors when you made that criticism?—I do not recollect considering these facts.

I put it to you that should have been a matter for consideration in connection with the question of the rise in expenditure, should it not?—Yes.

But you do not recollect considering the matter?—No.

Did you make a comparison with the rest of the expenditure in Fiji for the same period?—I presume it would be the same. The price of materials in Europe or America would be the same in Fiji.

Did you examine the rise in expenditure of Fiji for the same period?—I do not recall doing that.

You have made comparisons between Samoa and Fiji right through this criticism, have you not?—Yes, we have.

Why did you not make the comparison in this case?—We did not deem that necessary. We did not want to go through the whole finance of Fiji and this place. We wanted to give the Minister sufficient data to satisfy him that there was a reasonable request for an investigation into the expenditure of this country.

Right through you have used a comparison between Fiji and Tonga?—Yes.

Would you expect to find a similar increase in Fiji in the rise in expenditure between that period?—Not necessarily.

You did not examine it?—I did not examine it at that time.

*The Chairman.*] Or since?—No, nor since, sir. In fact, I might say that from the time this was prepared until the night before last I had not seen the report.

*Mr. Meredith.*] The committee received a reply on various points from the Minister, did they not, Mr. Gurr?—Only by a letter received by the last mail.

But did you get a detailed reply from Mr. Nosworthy some time ago?—No, sir. We were promised one, but we did not get it.

What was the date of that reply?—It was some time after the arrival of the “Tofua” before last.

Assuming that you only got it then, did you not check your report off with it as a result of questions raised in that reply?—I did not do it at that time. I was expecting Mr. Smyth to be here, and he was the one to take up the question of finance, but owing to the absence of Mr. Smyth I was asked to give the explanation.

Did you prepare the report?—I prepared it from the data that had been collected at the time, and undertook to draw up the report from the information given me.

*The Chairman.*] Whose was the first signature on the report?—I cannot recollect.

*Mr. Meredith.*] Will you admit that if there was a similar rise of expenditure in Fiji the basis of criticism must simply fall to the ground?—No, I will not admit that. I would like to see Appendices A and B to refresh my memory, but I have looked through these papers here and I cannot see the Appendix A or Appendix B.

Just as a matter of interest, Mr. Gurr, that is your signature [report handed to Mr. Gurr for his examination]?—Yes.

That is the actual report?—Yes.

Yours was the first signature?—Yes.

*The Chairman.*] It is referred to throughout as Messrs. Gurr's and Smyth's report?—The typing of it was done at my office, so I naturally signed it first.

You said in your evidence here that you were responsible, did you not?—Yes.

You cannot drag Mr. Smyth in to excuse yourself, Mr. Gurr?—No, sir.

*Mr. Meredith.*] Referring to page 6, at the bottom of the page, you have made a comparative statement of revenue and expenditure per head for Samoa, Fiji, and Tonga: can you tell me how you arrive at the expenditure per head of Fiji?—In the same manner that I explained yesterday.

Do you mind working it out? Your figures may be correct; it is possible that I have calculated it wrongly. [An explanation and discussion of figures took place at this stage.] Then the correct figure is £2 16s. per head?—Yes, deducting the surplus.

And not £2 4s., as shown in your report?—That would be so.

*The Chairman.*] This refers to expenditure?—Yes, expenditure per head.

[Calculations shown and explained to the Chairman by Mr. Meredith.]

It must have been an arithmetical blunder?—I am afraid I had not taken the surplus into consideration at the time.

Not at all; the surplus would have made it worse?—I would just like to check it to see how the £2 4s. got there. I want to see if that is £3 4s., or something else.

*Mr. Meredith.*] Might I ask you who checked the figures in these returns?—I worked them out to the best of my knowledge, and I believe that they were worked out by Mr. Smyth.

Can you suggest that these figures were checked, with a plain blunder like that in them?—It may have been an error in the typing.

*The Chairman.* : You have read the original report: is it a printer's error?

*Mr. Baxter.* : No; it is £2 4s. in the typewritten copy.

*The Chairman.* : We will not waste any more time on this topic.

*Witness.* : I think that it should have been £3 4s. there.

*The Chairman.* : Either explanation would be wrong. If you take the total figure of £550,000 it would also be wrong. We simply want to know if you did make a mistake and put it to the public.

*Mr. Meredith.*] On the same page you made a criticism of the proportion of salaries and moneys available for public works and divers other expenses, did you not?—Yes.

You said this: “The sum total under the head of ‘Salaries and public works’ is £81,387 17s. 4d. Deduct £52,952, salaries, &c., of Europeans, and we have £28,435 17s. 4d. for public works and divers other expenses other than salaries paid out in connection with the various Departments and officials. So that out of a revenue of £150,000 there is about £25,000, or one-sixth of the revenue, or less, disbursed for the actual development of public works.” Did you make a comparison of Fiji figures to see how they worked out in Fiji?—No.

Did you make a criticism without a comparison? Can you work it out from these figures before you as to say what Fiji is? [At this stage Mr. Gurr worked out the figures and discussed the matter with Mr. Meredith.] The amount you have to consider, Mr. Gurr, is the amount mentioned as salaries and public works, which is £455,087 3s. 5d.?—I have taken salaries and deducted it from £81,387.

*Judge MacCormick.*] You must not deduct that. Surely you can work it out the same way as Samoa?—As far as I can see, it has been worked out the same way.

*Mr. Meredith.*] You have compared the amount that was spent on public works with the total revenue, have you not? Read your own report. You said that you will have £28,435 for public works and divers expenses other than salaries paid out in connection with the various Departments and officials, so that out of a revenue of £150,000 there is about £25,000, or one-sixth of the revenue, or less, disbursed for the actual development of public works. What is the revenue for Fiji on the same page: £550,000, is it not?—Yes.

That is the same as the £150,000. If you get the blue-book, you have the actual figures for the public works as £71,000. What is the relation between the revenue of £550,000 to the £71,000? That is the same comparison is it not?—Yes.

That will be 13 per cent. ?—Yes.

We will just take the percentage in Samoa: even on these figures the Samoan percentage is something over 16 per cent., is it not?—From what figures?

You have the figures. You say yourself it is one-sixth. That will be something over 16 per cent.; so that the proportion of amount of revenue available in Samoa for public works is greater than it is in Fiji?—That is so from those figures.

*The Chairman.*] The blue-book shows the net amount of expenditure on public works for the year is, in Fiji, £71,000, and extraordinary expenditure for the year is £12,962 (see page 60 of the blue-book, 1925): that is a correct extract?—Yes.

*Mr. Meredith.*] And the amount spent in public works is under 13 per cent. of the revenue of Fiji?—Yes, that is so.

And the net amount available for public works in Samoa is over 16 per cent. of the revenue?—Yes. I want to explain this. In the Fiji statement, page 60, and immediately before the item, "Public works annually recurrent," there is "Works establishment, £10,643 5s. 6d." Of that sum £9,693 3s. 8d. is put down as personal emoluments, and other charges £950 1s. 10d. It should be that £950 added, I think, on to the amount we are calculating just now.

*Judge MacCormick.*] That would make very little difference in the proportion?—Yes, but to be correct I just mentioned it, sir.

*Mr. Meredith.*] Do you mind telling me, Mr. Gurr, who read the Samoan report on finance?—I do not know.

Who produced it to the committee?—That I do not remember.

Were you present when it was produced?—I was present when it was produced.

Who read it and explained it to the committee?—I do not remember.

Who was the spokesman on behalf of the Samoan members of the committee when the committee discussed these reports?—I do not recollect.

Did you not discuss the Samoan report with the Samoans?—I did not discuss it, sir. The report was read for our information, and to the best of my recollection I made no discussion.

Did any one else?—I do not recollect.

Who read the European report to the Samoans?—In Samoan?

Yes?—I believe it was Mr. Nelson.

Did you hear him read your report to the Samoans?—No; he interpreted the report to the Samoans. At that time it had not been translated.

You understand Samoan?—Yes.

Did he interpret it as you had it prepared?—I believe so. I would say so.

Did they ask or want any of the figures explained to them, or was it merely read to them?—It was merely read to them. It was late at night. I recollect that it was the last report read.

It was not explained to them?—It was read; that is all.

When was it printed in Samoan?—Between that meeting and the time the reports were sent to the Administrator to present to the Fono of Faipules, as requested by the Minister.

Where was it printed?—I do not recollect it being printed, but typewritten.

By whom?—By Matau, a Native clerk.

He was the Native secretary to the Committee, was he?—Yes.

Did he distribute it to the Natives?—I do not know what he did.

Did you prepare any other reports?—I have prepared none.

You only prepared the financial report?—Yes.

Who prepared the other reports?—I believe Mr. Williams prepared the medical report; I believe Mr. Nelson and Mr. Meredith the report on Native affairs.

And the legislative report?—I think, Mr. Westbrook and Mr. Nelson, to the best of my recollection. These sub-committees were set up, were they not, to prepare the reports?—Yes.

On what occasion were they set up?—The committee elected at the first meeting arranged among themselves as to who should make the reports.

How long after the first meeting was that done?—Shortly afterwards.

You have minutes of that meeting, I suppose?—Minutes were always taken.

All the minutes have been kept?—Yes.

I think you told us you were resident in what is known as American Samoa?—Yes, I was.

How long have you been in Western Samoa?—I came to Apia in the beginning of June, 1924.

I think you told us you held some official position in American Samoa?—Yes.

What was that position?—Secretary of Native Affairs and Chief Judge. Combined with that there was the nominal position of Secretary to the Commandant.

When did you vacate that position, Mr. Gurr?—In 1908.

Have you seen this official History of Eastern Samoa, Mr. Gurr [file handed to Mr. Gurr for his inspection]?—Yes.

I wish to refer you to this. On page 59 it says: "4th August, 1900—E. W. Gurr, of Apia, was appointed by the Commandant as Secretary to the Commandant; to also act as Judge and legal adviser. He was a barrister practising before the Supreme Court of Samoa, and was familiar with the Samoan language. His wife was a daughter of Seumanutafa, the high chief who rendered such valuable assistance to our sailors at the time of the hurricane at Apia, 1889. He had been Natives' advocate before the Land Commission, and was familiar with all land-titles in Tutuila and Samoa. He was dismissed in 1908 for malfeasance in office." Do you take any exception to that report by Governor Bryan?—I take no exception except to the date of the appointment.

The rest of it you take no exception to?—No.

*Mr. Baxter.*] These reports, I believe, were put into Samoan after they were prepared, Mr. Gurr: is that so?—Yes.

The finished report was put into Samoan also, was it not?—Yes.

That is a proper copy of the Samoan translation of the report, is it not?—Yes, I would say so.

This statement is taken from the Samoan translation: "If this statement as now made by the committee is not correct, the committee will withdraw it." This refers to the £100,000 owing to New Zealand. It was definitely stated in the Samoan copy that there was a possibility of it being wrong, and that you would withdraw it if it was found to be wrong?—Yes.

The Samoan translation continues, "The committee is seeking an explanation concerning the investments of Government money, because it is the right and true desire of all people of the Government to understand clearly concerning Government money." Have any Samoans been along to see you regarding this £100,000, Mr. Gurr, or have they not?—No.

*Judge MacCormick.*] The Committee have not taken any steps to withdraw the statement in that report, although you now know that it is incorrect?—We are quite prepared, and have been ready at any time, to withdraw when mistakes have been found.

If you know it, the rest of the committee ought to know it?—It is only recently that I have learnt it. Mr. Massey had made a statement in answer to a question in the House as to the security for this £100,000, and he stated that the Crown Estates would be security for the £100,000.

*Mr. Baxter.*] You suggested, in answer to a question by Mr. Meredith, that these reports were distributed to the Samoans: were they actually distributed to the Samoans generally in printed or typewritten form?—To the Samoan members of the committee.

Now, Mr. Gurr, leaving aside your own figures, which it is evident are not suited for the purpose for which Mr. Meredith requires them, let us take Mr. Meredith's own figures and work out something on them. First of all, take the Medical Department. Mr. Meredith tells us that the Fiji figure is £48,500 and the Samoan figure is £25,000; I believe that you have worked out the cost per head on the population, taking a population of 170,000 in Fiji and 40,000 in Samoa, which gives you the cost per head for Fiji of?—5s. 8d.

And Samoa?—12s. 6d. per head.

The Post and Telegraph Department, Fiji; the figures that were given to us in Court yesterday were £27,688—you have taken it at £28,000?—Yes. That would be 3s. 3d. per head in Fiji.

And Samoa?—Taking the figure of £8,050 in connection with the Post Office and Radio Office, it would be 4s. per head.

Taking the Police and Prisons Department?—In Samoa, taking the figure of £7,750, as is in the estimates, that would be 3s. 1½d. In Fiji, the amount for the Police Department is £26,484, which would work out at 3s. 1¼d. per head.

Now look at the Justice Department?—The Justice Department of Samoa cost £2,740, which works out at 1s. 4¼d. per head. In Fiji it is £7,679, which works out per head at 10¾d.

Take the Customs Department, taking the emoluments alone?—The Customs Department in Samoa (emoluments) cost £2,481, which works out at 1s. 2¾d. per head. In Fiji it is £7,537, which works out at 10¾d. per head.

Take the Harbour Department compared with the Port and Marine of Fiji?—The Harbour Department of Samoa cost £3,769, which works out at 1s. 10¼d. per head. In Fiji the corresponding Department cost £5,912, which works out at 10¼d. per head.

You went further, I think, and worked out the charges as regards the Legislature. Take the Governor and the Legislature of Fiji, and take the Administrator and Legislature of Samoa, the figures to be taken from the Administration report and the blue-book of Fiji?—The Governor and Legislature of Fiji costs £4,658, which works out, taking a population of 170,000, at 6½d. per head. The Administrator, Legislature, and Government House of Samoa cost £4,934, which with a population of 40,000, works out at 2s. 5½d. per head.

We come to the expenditure and revenue. You took the totals out from the Administrator's mandate report of 1925 and from the blue-book of Fiji: What was the total expenditure of Fiji?—The total expenditure of Fiji was £478,174, which works out per head at £2 16s. 3d. In Samoa the total expenditure is £145,687, which, with a population of 40,000, works out per head at £3 12s. 10d. In Fiji the total revenue is £550,236; that is per head £3 4s. 8d. In Samoa the revenue is £150,038, which is per head £3 15s.

What is the profit per head in Fiji?—It is 8s. 5d.

*Judge MacCormick.*] What is the surplus per head in Fiji: the difference between the revenue and the expenditure is not profit?—The surplus per head in Fiji is 8s. 5d. The surplus per head in Samoa is 3s. 10d.

*Mr. Baxter.*] That is in the same year, of course?—Yes.

Then, taking Mr. Meredith's own figures right through, the amount per head of expenditure shows in favour of Fiji?—Yes, from the figures.

Has it ever, to your knowledge, been made public knowledge just exactly what is this hydro-electric scheme, and what the details of it are?—Not publicly. I have heard that when the Administrator returned from his trip to New Zealand and he met the citizens he was telling us of the expenditure of the Administration and the proposed works of the Administration, and said that arrangements had been made for the hydro-electric scheme.

Was anything said at that time by the Administrator to show that it was the New Zealand Reparation Estates' scheme?—No; I took it to be the Administration scheme.

Do you know if anything has been said by the Administrator or if an official communication has been received?—Not publicly.

In connection with the £20,000 subsidy that has been referred to, would that not come into the expenditure: it is a source of revenue?—It is expended, and it must be calculated to come under expenditure.

*Judge MacCormick*: That is a subsidy from the Government, and not a loan?

*Mr. Baxter*: It is a gift by the New Zealand Government to Samoa every year; I am not sure whether it is a fixed amount.

*The Chairman*: Part of it comes from the annual profits of the Reparations Estates.

*Mr. Baxter*.] When these reports were prepared the Samoans had their own separate sub-committee and they prepared the Samoan report?—Yes.

And they brought it into the general committee?—Yes.

*The Chairman*.] You have shown that the revenue and expenditure per head in Fiji is greater than in Samoa—at any rate, the revenue is greater, and in some cases the expenditure is less per head?—The revenue I have shown is less per head in Fiji than in Samoa.

And the expenditure?—The expenditure also is less per head in Fiji than in Samoa.

Is that not what you expect: Surely different conditions prevail in Samoa than in Fiji, even assuming that the expenditure in Samoa was a proper expenditure?—I would expect that as a consequence of the increase in population.

Is it not a fact that there are no less than 71,000-odd labourers composing part of the population of Fiji?—There is a large number.

Can you not give me the exact figure?—There is a large number of Indian coolies there.

According to this document (A.—4B) there are 68,136 Indians, 969 Chinese, Solomon-Islanders and Rotuma boys to the number of 2,235, and this makes a total of 71,000-odd: is that not so?—I believe your calculation is correct.

As against that, Samoa has a labour population of just over 1,045?—Yes.

The Indian labourers are valuable producers, are they not?—Yes, they are.

And you would not expect the expenditure upon them per head to be as great as if they were inhabitants of the country?—I would, because they are part of the population.

They are there temporarily, and are a temporary part of the population, we know?—They are there for the time being.

Do you suggest that a population of 71,000 labourers would involve the same expenditure per head as a population of 71,000 Fijians settled in their own country?—I cannot suggest that, sir.

#### ARTHUR WILLIAMS examined.

*Mr. Baxter*.] You are a tinsmith and plumber, resident in Apia?—Yes.

And a member of the Legislative Council?—Yes.

And acting-chairman of the Citizens Committee?—Yes.

Referring to the financial report that was placed before the committee by the sub-committee, was that financial report considered by the general committee?—It was read to the committee, yes.

Where did the reading take place?—In the Market Hall.

Was this read at a public meeting or at a committee meeting?—It was read to the committee on the same day as the public meeting. We met in the Market Hall in the afternoon, and the reports were read and translated into Samoan.

In the afternoon there were a number of reports, were there not? How long were you there?—We started very early, because it was a very long meeting. We started at a quarter to two and we went on till dark.

Was the report discussed or not?—No, I do not remember any particular discussion; but the reports were all read there and agreed to by the committee.

Was there any particular discussion or not?—There was every opportunity if anybody wanted to discuss them.

How came it that you did not notice this £100,000 referred to: how is it you allowed it to pass without discussion?—I understood that the statement had been made in the House of Representatives by Mr. Massey that this money was loaned on the security of the Crown Estates.

You mean the £100,000 loan?—Yes.

Did you not know, as a Legislative Councillor, that the statement attributed to Mr. Massey was not a correct statement: did you know that of your own knowledge?—I concluded it was considered that the Crown Estates were looked upon as property of the Samoan Government.

*The Chairman*: That is not an answer to the question.

*Mr. Baxter*.] As a member of the Legislative Council, have you been in possession of knowledge which would show that the statement attributed to Mr. Massey was not correct?—Since then I realized that the statement was not correct I believed it to be correct up to that time.

*Judge MacCormick.*] How did you become aware of this alleged statement of Mr. Massey's?—I have a recollection of reading it in print.

*The Chairman.*] Was it in one of the local papers?—That could only be one paper.

*Judge MacCormick.*] What strikes me as extraordinary is that you people should not inform yourselves upon such an important matter?—We have not had any discussion on the Crown Estates matters. That £100,000 was borrowed before I was a member of the Legislative Council, and the only thing that came up for discussion in my time was interest.

Was there no reason why you should not have ascertained particulars before putting in the paragraph in question: was not the position corrected by the Hon. Mr. Nosworthy in his reply?—There is some mention of it in his reply, but we only received that some months ago.

*Mr. Baxter.*] The report you received over the signature of the Hon. Mr. Nosworthy is dated Wellington, 12th July, 1927?—Yes; I received it by the following trip of the "Tofua."

There is some reference to it in the Hon. Mr. Nosworthy's report. In this place knowledge is not easy to obtain—that is to say, general information. Are we still unfamiliar as to what happens in New Zealand: do we get much information here?—Not very much, no.

*Judge MacCormick.*] The impression to my mind is that, although this was purported to be merely a set of suggestions, these suggestions were made upon insufficient knowledge, and that further knowledge could have been obtained: that is the impression I have gained as a result of Mr. Gurr's evidence?—I think I brought this question up in the Legislative Council here, but I do not think it was satisfactorily answered. The only answer that I remember receiving was that they did not know whether Mr. Massey made the statement.

*Judge MacCormick.* That is not the point at all: the point is, what is the position, and not what Mr. Massey was supposed to have said as to what was the true position. It does not matter very much what Mr. Massey said: the real question is what was the position of the £100,000 and what was the security for it, and whether the New Zealand Government, as suggested, had foreclosed on the property. Perhaps this is a matter that can be appreciated better by other members than yourself. I have no doubt that your counsel appreciates the position.

*Mr. Baxter.* Yes, sir.

*The Chairman.* Will you tell the Commission, Mr. Baxter, what the witness's understanding is of the £100,000 which is mentioned in the report. I want to ascertain what his knowledge is with respect to this matter.

*Mr. Baxter (to witness.)* You have heard the reference made to the £100,000: will you please answer it?—So far as I remember, the £100,000 was loaned on the security of the Crown Estates and that they foreclosed on the mortgage.

As a Legislative Councillor, do you or do you not acquire very much knowledge?—No, we do not acquire very much knowledge.

*The Chairman.*] Are the annual accounts of receipts and expenditure submitted to you?—The estimates.

They are submitted to you and open to discussion?—Yes.

*Mr. Baxter.*] Do you get those accounts submitted to you for consideration before the meeting?—We get typewritten copies before the meeting. I may say that this happens not very long before—sometimes only a few days.

Then they come before the Legislative Council?—Yes.

And they are considered there?—Yes.

And then they are printed?—Yes, they are printed some time afterwards.

I suppose the printed copy would be always the same as the typewritten copy?—Not always. They have made alterations—that is, there have been items added to the printed copies which do not appear in the typewritten copy. On one occasion I asked the question, when dealing with the Engineering and Transport Department, why a certain item did not appear in the typewritten copy although it appeared in the printed copy, and I was ruled out of order.

Was this as a result of some amendment in the Legislative Council?—No, I do not think so.

Do you know?—No.

In connection with this case the printed copy was different from the typewritten copy: was that altered in the Legislative Council or after?—After.

Have you ever managed to have the estimates altered in any way according to the amendments proposed by the elected members?—Never.

The Administrator's Mandate Report always contains a report of the actual expenditure?—Yes.

When do the members of the Legislative Council receive this, before or after publication?—After publication.

How long?—Some months.

I believe you have lived in Fiji?—Yes.

With respect to the Asiatics, are they always temporary labourers, or are some living there?—There are quite a number that reside there. I understand that there is a large number of free Indians actually resident there as apart from imported labour.

They remain there after their indentured period is over?—Yes.

What proportion of the total population does this free labour provide?—I cannot say definitely, but I understand there is a large number.

What do you mean by that: would that be 10 per cent. or 20 per cent. of the foreign indentured population?—I do not know, but I should think more.

You do not know definitely?—No.

*Mr. Meredith.*] How much of the Committee's discussion was devoted to Mr. Gurr's and Mr. Smyth's report?—Very little discussion.

Would Mr. Gurr just read it through to you?—It was read through, yes.

You did not take it away and examine it?—No.

Nor did any other member of the committee?—No.

But you admitted it as correct?—Yes.

Knowing that it would be distributed to the resident population of Samoa?—I do not think it was ever intended to be distributed publicly; it was a report prepared for presentation to the Minister.

Was not that report read to the Samoan members of the committee?—It was read to them.

And explained to them?—Yes.

And you heard it?—Yes.

And they would understand that that was the considered opinion of the European members of the committee?—The considered opinion of the sub-committee that drew it up.

And approved of by the remainder of the committee?—Yes, excluding the Samoans.

As a member of the Legislative Council, you had estimates before you every year?—Yes.

You notice what is said about the Public Works Department expenditure: you remember that?—Yes.

And the cost of salaries in regard to the amount of public works that they had to supervise: you remember that?—Yes.

Where your committee criticized the cost of the Public Works salaries for the small amount of public works that was being effected: do you remember that criticism?—I cannot recall the particular item.

Was there any justification for making such a criticism?—I must say that I did not go into the figures very carefully.

You remember, though, that there was such a criticism?—I have a recollection of something of that sort.

Speaking as a member of the Citizens Committee, was there any justification for that criticism going out?

*The Chairman.*: The witness has not the remotest idea what was said on this subject, and he has said so.

*Mr. Meredith.*] You would know, as a member of the Legislative Council, what public works were being undertaken, or in course of operation, would you not?—If I have the estimates in front of me I may probably.

Would you not have had a copy of the previous year's estimates?—I would have had a copy, yes.

Would you not know the main big works in progress in Apia?—Yes.

And would you not know that they run into a considerably large sum of money?—Yes.

Do you remember what was said in this report about the cost of auditing in Samoa?—I do not remember that.

You did, however, know the cost of auditing?—I would have known that if I had looked up the estimates.

Did you consider the estimates?—Yes; but I do not carry all the figures in my head.

Do you suggest that you do not know, and have not known, that the cost of your auditing is shown in every annual statement of the estimates?—Yes.

Then, you do know the cost of auditing?—I must have known; but I do not remember the figures without looking them up.

Did you hear any reference to auditing in that report?—I do not remember.

Were you listening when it was read out?—Yes.

You did not call any attention to that matter?—No.

Is not the £100,000 loan shown in your estimates?—It is shown.

It is shown at page 24?—Yes.

You are a member of the Legislative Council, interested in and criticizing the financial affairs of this country: do you know the provisions of section 33 of the Act of 1921?—I have not studied that particular subject.

What is the effect of the section?—I cannot say that I know.

What is the position in regard to loans under that particular section: I just wish to ask you whether, as a Legislative Councillor, you are familiar with the provisions of that section?—Reasonably familiar.

What is your idea of it with regard to security?—I must say that I have not gone into the matter very carefully.

*The Chairman.*] Mr. Meredith is asking you as to the general power with respect to the giving of security for loans: you do not know what that power is?—No.

*Mr. Meredith.*] And you have not made yourself familiar with it since you have been a Legislative Councillor?—No.

And you do not know what that section means?—No.

*The Chairman.*] When did you join the Legislative Council?—In January, 1924.

*Mr. Meredith.*] After January, 1924, have you asked any question about this matter—that is, about the loans?—No.

So that you have not put yourself in a position to make statements about this loan by making inquiries?—No; I must say that I made no particular inquiry.

Then, why did you take the responsibility of being a party to the suggestion contained in that report?—I took it on the statement of Mr. Gurr.

Can you produce that statement?—I cannot produce it now, but I feel confident that that statement was made and was talked of very much in Samoa at the time.

*Mr. Baxter.*] Do you think you would be able to affect the result of the work of the Legislative Council very much at the present time?—No.

Why not?—Because we are constantly outvoted.

Are you likely to be the permanent minority on questions that are brought up in the Council?—Yes.

How would you regard yourself concerning figures as compared with Mr. Gurr and Mr. Smyth?—I do not profess to be well up in figures. I am not a clerical man, and I naturally took it for granted that their figures would be correct.

In other words, you felt that it was no use arguing about figures prepared by these gentlemen, because you had confidence in them?—Exactly.

*Mr. Slipper:* I propose now to deal with the Legislative Council. One point has been referred to me by Mr. Baxter to which I would like to call your attention, and it refers to Mr. Gurr. The official report of the American Samoa Administration was referred to as stating that he was dismissed for malfeasance in office. The published official copy says, "His connection with the American Government was severed in 1908."

*Mr. Meredith:* I read the statement out to Mr. Gurr, and I asked him if it was correct and whether he took any exception to it, and he said that he did not.

*The Chairman:* The question must be regarded as having ended. The report was handed to Mr. Gurr and it was read by him, and Mr. Gurr knows whether he was dismissed or not, and he knows the cause of the dismissal.

*Mr. Slipper:* I should think so; but I submit that the correct report should have been put in front of him.

*The Chairman:* I do not think there is anything further to say.

*Mr. Baxter.*] We have it in the Act that the Legislative Council in its present form was constituted in 1923: you are a member of the Legislative Council, are you not?—Yes.

At what election were you first elected?—In January, 1924.

That was the first election?—Yes.

And you were elected a member then?—Yes.

When was the next election?—The 30th November last year.

You were re-elected at that time with the other two sitting members?—Yes.

Were you opposed at that time?—Yes.

Was there any interest taken in the election?—Very great interest.

The political condition was such that there was a great deal of interest taken in the election?—Yes.

Was your majority increased or decreased?—The majority in our favour was increased.

We know that the Legislative Council considers the estimates: what other matters does it consider?—The passing of local Ordinances, and sometimes questions are raised.

How often does the Legislative Council sit?—Usually about twice a year.

And might be a little more or a little less?—Yes.

How many official members are there at the present time?—Six.

And how many elected members?—Three.

How is the voting upon all these matters?—Well, on the most important matters there are six usually for them and three against.

On any contentious subject has there been any occasion when an official member has voted away from the officials and voted with the elected members?—Never.

Do you know whether this is a matter of their all thinking the same way, or is there any other cause?—I understand they are influenced to vote one way. The question was brought up at one time.

Where?—In the Council, by Mr. Nelson. On one occasion, in taking the votes, the Administrator did not raise his eyes to look who was voting. This was objected to by Mr. Nelson. The Administrator informed him that, if he liked, he would take the vote again—as much as to suggest that in his mind there was no doubt as to how the official members would vote. On another occasion when some comment was made about the voting, so far as I remember, the Administrator said that the officials would naturally be expected to vote according to the policy of the Government.

*Judge MacCormick.*] You said that the voting was always six to three?—There were occasions when the elected members have differed—for instance, over the discussion with respect to the wharf, the elected members differed on that; but I might say that it is very seldom they do.

*Mr. Baxter.*] Is your opinion not sought at any time, apart from sitting on the Legislative Council: are you asked to discuss matters at any other time?—No.

*Judge MacCormick.*] Has that always been so, or has it been the practice only since the recent events happening?—When we were first elected the Administrator did discuss problems with us, but that was very soon dropped. There has been very little discussion outside the Council during the last couple of years. I thought that when the Council was first formed it would be more in the form of an advisory body and not to be run strictly on parliamentary lines, and I think all the elected members were under that impression.

*Mr. Baxter.*] What do you mean by that exactly: are you referring to the Standing Orders being too strict?—Yes.

May I put it this way: you thought that you would go through and discuss the matter like you would do in an ordinary committee meeting?—That was what I thought.

And not have a lot of formality?—That is so.

*Judge MacCormick.*] Regulations have been drawn up?—Yes.

The statutes provide for that?—Yes.

*Mr. Baxter.*] Did you have anything to do with the drawing-up of the regulations?—No.

You say that the Legislative Council is unsatisfactory: what do you think ought to be done to make it satisfactory?—I think that Natives should be put on the Council. The elected members have asked for this on several occasions.

How many Natives do you think ought to be put on?—I would like to see a majority of the elected members on the Council, but it is very doubtful if we could get that. I would also like to see three Natives on the Council.

*The Chairman.*] Do I understand you to mean that you would like to see a majority of elected members, but, if not, that the minimum should be the same number as the official members?—Yes.

*Mr. Baxter.*] What is your reason for saying that you would like to have Natives on the Council?—Firstly, because the Natives form about 95 per cent. of the community; secondly, all the responsible Natives that I have spoken to on the matter seem to think they ought to be represented on the Council; and, thirdly, I understand that this has been asked for a couple of years by the Fono of Faipules, and I understand they were told that they would be allowed to legislate for themselves.

You have lived in Fiji?—Yes.

Do you know whether they have Natives on the Council there?—Yes, and for over twenty years.

Who are on the Council there—that is, the official members—and there are the elected members?

*The Chairman.*] The witness does not know. Can you prove, first, what the powers of Fiji Council are, and its constitution?—I cannot tell you.

There will be no difficulty in ascertaining it, Mr. Baxter.

*Mr. Baxter.*] No, sir. (To witness:) Do you know whether there are other persons than Fijians on the Council?—I understand that there is also one Indian.

You say that there should be three Natives on the Council: that being the case, I would like to know whether you suggest they should be nominated members?—No, elected.

Who would do the electing of those members?—I should say, the *matais*.

What is a *matai*?—He is the head of the family.

Would you allow the *matais* to elect them, as head of the family?—Yes, and that would be according to the Samoan system. I may say that the Samoan system is more democratic than the average person realizes.

Would it be possible to ascertain how many *matais* there are on the list?—The administrator must know, because they pay a tax.

How do you propose that the *matai* should vote: would it be possible to get them to vote?—Yes, certainly.

In what way?—I should suggest that these things would be put up first to all the responsible Natives to ascertain their opinion. There is, I suppose, more than one way of doing it. I do not see any objection to following the same practice as the Europeans—that is, ballot-papers could be sent out, and after being filled in would be signed by the *pulenu'u* of the village or the *Fa'amasino*.

You think the matter could be worked out in detail by whom?—With the Natives who discuss the matter first.

You have suggested a Council consisting of an equal number of officials and non-official members?—Yes.

Then, I conclude that if the officials voted one way and the non-official members voted another way the Administrator, who would be presiding, would have a casting-vote?—Yes.

Then you would have a measure brought in on the vote of the Administrator if he gave his casting-vote. It is possible that might arise. But supposing he does bring in a matter in face of their opposition, do you think there is any course which should be followed then?—I think, when all the elected members vote against the Government, and if the casting-vote of the Administrator was in favour of the nominated members, then the matter should be submitted to the Minister of External Affairs. I believe that this is the procedure in Fiji.

*The Chairman.*] We do not want to hear from you what the position is in operation in Fiji. Counsel can let the Commission know what the position is there.

*Mr. Baxter.*] Very well, sir. (To witness:) Taking the Council as it now stands, is there any objection raised to the personnel? I do not want to suggest anything against anybody personally. Do you think that the present method is right? For instance, there is the Secretary to the Administration: do you think it is right that he should be on the Council?—Yes.

Then there is the Crown Solicitor?—Yes.

Then there is the Chief Judge?—I do not think he should be on.

Why not?—Because there are laws discussed and passed in the Council which might have to be considered by him later. He might have to give a decision on the very laws which he has discussed.

You are referring to the matter in principle?—There is nothing personal, except on principle.

What officials do you think should be on it?—I think the Treasurer should.

*Judge MacCormick.*] Is he?—Not now. It was changed.

*Mr. Meredith.*] Are you responsible for this report [produced] on the Legislative Council?—I did not bring that up.

Who brought that up?—Mr. Nelson.

That means you do not know really what the position is in Fiji, but have accepted Mr. Nelson's statement to that effect?—Yes.

Do you know of any other mandated territory that is given such constitution as you suggest?—I have not gone into the matter.

Was that matter not gone into in the discussion with the committee?—No; we only took it on the way the Council works here.

And you suggest that Samoans should be represented : in what proportion to Europeans do you suggest they should be represented ?—Well, I have just suggested three European elected members and three Native elected members.

Do you suggest that because the Samoans contribute to the revenue ?—Yes.

Why should they not be in proportion to the revenue they contribute : if you are going that length, is that not the logical conclusion ?—That might come about later on ; for the present I should say that the number should be three.

Not for the start ?—Until they become accustomed to the work and duties of the Council.

*The Chairman.*] I understand from you that you suggest the control of the Government and the Administration of this country being entrusted to whom ? Do you mean elected Samoans ?—Elected members, not necessarily Samoans.

Either Europeans or Samoans ?—Yes.

And that you think would make for a staple form of Government ?—Yes.

*Mr. Meredith.*] I thought you told me that at the present time the Samoans are not fit to function as Legislative Councillors ?—I never said that.

Do you think they are ?—I do.

Then there is no reason why there should not be a majority of Samoans in proportion to the population.

*The Chairman :* That does not follow, surely. I am afraid, Mr. Meredith, that your cross-examination may be misunderstood by the people who read it. This report will go to the League of Nations, and they will not understand the environment, and the printed page perhaps might give a misconception on the matter.

*Judge MacCormick.*] There are many districts, I understand ?—Yes.

Would not the more popular districts have all the elected members on the lines suggested by you ?—I do not think so. What I mean is to elect them the same as Europeans, by a general election.

And the general result to be the deciding factor. My question was whether there was a sufficient community of interest in the different localities to justify an election of that kind ?—Yes.

Local sentiment counts for a lot—that is to say, the district with the bigger number of *matais* would have the majority : for instance, your Faipules are elected by the districts ?—They are claimed to be.

Well, they are supposed to be ?—Yes.

Would you find the people of one district electing a Faipule from another district ?—Not under the present system.

You are, of course, assuming that there will always be a full attendance of the members ?—I think they would attend regularly.

I do not know about that. Supposing there were six members on each side. You might have a case where four on one side would be present and six present belonging to your side. That might be all right from your view point. You have heard of what is known as a working majority, and no Government would reign very long if it had to depend on the casting-vote of the Speaker, and that is practically what you are asking. I want to make it clear that I am not expressing any opinion ; but we want to get the matter cleared up ?—For instance, in New Zealand there are two or three parties, but I understand there would be no party Government here, and everybody would be working for the good of the country.

You did not suggest that in your evidence. Your idea was that the nominated members were working to carry out the will of the Administrator regardless of the will of the country. I do not think that any other meaning can be taken from what you say. You may be quite right, but that does not work for the good of the country. On the other hand, it might be possible that the Administration might say that your voting against the Administration is not for the good of the country, and that the members are voting just because they are in opposition ?—I do not see how he could say that.

*The Chairman.*] You know that the Administration of Samoa is entrusted to New Zealand under a mandate from the League of Nations ?—Yes.

That cannot be altered ?—No.

The New Zealand Government is responsible as a trustee to the League of Nations for the good government and administration of Samoa ?—Yes.

It, therefore, is the responsible body for the administration of Samoan affairs : that is so, is it not ?—Yes.

The basis of the mandate, of course, is that at the present time the Samoans are not competent to administer their own affairs. I do not say that it is right or wrong—you say it is wrong ; but that is the basis of the mandate ?—Yes.

And the idea of the mandate is that the Government of the country should be so conducted as to educate the Samoans in the work of government and administration, is that not so ?—Yes.

Now, I understand you to say that your deliberate opinion is that the administration of Samoa to-day could be safely entrusted to an Administration constituted of Europeans and Samoan members elected independently by Samoans and Europeans ?—I think the people are capable of legislating.

Will you please answer my question. I understand you to say that it is your deliberate opinion that it is safe to entrust the administration of Samoan affairs to a Government constituted of European and Samoan members elected by Samoans and Europeans : is that right ?—I do not know.

You can answer my question Yes or No ?—I think so.

That would entrust the control of government to those elected by it, would it not ?—Yes.

The control of taxation ?—Yes.

Where does the New Zealand Government or the mandatory authority come in ?—They would not work under a mandate.

That is utterly inconsistent with the mandate. Is what you have just told the Commission the object of the Mau?—No, it is not.

What is the object of the Mau—that is, the general scheme of the Mau?—The object of the Mau is only to bring grievances before the Administration.

Nothing more?—No.

Do you agree with Mr. Nelson's view that the people should control the finances of the country?—No; we cannot do it under the mandate.

You do not agree with that?—No.

Do you agree with him that the powers of the Administrator should be taken away from him and given to the representatives of the people. I am quoting his own words: do you agree with that?—The power of government or the making of legislation?

The power of making legislation should be taken away from him and entrusted to the people: is that what you suggest?—I think the people ought to have more say in the legislation of the country.

That is not an answer to my question. Do you think the powers of the Administrator should be taken away from him and entrusted to the people?—I am sure I cannot answer that question; it is inconsistent with the mandate.

I am glad you realize that fact. I understand that you advocate a scheme by which there should be three additional elected members placed on the existing Legislative Council?—Yes.

I am not going to concern myself with the method of election, but the result would be that on many measures there might be six to six, and the only protection for the Administration would be the casting-vote of the Administrator?—Yes.

I want to put it to you, is it not an impossible position in which to place any Administrator entrusted with the government of the country?—I am not quite sure what you mean, sir.

Is it not absolutely impracticable for a man to administer the government of the country if he only has a casting-vote in the Assembly which controls expenditure and legislation?—I do not think so.

You think it is quite practicable?—Yes.

And you further think with respect to his casting-vote that it should, at any rate, be subject to review by the Minister in New Zealand?—Yes.

So that if the Administrator gives his casting-vote on any disputed measure it would require at least two months, or longer, before he could act upon it?—I think in most cases the matter could be submitted by wireless.

Could the Administrator submit pros and cons on a contentious matter by wireless?—I think most of the Acts that are passed could wait.

You see no objection to a delay of at least two months—in practice it would be longer—before the Administrator is capable of acting on his casting-vote?—I do not think so. It would be similar to an Order in Council in New Zealand.

*The Chairman:* In the case of New Zealand the Order becomes operative the moment it is issued.

GEORGE EGERTON LEIGH WESTBROOK sworn and examined.

*Mr. Baxter.]* You are a merchant of Apia, a member of the Legislative Council, and a member of the Citizens Committee?—Yes.

When were you first elected a member of the Legislative Council?—In 1924.

Have you been a member since that time up to the present?—Yes.

There was another election held later on. I believe at that time there was some political unrest in the country. When you were re-elected was your majority increased or decreased?—Increased.

On the Legislative Council there are six nominated official members and three elected members, who are Mr. Williams, Mr. Nelson, and yourself?—Yes.

At the debates in the Council how does the voting generally go on any matters on a division?—It always goes against the elected members. The Government majority always defeats them.

Is the opinion of the elected members ever sought outside the Council on any matters concerning the general public or not?—No, the opinion of the elected members is not sought outside the Council.

Referring to the matter of the estimates: I believe these estimates come before the Legislative Council?—They do.

And you are given copies beforehand?—A few days before.

Then they are considered by the Legislative Council?—Yes.

And are taken by headings?—Yes.

Have the elected members ever been able to bring about alterations in the estimates in any way?—Not to my knowledge.

The Council in its working—does it sit just like a committee and just discuss things freely and get explanations of each before coming to a final decision by the whole of the members, or does it work like a Parliament with an opposition side?—Like a Parliament.

It has been suggested that there should be Native members on the Council: I should like you to state what your opinion is on such a proposal?—My opinion is that the Natives should be represented on the Council, inasmuch as the Council passes Ordinances concerning the Natives.

And do you suggest that those Natives should be nominated or elected?—Elected.

How many do you suggest putting on the Council?—I believe in Native representation on the Council: probably two.

How would you have your Council organized? Would you have three parties, then—the official members, the European elected members, and the two Native members?—Yes.

How many of each would you have?—I would have four official members, two elected European members, and two elected Natives, outside of the Administrator, who would have a casting-vote.

How would you have the two Natives elected?—By the chiefs.

In what way would you have the chiefs elect them?—By ballot, one from each district. They would be elected by the *matais*, who are respected older Natives and heads of families.

By the *matais*, who are heads of families?—Yes.

What arrangements would you have for the *matais* to exercise their votes? *Fa'asamoa*, by ballot, or by open vote in Fono?—As they are Natives, then *fa'a-Samoa*.

It is well known that there are technically two classes in this community—Europeans and Samoans; but in fact there are three—full Europeans, persons of mixed blood, and Samoans. Do they, the half-castes, mix freely and on equal terms with each of the races?—I think they mix on equal terms with both.

On the Council you have suggested there are four official members, two elected European members, and two elected Natives: that makes an equal number of official and non-official members. Occasions may arise where the voting is even. Do you suggest that the Administrator should vote or not?—He should exercise a casting-vote.

Under the circumstances stated, where the Administrator exercises his casting-vote, do you think, in the interests of good legislation, any further steps should be taken?—I think it should be left to the Administrator.

Of the present officials occupying seats on the Legislative Council, you have not got anything against them personally?—No.

Do you think any one should be debarred by his official position from sitting on the Council, or are you quite satisfied?—I do not think the Chief Judge should be allowed to sit on the Legislative Council.

Would you please give your reason for having such an objection?—It might be necessary for him to adjudicate on cases coming up in connection with the Council, or on laws which have been passed by the Council.

*Mr. Meredith.*] As a matter of fact, when both Mr. McCarthy and Judge Woodward are in Apia, Judge Woodward does not sit in the Council: is not that so?—He sat at the last meeting I was at—the meeting before last. That was the first meeting I attended since my return.

Mr. McCarthy was not here?—No.

I put it to you again: when Mr. McCarthy is present Judge Woodward does not sit on the Council? You are a member of the Legislative Council. I put it to you that that is the position?—Well, I do not know what alterations have been made to the Council.

How long have you been sitting in the Council?—Four years.

Is it not your experience during those four years that Judge Woodward only sits in the absence of Mr. McCarthy?—The members have been changed. The Director of Agriculture has now joined.

I am speaking about Judge Woodward and Mr. McCarthy?—I have only had experience of that meeting.

You have only sat once in four years?—I was away for sixteen months.

For which sixteen months were you absent?—I returned just previous to the last two meetings. Two meetings, or three, were held during my absence.

*The Chairman.*] When did you leave Samoa on your visit?—In March, 1925.

And when did you return?—In July, 1926.

*Mr. Meredith.*] Where were you during that sixteen months?—I was in London. Most of the time I was travelling over Europe.

You attended the meetings where these reports were discussed?—I did.

You only produced the prohibition report?—Yes.

You were there when the other reports were adopted?—Yes.

What was done at the adoption of the reports?—They were confirmed, pending that they were all right.

What do you mean by that, "pending that they were all right"? Were you not satisfied that they were all right?—It was thought there might have to be some alterations or amendments.

You thought that?—I thought that.

Did any others say they thought that too?—I cannot say.

Who was the chairman at the meeting when they were adopted?—Mr. Nelson.

Did you point out that there might have to be alterations made in the reports?—The conditions were very different to what they are now.

I am speaking about what happened at that meeting?—I cannot remember.

Was each report put up separately for confirmation at that meeting?—As far as I know.

Take, for instance, finance: what discussion took place before that was confirmed?—Finance was a matter that I did not pay so much attention to. I am not a financial expert. I have confidence in Mr. Smyth and Mr. Gurr.

So did not examine the figures or discuss them?—Yes.

And did the other members of the committee have the same confidence and accept the report without discussion?—I think so.

And now the medical report: that was Mr. Williams's effort, was it not?—Yes.

Did you go into that?—Yes, in a way. These reports were read out partly to lead up to what might be general complaints to be put before the Minister.

You know that Mr. Nelson sent those forward with a covering letter as being approved by the people generally?—Yes.

You suggest now that they did not have your approval?—They had my approval.

Then go back to the Medical Department: have you at any time taken steps to examine and verify the report and what is in it?—That was a matter of deep study.

And you have not given it that deep study?—I have not got the time.

And would the position be the same regarding the other reports—that you had not the time to give that deep study?—Yes.

And as for the other members of the committee, as far as you know, did they give these reports deep study?—I cannot tell you.

And when they were read, you heard no detailed discussion at that meeting?—No, that I cannot tell you. They were discussing all things in a general way, but to what extent I cannot remember.

Matters have come before the Legislative Council regarding Native affairs? They generally come before the Council as remits from the Fono of Faipule, do they not?—I cannot say. No one knows what the Faipule are doing at all. We have never met them, have never been introduced to them.

Have you not been told on every occasion that the matters before you have been discussed by the Fono of Faipules?—Yes, we have been told that.

And so if that were correct the Natives have already had an opportunity of discussing the matters?—I have my doubts about that in one way. The Faipule might have discussed that, but not the Natives generally.

If that statement be correct that will mean that the Fono of Faipule will have had an opportunity of discussing the matter?—I suppose so.

Do you suggest you have been told incorrectly that they have been before the Fono of Faipule?—No.

So that the possibility you suggest is that the Faipule may not have discussed the matters with their own people?—Yes.

If that were so that would be a default on the part of the Faipule?—I should say so.

You would not suggest that all the Faipule would disregard the wishes of their own people?—I would not.

Then, do I understand that such things may happen in occasional cases?—It may happen very often.

The Faipule should discuss it with his District Council?—I should say so.

If the District Council in any case were ignored, could it not complain to the Administrator of the neglect of the Faipule?—I suppose it could.

So that if that defect were remedied Native matters could be properly discussed by the Natives themselves?—If the Faipule were the proper representatives of the people.

Answer the question. If that defect were remedied, Native matters could be properly discussed by the Natives themselves?—Yes.

Do you suggest further, then, that there should be two elected Samoans on the Legislative Council?—I do.

And do I understand that those should be chosen from the Faipule: do you suggest that?—I think they should be separate from the Faipule.

It would be requisite for these two representatives to understand English well?—It would not be necessary with a good interpreter.

It would be very much better if they did understand English?—It would be better.

To enable them to understand the trend of each debate?—Probably it would.

Would it be practicable to have a debate on any matter when the speech of every speaker would have to be translated sentence by sentence to enable the Samoan members to understand?—I think so. Our meetings are very short, as far as that goes.

You think it would be practicable?—I think it would be practicable.

If those eligible for election were restricted to the English-speaking Samoans the choice would be exceedingly limited?—Yes, there are a good many Samoans speak English.

The choice would be limited?—It would be limited.

How do you suggest they should be elected?—I should say, *fa'a-Samoa*, in accordance with their customs.

What do you mean by that?—The *matais* and heads of families would get together and talk the matter over with their chiefs and men of high families.

And how would you divide these—into two districts, or would you have two members elected from all over Western Samoa irrespective of where they come from?—I do not make any suggestion.

You have put forward a proposition: have you not considered the details?—They should make the suggestion themselves.

Would you have two political districts with one member from each, or would you have two members from the whole of Samoa?—Two members from the whole of Samoa.

Do you suggest that the *matais* of the whole of Western Samoa should get together to select their men?—It would not be necessary.

How otherwise would you do it?—In their own districts, and send their conclusions along.

Suppose their conclusions were not the same?—I think they would agree in the end.

How would you come to an agreement?—As a rule they do come to an agreement in their *fa'a-Samoa* ways.

You can suggest no manner of bringing the matter to a conclusion if they did not agree?—No.

*Mr. Baxter.*] You said that when this committee's report came up for discussion the conditions were then different to what they are now. What do you mean by saying that the conditions were different?—The reports were really drawn up for the Minister of External Affairs. He was expected to visit Samoa, and they were really drawn up as a matter for discussion.

*The Chairman.*] They were presented to us as a true statement?—Yes, but we never expected them to go so far, really.

*The Chairman:* *Fa'a-Samoa*, I suppose.

*Mr. Baxter.*] You said you approved of the reports. For what purpose did you approve of these reports?—I thought that if we met the Minister these reports could be brought up. One thing would lead to another and be discussed, and other matters which came out could be put in.

You referred to the District Councils, the Samoan District Councils as at present constituted. Are those District Councils representative of the district opinion or not?—I doubt it.

You said that if an English qualification were required of the Samoans who sat on the Legislative Council, the class from which the people could be elected would be limited. Can you say of your own knowledge if it would be very greatly limited?—I do not think it would be very greatly limited.

*Judge MacCormick.*] Who is Mr. Chisholm? I see his name here. Is he a member of your committee?—No, sir.

He raised the question, I understand, of the accuracy of these reports at one of your public meetings, and suggested delay in putting them forward?—Probably that was so. I cannot remember.

*Mr. Meredith.*] There is one more question I would like to ask this witness if I have permission. I understand you signed a previous petition: that was in 1910, to the German authorities?—Yes.

That was practically on the same lines as this?—I would like to know what that was.

Do you remember it?—No; that was a long time ago.

That was, I might perhaps put it, an attack on the German Administration?—Yes, on the matter of retrospective taxes. One year they did not collect taxes, and the second year the taxes had been nearly doubled.

Turn to page 45 of the paper A.—4B. There we read, "If we had self-government here we would ere this have segregated the lepers, which are a real public danger." That has, I think, been done without having your own government, has it not?—Yes.

"More schools and teachers are required": I think you will agree that extensive work has been done in educating the people by this Administration?—Probably too extensive.

Have you any complaint on the grounds of insufficient education such as you had in 1910?—The conditions were different then.

On page 46 we read, "It is not our intention to take much cognizance of Native affairs; but we believe that we express the opinion of the majority by saying, if certain diverse wishes of the Natives, which we also feel are just, were considered, then the whole subject of ruling them with even a firmer hand would be easy of accomplishment, and then they would willingly pay a larger share towards the upkeep and prosperity of our local Treasury." Do you suggest that the intention was to get more taxes from the Natives?—The Native taxes in those days were only 4s. a year; now they are 40s.

"The colonists desire to create a proper waterworks for Apia, to improve its harbour and make it safe, to connect with the world's cables, and to encourage an opposition steamship line; but under the present system none of these things can be considered. Such great works might be nearer to fulfilment if the colony were self-governing, and especially if the colony might obtain permission to raise a needed loan." The bulk of those improvements have now been effected?—Yes, I must admit that.

Effected without alteration to self-government?—Yes.

On that occasion were you associated with any of the present petitioners?—Mr. Nelson.

Mr. Nelson is also a joint petitioner with you on this occasion?—Yes.

Are any of the others at present in Samoa?—They all died.

There are only two now alive?—Yes.

*The Chairman.*] Were you ever a nominated member of the Legislative Council?—No.

You joined the Council as an elected member in the year 1924?—That is so.

Do you remember a trip that Mr. Nelson made from Samoa to Sydney, I think, returning in September, 1926?—Yes.

Was there any trouble in the Legislative Council before Mr. Nelson's trip to Sydney?—I was away at the time.

You do not know, then, whether there was any trouble in the Legislative Council up to September, 1926?—No.

Do you happen to know if up to September, 1926, Mr. Nelson and the Administrator were on very friendly terms?—As far as I know.

You do not know one way or the other?—I remember when Mr. Nelson returned a ball was given him, and the Administrator made a speech.

A very complimentary speech?—Yes.

So these developments must have been quite recent. You say Mr. Nelson returned in September, 1926, and your first public meeting was held on the 15th October, 1926?—Yes.

Can you account at all for that sudden change in the relations between the elected members of the Council and the Administrator?—Your Honour, I was in New Zealand just previous to Mr. Nelson's return, for about two months. I was interviewed by several of the newspapers, and because of my statements to interviewers I was received on my return in a very hostile manner by the officials.

You returned before Mr. Nelson?—Yes.

We cannot get much further, apparently, than the fact that up to Mr. Nelson's return he was on good terms with the Administrator, as far as can be judged?—I think they differed in opinion.

Do you always vote with Mr. Nelson? Can you give me an instance on which you voted in a different way from Mr. Nelson?—There was one instance, some time ago. I do not know what it was.

I suppose the same applies to Mr. Williams?—I think so.

Do you know that there is no objection to Samoans standing as elected members of the Council?—Well, I do and I do not. As far as I remember Sir James Parr—

What has Sir James Parr got to do with it?—He mentioned in 1923, I think, that there was no objection to that.

Why is it that there have been no Samoan candidates if they are so fit and so desirous of serving on the Legislative Council?—I do not think it has ever been put up to them. I do not think the Samoans know the law.

I want to put it to you quite frankly: do you suggest that they are likely to be knowledgeable and industrious members of the Council—I am not questioning the propriety of their being on the Council?—I think so.

You know that the Administrator has only a casting-vote and not an original vote?—Yes.

You advocate that the Legislative Council should be composed of an equal number of elected and nominated members with a casting-vote with the Administrator?—Yes.

Do you know of any self-respecting man who, under those conditions, would take the position of Administrator of the Samoan Government?—I do, in this way: that if there were four elected and four non-elected I do not think there would be any opposition. I think they would be more in agreement than they are at present.

Well, I do not want to make any comment at present. You know that Germany acquired sovereignty over Samoa in 1900?—Yes.

Any you know that there was a great trading German organization operating here, referred to as the D. H. and P. G.?—Yes, I was here.

If the war had not broken out what do you say as to the possibility of the German Administration and the D. H. and P. G. squeezing out the rest of the traders of Samoa?—I never felt that. I do not think there was any probability of it.

You never had any anticipation of the D. H. and P. G., with the cognizance of the German Administration, squeezing out other traders?—Germany was allowed to annex Samoa with the permission of the other two Powers. A treaty was drawn up and signed by the British Government, which made provision for trading rights. Everybody had the same rights.

You are very trusting, are you not?—I had nothing to complain of.

Of course you had not because the time had not come. I am putting it to you as a man whether it was not generally anticipated that the time would shortly come when, with the connivance of the German Government, this firm would squeeze out all its trading competitors?—I did not think so.

*Mr. Baxter:* As I will be calling Mr. Nelson on this point, and the Natives are sure to have something to say on it, I will leave it now, and I propose to call Mr. Williams on the medical question.

ARTHUR WILLIAMS further examined.

*Mr. Baxter.]* Referring to the medical question in this country, who is the gentleman who occupies the position of Chief Medical Officer?—Dr. Ritchie.

Of course you are not in a position to say what type of work Dr. Ritchie is doing?—I think he is doing administrative work.

Does he attend to any clinical work or does he do any surgery?—I have never heard of any.

How long has Dr. Ritchie been here now?—I do not know exactly—about five or six years.

And during the whole of that time has he been doing administrative work, do you suggest, or has he been doing other work?—I understand that for the first year or two he was the Medical Officer of Health, but afterwards the position was altered and he was made Chief Medical Officer.

Do you or do you not consider that it is necessary to have a man here doing purely administrative work?—I do not think so.

Why not?—The place is not big enough.

*The Chairman:* But what qualifications does this witness possess that enable him to deal with medical work?

*Mr. Baxter:* I have called this witness in order to give my learned friend an opportunity of cross-examining him.

*Judge MacCormick.]* What does “administrative work” mean—control of the hospital?—Clerical work, I understand.

*The Chairman.]* In connection with hospitals and health?—Yes.

*Judge MacCormick:* Does he perform duties usually performed by the superintendent of a hospital?

*Mr. Baxter.]* Is Dr. Ritchie in charge of the hospital?—No, there is a Resident Medical Officer.

*Judge MacCormick:* There may be a great many resident medical officers in a hospital. If the hospital only calls for one, then, of course, there is only one; but in most hospitals there is a superintendent of the hospital, and one or two more, according to the size of the hospital.

*Mr. Baxter.]* What is the exact type of Dr. Ritchie’s work?—I understand it is clerical work.

*Judge MacCormick:* The Superintendent of the Auckland Hospital has, I dare say, thirty medical officers under him, and the Superintendent of the Wellington Hospital has about the same. It is impossible for him to do any quantity of clinical work. We are anxious to know exactly what the scope of Dr. Ritchie’s work may be. That is why I asked. Does he control the hospital?

*Mr. Baxter:* Does he have direct superintendence of the hospital, or is the work done by somebody else?

*The Chairman:* Does he know anything about it? Where does he get his knowledge?

*Mr. Baxter.]* Do you know what the Medical Department is doing?—It has been brought up in the Legislative Council for discussion.

Who has the direct arranging of the duties at the hospital?—I understand the Resident Medical Officer.

*The Chairman* : I suppose you must go on with that, but I must say that the evidence appears to be of no value to me.

*Mr. Baxter* : These reports have been put in, and I am not prepared to drop them from my case. I think it is my duty to bring them in.

*Mr. Meredith*.] Then you, I understand, take the responsibility for this report?—Yes.

And you would have conferred with the other members of your committee before putting it in?—Yes.

Which members did you confer with?—All the committee.

And all the committee considered this a fair and proper report to send in?—Yes.

Have any of that committee any medical qualifications?—No.

You have none?—No.

Nor any of the others?—No.

Did you take the trouble to investigate what has been done in Samoa by the Medical Department?—I have read the reports.

There have been campaigns by the Medical Department against yaws and hookworm?—Yes.

Yaws is a dreadful scourge?—Yes.

To which practically all Native children were subject, or a very large percentage?—You get a large amount of it, as in all tropical countries.

And yaws not only attacks infants but is recurring in the tertiary stages in adults?—I am not in a position to say.

You have seen adults with it?—Yes.

I am putting it to you, as a matter of common humanity, was not that campaign to be encouraged?—Certainly.

And for that campaign to be effective would it not be essential to have the confidence of the Natives?—Yes.

For the Natives to have the fullest confidence in the Medical Department?—Yes.

Do you not think, then, that it was exceedingly dangerous for you to do anything to disturb that confidence?—I do not think—

It was a dangerous thing to do?—Yes.

And an act which would throw grave discredit on any individual doing it?—I do not think any one tried to disturb it.

Would it not throw grave discredit on any one who did?—Yes.

You remember what is put in this report?—Yes.

Do you remember using these words: "We want a Medical Department that commands respect and confidence, not one which creates more or less ridicule"? Those are your words?—Yes.

And adopted by your committee?—Yes.

Do you suggest those were not words to undermine the confidence of the Natives?—I do not think so.

Can you say whether the Natives are co-operating now as loyally with the Medical Department as they were before you published that report?—I think so. They have always been dissatisfied with the medical tax. The Natives do not mind paying for treatment as they receive it.

Before you issued this report and made the remarks of "ridicule" about this Department, did you ascertain the work they were doing in connection with yaws, and the results?—I have read the reports.

Both regarding yaws and hookworm?—Yes.

Do you know what other eminent scientists in the world of medical endeavour have said about it?—I do not know.

Have you not seen their reports?—I have seen some reports.

Would you like to know what some of the most eminent men in the world have had to say about it? I presume you have not even heard of these gentlemen, Dr. Buxton and Mr. Hopkins?—They were here.

Sent out from London to make researches into tropical diseases?—Yes.

We can assume that they are men of considerable eminence and knowledge?—Yes.

Let me read this to you, from a book entitled "Researches in Polynesia and Melanesia," by Patrick A. Buxton: "It is perhaps not impertinent to state that New Zealand provides a Public Health Service which might serve as a model to any small tropical country, and that the administration of that Department seemed to be characterized by vision and forethought." Now, Mr. Williams, you heard that. Are you prepared now to withdraw, and apologize for, the report you made about the Medical Department in the face of that testimony?—Yes, I will withdraw.

And you will apologize?—Yes, I will apologize.

And will you do your best to let the Natives know what they have working for them in this country?—I will.

And will you get them to help these gentlemen, as far as they can, to continue the work they have been doing for them?—I think they have been helping.

Will you give this Commission your assurance that you will assist the Medical Department to your fullest endeavour to continue their campaign in the interests of the Native race?—Yes.

I am glad to hear you say that. That is only the commencement of the report. You have made a remark about private practitioners. Is there anything you can suggest that would prevent a private practitioner from coming to Samoa?—No; the only reason is that a private practitioner will not come because medical treatment is free.

When did free medical treatment come in?—About 1923.

Were there any private practitioners here before 1923?—Yes, one.

Who was that?—Dr. Thieme.

How long was he here?—He died here.

When did he die?—About two years after the occupation.

And from that date up to the present time there have been no private practitioners in Samoa?—No.

Even though free medical services did not come in until 1923?—One doctor was talking about starting when free medical treatment came in.

The fact remains that there were no private practitioners here for some years, although free medical treatment did not come in for some time?—That is so.

*Judge MacCormick.*] Is there free medical treatment for the Europeans?—No, only for the Natives.

*Mr. Meredith.*] You have suggested that the Natives are dissatisfied. Have you considered, Mr. Williams, the question of the birth and death rates under this medical administration?—I have seen the reports.

What conclusions would you come to as the result of a study of those reports?—The birthrate is on the increase.

And the death-rate on the decrease?—With the exception of one or two years when there were epidemics.

And you knew this, then, that under this Administration the birth-rate was increasing, and, generally speaking, the death-rate was decreasing?—Yes.

Could there be a more striking testimony to the efficiency of the medical administration?—At the time I wrote that report a large number of people were going to Pago for operations.

That is not an answer to my question. You know there was an increasing birth-rate and a decreasing death-rate. Could you have a more striking testimony to the efficiency of the Medical Department?—No.

And you knew of that when you wrote that report?—Yes, but I was referring more to people going to Pago for operations.

You made an attack here on the European nurses. Where did you get your figures from?—I got them out of the report, I understand.

You did not have the assistance of Mr. Gurr?—No.

You have stated there, "That in the year 1925-26 the number of in-patients admitted to hospital was 144, which works out at an average of sixteen patients to each nurse per year, which is certainly ridiculous." Those are your words?—They are according to the figures from which I got out my report.

What figures?—I forget now. I think it was the estimates for that year.

I see, a page in their report, page 11 of the report for 1926, with the figure 144. Is that what you got?—Yes.

Would you mind reading the next line—"Samoa in-patients, 688"?—We were only referring to the European patients.

No, you did not?—That was the intention.

Then there is "Chinese and Melanesian in-patients, 315." So we get that the total in-patients were about 1,200?—I understand it only referred to the Europeans.

*Judge MacCormick.*] You did not say so. You gave the number of in-patients admitted to hospital as 144?—I certainly meant Europeans.

*Judge MacCormick.* : These reports seem to have been prepared in a most extraordinary manner.

*Mr. Meredith.*] Let me read what you say: "In 1925-26 the number of in-patients admitted to hospital was 144, which works out at an average of sixteen patients to each nurse per year, which is certainly ridiculous." Did you not intend to convey that each nurse nursed sixteen patients per year?—I was making a comparison to the number of in-patients.

Look at what you said. I take it you understand English. Read that?—I meant to convey the meaning that it was European patients.

Had you not in mind that each of those ladies only nursed sixteen patients per year?—No, I took it to be the proportion of white nurses to white in-patients.

What was wrong with only nursing sixteen persons per year if there were only sixteen Europeans ill?—Nothing.

What did you put it in for?—There had been a discussion in the Legislative Council about the number of European nurses. It was done to encourage more Native nurses to be trained.

Do you not know that Native nurses are being trained as fast as they can be trained?—Yes.

You know that is being done?—We wanted to encourage that object.

What complaint have you got if the Samoan nurses are being trained?—None.

Then I take it if you have done an injury to the European nurses you are prepared to apologize?—I do not consider I have done them any injury.

You do not suggest that they are not doing enough work?—No, the idea was to encourage Native nurses.

Very well, Mr. Williams, that is only a small matter. But you made a reference to the Sanitary Inspectors, giving figures again. It does seem unfortunate that every time you go into figures you generally go wrong. "We have two Sanitary Inspectors, one at £500 and one at £380 per annum, whereas in Fiji they have only one at £250." Where did you get that from?—I think that was in the previous year's estimates of Fiji.

I suppose you did not overlook the fact that Fiji also has two municipalities, at Suva and Levuka, and that they also do their own drainage-work and sanitary work?—There was only one on the estimates.

The one on the estimates has nothing to do with the Borough Councils of Suva or Levuka. You have no municipality in Samoa, have you?—No.

The whole work here is done by the Administration?—Yes.

Now, was that a fair comparison to make under those circumstances?—That was the only one shown on the estimates.

Has it never occurred to you before that Suva and Levuka do their own work?—No.

It did not occur to you until I pointed it out to you just now?—No.

I sincerely trust that you will fulfil your promise to assure the Natives of the value of the Department they have working for them. Before I conclude I would like to fortify you by reading from the "Health Survey of the New Hebrides, with Special Reference to Hookworm Disease," by Dr. S. M. Lambert: that is a specialist's study of hookworm in the tropics, in his report on the New Hebrides. He states this: "The vital question as to whether the decline of native Pacific races can be checked, and their numbers be brought back, has been answered brilliantly by the New-Zealanders in Samoa, by extensive efforts against hookworm disease and yaws, especially with good hospitalization and the establishment of confidence in their Government in the Samoan mind. In a period of less than three years a birth and death rate practically equal has been changed to a birth-rate of 55 and a death-rate of 22, with an infant-mortality rate that many civilized countries might envy. Samoa lays emphasis on her yaws and hookworm campaigns as the important features of this racial recovery." That is the testimony of Dr. Lambert, to the effect that Samoa has practically had a triumph in dealing with these two diseases which is an example to the rest of the tropical world. And you did not know that? I do suggest to you, Mr. Williams, as a member of the Legislative Council, that you should be proud to have that testimony from men such as that to the gentlemen controlling the medical administration of this country.

*Mr. Baxter:* I will have to add just a bit to my opening addresses. This is not a reiteration but something fresh. Since making my address I have had a chance to peruse the report of the Samoan Petition Inquiry Committee, and I find attached to it, in the appendix, a review of the political situation by His Excellency the Administrator, page 162. (See Exhibit No. 52A.) It is followed by another report by His Excellency the Administrator. I find on perusing this that I must mention it in my opening address. A large amount of evidence will be called that will counteract this latter, but there is no necessity for me to mention more than one or two points. I have discussed with my learned friend the course which I propose to follow. There is a reference there to "one person with one object only, as the originator of the present trouble—viz., Mr. Nelson, the wealthy half-caste merchant, whose aim was apparently to increase his power and influence, particularly in Native affairs, and so materially enhance his commercial interests." Evidence will be necessary to prove that it has not been created by one man and that Mr. Nelson's commercial interests have not been enhanced. In the last line, sir, of the next paragraph, there arises the statement "support from a number of Native chiefs principally dismissed officials or police offenders, was the natural consequence of this propaganda." It will not be denied that there are some dismissed officials and police offenders amongst the supporters of the Mau, but it will be shown that they are not the principal supporters of the Mau, or that the bulk of the Mau is not made up of such persons. Then, in the next paragraph, "in order to add weight to his movement Mr. Nelson adopted an unprecedented plan, by forming a combined committee of Europeans and Natives to work together for political objects." I propose to call evidence to show that this committee was elected at a general meeting and was not created by Mr. Nelson as stated. Also, in the next paragraph there is a statement that "the other Europeans joined apparently to increase their political or commercial interests." That will be counteracted; and then, starting on the fourth line, "I therefore warned them to cease their activities in regard to the Natives, but they unfortunately refused to do so, and subsequently found themselves forced into a position of supporting Mr. Nelson in his strenuous efforts to disturb the Natives." That, of course, will be denied. Near the bottom there is a reference to the *Samoa Guardian* paper publishing "statements calculated to appeal to the lower instincts of the Natives"; and then there is a suggestion, "Mr. Nelson's committee, through his traders and certain Natives in receipt of material benefits." Evidence will be called to deny that. Then, sir, in this paragraph here there is a reference, just after the Minister's visit, "I anticipated that my annual *malaga* round the islands, commencing in July, would end the trouble; but the demonstration of Natives organized by Mr. Nelson and his colleagues for the purpose of impressing the Minister on the day of his interview with the committees, followed by Mr. Nelson's speeches to large numbers of Natives assembled at the Village of Lepea, stimulated the agitation." Evidence will be called as to the nature of these speeches at Lepea, to show they were not in the nature of stimulating agitation, but were strictly in accordance with the request of the Minister of External Affairs that they should disperse the Natives. There is a statement lower down here that "the European members of the committee now thought they could cease from further Native activities and safely allow the Native members of their committee to carry on the campaign alone." That will be denied, and the reason for their dissociating themselves with the Natives will be shown to be the result of Mr. Nosworthy's letter, which told them to cease to have anything to do with the Natives. Then, the second paragraph from the bottom of page 163 contains the statement, "A demonstration was worked up by a troublesome young chief, Alipia, on the day the two ringleaders were sent to Apolima, but I took no steps to resist them and the demonstrators returned quietly to their homes." Evidence will show that that demonstration was squashed through the efforts of the two chiefs that were banished, and that in effect it was the banished people who took the Inspector of Police to Apolima instead of the Inspector of Police taking the banished people. Starting at the third paragraph there is a matter which will be dealt with quite seriously: "In order to further delay matters, the lawyer defending the cases of Fuataga and Tagaloa has

applied for an appeal to the Supreme Court of New Zealand, but the Judge, fortunately, did not allow this to interfere with the execution of the sentence. This appeal is really only a scheme on the part of a lawyer (Mr. Slipper) who is a new arrival here, and does not understand Native problems, but apparently wants to curry favour with the Natives. His attitude is helping the agitation, for he knows that such an appeal will not be upheld, but that the delay will give the Natives confidence in him." Evidence will be called on that matter, sir, to show that Mr. Slipper decided nothing in that matter without first calling me into consultation. The appeal was not recommended by either of us. After His Honour the Chief Judge had given his decision the matter was referred to us by the committee, and neither of us was prepared to advise an appeal. Advice was sought from other counsel in New Zealand—Sir John Findlay. On his advice the appeal was taken, and not on Mr. Slipper's. That statement is untrue. This, of course, will be denied. There are several charges of sedition. We will leave that to cross-examination. Later, on page 165, about half-way down: "It may only be a coincidence, but I blame Mr. Gurr, one of the committee and a well-known intriguer with the Natives, for setting up an organization here in this agitation similar to that which caused trouble in American Samoa six years ago, when he was a resident of that Territory." Apart from the facts that is a contrast to the statement by His Excellency the Administrator at the beginning, where he said that it was Mr. Nelson who was concerned entirely. It will be denied by Mr. Gurr, and other evidence given by the members of the committee. Towards the end of the report you will see a list of five subheadings. They will, of course, be dealt with, but I particularly wish to mention 3 and 4. The *Samoa Guardian* will be entirely justified. For that we can only set up a negative defence. "The actions of a new lawyer here (Mr. Slipper), who is reported to be advising the Natives to disregard orders given by the Government." We will certainly give that a complete denial. I have no doubt that my friend will set up a defence of denial. The other report below it deals very much with the same matters which I have mentioned before, and I do not propose to delay the time of the Commission by detailed reference to it. There is also in this State paper two reports of the Inspector of Police, in which he refers to the nature of the persons present at the public meeting, and in which he conveyed the idea that the majority of the people were convicted criminals, taxi-drivers, and wharf labourers. The type of persons present will be referred to, also the suggestion of an organized scheme for the purpose of obtaining applause. Those reports appear in Appendix I. There is no need for me to refer to any other matters, sir.

ARTHUR WILLIAMS further examined.

*Mr. Baxter.*] You will remember Mr. Nelson's return in August, 1926, to Samoa?—Yes.

I believe that was after he had been to Wellington?—Yes.

*The Chairman.* : My recollection of the evidence is that he returned from Sydney to Samoa on the 21st September, 1926.

*Mr. Baxter.*] Now, he returned to Samoa towards the end of September after having been to Wellington?—Yes.

Did he refer to any interviews he had in Wellington?—Yes, he said he had an interview with the Minister of External Affairs.

*The Chairman.* : You cannot give that detail. You can only lead up to it.

*Mr. Baxter.*] He told you he had been to Wellington and had had an interview?—Yes.

And as the result of what he told you was anything done by you, or by him, or any other person?—He said the Minister of External Affairs intended coming down on the October "Tofua."

Whom did he say that to?—He announced it publicly when he returned.

Did you do anything or were you concerned in anything that was done as a result of this?—It was decided by the elected members to call a public meeting. As the Minister of External Affairs was coming here, the public felt they would like to interview him and put some of their grievances to him.

Was that public meeting called?—Yes, called in the Market Hall.

*The Chairman.*] Who called it?—The elected members.

*Mr. Baxter.*] Were the elected members the same then as they are now—Mr. Nelson, Mr. Westbrook, and yourself?—Yes.

Do you remember what the date was?—In October, 1926.

Were many of the public there?—Yes, a large number appeared.

What race?—Europeans and Natives both.

The meeting had been announced by the elected members—in what manner?—It was advertised in the papers.

In that advertisement was any mention made of what the business would be?—I think we mentioned the idea of the meeting.

That was the advertisement that appeared in the *Samoa Times*?—Yes.

You say that Natives and Europeans were at the meeting: do you know how the Natives came to be there?—It was a public meeting, and it was considered any one had a right to come, Samoans or any one else. They are part of the community.

Was anything said to you by Natives or any one else about their being there?—It was a public meeting; some Natives asked if they might come along.

Do you know why they came along, or have you got any idea?—Because they had some grievances to put up.

Did you at that time know they had grievances?—I knew they had grievances.

Did you at that time know the nature of those grievances?—Yes.

Who presided at the meeting?—The Hon. Mr. Nelson.

Of you three, which ranks as the senior member?—Mr. Nelson has been the senior member both elections.

Can you say what type of person was present in the meeting?—Quite a good class of both Europeans and Natives.

Just how was the meeting run; did every Native speak who wished to speak, or did they have a selected speaker for them?—I cannot say what the arrangement was. The people who spoke were of high rank.

Was there more than one speaker?—Yes.

There were certain papers read at that meeting by various gentlemen: how came it that such papers were read?—At the first meeting?

Not so much reading as speeches: I am referring to a specific meeting. Here is the police report: it says here Mr. Nelson made a speech on the Legislative Council; there is a reference to the Fono of Faipules; Mr. Smyth read a comparison of revenue and expenditure, and made a special point of Chinese and Medical Departments; Mr. Kurt Meyer read a statement on plantations, and then Mr. A. Cobcroft; and you read one on public works. Those gentlemen all came along prepared: what was the idea of coming along prepared?—I do not know that any one was particularly prepared. Some one had to get up and lead the meeting off.

The idea was to have some speakers ready to lead the meeting off, with the idea of opening up discussion?—Yes.

All those gentlemen whose names have been mentioned, would they all be reputable members of society?—Yes, they are all prominent citizens.

Are all those men at present on the committee belonging to the Mau?—They are not all on the committee now.

Which ones are not?—Mr. Cobcroft and Mr. Meyer.

How was the meeting, Mr. Williams—something of a rowdy nature? Most political ones are?—I should think, quite quiet.

How would you classify it?—Very orderly.

Were there any Government officials present?—Yes, quite a large number.

Did they leave the meeting, or did they stay on to the finish?—There may have been one or two left, but most stayed on.

There is a reference made here in Mr. Braisby's report, that the Samoans handed in typed sheets of complaints?—I do not remember: it is a long time ago.

Who is Lago Lago?—He is one of the present members of the committee.

Was he a speaker for the Samoans, the only speaker?—No.

Then you say that report does not go far enough. Were there other speakers?—Yes.

Were there any minutes of that meeting kept by the committee?—Yes.

Where are those minutes?—They were taken by Mr. Nelson, I think.

At that time did you know whether or not the Minister was coming to Samoa?—We understood he was coming.

Did you know at that time whether his visit had been postponed, or were you expecting him?—At the first meeting, No.

And what course was followed at the meeting?—The committee was appointed to draw up some form of complaint to present to the Minister on his arrival.

Now, was this committee purely European?—No, Native and European. There were six Europeans, six Natives, and the three elected members.

How was it elected?

*The Chairman:* Does it matter? They were elected; that is enough.

*Mr. Baxter.]* Do you remember the personnel—the three elected members, Mr. Nelson, Mr. Westbrook, and yourself; Mr. Gurr, Mr. Meredith, Mr. Smyth, Mr. Cobcroft, Mr. Meyer, and myself?—Yes.

And the Samoan members—Faumuina, Tuisila, Lago Lago, Ainu'u, Tofaeono, and Alipia?—Yes.

Messrs. Cobcroft and Meyer did not remain on the committee?—No.

Why did they retire?—Because they had some objection to taking up Native matters. It was not for some considerable time after that they retired.

And I left the committee for business reasons?—Yes.

This committee was elected, and what was its purpose?—Its purpose was to draw up reports to be submitted to a meeting to be called later on.

Then how did that committee go about drawing up these reports?—They appointed sub-committees to draw up various subjects.

Would this be the correct division: Agriculture, Messrs. Cobcroft and Meyer; finance, Messrs. Smyth and Gurr; medical, Mr. Williams; legislative, myself, Mr. Nelson, and Mr. Westbrook; Native policy, Mr. Nelson and Mr. Meredith; prohibition, Mr. Westbrook?—Yes.

I believe I retired before the reports were prepared?—I think so.

I think the Natives divided themselves up too: Finance, Afamasaga (Lago Lago); medical, Faumuina and Alipia; Native policy, Ainu'u and Tofaeono; prohibition, Faumuina?—Yes.

Was it before or after or while drawing up those reports that you learned that the Minister's visit had been adjourned?—Yes. While drawing up these reports we learned of the postponement of the visit.

How did that affect you: did you continue to draw up the reports?—We continued drawing up the reports and called a further public meeting as arranged at the previous meeting.

That had been arranged at the first meeting: that the committee would report to a further meeting?—Yes.

When was that second meeting held?—I forget exactly. I think, about the 12th November.

It was held in the Market Hall, too?—Yes.

Who presided at that meeting?—The Hon. Mr. Nelson.

Who was the chairman of the committee?—Mr. Nelson also.

There were Europeans and Natives there too, I believe?—Yes.

Tell us what happened at that meeting. The second meeting was opened by Mr. Nelson; it had just been opened when it was interrupted by the Acting-Secretary to the Administration. Tell us what the Acting-Secretary did?—He asked permission from the chairman to read a message from the Administrator.

That message was mentioned in the police report of the second meeting?—I conclude that would be correct.

Was it read?—Yes, in Samoan and English.

I believe the police were there in prominence?—Very prominent.

What impression would it have on your mind, reading this letter and the prominence of the police?—The only impression it had on me was that it was something in the form of intimidation.

*The Chairman:* It seems to have been a complete failure.

*Mr. Baxter.]* What was done? The Administrator had written to the meeting, and had had read out by his representative a message, the terms of which are known through the Commission: what was done immediately after that? I believe there was some talk, and then Mr. Nelson addressed the meeting?—Yes.

In that address of his he referred to the fact that the Administrator was supreme, in as far as he was the representative of the King, but as his own Prime Minister he should be prepared to let his policy be criticized?—Yes.

I understand the meeting proceeded?—Yes.

I believe that proposal was made by Mr. Westbrook?—Yes.

Then I believe that by this time you knew the Minister was not coming, and the meeting resolved to despatch a telegram, through the Administrator, requesting the Minister to receive a delegation?—Yes.

That telegram, I believe, was despatched?—Yes.

I believe you received a reply back from the Minister saying that “Referring to your telegram of the 15th November, I will be prepared to receive a delegation in January, but I will not consider any representation with respect to Samoan affairs until it has been firstly submitted to His Excellency the Administrator for report, or until I have had opportunity of personal consultation with His Excellency during my forthcoming visit. Any representations affecting Native affairs must similarly be submitted through the Fono of Faipules and Administrator.—Nosworthy.” Then on the 17th you wirelessly again: “Many thanks for your telegram. All representations prepared for delegation will be submitted to Administrator with request for him to submit to Faipules what he considers are Native affairs”?—Yes.

Were those submitted to the Administrator for reference to the Fono of Faipules?—Yes.

Were they of the same nature as the reports we have been talking about?—Yes.

Was it then or at any time pointed out the grave errors in the reports placed before the Faipules?—No.

Do you know of your own knowledge if they were placed before the Faipules?—I could not say. We forwarded them on to the Administrator.

This delegation you were talking about, Mr. Williams, would require a considerable amount of money: what steps were taken to raise that money?—Voluntary subscriptions.

About this time AINU’U and FAUMUINA were proceeding to SAVAI’I: what happened to them?—FAUMUINA left for SAVAI’I on the one night, Wednesday. On the following night AINU’U was to leave in the boat for SAVAI’I, but he was stopped by the Inspector of Police.

Were they going for the committee, or on their own private business?—They were going on behalf of the committee.

For what purpose?—To solicit voluntary subscriptions.

What for?—For the coming delegation.

Was it the 24th November when FAUMUINA left and the 25th when AINU’U was stopped?—I am not sure of the date.

Was it at this time that you published a printed report of the meeting in Samoan?—It was printed, and it was really to solicit subscriptions. They were taking them to SAVAI’I.

Have you or have you not published any other printed matter in pamphlet form among the Samoan race?—No.

After the second meeting, and particularly about the time these two men were stopped from going to SAVAI’I, what was the nature of the feeling of the community?—It was perfectly quiet.

Was it quite quiet right up to the visit of the Minister?—Yes.

There was no trouble until after the Minister’s visit?—Not until after the Minister’s visit.

Did your delegation go to New Zealand?—No.

Why not?—The Native members were refused passports.

They were refused passports by the Inspector of Police?—Yes.

What did you do about that?—If I remember rightly the matter was put in your hands.

There was certain correspondence; as the result of that correspondence you were informed that they would not be permitted to leave Samoa until the Minister advised that he was prepared to receive the delegation?—Yes.

How did you send your telegram?—Through the Administrator.

Passports were refused. What was your next step: I believe Mr. Meredith went to New Zealand?—Mr. Meredith went to New Zealand.

He went to New Zealand on behalf of the committee?—Yes.

Was Mr. Meredith away long?—Two months.

There were a number of Native delegates attached to this committee. We have been told that your committee consisted of the three elected members, six Europeans, and six Natives. There is a reference in various papers to other delegates or sub-committees, particularly at Lepea. What had they to do with the committee? Where did they come from?—I do not know. Evidently they were arranged by the Natives themselves.

Before the Minister's visit did your committee come into touch with those delegates or not?—No, not the European section.

Were there any meetings at Tuafu or Lepea?—Yes.

Were you present at those meetings?—Yes.

Where were they held?—A couple of meetings were held at Tuafu.

Do you remember the nature of those meetings?—It was a general discussion about the meeting with the Minister.

The Minister arrived on the 3rd June, but before he arrived we would like to know whether the *Samoa Guardian* was then publishing?—Yes.

When was that started?—I think it started in May, if I remember rightly.

Have you an interest in the *Samoa Guardian*?—I am a shareholder.

Is the paper run in connection with the Mau? Does the Mau finance it, or does it finance itself?—It finances itself. It has nothing to do with the committee. The *Samoa Guardian* is not run by the committee.

Is it a supporter of the Mau?—I am not in a position to say.

When the Minister arrived there was a large number of Samoans here; it is well known that they wore purple badges: what was the reason for those purple badges?—To show that they were members of the Mau.

What was the idea of showing that they were members of the Mau?—The idea was just to show that a big proportion of the people were in the Mau.

With reference to the sports meeting held at Lepea on the 3rd June, who organized those sports?—I understand the sports were organized by the Lepea people.

Did the committee organize them?—No, I do not remember them being organized by the committee.

There was a ball at Tuafu on the 3rd June on the same night as the ball that was given in honour of the birthday of His Majesty the King at Vailima. Were you present at either of those functions?—At Tuafu.

How came it that you did not go to Vailima?—I was not invited.

Did you have anything to do with the invitations in connection with Tuafu?—I had something to do with compiling the list.

*The Chairman*: Some balls, no doubt, have played their part in history. There was a ball before Waterloo.

*Mr. Baxter*: To which ball do you refer?

*The Chairman*: Well, both seem to be historical now.

*Mr. Baxter* (to witness).] Do you know what persons were invited to that at Tuafu?

*The Chairman*: Need we examine the invitation list? Surely not. That is hardly our duty as a Commission appointed by His Majesty the King.

*Mr. Baxter*: No, sir; only there have been remarks in the papers——

*The Chairman*: Many things are said that are quite unimportant, and should be disregarded.

*Mr. Baxter*: That is my feeling about the matter too——

*The Chairman*: Well, I would like you to exercise a little more consideration for the Commission.

*Mr. Baxter*: I only bring up these things because they have a bearing on the suggestions made of sedition and disloyalty. I just want to show the type of person who was invited to Tuafu. Those who had been invited there were not the persons who were invited to Vailima.

*Mr. Baxter* (to witness).] The Minister, I believe, granted the committee an interview?—Yes.

Do you know the date? How long after he arrived?—Nine days.

Was the interview attended by you?

*The Chairman*: You have got an official account of that in the State papers.

*Mr. Baxter*: I just want to bring everything right out.

*The Chairman*: Well, just refer to it, to incorporate it in Mr. Williams's statement.

*Mr. Baxter*.] There is a report here of the meeting of the interview which took place between the Hon. Mr. Nosworthy and the Citizens Committee on the 11th June in State paper A.—4B, commencing on page 41. I believe also there was a large number of Natives collected outside at the time of the meeting?—Yes.

Were they orderly or disorderly?—Orderly.

Have you any idea, from your own estimates, how many there were?—I should say, between five thousand and six thousand.

Did your committee bring those Natives here or not?—No; they came of their own free will.

Was any speech made from the Courthouse steps after the meeting by any member of your committee, or were they spoken to at Lepea?—They were spoken to at Lepea. When the Minister came out the Natives all stood up and the band played "God Save the King."

*The Chairman*: That was a most important thing.

*Mr. Baxter.*] Throughout this visit was there any disturbance or trouble?—There was no trouble ; everything was quite orderly.

After the Minister left, did the chairman of the committee receive any correspondence ?

*The Chairman :* Cannot you leave that to Mr. Nelson ? He cannot add anything to what Mr. Nelson will say.

*Mr. Baxter.*] Mr. Nelson went to New Zealand : did he go for himself or for the committee ? He was not paid for by the committee, but he had gone on behalf of the committee.

And Mr. Smyth, he went to New Zealand on the same boat?—Yes.

Was he also representing the committee?—Yes.

Was the committee paying for him?—No.

What was the object of getting these gentlemen to go to New Zealand?—To try and interview the Minister of External Affairs and the Prime Minister.

We know there has been a Samoan petition before the House. How did it come to go before the House : do you know of your own knowledge or not?—This petition was got up by the Samoans to be forwarded on to New Zealand.

Was that actually forwarded to New Zealand before or after the Minister's visit?—I understand it was forwarded before the Minister's visit.

*Judge MacCormick.*] I think the date was the 11th March, 1927. It seems to me that it was sent through the Citizens Committee?—Yes.

That is obvious. We read here, "The following are the signatures of the Citizens Committee, who hereby certify to the foregoing signatures and their agreement with this document"?—Yes.

*Mr. Baxter.*] What was the nature of the feeling of the community after the Minister had left?—They were very upset that they had not got a decision from the Minister.

*The Chairman.*] That was rather peculiar, because the interview with Mr. Nosworthy was on the 11th June, was it not?—Yes.

*The Chairman :* This petition must have been in existence then, prior to the arrival of Mr. Nosworthy.

*Mr. Baxter :* I know, sir, of my own knowledge that it was. It was forwarded to my Auckland office, and came back. (To witness): After Mr. Nosworthy left how would you refer to the feeling of the community?—The Natives were very upset.

Why?—On account of the banishments of some of their chiefs.

Did that unrest on account of these banishments increase or decrease, or was there just a simmering unrest?—It increased.

Why?—On account of the continued attitude of the Administrator in deporting these chiefs.

Did it still go on, or did it quieten down?—It quietened down when the banishments stopped.

Did anything happen about the time the banishments stopped?—Well, I understand the Chief Judge—I think he went in his position as Secretary to the Administration and interviewed some of the leading Natives.

*The Chairman :* He cannot tell us anything about this. We can get information on this from Mr. Woodward or some one else.

*Mr. Baxter.*] There has been some reference to police pickets and gates : did you see any of those gates?—Yes.

Which one?—At Letogo.

What was the nature of it?—It was an iron gate made of piping, across the centre of the Letogo Bridge.

Was it attended or not?—Yes ; the police were there.

Was it kept closed?—Yes.

If a motor-car came along what happened?—The number was taken. I went through on two or three occasions. The policeman had a notebook, and I presume he jotted down my number. On one or two occasions I was asked where I was going.

You have not the slightest idea what the gates were erected for?—No.

Did this have any effect or not on the feeling of the community at the time?—The community felt rather indignant about the public roads being blocked.

Was there anything else affecting the feeling at that time?—At the time I am speaking of, the banishments.

#### ARTHUR WILLIAMS further examined.

*Mr. Meredith.*] Are you married to a European or to a Native?—To a Native.

You were one of the convenors of the public meetings?—Yes.

At both those meetings Natives were present?—Yes.

Who were the leading Natives, so far as the committee was concerned, at the first meeting?—**At the first meeting I understand that there were prominent Samoans from almost every district.**

Was Faumuina there?—Yes.

Was Lago Lago there?—Yes.

And what other prominent Natives?—I cannot remember the names, but I understand from what I was told that there were prominent representatives of most of the districts.

From how far were they : take the Natives from the most distant place?—There were representatives from Savai'i there, but whether they came from Savai'i specially or whether they were in Apia, I cannot say.

Were there Natives from different parts of Savai'i there?—I do not know, but I think so.

And, similarly, were there Natives from different parts of Upolu there?—I understand that there were.

You were there, Mr. Williams?—Yes, I was there.

And you suggest that no message had been sent to them specially to come in?—I do not know; at any rate, not by me.

Do you know whether any other member of the committee had sent them messages?—Not so far as I know.

Was the question of Natives coming to that meeting discussed between you and any of the others?—I understand that the Natives had suggested coming along to the meeting.

Was there any discussion on the point of Natives coming to the meeting between you and any other members of the committee?—Yes.

Which members of the committee discussed it with you?—There was no committee formed then.

That is correct. Was there a discussion between you and Mr. Nelson on the point?—Yes.

And was it not arranged that notices should be sent to the Natives of this meeting?—Not so far as I know.

Was it not arranged that notices should be sent to the Natives of this meeting?—No.

Did Mr. Nelson tell you that he would arrange to have notices sent to the Natives?—No.

Did you discuss it with Faumuina?—I do not remember discussing it.

Nor with Lago Lago?—No, I do not remember doing so.

Did you have a discussion with Faumuina or with Lago Lago or any other Natives before the first meeting?—Natives had asked me (I forget who) if they would be permitted to come to the meeting.

And what did you tell them?—I told them that it was a public meeting and that I thought that they had the right to attend.

When did they ask you this?—Before the meeting.

When?—After it was advertised.

Those would be Apia Natives?—Yes.

Did you suggest that they should send messages to their countrymen in Savai'i, and other parts of Upolu?—No.

You can give no explanation for their being there?—No.

In your opinion, is it a wise proceeding to cause unrest amongst the Natives?—No.

You do not think that it is wise?—No.

That being so, care should be taken to avoid it as far as possible?—Yes.

You remember the letter that was read to the meeting by Mr. McCarthy (page 20), reading, "The effect of bringing the Natives into the European political arena is unwise and likely to cause trouble. It is a simple matter to upset a Native race which is composed of many factions like the Samoan race, and I ask Europeans not to do it." You agree that this statement is correct—that it is unwise to bring Natives into the political arena?—I do not think so, from the fact that we have asked for Natives to be put on the Legislative Council.

Mr. Nelson had been absent from Samoa, had he not, prior to these meetings being called?—Yes.

When would you say that this unrest had commenced in Samoa?—I should say that there was a certain amount of unrest about three years ago.

When, in your opinion, did it attain serious proportions?—There was growing unrest after the public meeting, and from then on.

Do I understand that there was no serious unrest before that?—There was dissatisfaction.

But not serious unrest?—Oh, no, not serious unrest.

While Mr. Nelson was away, did you communicate with him?—I did write to him, yes.

In reference to matters in Samoa?—I did tell him what was happening.

Did you have a conference with Mr. Nelson when he arrived?—Yes; I met him the day he arrived.

Did you speak to him about these matters?—Which matters do you mean?

The matters which were spoken of at the meeting?—No, we did not discuss anything. The only thing that Mr. Nelson announced was that he had had an interview with the Minister of External Affairs and that the Minister intended to come here in October.

And to whom else did he announce it?—To a number of others. There was a reception to Mr. Nelson and he announced it there.

How long had Mr. Nelson been away from Samoa?—About six months.

Did you supply the information on which he went to see the Minister?—No. I do not think that he went to see the Minister on information which I supplied.

Do you know where he got it from?—It was things that were happening before he left.

Did you make no requests to him to see the Minister?—No. As a matter of fact, I did not know he was going to Wellington.

After the first meeting, a meeting of the committee was called to make these reports?—Yes.

And amongst that committee were Mr. Cobcroft and Mr. Meyer?—Yes.

The meeting of that committee was held in Mr. Nelson's office, was it not?—I think so.

Mr. Cobcroft and Mr. Meyer subsequently withdrew from the committee, did they not?—After the second meeting.

Now, at that meeting in Mr. Nelson's office did not Mr. Cobcroft and Mr. Meyer state that they were not prepared to support the committee in interfering in Native affairs?—I do not remember their saying so at the time.

I want you to be careful about this: did not Mr. Coberoft state his and Mr. Meyer's views that they would have nothing to do with the interference in Native affairs?—I am not sure.

And that to distribute the notices was an improper thing to do?—I did not hear that remark.

Those perhaps are not the exact words. Do you remember a discussion between Mr. Coberoft and you and Mr. Nelson?—I do not remember when it happened. I remember Mr. Coberoft announcing that he would not participate if the committee took up Native affairs, but I do not think that it was at the first meeting.

But he did tell you that?—Yes, eventually; but as far as my memory serves me—I could not be sure, but I think it was after the second public meeting, because Mr. Coberoft attended the second public meeting.

He attended the second public meeting and publicly announced at that meeting that the only part that they would take would be to put in a planters' report: he announced that publicly?—I do not remember that.

We will revert to this conversation in Mr. Nelson's office: did not Mr. Nelson say (I will put this specifically to you) that "The Government has made a lever of the Natives to get prohibition, so why should we not make use of them"?—I do not remember the remark.

Will you deny that that was said in your presence by Mr. Nelson?—I will not deny it, but I will say that I do not remember.

And that you heard it stated that it was a fair thing to bring the Natives in?—I thought that it was quite fair for the Natives to come in if they wanted to.

That was said by you at the second meeting?—I could not say exactly when.

You know Mr. Brewster?—Yes.

And did you tell Mr. Brewster that you could not get anywhere without bringing the Natives in?—I do not remember.

Mr. Brewster will testify that you said it: will you deny it?—I did not say that.

Did you say anything like it?—Not as far as I can remember.

And did you not also say to Mr. Brewster that you would have to get rid of Richardson or that you would not be able to get in power?—No, I did not make that remark, nor had I any intention of trying to get rid of the present Administrator.

At the first big public meeting, when the committees were set up, I think it was Mr. Nelson who moved that a joint committee of European and Natives be set up?—I do not remember that.

Who was it who moved the joint committee of Europeans and Samoans?—I do not remember.

I put it to you that it was Mr. Nelson?—I am not sure.

And at the second meeting, after the letter was read out by Mr. McCarthy, was it not Faumuina who moved that the meeting be continued?—I think so.

*Judge MacCormick*: Do you mean at the meeting on behalf of the Natives?

*Mr. Meredith*: No, at the general meeting.

*Judge MacCormick*: I think it was Mr. Westbrook.

*Mr. Baxter*: It is on page 20, sir.

*Judge MacCormick*: It says, "The Hon. Westbrook then proposed that the meeting should be continued."

*Mr. Meredith*: Yes, sir, that is so, but I am asking who actually did say it. (To witness:) Is that correct?—It is correct.

*Judge MacCormick*: The point is clear, Mr. Meredith [reading]: "The Hon. Westbrook then proposed that the meeting should be continued. Chief Faumuina then addressed the meeting in Samoan in reference to the message received from the Administrator and advised them to think it over carefully," &c. That is the extract from the police report.

*Mr. Meredith*: I take it that would be correct, sir. (To witness:) After this meeting funds were required for the movement, were they not?—Yes. It was decided at the meeting that voluntary subscriptions should be taken.

And the Natives were expected to subscribe?—Yes, all citizens who wished to do so.

Did you have a sub-committee to raise the funds?—No, it was just general.

What arrangements were made to collect the funds?—There was just a summary of the public meeting printed and sent out to the people in the Samoan language.

The funds were to come from the Samoans?—No, not necessarily, but from the Europeans too.

Arrangements were made to collect from the Samoans?—Yes.

And who was deputed to get these moneys in?—Faumuina and AINU'U were to go to SAVAI'I.

Yes; and who was to collect in Upolu?—Any of the members were to take up subscriptions. A couple of lists were made out.

What became of the moneys collected in Upolu: to whom were they paid in?—To Mr. Nelson, I think.

Were the moneys collected in SAVAI'I paid into Mr. Nelson's office, too?—I do not know. They were all eventually paid into Mr. Nelson's office—No, I think that Mr. Smyth was the treasurer.

That is, the Samoan payments were paid in there as well as the European?—To Mr. Smyth, yes.

How much was collected from the Samoans?—I could not give the figures.

Who will have these figures?—Mr. Meredith will have the figures now.

Over what period was the collecting being done?—It was being done from then on till the time of the Ordinance that was passed after the Minister's visit. The funds were then stopped.

Were the collectors all armed with the pamphlets that had been published?—I do not think all of them were.

Well, Faumuina and AINU'U were given pamphlets to take over with them?—Yes.

Who prepared the circular?—I think it was drawn up by Mr. Nelson and Afamasaga.

It was printed at the *Samoa Times*?—Yes.

Of course, you have seen the pamphlet, have you not?—Yes.

You knew what this purported to say?—Yes.

I will read you a translation, and you can tell me if you agree with the translation [reading]: “Great Fono of Western Samoa,” &c. [Pamphlet put in, and marked Exhibit No. 10.] Is that a fair translation?—Yes, I should say that it is.

I wish to ask you, as a responsible member of the community, Mr. Williams, were you justified in using those expressions about the despotic and oppressive rule?—I do not remember the passage being read. It was but briefly explained to me, and I thought that what I heard was all right.

Do you think that, as a responsible member of the community, you were justified in issuing propaganda of that nature to the Samoans?—What was that in reference to?

I will read you the passage: “The appeal of the Samoans against the cruel, oppressive, and despotic rule of the Government.” Do you think that you were justified in using terms such as those to Samoans?—I admit that the language was strong—too strong.

And also this: “The distress of the Samoans because of the many cruel, oppressive, and despotic laws prohibiting some of their important Native customs.” Do you agree that that is also too strong?—Well, the Samoans were very dissatisfied with the interference with their Samoan customs.

I am speaking of your being a party to issuing that language [quoting]: “The distress of the Samoans because of the many cruel, oppressive, and despotic laws prohibiting some of their important Native customs”?—I think so.

You think that that is justified?—Yes.

Words of that sort, Mr. Williams, would be prone to cause unrest, would they not?—I do not think so.

Had you considered the possibility of unrest being caused by them before you issued them?—There was no intention to cause any unrest.

Had you considered the possibility of its causing unrest?—No; I did not expect any unrest to be caused.

You know that a certain section of the Natives have been holding meetings frequently from the time of these public meetings up to the present time?—I do not know of any meetings at that particular time, except those held by the committee.

Also from the time of your public meetings up to the present time there have been many meetings held by the Mau section of the Natives?—By the district representatives, yes.

Have you attended any of them?—Yes.

Have you spoken at them?—Has not Mr. Westbrook attended them and spoken at them?—I think that all the committee have spoken at them.

Has Mr. Nelson attended them and addressed them?—Yes.

What other Europeans have addressed them?—As far as I can remember, only the members of the committee.

Where have these Fonos been held?—Some of them at Tuaeufu, Mr. Nelson’s residence.

So there have been gatherings of the Mau at Tuaeufu, Mr. Nelson’s residence?—Yes.

How many would there have been there?—Various numbers; on some occasions well over one hundred.

Where have they come from—different parts?—Yes; from different parts of the island.

Besides the Fonos that have been held at Tuaeufu, where else have you addressed meetings?—I cannot call any to mind.

Have you addressed a Fono at Lepea?—I do not think that I have ever spoken at Lepea.

Have you attended one there?—Yes.

Has Mr. Nelson or any of the others spoken at Lepea?—Yes.

Have any other members of the committee spoken in Samoan?—Only Mr. Nelson and Mr. Gurr.

And when they addressed the meeting they spoke in Samoan?—Yes.

They have addressed Natives at Lepea?—Yes.

More than once?—Only on one occasion, I think.

Besides the Fonos that have been held at Mr. Nelson’s residence at Tuaeufu, and the Lepea Fonos, what other Fonos have you attended?—I think those are the only two places at which I have attended Fonos.

Of course, there has been more than one at Mr. Nelson’s residence?—Yes.

How many—a dozen?—No, not that many.

But several?—Yes.

When was the meeting at Lepea?—I remember that the meeting at Lepea was on the same day as the Minister met the Citizens Committee.

You had criticized the Fono of the Faipules, had you not, Mr. Williams?—Where?

Have you criticized them?—Not that I remember.

Have you ever attended a Fono of the Faipules?—I have not been invited.

You do not, then, exactly know what happens there?—Only on hearsay.

You know Mr. Krusè?—Which one do you mean: there are several?

I mean the man working for Mr. Nelson, and who is a relative of Mr. Nelson?—Yes, I know him—John Krusè.

He was collecting funds for the committee, was he not?—Yes.

Was he paid for so doing?—I do not know.

If he did anything, it would be through Mr. Nelson, or done voluntarily?—Yes.

Mr. Baxter.] You mentioned the names of two prominent Samoans there: were there any others at the meeting?—Yes, there were other prominent Samoans there.

Regarding the Natives who spoke to you about the meeting, you said that they were Natives of Apia : by that do you mean residents of Apia or Natives who happened to be in Apia ?—Natives who happened to be in Apia.

You also state that there was growing unrest from the date of the public meeting ?—Yes.

What was the cause of that unrest ?—Well, first of all it started with most of the committee being sent back to their villages and Natives being banished.

Referring to Mr. Cobercroft, did Mr. Cobercroft speak at the first meeting at all ?—Yes.

In favour of the Government or in favour of the Mau ?—In favour of the Mau.

When Mr. Cobercroft and Mr. Meyer severed their connection with the committee it was done by letter ?—Yes.

And that letter will probably be on Mr. Nelson's file ?—Yes.

Referring to Mr. Brewster, is Mr. Brewster the type of individual you are in the habit of associating with ?—No.

Would you be likely to discuss matters of importance with a man of Mr. Brewster's type ?—No.

Regarding this pamphlet that was sent round the island, Mr. Williams, and of which a translation has been read out to you, were you given a written translation to consider or was it just interpreted to you ?—Just interpreted.

You have nothing very clear about it ?—No ; I understood that it was just a summary of the public meeting.

GEORGE EGERTON LEIGH WESTBROOK further examined.

*Mr. Baxter.*] You remember Mr. Nelson's return to Samoa after a trip away near the end of September, 1926 ?—I do.

Now, regarding what he told you about an interview he had had, did you do anything then or did Mr. Nelson do anything then ?—I advised Mr. Nelson to call a public meeting. I thought it was necessary.

I conclude then that you and Mr. Nelson discussed the matter : was the other elected member with you ?—Yes, I think so.

Now, Mr. Westbrook, that public meeting was called, I believe, on the 15th October, 1926, in the Market Hall ?—That is correct.

There were present at that meeting Europeans and Natives ?—That is correct.

How came it that there happened to be there both Europeans and Natives, particularly with reference to the presence of the Natives ?—The convening of the meeting was advertised.

Did you request Natives to go ?—No, certainly not. Some of them had spoken to me and told me that they had heard there was to be a meeting. I said, " Yes," they could come along. I did not see any harm in it.

What type of person was present there : was it a good type, or a poor type, or just a general average public meeting ?—Just an average public meeting—a good type, I think. A number of officials were there.

Was the meeting orderly or disorderly ?—Orderly.

In the course of the meeting, I believe, there was a committee elected (you need not give us the names, as we already have them and there is no dispute on that point) ?—Yes.

How were these committeemen elected : were the Europeans voted for by both Samoan and Europeans members, or did the Samoans vote for their half and the Europeans for their half ?—The Samoans voted for their half, and I think the Europeans voted—

*The Chairman.*] Was there any contest for the office ?—There was a vote on the Europeans.

How many were nominated by Europeans in excess of the number of six ?—I think eight.

Eight nominated and two rejected ?—Yes.

*Mr. Baxter.*] How about the Natives ?—The Natives were elected on a show of hands.

What number were nominated ?—I do not remember.

*The Chairman.*] Are you sure that two names were rejected by the Europeans, or were those two names withdrawn before it came to the vote ?—I think Mr. Irvine Carruthers was nominated, but withdrew.

Who was rejected ?—I cannot remember.

*Mr. Baxter.*] These committees were set up, Mr. Westbrook, and they proceeded to draw up these reports that were put in ?—Yes.

In order to do this work they split up into sub-committees ?—Yes, that is correct.

Those sub-committees consisted of the names and divisions mentioned by Mr. Williams ?—Yes.

Do you remember how the two gentlemen mentioned withdrew—verbally or by letter ?—By letter.

Have you any idea of when ?—After the second meeting of the committee.

Regarding the second public meeting, which was held on the 12th November at the Market Hall, at that meeting I believe, the Acting-Secretary at the time read a message from the Administrator, and I believe also that there were quite a number of police there taking notes ?—Yes.

What impression did you gather from the police being there ?—I thought that the Administrator must have misconstrued the objects of the meeting, as though he expected it to be a riotous one.

At that meeting it was decided that a delegation should be sent to New Zealand to interview the Minister for External Affairs : how did you propose to collect funds for such a delegation ?—Generally, from both Natives and Europeans.

Were any steps taken to collect such funds ?—Yes.

Those steps were ?—I think Faumuina and AINU'U and Matau were deputed to collect the funds, and Mr. Smyth was to be the treasurer.

Well, did Faumuina and AINU'U take any steps towards collecting these funds ?—Yes. Faumuina and Matau went to Savai'i. AINU'U was going, but he was stopped by the police.

Were they taking the circular produced by Mr. Williams?—Yes.

Between the second meeting and the Minister's visit was there any unrest or disturbance amongst the Samoans?—There was in a way, because the Samoans were very much annoyed at the people being confined to their villages and not being allowed to move for three months.

You said "people," Mr. Westbrook: how many do you mean, approximately?—All members of the committee.

Regarding these much-talked-of reports, when did the committee put them in: after the second meeting?—Yes.

Were they put in in time for His Excellency to place before the Fono of Faipules?—Yes.

What was the object?—That they should be put before the Minister of External Affairs and that the committee should meet the Minister.

It was decided that a delegation should go to New Zealand: why did they not go?—They were prevented by not getting their passports issued.

I believe that Mr. Meredith went to New Zealand: was he sent by the committee or not?—Yes.

He was sent on committee business?—I think so.

Did he pay his expenses or did the committee pay them?—He paid his own expenses.

Coming to the Minister's visit: at this visit there were a number of Samoans in at the time, and the supporters of the Mau wore a purple badge. Did you know that they were going to wear that badge before you actually saw it?—Yes.

What was the object in wearing that badge?—Just to show their numbers.

After the Minister left, Mr. Westbrook, I believe the chairman of the committee got a letter referring to an alteration in the law. I believe your name was mentioned in that letter. There were, I understand, two letters—one advising of the alteration in the law, and one instructing you to cease to have anything further to do with the Natives?—Yes, that is correct.

Are you aware of anything you have done towards disturbing the Natives and creating a state of unrest?—No, not to my knowledge.

Well, there *is* a state of unrest, Mr. Westbrook: whom or what do you blame for that?—I blame the action of the Administrator, and also the Minister.

Well, we will take His Excellency: to what actions of his do you refer?—His trying to prevent us voicing our opinions.

What do you mean by "us," Mr. Westbrook?—People generally.

But do you mean the Europeans alone, or the Europeans and the Samoans?—The Europeans and the Samoans.

That is rather a general sort of a statement. In what way do you mean he prevented you from voicing your opinions?—I mean that we had very little opportunity in the Council, because everything appeared to be cut-and-dried beforehand with the official members; that what we were attempting to do in a constitutional manner was received in a hostile way.

That is something of a generality. What do you mean when you say "hostile"? What act on the part of the Administrator do you mean was hostile?—The stopping of the passports; confining the Natives to their villages; trying to burst up the movement without in any way trying to personally meet the people. I feel sure that if the Administrator had met the committee and conducted the matter over a round-table conference and found out what was really wrong, and talked things over and made representations or recommendations to the Minister, there would have been no trouble.

You also blamed the Minister: in what way?—He was here nine days without granting an interview to any members of the committee.

Had he been asked to grant an interview to the committee?—Yes, I think so.

Is there anything else you are blaming the Minister for?—Yes; in the first place, the Minister opened the meeting by condemning the citizens and telling them they were all wrong, without giving them a hearing. An interview was granted to us.

Any other act?—Yes, the threats of deportation; they naturally "got the people's backs up."

In the Minister's letter reference is made, I think, speaking from memory, to seditious and disloyal acts on your part: have you ever received any definite information as to what seditious act that was?—No.

Have you personally, or through the committee, asked for details?—No.

This first meeting was in October of last year; in an official report from the Administrator, and which is before the Commission, appears the words, "One person, with one object only, was the originator of the present trouble—viz., Mr. Nelson, the wealthy half-caste merchant, whose aim apparently was to increase his power and influence, particularly in Native matters, and so enhance his commercial interests": do you think that is a correct statement?—I am sure that assertion is not true.

Is Mr. Nelson the only one responsible for starting this, or are you and Mr. Williams implicated?—I am, in a way. When I was away I tried to interview the Prime Minister in Wellington.

Who called the public meeting?—The elected members.

Do you know whether Mr. Nelson has benefited materially?—I do not think that he has.

He is paying his own expenses at this time?—Yes.

Was there any dissatisfaction or not prior to this meeting?—Yes, I think that there was.

From the same report—"Support from a number of Native chiefs, principally dismissed officials or police offenders": are these the only supporters you had?—We had general support.

Do you think the reports of the public meetings generally set out the reasons why you joined the movement or not?—Yes.

Did you go into it to increase your political or commercial interests?—No.

Have you increased them?—No.

To quote another extract from the Administrator's Report, "Apart from Mr. Nelson, the European section of this committee was composed of men whose only intention was apparently to increase either their political or commercial interests": that statement is incorrect?—Yes.

After you got into this movement, did there come a time when you wanted to leave it, or have you been satisfied to carry on to the present time?—I have been satisfied to carry on.

Then this statement is also incorrect [reading]: "I therefore warned them to cease their activities in regard to the Natives, but they unfortunately refused to do so, and subsequently found themselves forced into a position of supporting Mr. Nelson in his strenuous efforts to disturb the Natives"?—To my belief.

You know of the *Samoa Guardian*?—Yes.

You have an interest in it, I believe?—Yes.

Do you read Samoan?—A little, but not much.

Have you been reading the Samoan portion of the *Guardian* yourself?—I have been glancing through it, but I have never had it properly translated.

You are a member of the committee: do you know whether or not Mr. Nelson's traders or Natives have been given material benefits in consideration of their influencing the Natives to form committees in their villages?—No, they have not.

On the day of the Minister's interview with the committee there was a meeting at Lepea; were you present?—Yes.

Can you say what was the nature of the speeches made at that meeting?—The objects of the meeting were to try and get the Natives to disperse in obedience to the Minister's letter.

But what was the nature of the speeches?—The nature of the speeches was to tell the Natives to go home and to await events, because the matter would probably come up again before Parliament and that New Zealand would give them a fair deal.

There is also a statement [reading] "I anticipated that my annual *malaga* around the islands, commencing in July, would end the trouble; but the demonstration of Natives organized by Mr. Nelson and his colleagues for the purpose of impressing the Minister on the day of his interview with the committee, followed by Mr. Nelson's speeches to large numbers of Natives assembled at the village of Lepea, stimulated the agitation throughout Samoa": is that a correct statement in your opinion?—No, certainly not. The Natives were annoyed when they found that the Minister would not give them a hearing.

Immediately after the interview with the Minister there was a meeting at Lepea: were you present at that?—Yes.

Was the nature of the speeches the same as you have just told us?—Yes.

Where did you tell them what was the nature of the interview with the Minister—outside the Courthouse here or at Lepea?—At Lepea.

Why did you leave it till you got to Lepea, instead of telling them outside here?—We could hardly do that. We thought that it was better to get the chiefs together and explain matters to them.

This movement was not started by Mr. Gurr, by any chance, was it?—No, it was not.

*Mr. Meredith.*] You have been criticizing the Samoan Administration for many years, have you not?—I have.

I mean, starting in the German time?—Probably I have.

Because you told us yourself that you signed that German petition, did you not?—Yes; it was not only a British petition—there were hundreds of Germans.

You were one of the leading spirits organizing that petition, were you not?—Yes. I took an interest in public affairs then.

I think you have been a frequent contributor to the press, have you not?—I have.

You have not confined your operations to the Samoan press, have you?—I have written to the English press.

Criticizing the Samoan Government?—Yes.

Over what period of years have you been doing this: twenty years?—Probably.

Do you remember writing to the president of the Overseas Club and Patriotic League about the British in Samoa?—Yes.

He did not publish the letter, did he?—The letter was passed on to Sir James Allen, the High Commissioner.

It was sent down here to the late Judge Wilson to see you about it?—Yes.

That was in 1921?—Yes.

*The Chairman.*] What month, please?—April, 1921. The date of Mr. Westbrook's letter was the 10th November, 1920.

*Mr. Meredith.*] You remember the conversation with Mr. Wilson about that time?—Yes, I do.

This is Mr. Wilson's report:—

Office of the Chief Judge, Apia, Samoa, 21st April, 1921.

Memorandum for His Excellency the Administrator.

ACCORDING to Your Excellency's wish, I yesterday discussed with Mr. G. E. L. Westbrook his letter to Mr. J. E. Wrench, of the Overseas Club and Patriotic League, of which a copy was sent to you by the Secretary of External Affairs with his letter of 3rd March. Mr. Westbrook disclaimed any desire to misrepresent the position, and claimed that his letter was a fair criticism of the New Zealand Administration. When I took his statements categorically he had, of course, to admit that a number of them were quite untrue, such as the statements that *all* the German residents were deported; that the Government have started a store in opposition to the merchants and traders;

that they were running a barber's shop and a butchery against private enterprise. When he had to admit these untruths he fell back on "beach" rumour as his authority, being quite incapable of realizing that he ought to have verified rumours before stating them as fact. He was unable to refer to any private individual who would have undertaken to maintain the hotel, and was not aware that the butchery was a German business in course of liquidation. He had written as fact what was in reality rumour and surmise where it was not within his own knowledge untrue. He admitted that leading residents had been asked to become members of the Legislative Council and had declined, but could not see that his strictures on the appointments actually made were not justified. He says that he *must* criticize. Our discussion made it quite plain to me that when he writes he loses his sense of discrimination between fact and falsehood—that he is more or less irresponsible.

J. E. S. WILSON.

Do you disagree with this report of Mr. Wilson's upon his interview with you?—Yes.

Have you got a copy of the letter you wrote?—No.

[Copy of Mr. Westbrook's letter then shown to him to see if it was a correct copy of his letter to the Overseas Club. Examined by Mr. Westbrook, who said that it was quite right.—Exhibit No. 11.]

You admit that you have been writing for twenty years, and that recently you have been writing to various journals?—Yes.

In Australia?—Yes, occasionally.

On these particular matters of Samoan administration?—Just press notices.

You also have written to the New Zealand papers?—Yes.

In the New Zealand papers you talked of that £100,000 loan?—Yes.

What did you say about it?—I mentioned something about Samoa creating a national debt.

Do you remember what was said about that £100,000 loan? On page 18 it says, "The property which was pledged for the repayment of this loan of £100,000, upon which the New Zealand Government has already received interest and part sinking fund amounting to the sum of £28,997, is now, by the action of the New Zealand Government, the property of that Government. The New Zealand Government has, in plain language, foreclosed on the secured property." Was that what you wrote to the *Auckland Star*?—No.

What was it, then?—I think that it was the Hon. E. P. Lee, who was Minister for External Affairs, who on one occasion stated that Mr. Massey had said that—

Do you know what you do write? In any case, it was an attack on the Administration, was it not?—Yes, it was. As a public man, why not?

That attack in the financial report was reported to the Natives in Samoa?—I had nothing to do with the financial report.

I mean that an account of what you had written in the New Zealand press got into the hands of the Natives in Samoa here, did it not?—I do not know.

Did you know that letter was the subject of discussion amongst the Natives in Samoa?—No.

Do you know that after your letter appeared that the Natives declined to meet the Administrator, because from your letter they had lost confidence in him: do you know that?—I know nothing about that.

While Mr. Nelson was away were you writing to him—that is, amongst other people?—Yes.

Giving him beach rumour?—I cannot tell you. I gave him general news and not beach rumour.

Was it facts or beach rumour?—I gave him facts, so far as I know.

When did you first discuss with him the holding of a public meeting?—After his return to Samoa, when he informed me that he had met the Prime Minister and that the Minister of External Affairs was coming.

Whose idea was it that the Samoans should be brought into political discussions?—I was quite in favour of it.

In fact, you discussed it with Mr. Nelson?—It has been my idea that the Natives should have a little more representation.

You approved of the Natives being brought into this political discussion at this meeting?—At a public meeting.

Since your public meetings there have been meetings of the Native section of the Mau?—Yes.

How many have you attended?—Four or five.

With Messrs. Nelson, Williams, and Gurr?—Yes.

Have you always been to those meetings together?—Yes.

Have you addressed the meetings yourself?—Only on one occasion.

Who has generally addressed them—Mr. Gurr and Mr. Nelson?—Mr. Nelson, Mr. Gurr, and occasionally Mr. Williams.

You have only addressed them once?—Yes.

*Mr. Baxter.*] With reference to those meetings, was the Administrator attacked or criticized?—Criticized.

Have the Natives ever approached you and asked you about the letter that was in the *Star*?—They have.

Are you married to a European or to a Native?—A Native.

Is she a Samoan Native?—She is a Wallis Island Native.

SAMUEL HORNELL MEREDITH sworn and examined.

*Mr. Slipper.*] You are a commission agent, residing in Apia?—Yes.

You are a half-caste Samoan?—Yes.

And your father was Scotch?—Yes.

You were born in Samoa, were you not?—Yes.

And you have the status of a European?—Yes.

And with the exception of business trips to other countries and pleasure trips you have resided here all your lifetime?—Yes.

Have you any standing as a Samoan?—I have a chief's name on my mother's side—"Tupua."

During the sojourn in Apia have you made it a practice to take part in politics?—No, I have not.

Now we come to the question of the Mau—as to its origin and growth: do you remember the first meeting that was held in the Market Hall?—I do.

Were you there?—I was present.

Who was chairman?—Mr. Nelson.

Were all the rest of the committee present at that meeting?—I think so.

Were both races present at that meeting?—Europeans and Samoans, yes.

The Europeans include a number of half-castes?—Yes.

How were the people made aware that there would be such a meeting?—It was advertised in the *Samoa Times* by a public notice.

In what language was that advertisement published?—In English, and the Samoan was screened at the pictures.

Who was it that organized this public meeting?

*The Chairman*: We have heard that over and over again; it is common knowledge.

*Mr. Slipper*: That is so. (To witness): Were the Natives approached in any way to attend this meeting?—They came there at their own free will when they heard that the Minister of External Affairs was visiting Samoa, to ascertain what matters were to be put before the Minister.

You speak the Samoan language very fluently?—Yes.

And see a great deal of the Natives?—Yes.

It is common ground that the Natives are alleged to have had grievances: do you know whether they have had any grievances or expressed any grievances prior to the calling of this meeting?—For about two or three years.

It has been alleged that the commencing of the Citizens Committee was the start of their dissatisfaction: is that correct?—No.

Did the whites do anything that you are aware of to increase the dissatisfaction that they already possessed?—None whatever; in fact, the whites are trying to smooth them down.

Up to the time the meeting was held did you have information about the Minister?—Mr. Nelson said at the meeting that he was in Wellington and met the Prime Minister and the Minister of External Affairs, and then it was arranged at that meeting that Mr. Nosworthy would follow in September or October.

It is common ground that the committee found out that the Minister was not coming then: was that known at the first general meeting or not?—I do not remember.

At that meeting various committees were set up?—At the first meeting.

And that reports were prepared and presented at the second public meeting?—Yes. After the first meeting they picked the six Samoan and six European members and formed sub-committees, and at the second meeting the reports were read out.

And the reports were read over by the full committee prior to the second general meeting?—It was read between the committeemen themselves in the afternoon, and in the evening the second meeting was held.

After that meeting, and from then on until the Minister's visit did the Native dissatisfaction remain as it was or increase, or did it die down, so far as you are aware and able to judge?—It had increased because a notice was read out that the Minister would not arrive until May.

You went to New Zealand yourself, did you not?—Yes.

And you are the author of this pamphlet, entitled "Western Samoa"?—Yes. [Pamphlet produced—Exhibit No. 12.]

*The Chairman* [after perusal of document]: I see no objection to it being produced.

*Mr. Slipper*.] Concerning your visit to New Zealand, why did you make it?—I was sent by the committee from here.

Is there any reason why you were sent?—To seek counsel's advice in Auckland, and to try and get the Minister of External Affairs to consent to see the delegation and put before Parliament their grievances.

Was the committee not able to go itself?—The members were stopped—that is, passports were not allowed to be given to them by the authorities here.

*Judge MacCormick*.] The delegation was stopped, but not the committee?—That is the committee. There were so-many Samoan chiefs from the committee and three from our side, and they were Messrs. Nelson, Williams, and myself to accompany them to Wellington.

*Mr. Baxter*: It was not the whole of the committee but a portion of it.

*Mr. Slipper*.] You went to New Zealand: did you see the Hon. the Minister of External Affairs?—No.

Did you see the Right Hon. the Prime Minister?—After we received a letter from the Hon. Mr. Nosworthy in answer to the first letter on our arrival, and he absolutely refused, and referred everything back to the Administrator.

Where is that letter?—I think it is on the file that Mr. Nelson has. It was handed over to the committee.

Eventually you did see the Right Hon. the Prime Minister?—I had an interview with the Prime Minister.

And what was the nature of that interview?—I obtained no satisfaction with respect to getting permission for the delegation to go to Wellington.

Did you get a definite refusal?—We got a refusal by a telegram.

Where were you then?—I was in Auckland.

So that you received no answer from the Prime Minister when you were in his presence?—He promised that he would obtain particulars and inquire into the matter from the Minister of External Affairs, and he would communicate with me later.

Is that as far as you got at that interview?—Yes.

It was after that you say you obtained a telegram from the Prime Minister?—Yes.

Where is that telegram?—I think it is on the file.

Can you tell us what was the gist of that telegram?—I do not remember the exact words of the telegram, but it was a refusal to receive this delegation.

That was definite?—Yes.

When you could not get the delegation heard did you make any efforts with the press in New Zealand to publish certain information?—They would not publish any of our articles.

What did you do then?—I went and got a pamphlet printed, and that is the origin of the pamphlet which has been submitted before the Commission.

We have had it that there have been a lot of delegates from outlying districts frequently coming into Apia: is that correct?—Yes.

And what is the purpose of that?—All waiting an answer from Mr. Nosworthy.

As far as the Citizens Committee is concerned, how can they be kept in touch with the members of the Mau in the outlying districts without a delegation?—Their own messengers, belonging to their own people, are travelling in and out.

Do the citizens ask for them to come in?—No.

They do it on their own free will—in fact they are a nuisance?—Yes.

With regard to the statement made by His Excellency the Administrator, dated 25th July, there are several statements which I would like to ask your opinion about. It says, "The present agitation, which commenced in October last year." Did it commence then?—It was before that.

The report goes on to say, "was not initiated by the Natives, as they were not then dissatisfied": is that correct, that the Natives were not dissatisfied?—The Natives were dissatisfied two or three years ago.

It further says, "One person, with one object only, was the originator of the present trouble—viz., Mr. Nelson, the wealthy half-caste merchant": is that correct?—No.

Do you say that authoritatively as a Native yourself, or as a half-caste?—I say that as a Samoan.

Now, you have been in business in Apia for a number of years?—Yes.

The report goes on to say, referring to Mr. Nelson, "whose aim was apparently to increase his power and influence, particularly in Native matters, and so materially enhance his commercial interests": is that correct?—No.

It also says, "To assist him in his object Mr. Nelson utilized the services of a chief, Lago Lago, a trader in Apia with a notoriously bad record, to propagandize and foment discontent among other chiefs and induce them to believe that the Government's Native policy was wrong, and that Mr. Nelson was able to obtain for those chiefs who supported him increased powers and influence, to the detriment of the power of other chiefs": is that correct?—No.

Mr. Nelson is also a half-caste?—Yes.

Have you known him to do anything to foment discontent among other chiefs?—No.

The report goes on to say, "Support from a number of Native chiefs, principally dismissed officials or police offenders, was the natural sequence of this propaganda": is that correct?—No.

I call your attention to the word "particularly": are there any dismissed officials or police offenders that you know of in the movement?—I cannot say.

It says, "Apart from Mr. Nelson, the European section of this committee was composed of men whose only intention was apparently to increase either their political or commercial interests"; do you know, as a citizen of Apia, of anything to show that the other Europeans on the committee desire to do anything that would increase their commercial interests by being members of this organization?—No.

Has it increased your commercial interests, or has it decreased them?—I do not deal with Samoans in my business, as my business is a commission-agent business.

Further on the report says, "He also arranged for the publication of a newspaper, the *Samoa Guardian*, which was established just prior to the Minister's visit. Statements calculated to appeal to the lower instincts of the Natives were circulated by the medium of this press." Have you read the *Samoa Guardian* from its inception?—Yes.

Did you see any statement there which would appeal to the lower instincts of the Natives?—Not at all.

You are a shareholder in the *Samoa Guardian*, are you not?—I am.

Then further on in the report the following appears: "Mr. Nelson's committee, through his traders and certain Natives in receipt of material benefits, gradually influenced other Natives to form committees in many villages." Do you know of any traders being in receipt of material benefits from the committee?—I know that a warning has been given to them not to interfere with the Samoans at all—not to entice them at all.

The meaning of this seems to be that certain traders of Mr. Nelson's who are getting a living from him and certain Natives are getting certain benefits out of him: do you know of any cases where Mr. Nelson's traders are influencing other chiefs?—No.

Do you know of cases of certain chiefs—their names are not mentioned—who are getting any benefits out of it by influencing the Natives?—No.

The Administrator's report goes on to say, "It may be a coincidence, but I blame Mr. Gurr, one of the committee and a well-known intriguer with the Natives, for setting up an organization here in

his agitation." As a committeeman yourself, is it right to blame Mr. Gurr for setting up the organization?—No.

I want now to refer to the visit of the Minister. A large concourse of people assembled outside here?—Yes.

When the interview was over, did the chiefs and the committeemen tell the people assembled outside the Courthouse what the result was?—Yes.

When was the meeting held at Lepea?—The first one was after we left here.

There was another meeting at Lepea: were you present?—Yes.

And most of the members of the committee were present. It has been given in evidence that the chiefs were to go home and obey the request of the Minister?—Yes.

Were any records taken of that?—You had them.

Did anybody else write anything?—I think you were the only one.

Was I asked to go to the meeting?—No, you were not asked, but you volunteered to be there

I was going with you along the road, was I not?—Yes.

Where to?—Up to my place.

*Judge MacCormick.*] What date was this?—I cannot remember the date.

*The Chairman.*] Was it a few days after the meeting?—I cannot remember. It was a few days after the Minister left here. It was either a Monday or a Tuesday that a letter came from the Administrator, and then Mr. Nelson called a meeting. There was another letter asking for an explanation and requesting them to disperse, and it was decided to hold another meeting.

*Mr. Slipper.*] I was not invited, and I did not know of it until I left town?—That is so.

*Mr. Baxter:* That would be about the 13th or 14th June. I am not sure of the date.

*The Chairman:* That would be two days after the Minister left.

*Mr. Meredith.*] I take it you will agree that the Samoans are all suspicious?—Not all.

Speaking generally, as a race their suspicions are easily aroused?—A certain type, but not the majority of them.

I put it to you that they are all rather suspicious in respect to money matters?—The Samoans do not value money.

Have there not been various disturbances in the island about Church funds?—That is a different question altogether.

But they were concerned with money?—Yes; that was with respect to the collection of funds to build a church.

And they raise trouble if they have any doubt about the proper collection of Church moneys?—I do not think so, because they have come together. The Samoans are a very good crowd of people, and they generally make it up.

Until they understand a matter they raise trouble—that is, until the position is explained to them they raise trouble?—Not all.

You were a member of the committee that prepared the various reports?—I was one.

And you prepared one, of course?—I did not. I was in the Native affairs.

But you, along with others, adopted the accuracy of all the reports?—Well, to a certain extent, as to the particulars of the whole report.

You allowed them to go out on the authority of the committee of which you were a member?—Yes, I was one.

Did you take any trouble to investigate the accuracy of those reports yourself?—No.

They were handed in by Mr. Williams on the morning of the meeting: is that correct?—That is, before the public meeting?

Yes, the second public meeting. They were handed in on the morning. When did the committee sit to discuss those reports?—In the afternoon, as far as I know.

Were they gone through in detail by all the members?—Some were.

Did you check the accuracy of the comparisons in the report?—No, I did not. That was left entirely in the hands of Mr. Smyth and Mr. Gurr.

And were the other reports treated in the same way by the members of the committee?—Some of them were read out.

And some of them were not?—That is so. We met at 4 or 5 o'clock, and we only had about an hour to do it.

So, naturally, that would not be sufficient time to do it?—No. They were read out in the afternoon before the public meeting for discussion.

Discussion by whom?—By the majority of the people.

Were there many there?—Yes.

Would you expect the Samoans at that meeting to discuss the financial statement prepared by Mr. Gurr? As a matter of good common-sense, could they have discussed the matter at that meeting?—I do not know.

Did any Samoan get up at that meeting and either ask a question about those reports or discuss them publicly?—I do not remember.

Did any European in the audience get up and discuss them: I am not referring to the members of the committee?—Really, I do not remember whether one got up.

As a matter of fact, was there any discussion on any report by anybody outside the members of the committee?—At the meeting?

Yes?—I think so, when it came to Samoan affairs.

Who discussed them?—The Samoans.

Who spoke?—It was read out by Mr. Nelson, and it was left to the Samoans to discuss the matter.

How many of them discussed the matter?—Quite a lot, but I do not remember how many.

Tell the Commission one. Surely, if several of the Samoans discussed the matter you can remember the name of even one?—I cannot tell you just now, Mr. Meredith.

I suppose you understood the responsibility of issuing those reports to the Samoans?—In what way?

Did you not appreciate that it might cause unrest amongst the Samoans to see those reports?—There was unrest before this movement started.

I put it to you that it might increase any unrest that already exists?—I do not think it increased the unrest.

Did you see the possibility that these reports might have increased the unrest?—I did not think so.

You never thought of that?—I did not think of it, but I knew it would not increase the unrest.

What makes you think it would not increase it?—Because they were all waiting the arrival of the Minister to get the grievances settled by him.

I take it that you intended that the Natives should attend these meetings?—They came there on their own free will; they were not asked.

Did you and the other members who became members of the committee wish them to be at the meeting?—No; it was a public meeting, and it was open to everybody.

*The Chairman:* We were told that the Natives came from all parts of the island and from parts of Savai'i.

*Mr. Meredith.]* What was the idea of publishing a notice in the Samoan language in your picture-theatre?—To let them know that there was to be a public meeting, to be held in the Market Hall.

The bulk of your patrons at the pictures are Samoans, are they not?—The majority of the patrons are Samoans.

And was not the object of this notice in the Samoan language particularly to attract the Samoans to this particular meeting?—No, sir.

*The Chairman:* You need not ask that question, surely, Mr. Meredith, because it must be obvious, no matter what the witness may say; it could have had no other purpose. (To witness :) You heard what I said?—Yes.

It is only a question of common-sense, and any statement to the contrary I do not believe, sitting here as a judicial tribunal?—The reason why it was announced was to call a public meeting. It was a meeting called to make arrangements for the arrival of the Minister of External Affairs.

*The Chairman:* So far as I am concerned, that has nothing to do with the purpose of the meeting. I only want to let you know that we are a thinking tribunal, and do not swallow everything that is said to us.

*Mr. Meredith.]* After the meetings pamphlets were sent out with Famuina and AINU'U?—I believe they were.

Did you not know?—No, I did not know.

Who arranged that?—It was arranged at the meeting.

Did you see the pamphlets that were sent out?—Afterwards.

You did not see them before?—No.

Here is a translation of the pamphlet [translation handed to witness]: do you suggest that the Citizens Committee was justified in issuing anything of that nature to the Samoans?—Is the translation correct?

Assuming that this is the right translation, would that be a proper thing for the Citizens Committee to issue it to the Samoans?—Not those words. [Words referred to pointed out to witness.]

They are much too strong, are they not?—Yes, one or two words there. Of course, I am assuming that the translation is correct.

We are assuming that the translation is correct. This pamphlet on "Western Samoa" was issued by you?—Yes.

Did you draw it up?—I drew it up from the file and from the committee's file.

You issued this pamphlet to every member of Parliament, did you not?—I think I did.

And handed it to the New Zealand press?—I think I did. I left that with an agent to distribute.

To whom?—Members of Parliament and whoever he thought fit.

Including the press?—Yes.

Did you distribute it in Samoa on your return?—Yes.

Do you think that is a fair and temperate statement of the position?—That is my opinion.

And in pursuance of the general work of the Citizens Committee subscriptions were gathered from the Natives?—They came in themselves, I think; but I know that there was a subscription list sent around to the Europeans.

What about the one to the Natives: did you have anything to do with the subscriptions from the Natives?—No.

And you say that subscriptions are coming in from the Natives at present?—Yes.

And have been for some months?—Well, I do not know, because Mr. Smyth was treasurer.

How long have you been treasurer?—Since Mr. Smyth left—that is, July of this year.

And since that time you have been getting no subscriptions from the Natives?—The first month there was hardly anything coming in until we received a radio from Sir John Findlay that there was nothing to stop the Natives from paying in what money they wished towards the fund.

You communicated that to the Natives, I take it?—Through the secretary.

Did you hand the communication on through the secretary?—I did.

And then the funds started to come in again?—Yes, that is so.

The Natives of the Mau have been holding Fonos?—So I hear.

Have you attended any of them?—Not lately.

You have not attended any of them lately: what was the last one you attended?—The last one was before Mr. Nelson left for New Zealand.

Where was that held?—At Mr. Nelson's residence.

How many Mau members were there?—Quite a number.

Some hundreds?—Two or three hundred.

And you had attended similar meetings prior to that?—Up at Mr. Nelson's residence.

Did you address any of the meetings yourself?—No.

Have you ever seen an election conducted by Samoans: I am speaking of an election in the European sense of the word—by ballot, that is, to elect an individual for any office or position by a method of ballot?—No; they come together and they appoint their representatives at the meeting which they hold.

Have you seen a selection made by definitely counting the votes on one side and the votes on the other side and recording the selection of the majority?—Not with Samoans.

It is contrary to their customs, is it not?—Yes.

One of the officials in each village is the *pulemu'u*, is he not?—Yes, he is called the Magistrate.

We might term him the Mayor of the village?—Yes, and some call the *pulemu'u* the Magistrate.

He has certain duties to perform, has he not?—In his own village.

It would be improper to have two *pulemu'us* in the one village?—It is.

Do you know of cases where there are two men acting as *pulemu'us* in the one village?—No, I do not.

It would cause trouble if there were?—Well, it all depends. If they are related it will not cause trouble, but if they are not related there will be bound to be trouble.

Have you had anything to do with the appointment of Mau *pulemu'us* in any of the villages?—No.

Have you heard that it has been done?—No.

You swear that you know nothing about that?—I swear that I had nothing to do with such appointments in any village.

*Mr. Slipper.*] Has the Mau appointed any *pulemu'us*?—I have not heard of it.

Have you any idea where that statement came from?—I suppose, from the Malo people.

These reports that were drawn up between the first and second meeting: what was the purpose of those reports—what were they for?—To present the grievances of the country to the New Zealand Government through the proper channel.

Speaking of the discussion that took place among the Samoans, did the Europeans join in the discussion?—No.

You said that there were quite a number of speakers?—Yes.

Did they stand up and speak?—They stood up and spoke out.

Was that in the same part of the hall as the general meeting was held?—Yes.

And the other members stood aside?—Yes.

In allowing the Samoans to join up with the Citizens Committee, counsel for the Administrator suggests that that is a dangerous thing and might create unrest: you said that there was unrest, and he said that it might make it worse?—

*Judge MacCormick:* I took it that Mr. Meredith's statement was addressed to the leaflets that were put in.

*Mr. Slipper:* Mr. Meredith said, referring to the matter of allowing the Natives into the meeting, that it was likely to create unrest.

*Judge MacCormick:* I do not remember him saying that.

*Mr. Meredith:* I was commenting on the leaflets that were presented.

*Mr. Slipper.*] At any rate, what was the object of the European committee permitting the Natives to have anything to do with the committee in any way, whether by leaflet or anything else?—They came to the meeting to give the committee their grievances to the Minister of External Affairs.

It was suggested that they should have been kept away?—W could not, because it was a public meeting.

You said that you did not consider it would increase the unrest: in your opinion, can you tell the Commission whether it would have upset them or not?—They kept quiet and waited to receive the answer to their grievances.

Which do you think was the better course—I am speaking to you now as a Samoan: bring their grievances forward and put them to the Minister or not?—To get their grievances put before the Minister and get them settled.

Have you a copy of the notice which you put on at your picture-theatre?—No.

Can you remember it?—It is only a translation of the advertisement for the public meeting that was to be held at the Market Hall.

*The Chairman.*] Mr. Williams has told us that it was not the purpose of the Citizens Committee to advocate the removal of the present Administrator: is that so?—Not at all, so long as he straightens things out.

Is it or is it not a fact?—If you ask me personally and on my own behalf, I should say No.

I am speaking of the Citizens Committee, of which you are a member?—I do not know about their minds.

I am not asking you about their minds. However, we will leave it at that. Are you still associated with the Mau movement?—I am.

And I presume the Citizens Committee are also associated with the Mau movement?—That is so,

That is all I want to know. I see by your pamphlet that you advocate self-government for the Samoans: is that right?—Yes.

That is so, is it not?—Yes.

And you think they are knowledgeable and competent to undertake the government of this country?—Yes.

Do you consider that that is consistent with the mandate of the League of Nations?—That I do not know.

And do not care?—I do not know.

You would suggest that the powers of self-government should be conferred upon the Samoans?—By having their own rules and laws.

By making their own rules and laws?—Yes.

Was that your purpose in joining the Citizens Committee?—No.

Are you alone in the Citizens Committee in your view that the Samoans are entitled to make their own laws and administer them?—I am not alone.

I think it is only fair to ask you if that is part of the object of the Citizens Committee?—No.

No part of the object of the Mau?—No, I do not think so.

Is it or is it not?—The Samoans say that that is their request.

That they should be entrusted with self-government in the sense you have expressed, and that is the object of the Mau?—That is the opinion of the Samoans.

Can you say whether or not, from your knowledge of the Mau movement, that its object is to obtain self-government for the Samoans?—That is the Samoans' wish.

You are not dealing with the desires of the European, but dealing with the objects of the Samoans who joined the Mau movement?—Yes.

I understand from what you say that you think that they are knowledgeable and competent to be entrusted with self-government?—I think they are, sir.

Now?—Yes.

GEORGE EGERTON LEIGH WESTBROOK further examined.

*The Chairman.*] You heard the evidence given by Mr. Williams, did you not?—Yes.

Mr. Williams said that it was not the object—or, rather, the purpose—of the Citizens Committee to advocate the removal of the present Administrator: is that true?—That is true.

Is the Citizens Committee now associated with the Mau?—Only to a certain extent we are held responsible.

You hold yourself responsible?—Mr. Nosworthy made us responsible.

And you are taking part now in the Mau movement: are you in constant communication with the Mau?—Yes, because there is a Royal Commission sitting.

I understand, for the purpose of the defence or prosecution of this matter, that it may be necessary for you to communicate with leaders of the Mau movement: is it not a fact that before the announcement the Citizens Committee was in consultation with the leaders of the Mau movement?—We really did not have any meetings with them after we were cut off from them by Mr. Nosworthy.

Do you dissociate yourself, then, from the Mau movement?—I am with it so far as my own ideals are concerned.

You have not dissociated yourself from the movement?—It would be impossible.

You are in agreement with it, then?—No.

So far as your ideals are concerned they are in accord with the Mau movement?—Only in certain things. I am not in accordance with what is going on now.

Tell me the particular matters in which you wish to dissociate yourself from the Mau movement? I did not think the time was ripe for self-government by the Samoans; but still, where there are questions of taxation involved there should be a question of representation.

Have you dissociated yourself from the Mau movement so far as it seeks to obtain self-government? You are of opinion that the Samoans are not capable of self-government?—Yes; but they should have representation.

*Mr. Baxter:* The other witnesses whom I wish to call will be Samoans, with the exception of Mr. Slipper.

*The Chairman:* I am very much against counsel being called as witnesses. The usual course in matters of this kind is for counsel to either submit a written statement or make a statement. The better course would be to make a short statement and submit it to Mr. Meredith, and no doubt that would be accepted as evidence.

*Mr. Slipper:* I desire to call attention to the grave reflections that have been made concerning me.

*The Chairman:* What are they, Mr. Slipper?

*Mr. Slipper:* I refer to the remarks concerning myself, that I apparently wanted to curry favour with the Natives, and that my attitude was helping the agitation because I knew that such an appeal would not be upheld, and that the delay would give the Natives confidence in me. The cases of Fautaga and Tagaloa were first heard on the 8th July, 1927. They were identical in facts and nature, and were taken together. They were adjourned to the 11th July, and further adjourned to the 14th July, when both defendants were convicted. At the hearing I made application to appeal, and was about to give grounds when His Honour the Chief Judge interrupted me with a remark to this effect: "I certainly think that this is a case for appeal. Indeed, I do not think it is necessary to hear the Crown Solicitor on the matter." Leave to appeal was granted. I then asked for bail under the Act pending the hearing of the appeal, but His Honour refused to grant bail. On the 30th July I communicated with New Zealand counsel.

*The Chairman* : By letter, I presume ?

*Mr. Slipper* : Yes, with reference to this decision which had been given at great length by His Honour the Chief Judge. Mr. Baxter was associated with me throughout this case, and after the decision we came to the conclusion that we were not competent to advise as to an appeal, owing to the fact, for one reason, that the law library here is of a limited nature. We therefore suggested to our committee that counsel's opinion should be taken, and that is why my letter went to New Zealand. I forwarded all particulars, and a copy of the judgment of the Chief Judge. It was on the 11th August that I received a radio with respect to this matter. On that same date I wrote to Judge McCarthy as Crown Solicitor, advising him of the contents of the radio. On a later date I received a letter from counsel. [Radio and letters put in and marked Exhibit No. 13.] Shortly after this I and Judge McCarthy applied to the Chief Judge in Chambers to have costs fixed. This was done, and I went on with the appeal. As to His Excellency's proposed *malaga* in Savai'i, I have never set foot in Savai'i, and I know nothing about the island. I have been here only five months, and I cannot speak or understand the Samoan language. I may say that I have never counselled the Natives, or any Natives, to disregard orders given by the Government, but I have persistently advised them to the point of insistence that they must obey the law and must keep the peace. This seems to be an attempt to embroil me in the suggestion that the Europeans are stirring up the Natives. I would be glad to know who reported that I have been advising the Natives in this disreputable manner.

*Mr. Meredith* : Before proceedings start, sir, I think there is a matter that I should bring under the notice of the Commission, and that is a reference in the *Samoa Guardian*, which I have just had handed to me—a reference under the heading of "Attempted Interference by the Administration with the Royal Commission," and under this heading there is inferred a direct allegation of an attempt by the Administration to interfere with the Commission. Further, there is a report of the discussion which took place in Chambers. The general effect is that this is an allegation, which is going to be broadcast among the people of Samoa, including the Natives, of impropriety concerning the Administration's acts.

*The Chairman* : You might look at this : it affects you too, Mr. Baxter.

*Mr. Baxter* : I am not counsel for the *Guardian*.

*The Chairman* : No ; just look at it, that is all.

*Mr. Baxter* : It is quite evident that this article concerns Mr. Slipper and myself to a great extent. We certainly knew nothing about it. We certainly think the article is wrong, and do not know where these remarks came from. The remarks which have been put into the mouths of Mr. Slipper and myself are totally untrue.

*The Chairman* : What remarks ?

*Mr. Baxter* : The remarks concerning the hand of General Richardson being in the arrangements—"It was thought that if General Richardson attempted to interfere a strong protest should be made." We have never made any reference to General Richardson. And there is a reference there which says the "suspicion is not confined to the Administration and Commissioners, but extends to their own counsel." Mr. Slipper and I wish to take time to think about this. We are not prepared to appear if there is no confidence in us.

*The Chairman* : I think the article is a very improper one, but I do not propose to take any notice of it further than to make a very short statement. As a Commissioner and a Judge of the Supreme Court of New Zealand, I have the power to protect the proceedings of this Court wherever necessary. The suggestion that there has been any interference, or attempted interference, on the part of the Administration with the proceedings of this tribunal is destitute of any foundation in fact. With regard to the question of the itinerary, that is free from any suggestion of interference, or attempted interference, by the Administration. The whole matter had been disclosed to counsel and discussed with counsel, and I have nothing further to say and do not desire to make any further observations on it. With regard to the proceedings being in Chambers, the writer of the article is singularly destitute of any knowledge of normal legal proceedings. Proceedings in Chambers are taken for convenience' sake and to expedite the course of justice. In the present case it was thought that the details of the itinerary, which would involve a journey by sea—and we had no information as to the cost or the probable duration of the proceedings—could be much more conveniently dealt with in Chambers rather than in the public Court. It was for that reason and that reason only that the proceedings were taken in Chambers. I myself think it is ludicrous that the mere circumstance that this matter was discussed in Chambers should excite suspicion, and I do not propose to make any further observations. With regard to Mr. Baxter and Mr. Slipper, we do not understand that the statement is any personal reflection on them. We understand it rather as an untoward suspicion that might arise in the minds of the Natives, and I may say that the Commission would sincerely regret the absence of counsel from these proceedings, because this would very unduly increase our labours, and would, I think, detract from the efficiency of this investigation.

*Mr. Slipper* : I propose to go into the question of the cancellation of trading licenses, and I ask leave, sir, to mention a matter not mentioned before in my opening address. You may remember, your Honour, that in my remarks I observed that there was a difficulty in our minds as to whether the cancellation of the licenses of these three men was valid. I wish to go further in respect to the Ordinance and point out the full meaning as it stands. Ordinance No. 2 of 1924 — the Taxation, Licensing, and Revenue Amendment Ordinance. I wish to repeat section 2 and to emphasize the word "any" : "In any case where the Administrator is satisfied that the granting to any person of any new license or the holding by any person of any existing license under the principal Ordinance or under the Road Traffic Ordinance, 1921, may prejudicially affect the peace, order, or good government of the Territory, he may order that no such license shall be granted to that person, or that such

existing license shall be cancelled, and such order shall take effect according to its tenor as from the date of such order, or any later date specified therein." Section 3 goes on to point out how any person must not trade without a store license. That is affecting these three persons, particularly in connection with section 2. "Any new licenses" covers all licenses, and in that case the objection I take to the alleged cancellation in the case of these three persons who appear here is that the objective fails in respect of any license, because it may be a case where a license is held by a person who owns and runs his own store, and is therefore not an employee and coming under the saving proviso of clause 42 of the principal Ordinance.

HENRY HUNKIN sworn and examined.

*Mr. Slipper.*] You are a Samoan half-caste?—Yes.

You are a British subject?—Yes.

You are living at Sapunaoa?—Correct.

You are in charge of a trading-station there?—Yes.

Who owns that trading-station?—Messrs. O. F. Nelson and Co., Ltd.

You received a notice in respect to the matter of holding a license, did you not?—I received a notice from the Collector of Customs.

What was the effect of that notice?—My license was cancelled.

Did you get a notice about the matter beforehand?—Yes.

What was the effect of that notice?

*Judge MacCormick.*] What does the notice say?—That I was causing a disturbance against the good government of Samoa.

*Mr. Slipper.*] Have you that notice with you?—Yes, I have it here with other papers. [Notices and letter put in: Exhibit No. 14.]

Did you reply to that?—Yes.

Did you get anything further in the way of a reply to that letter?—No.

What is the next thing that you knew of the matter?—I received a reply from my head office in July that my license was cancelled from the 20th August.

And as a matter of fact a cancellation order was made?—Yes.

The notice was not sent to you?—No, to my head office.

*The Chairman.*] Did you ever hold a license?—I have never seen one.

You know what a trading-license is?—Yes.

*Mr. Slipper.*] Did you ever hold a license?—I have never seen one.

*The Chairman.* : He probably would never have a license: he would not require one.

*Mr. Slipper.*] You got no reply to that letter?—No.

Have you paid any money for a license?—Never.

And you said to His Honour that you never had a license at all?—Yes.

Do you know of any reason why that order, for what it is worth, was sent to you?—I have not the slightest idea why it was sent to me.

And what was the result of that order?—I obeyed the order and left when my successor arrived on the 20th August.

Did anybody else have anything to say about it besides yourself?—The firm wrote to me that they had got notice from the Administration that I must get out on the 20th August.

Did your firm tell you what to do?—They told me to come to Apia to the head office.

And you obeyed them?—Yes.

Are you married?—Yes.

How many children have you?—One, seventeen years of age.

Where is he?—At St. Joseph's College, in Sydney.

*The Chairman.* : You must give us credit for some intelligence. We know he is a married man with one child.

*Mr. Slipper.* : My aim is to bring forward that the cost of living enters into it.

*The Chairman.* : Certainly not. We are not down here to investigate that.

*Mr. Slipper.* : It is my humble suggestion that in Samoa some people are living *fa'a-Samoa*, some half *fa'a-Samoa*, and some full European.

*The Chairman.* : We are not here to investigate that. According to your opinion an injustice has been done.

*Mr. Slipper.*] What were your wages when you were at the trading-station?—£25 per month.

And what about a house?—I had a free house.

What are your wages since you were taken from the trading-station?—£2 per week, £8 per month—one-third of what they were.

Have you a free house now?—I pay £3 per month.

Is your boy still being educated in Sydney?—Yes.

What wage is the man getting who took your place?—£25 per month.

Do you know of any other traders who have lost their licenses?—Yes, Kruse and Ale Lui.

Who are they employed by?—Messrs. O. F. Nelson and Co.

Do you know of any others?—No, only these three.

Regarding Mr. Kruse—

*The Chairman.*] Are you calling Mr. Kruse?—Yes.

Then why not ask him? In your opening speech you quoted a section of the Ordinance which exempts any employee from the necessity of holding a trader's license. What section is that?

*Mr. Slipper.* : Section 42 of the original Ordinance.

*The Chairman* : In Ordinance No. 2, Mr. Slipper, that refers to store licenses under the proviso of Part IV. It is quite clear, I suppose, that O. F. Nelson and Co., Ltd., hold a license for the store and a trading and a business license ?

*Mr. Slipper* : I think so.

How can it be suggested that these men require a license ?

*Mr. Meredith* : It is under section 3 of Ordinance No. 2, 1924.

*The Chairman* : That is the one under section 3 : that section relates to a store license.

*Mr. Meredith* : The position is this, sir : As the original Ordinance stated, one license was taken out by the merchant, which gave no particular licenses for the individuals trading in the various districts. To obviate that this amendment was made, so that the man actually conducting the business had to have a special form of license called a "store license," for which no further fee is payable. The proceeding is that Nelson would get his main business license, store license, and would have a special license for every approved man in actual charge of each station.

*The Chairman*.] I am not sure about that. Look at the provision relating to store and copra house tax—section 34. As the store means any building, room, or premises in which goods are sold, it is clear enough. Under section 36 a store-tax is not payable. It is therefore clear that no person is required to hold a store license if he has a business license under Part IV. Nelsons were not bound to take out a store license if they had a business license. The subsection provides, "Notwithstanding clause 36 of the principal Ordinance, nothing in this clause shall affect the liability of any person to pay store-tax." That means in case the Ordinance requires the issue of a store license. Surely, presuming that the store license was issued in the present case, it cannot be cancelled because of the defaults of this man.

*Mr. Meredith* : I should like to have an opportunity of examining that section before I reply.

*The Chairman* : It is a matter of importance. It is quite clear that there is a mistaken procedure in connection with these men, and there does not seem to have been given to these men a fair opportunity to explain their position.

*Mr. Slipper* : My case is that this man had no opportunity of explaining himself.

*Mr. Meredith* (to witness).] Are you a member of the Mau ?—Yes.

And when did you first belong to it ?—When I signed a subscription list that was handed round.

Do you remember a meeting that was held in Apia ?—I was never there.

Do you remember when it was held ?—Yes.

How long after that did you subscribe to the Mau ?—I cannot tell the right date : about two or three months.

And when you subscribed to the Mau were you at this station of Nelson's ?—Yes.

Did you attend a meeting of the Mau at Falealili ?—No.

Did you not go to a meeting of the Mau at Falealili and try and persuade the Natives to join the Mau ?—No, I did not attend any meeting of the Mau.

You say that positively ?—Yes.

Did you provide *fa'amafu* at one of these meetings ?—No.

Were you sent away from the village by Colonel Logan ?—Never.

Did you have any trouble with Colonel Logan ?—Never.

Were you ever living in Tutuila ?—Yes, that is my birthplace.

Did not Colonel Logan send you back to Tutuila ?—No.

Had you been living somewhere else and gone back to Tutuila ?—After the German station was closed where I lived at Sapunoa I went back to Tutuila to see my people. I came back again of my accord.

Were you collecting money for the Mau ?—No. They handed me some money, but I told them that I had nothing to do with it, and to go to Apia. They came to me for a cheque, and I told them I had enough money to buy copra and did not want any more.

You received no money in subscriptions ?—No, not one penny.

*Mr. Slipper*.] It has been suggested to you that you conducted meetings of the Mau, and that you provided *fa'amafu* at a meeting, and that you were sent away by Colonel Logan. Have you ever heard of these charges in your life before ?—It is all new to me.

Have you ever been asked about them before ? Have you ever been told about them ?—No.

These documents before the Court regarding the cancellation of your license : did you know anything about these two documents before you came here to-day ?—I never had a chance to know.

ALE LUI sworn and examined.

*Mr. Slipper*.] You are a full-blooded Samoan ?—Yes.

You have previously been trading for Nelson and Co. ?—Yes.

At Fusi, Safata ?—Yes.

Is that in Upolu or Savai'i ?—Upolu.

Nelson and Co. informed you that your trading license had been cancelled ?—I received a letter from His Excellency the Administrator.

That is the order cancelling your alleged license ?—That is the order which I received.

Did you have any notification before that from the Collector of Customs ?—I did not receive a single letter from the Collector of Customs.

Tell us your story why you think your license was cancelled : what did it start with ?—His Excellency was on a *malaga* round Upolu, and he sent a message that he wished to speak to me.

How did he send for you ?—A Faipule policeman brought a letter to me stating that I was to appear before His Excellency at 5 p.m.

Alone, or with any one else?—To appear alone.

Did you intend to go, or stop away?—I intended to go, in accordance with the wish of the Administrator.

Did you make a start to go?—I started from my home and got as far as Vaie'e. That was a very wet day. I had been confined to my house after looking after the store for some time, and I was taking medicine, as I was unwell.

Did you have any advice about your illness?—I received medicine from the Catholic priest, and he instructed me to refrain from going into the salt water and getting cold.

Did you have any water to cross in going to this meeting with His Excellency?—There is a lake at Nuisatia to cross.

Is there any bridge across it?—There is no bridge across it.

What did you do?—When I started off I decided to disregard the advice of the priest in order to obey His Excellency, but while on the way the rain came on. I got wet and I felt very cold.

What did you do then?—I saw the lake ahead of me, and that decided me to return, and I decided to write to His Excellency and explain the reason why I disobeyed his instructions.

How far did you get from your home before you decided to return?—As far as from here to Mulinu'u—about two miles.

Did you write the letter that night?—I prepared the letter that night, but the following morning, before I had an opportunity of sending it to His Excellency, the *malaga* party had gone, and I received an order stating that my title had been taken away from me. I was ordered not to use the title.

And what do you know about your trading license?—Later on I received a letter from His Excellency stating that my license was cancelled as from the 20th July.

Was it sent to you or to some one else?—It was sent to my head office in Apia, and a letter sent to me from the Head Office. [Letters and notice put in: Exhibit No. 15.]

Do you know of anything that you have done against the peace, order, and good government of the Territory?—I have done nothing except join the Mau.

Has anybody asked you why your license should not be cancelled?—No.

Have you ever had a trial at all?—No inquiry at all of any kind.

Are you married?—Yes, with three children.

Have you any billet now?—No.

Did you ever worry about what will happen to your wife and children?—I have worried considerably.

Have you done anything about it?—No, I seek redress before this Commission.

Can your wife do the trading?—Yes.

Why does she not do it?—Some time back I wrote to His Excellency asking him if my wife would be permitted to run the trading-station if my license was cancelled for a lifetime.

And what happened?—I asked that he grant a license to my wife to trade so that she could support herself and family.

What was the result of that?—I did not receive a reply.

Have you any idea how you can make a living for your wife and family?—I will have to go to my relatives to get food from them to support my wife and children.

*Mr. Meredith.*] Are you a member of the Mau?—Yes.

How long have you been a member?—Six or eight months from the commencement.

Have you subscribed to the Mau?—Yes.

To whom did you pay the money?—To the secretary of the Mau here in Apia.

Who is the secretary of the Mau?—Matau.

Where do you see Matau?—I sent my subscription from Safata enclosed in an envelope addressed to Matau.

At what address?—Matau in Apia.

What station did you work at?—Fusi, Safata.

Did you attend the Mau *fono* there?—Yes.

Did any Europeans address the *fono* there?—There were no Europeans or half-castes present.

Did you address any meeting there?—Yes.

Do you believe in banishments?—They are very wrong.

Do you know two boys, Sola and Kele?—Yes.

Did you ask for them to be banished from their village?—Yes.

Was that not very wrong, then?—It was not very wrong because they got up against me.

And were they banished?—Yes.

And did not the people afterwards want them back?—Another chief wanted them back, and without consulting me he went to the Faipule.

And did you object to them being allowed to come back?—I did not object as I was not consulted.

Were they to come back would you have any objection to giving them a chance?—If I had been consulted I would have asked for their return.

How long were they away from their village?—I cannot remember how many months.

What was the name of the chief who asked that they be brought back?—Ale-Pio.

And did you not tell him that you objected to them coming back?—No.

Did you not say that you had not got a reply from His Excellency?—Rev. Mr. Lewis wrote to me saying that I was to come to Mulinu'u when I had an opportunity.

*The Chairman.*] Was that about an application regarding his wife carrying on the trading business?—No, this was an order to appear at Mulinu'u to discuss something with Mr. Lewis.

*Mr. Meredith.*] And did not the letter say that in reply to your letter to His Excellency Mr. Lewis was instructed to ask you to come and see him?—Yes, it was to that effect.

*The Chairman* : I am not clear yet whether Mr. Lewis's letter related to his application that his wife should be permitted to carry on his trading business.

*Mr. Meredith* : I have the correspondence.

*The Chairman* : My colleague thinks that the letter to which he did not get his reply was his first application. My recollection is that the witness said that he wrote to the Administrator suggesting that if he was to lose his trading license for life, could his wife carry on the trading business. To that application he got no reply.

*Mr. Meredith* : In reply to his letter to the Administrator making an application on behalf of his wife, he received a letter from Mr. Lewis asking him to call at the Native Office when convenient.

*The Chairman* : His Honour Judge MacCormick seems to think that there was a previous letter of his which was not replied to.

*Mr. Meredith* : There is no letter on the file.

*The Chairman* : There was some question of title brought into this matter? Is it of any importance?

*Mr. Slipper* : Not as far as the cancellation of the license goes.

*The Chairman* : Then do you rely on it as one of your instances?

*Mr. Slipper* : Yes, that is one instance.

*The Chairman* : Then you had better get it out.

*Mr. Slipper*.] What was your title?—Ale.

Lui is your common name?—Lui is my *taulealea* name.

And you got notice taking away your title?

*The Chairman*.] What does "Ale" mean?—A chief's title, as distinguished from an orator.

*Mr. Slipper*.] Have you got that notice?—It is with the editor of the *Samoa Guardian*. I sent it to Mr. Gurr to be printed in the paper.

*The Chairman*.] When did you recommence using the title?—I did not use the title immediately after I got the order, but other people continued to call me by it, as they were used to calling me by that name.

*Mr. Slipper*.] Have you received any order entitling you to resume the title?—No, I have not received permission to use the title.

Now, as regards these matters of sending subscriptions to Matau, attending and addressing meetings of the Mau, have you ever been told before that that was why you lost your trading license?—No.

JOHN KRUSE sworn and examined.

*Mr. Slipper*.] You were a trader for Messrs. O. F. Nelson and Co.?—Yes.

At what place?—Faga, in Savai'i.

What were your earnings there?—£30 per month.

Was there anything extra?—I was running a branch consisting of eight stations, and at the end of the year I got 10 per cent. of the net profits.

You got this notice from Mr. Bates?—Yes.

You sent a reply to that?—Yes.

This is a copy of the reply?—Yes.

Later, on the 16th August, you received this notice?—Yes. It is a copy of a letter sent by the Administration to Messrs. Nelson and Co. [Letters and notice put in: Exhibit No. 16.]

How did you get it?—The firm sent it to me.

*The Chairman* : I notice that this is different from the others. It simply refers to a license held. The others refer to trading licenses.

*Judge MacCormick* : It is called in the Collector of Customs' letter a "license to trade."

*Mr. Slipper* : There is no such thing as a license to trade. I may be at fault, but may I ask the witness?

*The Chairman* : But he will not know.

*Mr. Slipper* : Was anything sent direct to you by the Administrator, or was it from your office?—From my office.

*Judge MacCormick* : The first one was sent to the person concerned. This one was sent to the Collector of Customs from the Administration, and copy forwarded to witness by the Collector.

*The Chairman* : These proceedings are with reference to a trading license and not with reference to a store license.

*Judge MacCormick* : I think that section refers to a store license.

*The Chairman* : Subsection (2) refers to new licenses, but these proceedings are in respect of a trading license and not in respect of a store license.

*Mr. Slipper*.] Did you ever take out a trading license?—No.

Have you a license of any kind?—Yes, a copra-weigher's license.

That is the only license you have taken out?—Yes.

Where are you working now?—At the head office of O. F. Nelson and Co.

At the same wages?—No.

Are you married?—Yes, and I have two children.

How long have you been trading?—Four years.

Have you any other occupation or calling?—No.

Do you know why your license was cancelled?—No.

You can give no suggestions of any kind?—No.

*Mr. Meredith*.] Were you receiving Mau subscriptions?—Yes.

Did you forward them to Mr. Nelson in Apia?—Yes, by instructions from the firm.

And you were distributing Mau literature sent to you by the firm?—Yes.

And there were Native messengers coming over from Apia with Mau correspondence?—Yes.

By your boats?—I do not know anything about that.

Were the Mau people being carried at half-price on your boats?—Yes.

For how long?—I cannot tell exactly—about a fortnight.

To bring them to Apia?—Yes.

Do you remember a radio being sent by Mr. Lewis to Savai'i telling the people that the League of Nations had already made a law that no person in a mandated territory could complain direct to them, and that Tamasese and others had been deprived of their titles?—I remember the radio, but I do not remember about Tamasese.

At that time had you received a radio from Mr. Nelson sent over by Mr. S. Meredith to Savai'i?— I do not know about that radio from Mr. Nelson.

Did you not read out that radio to the Natives?—No.

And tell them that the radio from Mr. Lewis was all made up?—No. I do not know anything about it.

*Mr. Slipper.*] Have you ever been asked about these things before?—No.

It has been suggested that you received a radio from Mr. Meredith and that you read it to the Natives, and that you stated that the radio from Mr. Lewis was all made up?—That is absolutely untrue.

Have you any idea who the liar is?—No.

And that is all you know about it?—Yes.

CHARLES HELLESOE sworn and examined.

*Mr. Slipper.*] You are a saddler carrying on business in Apia?—Yes.

Were you born in Samoa?—Yes.

There is Samoan blood in you?—Yes.

Have you ever taken any active part in politics in Apia?—No.

All your life?—Yes.

How old are you?—Thirty-seven next month.

Are you a shareholder in the *Samoa Guardian*?—Yes.

Large or small?—Very small.

You received that notice, did you not?—Yes.

And you sent a reply, of which that is a copy?—Yes. [Put in—Exhibit No. 17.]

And that notice that you got was dated 25th June of this year?—Yes.

Do you know of anything that you have done contrary to the peace, order, and good government of the country prior to June, 1927?—No.

Do you know of anything you have done since?—No.

As far as you are able to tell, did you or did you not live prior to June, 1927, any different from what you did after that date?—No.

Have you taken any part in political meetings?—None whatever.

Can you account for that notice?—Only by rumours.

Is there any basis for any rumours?—Not that I am aware of.

If there were any rumours, how do you account for them?

*The Chairman:* What happened in this case?

*Mr. Meredith* (to witness).] Did anything further happen?—No.

SAMUEL VERNON MACKENZIE further examined.

*Mr. Slipper.*] You received a notice similar to that received by Mr. Hellesoe and others asking you to show cause why your trading license should not be cancelled?—Yes.

Did you reply?—Yes.

Since then has anything further been done by the Administration?—No; but I was approached by a Customs officer the next day, and also an ex Government employee, who suggested that I put the license in my wife's name.

*The Chairman.*] Who asked you to do that?—One of the staff of the Customs Department.

*Mr. Slipper.*] Do you know of any reason why this notice should have been sent to you?—I know of no reason whatsoever, except a dirty spying system.

*Mr. Slipper:* That concludes the evidence respecting the cancellation of trading licenses. The next question that arises is that of banishment orders, and with that heading I wish to incorporate the matter of cancellation of titles. I do not mean by that that every chief who has been banished has lost his title.

TAMASESE sworn and examined.

*Mr. Slipper.*] What is your present name?—Lealofi.

What is your usual home?—Vaimoso.

And what was your previous full name?—Lealofi Tamasese.

Is either of those names a title name?—Tamasese is the title.

And what sort of a title is it?—It is a king's title.

*The Chairman.*] Are you a descendant of Tamasese who was king during the German time?—Yes.

*Judge MacCormick.*] Are you a grandson?—Yes.

*Mr. Slipper.*] You have lost the title of Tamasese, have you?—Yes.

Who took it away from you?—The Governor.

Has it ever been given back to you by him?—No, although I was before him when the matter of giving my title back was discussed.

And it has not been handed back?—I consulted the Secretary of Native Affairs at a later date, and he informed me that no decision had been arrived at.

*The Chairman.*] That is Mr. Lewis?—Mr. Griffin was Secretary of Native Affairs then, and later Mr. Lewis.

What was the date you lost your title?—In the year 1924.

*Mr. Slipper.*] Was that the same date as you were banished?—I was banished first, and later my title was taken away.

You were banished on the 24th February, 1924: where were you sent to?—Leulumoega, Upolu.

How far away is that?—Twenty miles.

And after that were you sent anywhere else?—I was imprisoned for returning from Leulumoega to Vaimoso. The sentence was about a week.

Do you know for how long you were banished at first?—No period was given in the order.

Was it for as long as the Governor thought fit?—I did not think that it meant that.

Have you any of your papers now?—No, I have not the papers with me now; they are at home. [Subsequently put in—Exhibit No. 18.]

After you came out of gaol, what happened then?—I was sent to Savai'i.

Were you married then?—Yes.

Have you any children?—One at that time.

What were you banished for at the start?—I do not know, except that it had something to do with a hedge that I planted.

Did anybody ever tell you what you were banished for?—His Excellency told me that it was because I did not carry out his orders that I was banished.

What was His Excellency's order?—He ordered me to remove the hedge, which I had planted before any inquiry took place.

On whose land was that hedge planted?—On my own land, occupied by myself and where my house stands.

Did anybody else say that it was some-one-else's land?—No.

How do they settle disputes here about land?—Through the Lands and Titles Commission.

Did this matter go before that Commission?—Nobody took it before the Commission.

Who settled the whole thing?—His Excellency the Administrator.

And that is why you were banished?—Yes.

Your banishment appears to have expired?—My banishment has expired and I am back in my home.

*The Chairman.*] How long have you been back?—About two years.

The original banishment was in 1924?—Yes.

*Mr. Slipper.*] When you were in Savai'i did you ever come across to Apia?—Yes.

What for?—I wanted an investigation, a Court case to inquire into this order.

What happened?—I was imprisoned for three months. It was the second imprisonment.

*Judge MacCormick.*] Did he receive a notice about the finish of his banishment?—There was no period stated in the banishment order. Whilst His Excellency was round Savai'i on a *malaga* he informed my wife that the banishment had finished.

*The Chairman.*] Did your wife go into banishment with you?—She was visiting me at the time. Myself and family petitioned for the lifting of the banishment.

*Judge MacCormick.*] Simply a verbal message?—Yes.

*Mr. Slipper.*] Since you have been back has it been well known by the Administration that you have been back?

*The Chairman.* : There is no doubt about that.

*Mr. Baxter.* : In regard to the Native witnesses that come into the box, they will probably have other complaints. I suggest that it would assist the Commission if the Native witnesses are examined on various topics that we know are matters for complaint, and see what they have to say.

*The Chairman.* : I do not think that that will be very satisfactory. Only one counsel can examine a witness.

*Mr. Baxter.* : But this is a different point.

*Mr. Meredith.* : That was the arrangement: having finished with the known evidence, they should be invited to volunteer anything further.

*The Chairman.* : And what topics do you suggest, Mr. Baxter?

*Mr. Baxter.* : The emblems of authority, question of "fine mats," objection to the medical tax, the question of the Faipule.

*The Chairman.* : I think that the best plan would be for Mr. Meredith to proceed.

*Mr. Meredith.*] Did you ever have a case before the High Court over this land?—No.

Were you not ordered by the High Court to give your land up?—No.

Did you hear Ale Lui give evidence?—Yes.

Did you hear that Ale Lui asked for Sola and Kele to be banished from their village?—Yes.

And that Ale Lui thought that it was all right for them to be banished because they were up against him?—Yes.

Would you ask for any one to be banished if you were up against him?—We would do that by Native authority, which we wish the Administration to uphold.

Then it is the Samoan custom to banish when Natives raise trouble in their villages?—I would do the same as Ale Lui, and request the Government to exercise that power.

Do you know what the law about banishment under Malietoa was?—I do not know,

*Mr. Slipper.*] It was asked of you whether there is a High Court case about this land with the hedge on it, either here or at Mulinu'u?—There is no order.

Only an order of banishment?—Yes.

You said that it is the custom of the Natives to banish any Natives when they make trouble in the village?—Yes, on the authority of the chiefs.

In any case where there is a banishment is there a Fono beforehand?—There would be a meeting of the chiefs and orators.

And does the man who is being banished get a chance to say anything?—He would be brought before the chiefs and orators and given a chance to state his side.

You talk about being banished if you make trouble: do you know of any one ever being banished without making trouble—I mean, *fa'a-Samoa*?—I know of no banishment without a proper inquiry.

Were there many or only a few banishments *fa'a-Samoa*?—There were not many banishments by chiefs.

Have you ever heard of forty-six in one day?—No.

*The Chairman:* Is it your case, Mr. Meredith, that the order was made in respect to this land and the order was disobeyed?

*Mr. Meredith:* I have not got the full particulars, but they will be put in. There was some dispute about the land. An order to remove the hedge was made, which order he refused to obey, and there was an inquiry before the Administrator.

*The Chairman:* How far is it from Vaimoso to Apia?

*Mr. Meredith:* About two miles.

*Judge MacCormick:* This man does not know whether he got his title back or not. He only knows in a roundabout way that his banishment is at an end.

*Mr. Meredith:* The position is that the Administrator has no power to give back the title. The right belongs to the family, and the title can be given back by the family only if it chooses to do so.

*Judge MacCormick:* This title was taken away by the Administrator by a process of law. As far as the Administrator is concerned, what he can take away he can give back.

*Mr. Meredith:* No, sir, because in the meantime the title may have been given to some one else.

*Mr. Baxter:* I presume the family would have to regrant it.

*Judge MacCormick:* The order taking away the title, Mr. Baxter, has to be for a specified period. That Ordinance clearly prescribes that the time must be in the order.

*Mr. Baxter:* I have not gone into the question.

*Judge MacCormick:* I am not addressing you alone; I am addressing the counsel for the Administration as well.

*Mr. Meredith:* It may be a specified time, but it would act more as a suspension. I do not know whether any Act has been issued during the period of the present Administrator or not.

*Judge MacCormick:* This was done by the present Administrator?

*Mr. Meredith:* We will see if the order can be found. The Administration no doubt has a duplicate of the order.

*Judge MacCormick:* As at present advised, I disagree with the idea that the title should be reconferred by the family. It was taken away by the Administrator.

*Mr. Meredith:* In some cases the title was bestowed by the family on some one else in the meantime.

*Judge MacCormick:* That is a matter between the deprived person and his family. If the family have chosen to bestow it upon some one else he must tackle his family.

*Mr. Baxter:* That is an order where there is no time specified, so my friend Mr. Meredith advises me.

*The Chairman:* Was there a fixed time in this order?

*Mr. Meredith:* No.

*The Chairman:* It does not appear to follow the statute at all. In common law that would be read as a banishment for life. Apart from the question raised by my colleague, it looks as if that order did not really follow the statute-book at all.

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FRIDAY, 30TH SEPTEMBER, 1927.

TAMASESE further examined.

*Mr. Baxter.*] Have you any complaints to tell their Honours.—Yes.

What are they?—I am not satisfied with taking away the titles of high chiefs.

Have you heard of the "fine mats" customs?—Yes.

What do you wish to say about that?—The "fine mat" ceremony was stopped by the Government and the Faipules.

In what way?—By the rule of the Governor and the Faipules.

Why do you object to the Government having stopped the presentation of these "fine mats"?—I object to it because it is not necessary. It is a custom of the Samoans from olden times.

And you object because it was not necessary to stop it?—Yes, because it is not necessary.

The Samoans pay a medical tax: what do you wish to say about that?—In my opinion, that is not necessary, because many of the people have their money wasted on the tax. They do not get the benefit of their money.

In what way do they not get the benefit of their money?—Because the people in those districts where the hospitals are situated—Apia, Tuasivi, and Aleipata—have the benefit of the £1 tax which

they pay. Also because the custom in Samoa is different from the European custom: in Samoa when a Samoan is sick his relatives will assemble and subscribe the money to help to pay for his medical attention.

*Judge MacCormick:* Does the witness suggest the substitution of voluntary subscriptions?

*Mr. Baxter:* I understand that the family would rather look after their own people than pay the tax.

There is talk of dividing up the lands by the Government among the people: what have you to say about that?—In my opinion, that system does not agree with the Samoan custom. I am speaking of the Government dividing up the land with the consent of the owners of the land.

Who is the Faipule of your district?—Seiuli.

Do you wish to say anything about him or not?—Yes, I wish to say that I am not satisfied with him because he was nominated by the Administrator to be a Faipule, and that was not the wish of the district.

Although so nominated, he might be a very good Faipule?—Yes; but I complain against him because any request or point raised by the district which they (the district) wish to bring before the Administrator is not done.

Give me an incident, please?—One matter is about the medical tax.

They brought this to the Faipule's notice and it was not brought forward?—No. We brought that before him and we received no reply.

*Judge MacCormick.]* Brought what forward?—The question of the medical tax, sir.

*Mr. Baxter.]* Why did you not see the Secretary for Native Affairs?—Because if I go there they refer me back to the Faipule.

Has that ever happened to you before?—Many times.

Please give me some incident?—I went to the Secretary for Native Affairs (Mr. Griffin) to get some more light about the titles question, but he referred me back to the Faipule.

*The Chairman.]* What year was that in?—In the year 1923.

Who was the Administrator then?—It was shortly after the arrival of the present Administrator.

*Mr. Baxter.]* Is there any other incident?—I think that that is sufficient.

*The Chairman.]* Is that the only incident?—That is the incident.

*Mr. Baxter.]* You remember the first meeting that was held at the Market Hall here?—Yes.

Did you go to that meeting or not?—No, I was not at the first meeting.

Do you belong to the Mau or to the Malo?—I am a member of the Mau.

How did the present trouble come about?

*The Chairman:* Is that a necessary question, Mr. Baxter?

*Mr. Baxter:* I do not know what his evidence will be.

*The Chairman:* Let us understand that there must be some relation to the value of the evidence and the length of this inquiry.

*Mr. Baxter:* I will keep it down as much as I possibly can, sir. (To witness:) There is trouble here at the present time: is it as bad now as it was, or is it better?—It is getting worse.

What has made all this trouble?—Because the Samoans wish to bring forward their grievances in accordance with the proper channels.

What do you mean by "the proper channels"?—To announce or to tell any grievances.

*Judge MacCormick.]* Yes, but through what channels do you wish to bring them forward?—To the proper authority—that is, the Administrator.

To the Administrator?—Yes, but it was refused.

*Mr. Meredith.]* Did you ever have an interview yourself with the Administrator about being given time to fix your family affairs before going to Fagamalo?—There was an interview with Mr. Ross, but not with the Administrator.

And were you not given ten days' additional time by the Administrator?—Yes, I was; but the family, I told him, was my wife and children, and not the big family.

Did you tell Mr. Ross to tell the Administrator that you had acted wrongly, and that you would be loyal and grateful to the Administrator in the future?—No, I did not.

Does not the Administrator hear all complaints from the Natives on his *malagas* through the island?—Yes.

Has your village made any complaint, on the Administrator's *malaga*, about this Faipule?—No.

Do you wish the Fono of Faipules to be abolished?—I wish the Fono of Faipules to be elected by the people.

How should they be elected by the people?—From a Fono of the district, who will discuss upon whom they will agree to become a Faipule.

If the Faipule is chosen by the District Council, you are satisfied?—Yes.

When was the Faipule Seiuli appointed?—I could not say now.

Was he not appointed long before the present Administrator came to Samoa?—Yes, but not long before the Administrator came to Samoa.

Do you know that the question of the *malagas* for the presentation of "fine mats" was discussed by the Fono of Faipules?—I do not know for certain, but I think that it was discussed by the Administrator at the Fono of Faipules at Mulinu'u, because we found later on that the law came into force.

If the Faipules thought that these *malagas* should be stopped, would you then be satisfied?—I would not, because such would not be the custom.

Do you know better than the Faipules?—Yes, I know better than most of them.

Do you remember how bad yaws were some years ago?—I do remember.

And that such a state of affairs was very cruel for the Samoan children?—Yes, for some of the children.

Is there not much less yaws now?—Yes, there is less yaws to-day, because the people] have now learned how to treat the disease.

And have not the Administration doctors given treatment for the yaws?—Yes.

And are not the Samoans thankful for that?—They all wish to give thanks.

But they are not prepared to pay the cost of it?—They are now paying it, as the Samoans pay the medical tax.

Do they not think that it is right that they should pay for it?—They should, but not in the way of permanent tax, but only to pay when it was required.

Do you know what hospitals and stations there are besides the Apia Hospital?—Yes; I know of other hospitals, and also of other dispensaries.

Do you think that they are good?—Not so good, because they cannot fix up the sick people outside—that is, in cases of serious sickness. They nearly all give some medicine just for the time being.

Do you think that there can be a big hospital in every place?—I do not think so.

It would cost too much money, would it not?—Yes.

Too much money for the Samoans to pay?—Yes, it would be too much for them to pay.

Have you seen the reports issued by the European committee?—I have not received any up to date.

*The Chairman.*] You told us that you were a member of the Mau?—Yes.

Were you aware that one of the purposes of the Mau is to secure certain political reforms in favour of the Samoans?—I am aware of that.

Were you told that the object of the Mau was to secure practical self-government for the Samoans?—That is also my opinion.

That is not quite an answer. Were you aware that the object of the Mau was to advocate self-government for the Samoans?—Yes, that is a true object of the Mau.

Did the Mau desire to have New Zealand removed from the government of the country?—Yes, it is the wish of the Mau that Samoa should be controlled by the Samoans.

The Mau desire that the Samoans should control the government of Samoa, and not New Zealand?—That is the true desire, with the condition that Samoa should be under the protection of the British flag—to protect this country by the British flag if they were attacked by the other nations.

Did you understand from the *papalagi* members of the Mau that these were some of the purposes of the Mau?—That was my true opinion and also the opinion of the other Samoans.

Did the *papalagi* members of the Mau know what was in the minds of the Samoan members of the Mau about the control by the Samoans of Samoa?—I do not know about that.

Do you regard the members of the Citizens Committee as members of the Mau?—They also have grievances as well as the Samoans.

You have not yet answered my question. Do you regard the members of the Citizens Committee as members of the Mau?—They are, but there are different grievances.

Have you great confidence in the *papalagi* members of the Citizens Committee?—No; I have confidence in only myself and my own people.

Do you say you have no confidence in the European members of the Citizens Committee?—No, I have no confidence in the *papalagi* members of the committee.

Do not the *papalagi* members of the committee guide the work of the Mau?—That is the fact when the two sides join together.

When the two sides join together would not the Samoan members of the Mau naturally defer to the opinion of the *papalagi* members?—They have their own different inspirations.

Did the Mau ever work for the removal of the present Administrator?—No.

That was not, then, an object of the Mau?—No.

Are you sure that it was not the purpose of the Mau to secure the removal of the present Administrator: Yes or No?—No.

*Judge MacCormick.*] Do you know any reason why the Faipules recommended or the Administration ordered the ceasing of the ceremony of the presentation of “fine mats”?—I do not know, because I was not there at the discussion of that matter.

With regard to this medical-tax question, have you formed any idea, or has any one ever given you any idea or suggested any idea, of how much each family would be called upon to pay if your suggestion was adopted?—No.

Is not that a very important thing?—Which amount do you mean?

The amount of the whole of the Administration medical expenses having to be borne by the families of the persons who happened to be sick?—No, because the families would subscribe of their own free will.

But supposing that they did not, where would the money come from?—I have never heard of anything which any Samoan family could not do in all my life.

They are different, then, from those in other places?—Yes, sir.

#### ALIPIA sworn and examined.

*Mr. Slipper.*] What is your present name?—Siaosi.

You have been banished as well, have you not?—Yes.

Is that the Banishment Order?—Yes. [Exhibit No. 19.]

What exactly is your rank?—A very high-standing orator in the district of A'ana.

Is there any higher than you?—I am the highest orator in the district of A'ana.

Did you have only one order made against you, or was there more than one order?—I had two orders—one before this last one.

Was the previous order dated the 7th July?—Yes, nine days before the other order.

Where were you ordered to?—Leulumoega.

Is that your own place?—Yes.

Where were you when you got that order?—I was at Lepea.

Have you a copy of that?—No.

For how long were you sent back to Leulumoega?—I was ordered to remain there for three months.

So that, after nine days, you then got an order telling you to go to Vaiusu?—Yes.

And stay there for how long?—To remain there for twelve months.

Are you married?—Yes.

Any children?—Yes, three children.

Where are they living?—They are living at our home in Leulumoega.

Can they come and live with you at Vaiusu?—They could not come and leave our home.

That means that you have to live apart from your wife and children for over twelve months?—Yes.

Was there any arrangement made as to where you were to stay in Vaiusu?—I was ordered to remain at Vaiusu in the house where the policeman found me when he came to serve the order on me.

Was any arrangement made for your food and keep?—When I received the order I spoke to Mr. Lewis about it, and told him that I was ordered to reside at Vaiusu, and that no arrangement had been made as to which house I should reside in, and that no arrangement had been made for my support in the way of food.

And did you get any reply?—Mr. Lewis did not answer me, but Tu'u'u answered me, saying, "You are to remain in the house in which you were found by the policeman." I then said to Tu'u'u, "If I am to reside in the house where I was found by the policeman, then I should reside at Lepea, since I was found in Vele's house in Lepea." Tu'u'u then said, "Have you no relatives in Vaiusu?" I said, "It does not matter whether I have or have not, because I cannot go to my relatives' place, since I have not been invited."

*Judge MacCormick*: What authority did the interpreter, Tu'u'u, have to give any instructions at all?

*Mr. Slipper*: I do not know, sir, but the interpreter is an authorized official at Mulinu'u. The Natives apparently regard every one in Mulinu'u as having equal authority. (To witness:) Yes?—I am still trying to finish the explanation. Tu'u'u then said to me, "Cannot you go and build yourself a house?" I replied to him, saying, "Who is going to build it? If the Government are going to erect a house for me, then I should not have to go to Vaiusu just yet, until the house is completed, and I can take up my residence there." Tu'u'u then said, "The Government cannot do anything more." I said, "Well, I will decide which house in Vaiusu I shall live in." Tu'u'u said, "Very well," so I went and lived at Nu'u's house at Vaiusu, and I am still living there.

Was any provision made for the keep of your wife and children?—The Government did not make any arrangement about that.

Did the Government make any arrangement for the protection of your wife and children?—No.

*Judge MacCormick*: In connection with that, Mr. Slipper, I think you are speaking in New Zealand terms?

*Mr. Slipper*: I think that in the ordinary case of women and children some protection is required, and I think that also applies here. (To witness:) Do you know why the first order was made out?—Because I joined the Mau.

Did any one tell you about it?—I was sent for by Mr. Griffin. When I appeared before him he said that the Government had learned that I was on the Mau committee, and told me that I should not be a member of that committee.

*Mr. Slipper*: There is a point that we must clear up here. When I talk about the first order I am talking about one made apparently on the 7th July, 1927. There appears to be some confusion on this point, as he had more than two orders.

*The Chairman*: I think that this conversation with Mr. Griffin was most probably a preliminary warning.

*Judge MacCormick*.] Is it quite clear that you had a conversation on the subject with Mr. Griffin?—Not after this order was made, but on one occasion I went to see Mr. Griffin and had a conversation with him when the Mau started.

*The Chairman*: In the evidence so far there is no definite evidence as to when the Mau did start.

*Mr. Baxter*: That is the dispute in point, sir.

*Mr. Slipper*.] Tell us about the conversation with Mr. Griffin?—I told Mr. Griffin that I would resign my Government appointment and that I would remain on the Mau committee.

*The Chairman*: It could not have been the committee of the Mau then. There was no committee then.

*Mr. Baxter*: The committee was formed in October, 1926, sir.

*Mr. Slipper*.] What was this Government appointment?—*Pulefa'atoaga*.

Where?—In the A'ana district.

Did you give up that position yourself, or were you taken out of it by the Malo?—I resigned.

*The Chairman*.] Can you give us the date of your resignation?—I cannot say the date, but it was at the time I had the conversation with Mr. Griffin, shortly after the commencement of the Mau.

*Mr. Slipper*.] When you resigned did you put your resignation in writing?—First of all I gave notice of my resignation verbally, and then followed it up with a written resignation.

To whom did you send that resignation?—It was addressed to Mr. Griffin.

Has anybody else, besides Mr. Griffin, told you why you were banished?—Nobody told me anything about why I was banished to Leulumoega; I only received the order from His Excellency.

Did nobody ask you any questions about it: I am still referring to the first order in July?—No.

Then, nine days afterwards you got a second order to go to Vaiusu?—Yes.

Did nobody tell you why that order was made out?—No; I only received the banishment order.

Did nobody tell you what you had done wrong?—No; but I had in my own mind the reason why, and it was because I was a member of the Mau.

Did nobody ask you any questions about it?—No.

Were you asked to go before His Excellency, or Mr. Lewis, or anybody else in authority?—Yes; I was called before His Excellency the Administrator.

Did you go?—Yes.

What happened then?—I was just going into the building of the Native Affairs office at Mulinu'u when His Excellency was leaving there to go to Apia.

Were you late?—I arrived late. Mr. Braisby came to me and asked me why I had not appeared at the proper time. I told him that I had been unwell the day before and that I had just come.

When you got to the door there do you think that His Excellency saw you?—Yes; he looked straight at me.

Does he know you well?—Yes.

Is there anything else you can tell us about it?—When His Excellency was on his way out he saw me, and I saluted as he passed. I then sat down in a chair. His Excellency got into his motor-car and came away. Then Mr. Braisby came to me, as I have already stated.

Is there anything of any importance that happened between the time when you saw His Excellency there and the time you got the second order?—I was served there and then with the second order by the messenger at Mulinu'u office.

*Mr. Meredith.*] You are a member of the Mau committee?—Yes.

And were at the first meeting held in October?—Yes.

And were elected a member of the committee?—Yes.

Who asked you to come to that meeting?—I was not asked by any individual to come. I learned that there was to be a meeting on that date, and I went to it on my own account.

Who told you that there was to be a public meeting that night?—I heard other Samoans speaking about it.

How many days before the meeting did you know of that meeting?—Two days before.

Do you remember the Administrator being in your district three days before the meeting?—I think that would be about right—two or three days before.

Do you know Tuimaleali'ifano?—Yes.

Is he a friend of Mr. Nelson's?—I do not know if they are friends.

Did you say that there would be trouble in Falelatai when the Administrator went on the *malaga*?—I cannot remember whether I told anybody that or not.

Did you know that Mau meetings were being held there before the Administrator went there?—No, I did not know.

Did you not know that Tuimaleali'ifano was forming a Mau at Falelatai before the Administrator went there?—I do not know that.

After the public meetings did you form Mau meetings in your district?—I did not call any meetings in my district.

Did you explain the Mau movement to Natives in your district?—I only explained to my own village what had taken place at the public meeting.

Did you persuade them to join the Mau movement?—No, it was left to themselves to decide.

Did you tell them that the movement was good?—No, I only explained what the Mau meeting was and that I belonged to it.

You are an official chief, are you not?—I am the highest orator on the district of A'ana.

Would not the Samoans in your district follow your lead?—They would follow.

Were you not at this time a Government official?—Yes, I was a Government official at that time.

Did not Mr. Griffin speak to you about this matter?—Yes, he spoke to me about it.

And told you that you could not be a public official at the same time that you were working against the Administration?—No. Mr. Griffin said that I should not be a member of that committee, but that I should stick to my Government appointment.

But did not Mr. Griffin explain to you that you could not do both?—No; he only said, as I mentioned before, that the Government was just considering promoting me. Mr. Griffin said "You will be appointed a Faipule in January." I then said to him, "As I have resigned from my present Government position, I shall resign from any other Government appointment that is offered to me."

You were dismissed, were you not, as from the 14th December by the Administrator?—I was not dismissed; I resigned.

You were paid up to the 14th December, were you not?—Yes.

After that did you still go on talking to your people about the Mau movement?—Yes, but I did not ask them to join the Mau.

Did the Administrator send for you on the 12th January, 1927?—I cannot remember whether I was sent for.

Did you have a conversation with the Administrator after Christmas?—Yes, there was a conversation between His Excellency and myself shortly after Christmas, at which I was ordered to return to Leulumoega.

And you were told to remain there for three months?—Yes.

Before His Excellency made that order did he not ask you to give up working for the Mau?—No.

What did His Excellency say to you about the Mau—that is, about what you were doing in the Mau?—He said nothing about the Mau.

Are you sure that His Excellency did not say anything about your connection with the Mau—you must be careful?—His Excellency spoke about it and advised me—

What did His Excellency advise you?—He told me to leave the Mau, as it was wrong.

And did you say that you would not leave the Mau?—I did not answer, and did not have any opportunity of giving any explanation. After he finished talking I had to go at once.

Did you tell the Administrator that you would not talk to the Natives about the Mau?—As I said, I had no opportunity of saying a word. When I tried to speak His Excellency told me that there was no necessity for me to reply.

Can you speak English?—No, not at all.

His Excellency can speak Samoan, can he not?—Yes, I think he understands Samoan.

Were you speaking in Samoan at this interview?—His Excellency spoke in English and it was interpreted.

Did you say anything at all at that meeting?—No, not a word.

You did not open your mouth at all?—No.

When you went back to your village did you again speak to the Samoans there about the Mau?—Yes, I spoke to them about the Mau, but I did not ask them to join the Mau.

You were asked, as you have already told us, to appear before the Administrator on the Administrator's *malaga*: were you not given a definite time in which to appear at the *malaga* in July, 1927?—Yes, I received instructions.

And you did not come at that hour?—No; I did not go on that day, nor at all.

It was after this that the order of banishment was made—that is, the second order?—Yes, soon after that *malaga* I received that order.

When you did not appear at all the first time were you not given another chance and you were late?—Yes, that is so.

Did you not, with others, sign a letter declining to leave Apia and meet the Administrator on his *malaga*?—Yes, I signed that letter.

Did you, with others, persuade the Natives in the various villages not to meet the Administrator on his *malaga*?—No.

Do you know how it was the Natives declined to meet the Administrator on his *malaga*?—No.

Was it done through the Mau?—No.

Those Natives who did not go, were they members of the Mau?—Yes.

*Mr. Slipper.*] Are the Natives compelled to meet the Administrator when he goes round on his *malaga*?—That is the usual procedure—that is, the Administrator instructs the Faipules to instruct all the people of the districts to attend.

If any of them do not attend do they get into trouble over it?—The Faipule inflicts a punishment.

What sort of punishment?—A fine of 10s. to each person who fails to go along to the *taalolo*.

To whom is that fine paid when it is inflicted?—It is paid to the Faipule.

How long has that been the law?—I cannot say; two or three years ago it was commenced.

Was there any similar law under any previous Administration?—I do not know of the procedure before.

When you signed the letter referred to, was that before or after the order of banishment was made?—We got the banishment orders first, and it was as a result of the banishment orders that we wrote the letter.

When this talk was going on about Tuimaleai'ifano forming a Mau at Falelatai had you been spoken to about this by the Government or anybody else?—No.

*Judge MacCormick:* He did not attend. He was asked to attend before the Administrator on two occasions, but he did not.

*Mr. Slipper.*] Coming back to the conversation shortly after Christmas, was any order handed to you?—I received a written order.

To go away?—Yes.

Was the order for you to go at once?—Yes, to immediately leave Apia.

There were three orders made against you then?—Yes, three written orders.

Did you obey?—Yes, I went.

You were asked if you were not dismissed from your position as a public servant: you notice that my friend Mr. Meredith was asking that question with the Government files apparently in front of him?—Yes.

Did you see the Administrator again after the talk about criticism—that is, up to July—after the interview in January: did you see him again?—I did not interview him again.

Did you see any Government official or have any talk with a Government official?—Only Mr. Lewis, with reference to the letter dismissing me. I received a letter from him stating that I was dismissed as from a certain date. I went and interviewed Mr. Lewis about it, and asked him to alter the word "dismissed" to the word "resigned."

Had you written a letter yourself stating that you had resigned?—I sent him my resignation in writing as well as verbally.

Was he the only Government official you saw?—Yes.

*Judge MacCormick:* He was the only Government official that he could have seen or asked to see. He was specially asked to see the Administrator, and he definitely refused. He did not go at that time,

nor did he go at any other time. The second time he went was at the time which suited him and not the time appointed.

*Mr. Slipper* : May I clear up the point ? I am not clear on this point.

*Judge MacCormick* : I am only clear as to what I heard your witness say.

*Mr. Slipper*.] Were any of these requests to see the Government made before the 7th July, 1927 ?  
—No.

So that you know nothing of what led up to that banishment order of the 7th July, 1927 ?—  
That is so.

*Mr. Baxter*.] Do you know what I refer to when I mention emblems of sovereignty ?—Yes.

Do you or do you not wish to say anything to the Commission about that ?—Yes.

Do you know of your own knowledge what were handed over ?—I have heard about them.

*The Chairman* : Assuming that these so-called emblems of sovereignty were handed over, you can ask the witness any questions you like if it is worth while.

*Mr. Baxter* : I wish to bring up the alleged grounds of complaint. What do you wish to say about them ?—These have got their own special names, but they are not the emblems of sovereignty.

*The Chairman* : We do not want to know that. The cause of complaint with regard to these emblems of sovereignty being handed over and transferring the sovereignty to New Zealand is all nonsense ; it is all rank absolute nonsense, which could only have arisen in the ultra-suspicious minds or ultra-ignorant minds.

*Mr. Baxter* : Or of the Natives.

*The Chairman* : As I say, ultra-suspicious or ignorant minds. I am not referring to any race.

*Mr. Baxter* : The complaint is the way in which they were handed over.

*The Chairman* (to witness).] It is not what was done, but the way in which it was done ?—I feel sorry for the New Zealand Government being misled by such emblems.

What complaint do you want to make ?—I am dissatisfied with the way in which Toelupe termed the emblems the sovereignty, when they were not.

Is that the only complaint ?—Yes.

*Judge MacCormick* : Will you please translate this. The presentation of these articles, whatever they were, by a Samoan chief or chiefs to the Governor-General has no effect whatever upon the position of New Zealand in regard to Samoa. The position of New Zealand with regard to Samoa is fixed by the mandate from the League of Nations, and neither the Samoan chiefs nor the Government of New Zealand can alter that mandate, and whatever took place between the chief or the chiefs and His Excellency the Governor-General has no effect on the relations of New Zealand and Samoa. I make that statement with the concurrence of the Chief Justice, and we hope it will relieve the Native mind of any suspicion as to any effect the presentation might have. The Commission has no authority to speak for His Excellency the Governor-General, but he, no doubt, would understand the presentation of the articles referred to to be a mere compliment. However that may be, these emblems can have no effect whatever in regard to the standing of New Zealand with Samoa. Having that explanation, I think the reference to this question might be considered as closed.

*Mr. Baxter* : It relieves me of the necessity of having to worry any further about this matter and I hope it will be satisfactory. (To witness :) With regard to the presentation of "fine mats," &c., do you wish to say anything about this question to the Commission ?—Yes. It should not be prohibited, as it is a Samoan custom and shows the rank of various chiefs.

Were not the Samoans prohibited from the presentation of "fine mats" ?—Yes.

Mention has been made with respect to the medical levy : do you or do you not wish to say anything about that ?—I have something to say about that. I am not satisfied that the people should pay the medical tax, as not every one requires medical attention or treatment.

Why should they not pay the tax ?—If a person requires medical treatment he should pay for his own medical treatment.

*Judge MacCormick* : You cannot support a contention of that kind, as the system would break down at once.

*Mr. Baxter*.] Mention has been made with respect to the dividing-up of land in the villages : do you wish to say anything about that ?—I am not satisfied with that law either.

*Judge MacCormick*.] It is not a law.

*Mr. Baxter* : It appears in a booklet that has been published. I have not seen a corrected translation. Of course, I am speaking subject to correction. It was a law passed by the Faipules.

*Judge MacCormick* : They cannot pass a law of that kind.

*Mr. Baxter* : I know, sir.

*Judge MacCormick* : Well, pass on, then, and treat it as a proposal from the Faipules to the Administration.

*Witness* : The Samoans call any rules or regulations laws.

*The Chairman* : My colleague states that in his experience Natives frequently are not able to distinguish between an existing law and a proposed law.

*Mr. Baxter* : I will call it a proposed law. (To witness :) What is your view as to that ?—If that were done, then the *matai* would have no authority over his family, and it would result in serious trouble.

Is that the only complaint ?—The *matai* of the family should continue to distribute the family land amongst members of his own family : that is the Samoan method. That is all on that point.

What is the name of the Faipule, or is there more than one Faipule, in your district ?—His name is Logo. There is more than one Faipule for that district.

What are the names of the others in your district ?—Their names are Aiono, Salanoa, Nanai, and Su'a.

Is there anything which you desire to say about the Faipules?—I do not wish to speak about the other Faipules; I only want to speak about my own. When it was decided in the Fono of Faipules that the Native lands should be divided he came back to our village and gave out the following: it has been decided in the Fono of Faipules that the Native lands shall be divided. He instructed the *pulenu'u* to commence right away to divide up the land. The Faipules, the *pulenu'u*, and the village committee then went on to Native lands and divided it up in their own way.

How did they divide it?—Boundaries are arrived at, and each person in the village is given 1 acre of land.

Did they observe the boundaries of the land of the different families?—In some cases family land was divided up amongst that particular family; in other cases the land was cut off from one family and given to another family. They had gone on pretty far with this work when somebody lodged a complaint with the Faipule. The village was called together and the objectors stated their objections. The matter of the division of the land was discussed, and it was agreed that the land should not be divided up. People have gone so far as to cultivate their portion of the land allotted to them by the Faipule. I was not satisfied with the Faipule's action in agreeing with the objectors that the land should not be divided. We think he is wrong in that, and that after dividing the land it should be left at that. That is the complaint against the Faipule.

*Judge MacCormick.*] Do you agree with the division of the land, or do you object to it? You object to the Faipule having drawn up the scheme of distribution?—(No answer.)

*Mr. Baxter:* He qualified that by saying that after it was divided up some of the people were cultivating it.

*Judge MacCormick.*] They live in families, do they not?—Yes, but it was one of the other families. I am taken entirely by surprise at the witness's answer. That is all I can say.

*Mr. Baxter.*] You are a member of the Citizens Committee: why did you go to that first meeting?—I went of my own free will to state my grievances.

We know that you were elected to the committee, and we have heard about the growth of the Mau?—Yes.

There is trouble now in Samoa, and I want you to tell the Commission shortly what was the cause of that trouble?—There are so many laws and regulations passed by the Government.

That is no good: you must tell us what regulations you refer to?—One of the particular laws is that enabling the Administrator to take away titles of Native chiefs. There is also the stopping of the Samoan custom, the "fine mat" regulation. There are other laws, but I cannot remember them just now.

*Mr. Meredith.*] Did you attend all the meetings of the Citizens Committee?—I attended the meetings of the Citizens Committee until I was ordered away.

Where they held in Mr. Nelson's office?—Yes, they were held in Mr. Nelson's office.

And do you remember the meeting when the reports were brought in by the various members?—I was present.

Do you know what was in Mr. Williams's report?—I did not take any notice of the European reports, but only the Samoan reports.

You took no notice of the European reports?—That is so.

Did the European try to explain those reports to you?—No.

Have you attended any big *fonos* of the Mau during the last three months?—Until I was ordered away, yes.

Where were those *fonos* held?—Some were held in Lepea and some in Tuaeфу.

What Europeans spoke at those *fonos*?—Mr. Williams spoke, as well as Mr. Smyth and Mr. Gurr. That is all I can remember.

Did Mr. Nelson speak at any?—Yes; he was the chairman and he spoke.

At all these *fonos* Mr. Nelson was chairman?—Yes.

And did the Europeans tell the Natives that the principles of the Mau were good?—Yes.

You remember His Excellency the Governor-General of New Zealand coming to Samoa?—Yes. The Natives made no complaints to him at all?—I did not remember any, nor do I know of any complaints.

They made statements of loyalty and affection towards him, did they not?—Yes.

That was in May, 1926?—Yes.

Did they have any grounds for complaint in 1926?—Yes.

Why did they not make them then to His Excellency the Governor-General?—I was appointed to make a speech to welcome His Excellency the Governor-General. There were grievances that I intended to put forward in that speech, but the Faipules ordered me not to make any complaints in my speech.

Did you report them to the Administrator at that time?—No; but only my own personal grievances were put before the Administrator.

Should you not, as a public official, have told the Administrator of any general grievance that was in existence at that time?—I did report to him the grievance of the Samoans.

When?—When he was on his *malaga* round the island in November of last year. I cannot remember the month distinctly, but it was about that time during his *malaga* last year.

That was after the two public meetings that were called by the Citizens Committee, was it not?—I met His Excellency the Administrator and advised him of the grievances before the two public meetings.

Where was that?—At Leulumoega.

Was that on His Excellency's *malaga*?—Yes.

Who obtains the "fine mats" that are presented?—The orators receive the "fine mats" as well as some of the chiefs.

So that in your district when any "fine mats" are presented you divide them with the others?—All the chiefs receive them.

Do not the orators receive the big share?—Yes, the high-standing orators would get more than the lower ones.

You are a high-standing orator, are you not?—Yes.

Was not the proposal to divide the land in the village considered by the village council?—Yes.

Is that not your signature [file handed to witness]?—Yes.

Is that not an agreement by all the people to subdivide those lands?—Yes; that is why we decided the Faipule should have the land we all agreed with. When the Faipule went back on it, that was why we were dissatisfied.

You were agreeable to the division of the land?—Yes; but I am not satisfied with it now.

Are you interested in the health of the Samoan people?—Yes.

Are you satisfied that yaws and hookworm are less now than was formerly the case?—Yes.

Are you not grateful to the Administration for what has been done in that respect?—Yes, we are grateful.

Do you not think that the Administration has done good work for the Samoans?—Yes, good work for the health of the Samoans.

Did you know that Mr. Williams reported that that was not so?—I do not know.

Mr. Williams did not tell you?—Mr Williams only said that there was some matter about which their section was dissatisfied with the Medical Department.

Did he tell you that the Medical Department was bad?—Yes, he said that.

Did he translate to you what he actually did say in his report?—No.

Do you not think that the Samoans should pay for the medical services against yaws and hookworm?—When a person wants an injection for yaws he should pay for the injection, and when he requires medicine for hookworm he should pay for it.

If money can be spent to prevent yaws and hookworm in Samoa, would that not be money well spent?—Yes, it would be useful.

Do you not think it would be better to prevent the disease from coming in than to cure it when it is here?—The prevention is all right, but when one gets sick he ought to provide money to pay for his own medical treatment.

Do you not know that in other countries medical taxes are paid by the people?—I did not know that.

Did not any of the Europeans explain what was done in other countries?—No.

Do you approve of Samoans being sent to Fiji to be trained as Native doctors?—I approve of that.

Do you approve of Samoan girls being trained as nurses?—Yes.

Do you not think that the Samoans should pay for the training of their doctors and nurses?—That might be so, but in my opinion the Samoan taxes are quite sufficient to cover those expenses.

If the other taxes were not sufficient, would you think it only right to pay?—No. There are quite sufficient Samoan taxes paid to cover all the Samoans expenses.

If they were not agreeable, would they not be agreeable to pay more for the medical services?—I would not agree.

Who told you that the taxes from the Samoans were sufficient to pay the medical expenses?—No one told me.

Have you seen the balance-sheet of the Administration?—No.

*Witness:* I would like to correct a statement that was made this morning with reference to what I said about Mr. Williams having informed me of grievances against the Medical Department. I thought I would ask who dealt with that particular matter. Mr. Williams, Faumuina, and myself were appointed to go into the matter of the Medical Department—Mr. Williams for the European members of the Citizens Committee, and Faumuina and I for the Samoan members. I expect Mr. Williams's report and the report made up by Faumuina and myself are before the Commission. Mr. Williams mentioned to us that they were dissatisfied with the Medical Department. That is all.

*The Chairman.*] Were you present yesterday when Tamasese was examined by me?—Yes, I was present.

Did you hear the evidence?—Yes, I heard the evidence, but I cannot remember all that was said.

Do you agree in substance with the evidence given by Tamasese?—No.

What do you disagree with?—I did not discuss the matter with Tamasese, and I did not know that we disagreed.

Is Tamasese a high chief?—Yes, he holds the king's title.

There is a passage in the Samoan Native Affairs Report which reads, "We view with great sorrow the manner in which the two high chiefs representing our kings of the past are being set aside. The office which they hold is called the 'Fautua,' which means that of adviser to the Governor or Government. We are of the firm opinion that they should be consulted in all matters, and thus Samoa will get the benefit of their views, as well as perpetuate a status for the most honoured families in the councils of Government." Is Tamasese one of the chiefs referred to?—It refers to Malietoa Tanu and others holding the king's title.

And does it refer, amongst others, to Tamasese?—Yes.

Did you hear Tamasese say yesterday that one of the objects of the Mau was to secure power to the Samoans to make laws for Samoa?—I heard that.

Do you agree with that?—Yes.

Do you agree that one of the objects of the Mau was to secure for the Samoans the administration of the Government for Samoa?—Yes.

Do you agree with Tamasese that the part of the British Government should be confined to a Protectorate over the islands, so as to prevent the aggression of another Power other than Great Britain?—Yes.

The opinion of Tamasese and yourself would represent the general opinion of the Mau as to its objects?—Yes.

Was there ever at any time a desire on the part of the Mau to secure the removal from office of the present Administrator?—No.

*Mr. Baxter.*] With reference to the paragraph referring to the Fautua, is Tamasese a Fautua, or has he ever been one?—No; but his father was a Fautua under the German regime.

Who are the present Fautua?—Tuimaleali'ifano and Malietoa.

Tu'u sworn and examined.

*Mr. Slipper.*] Where do you live?—Safune, Savai'i.

Have you any other name besides Tu'u?—My name as a young man was Faatupua.

Have you been banished at any time?—Yes.

Have you got your banishment order with you?—No; it is in Safune.

*The Chairman.* : Would you mind giving me the date of the banishment order?

*Mr. Slipper.* : 27th April, 1925; and pardoned on the 11th August, 1925. (To witness :) How often have you been banished?—I was only banished once—in 1925.

And at the same time was your title taken away?—Yes.

Have you got that order with you?—No; it is also in Safune.

And what was your title?—Tu'u.

What kind of title is that?—A chief's title of Safune.

And you were banished?—Yes.

Where to?—Satupaitea.

Can you give us any idea as to how far away that is from the place where you live?—About thirty miles.

*The Chairman.*] Is it in Savai'i?—Yes.

*Mr. Slipper.*] Was there any arrangement made by the Government as to what house you should stay in?—I was ordered to go to my relatives in Satupaitea and stay there.

Had you any relatives there?—Yes.

Was any arrangement made for your keep while you were there?—No.

Have you a wife?—No.

Have you any children?—Yes.

Were they little children or big children at this time?—They were grown up.

Perhaps you can tell us, *Mr. Meredith* : was there any term fixed for the banishment order?

*Mr. Meredith* : Twelve months.

*Mr. Slipper* : Was there any term fixed for the loss of title?

*Mr. Meredith* : No term was fixed.

*Mr. Slipper.*] How long were you banished by the order?—Twelve months.

Do you know for sure how long your title was taken away for?—The order was twelve months.

Have you been pardoned—has the banishment order been revoked since then?—Yes.

By another order from the Governor?—No; only at the expiration of the period.

Did you or did you not stay in Satupaitea for the full twelve months?—I was there for a year and four months.

Did you get a paper from the Governor saying that your banishment was over and you could go home?—I got that letter when I had been in Satupaitea for one year and four months.

That letter told you what I have already stated?—Yes.

You were one year and four months before you got that letter?—Yes.

Are you quite sure about that, because the records show differently?—Yes, I am quite sure about that.

Did you wish to stop in Satupaitea?—I stayed there in accordance with the order I received. I waited for the expiration of the order.

When you got a revocation of the order did you go home?—Yes, to Safune.

Did you wait any time after that second order, or did you go at once?—I returned immediately.

In the second order does it say anything about your title?—Yes.

What did it say?—My banishment was ended and my title was restored to me.

During the sixteen months you were there did you make any request that your banishment should be ended or your title restored?—No; I simply obeyed.

Referring to the original banishment order in April as to your title and banishment, do you know why these two orders were made against you?—There was nearly a fight with weapons in the village, which the chiefs of the village endeavoured to quieten, and in so doing decided to drive one family away and exclude this one family from the village affairs.

*Judge MacCormick.*] Not from the village itself?—No; just from the village affairs. The Faipule of our district inquired into the matter, and when I tried to give him an opinion he blamed the trouble to me.

*Mr. Slipper.*] What was the result of that?—That was the reason I was banished and my title taken away.

How long after this was it that you were banished?—The fight took place in the afternoon, and the next morning the village chiefs met and decided to exclude this family from the village affairs. About a month after that I was banished.

What part did you take in this trouble?—I only endeavoured to settle it.

You were one of the chiefs, then, who was trying to keep the peace?—Yes.

Were there by any chance any old-standing grievances against you by the Faipule?—Yes.

Who was it that actually banished you—who signed the order?—The Administrator.

Did you talk to the Administrator about it before the order was made?—No.

Did you talk to anybody else but the Faipule?—No; only the Faipule.

Was there only one Faipule?—No; two.

Was there only one talk?—Yes.

And at that talk did you have your say?—Yes, I made a statement.

And did the other people of the other side have their say?—Yes.

And how many people on the other side spoke?—Laupue, late clerk of the Native Affairs Department, was the chief opponent.

Was there anybody else?—No, only the two Faipules besides myself who spoke.

Did you try to get anybody to help you or to back you up?—Yes; as I said before, all the people in our village endeavoured to quieten the trouble.

Did they stand beside you in front of the Faipule?—Yes.

And did they tell their story?—Yes.

How many of them were there?—Three supporting me.

And did they put the blame on you or not?—No, they took my part.

*Mr. Meredith.*] Laupue was chief of the family?—Yes.

And it was he who made a complaint against you, and Soalo-Tini and Pepe-Iere?—Yes.

And he complained that they were attempting to usurp the rights of Laupue and causing disturbance in the village?—Yes.

Was there not an inquiry before the Resident Commissioner of Savai'i, two Faipules, and two *pulenu'u*?—No.

I will give you the names. Was not Tapusoa there?—Tapusoa was there, but not the Resident Commissioner.

Is Tapusoa the Faipule of your district?—Yes.

Was Mala'itai there?—Yes.

Is he not a Faipule, too?—He is the Faipule of another part of the district.

Was not Mauai there?—Yes.

Is he not a *pulenu'u*?—Yes.

Of what village?—Of my village.

And was Fuimaono there?—Yes.

Is he not a *pulenu'u*?—Yes.

Why did you say there were only two Faipule there?—Because they were the only ones who spoke. The *pulenu'u* were present, but had nothing to say.

Did you receive notice to attend before the inquiry?—Yes.

And the other two men, Soalo-Tini and Pepe-Iere, got their notices, too?—Yes.

And the other two attended with you?—Yes.

And you and the other two all gave evidence on what they had to say?—Yes.

*The Chairman.*] What happened to the other two?

*Mr. Meredith:* Soalo-Tini was ordered to remove from Samauga to Faga, and Pepe-Iere to remove from Samauga to Satupaitea, for twelve months. (To witness :) You were ordered away. You knew you were banished for twelve months?—Yes, I understood that from the order.

Did you want to go back to your village at the end of twelve months?—Yes; but I did not receive the revocation of the order.

Did your family want you back at the end of twelve months?—Yes.

Were they not still angry with you?—No.

*Judge MacCormick:* His own family?

*Mr. Meredith:* Yes.

*Mr. Slipper:* Was either of these Faipules related to the family of the man Laupue who was against you?—Both were related to our family. We are all related: the two Faipules and the people on all sides are related.

*The Chairman:* We know these are community families.

*Mr. Baxter.*] We have heard about the cancellation of "fine mats" custom. Do you want to tell their Honours about that?—I am not satisfied with the restriction on the "fine mat" presentation, because it is against Samoan custom. It is to bring the chiefs and orators together and preserve good fellowship among chiefs.

Anything else?—The "fine mat" custom is quite good to Samoans: it is their wealth.

Have you anything else to say, about the medical tax?—Yes, we are not satisfied with the medical tax, because there are a lot of villages far back and a long way from hospitals.

What about the scheme to divide the Native lands?—I am not satisfied with that, because the Government are endeavouring to exercise control over Native lands.

In what way?—Because the Faipules have issued instructions that the land shall be divided, and each person shall receive a section.

Do you wish to say anything about the Faipules?—Our complaint against Tapusoa is that we have put matters before him to bring before the Fono of Faipule and he has not done so.

Tell us one of these matters?—Matters concerning “fine mats,” objection to the medical tax, the taking-away of titles: that is all.

When you use the term “we” do you mean your village, your district, or your own family?—The district.

How long have you had these grievances—one or two Christmases?—About three years.

Did you hear about the first big meeting of the Mau? Were you in Apia at that time?—I heard of it in Savai'i after the meeting was held.

*Mr. Meredith.*] Are you a member of the Mau?—Yes.

How long have you been a member?—I came to Apia in February last and joined the Mau.

Did you see any Mau papers in Savai'i describing the Mau?—I received one paper.

What was that?—A paper showing the points which the Mau were dissatisfied with.

Is this the paper?—That is the one.

You came to Apia and joined the Mau?—Yes.

Did you attend any *fono* of the Mau whilst in Apia?—Yes.

Did any Europeans speak at that *fono*?—Yes.

Which ones spoke?—Mr. Williams, Mr. Gurr, and another member of the Legislative Council.

Was Mr. Nelson there?—Yes.

Did he speak, too?—Yes.

Was Tapusoa a Faipule before the present Administrator came to Samoa?—Yes, he was.

*Judge MacCormick:* Do you accept the man's statement that he was there for sixteen months and not twelve months?

*Mr. Meredith:* All I have here is a record that he was there for twelve months. We hear certain things which cause surprise and will have to be verified.

*The Chairman.*] Did you hear the evidence given by Alipia in answer to the questions put by me?—Yes.

Do you agree with his evidence about the objects and purposes of the Mau?—Yes.

Do you agree also that it was never any part of the activities of the Mau to secure the removal of the present Administrator?—Yes, I agree with that.

UMAGA-PAU, of Leulumoega, sworn and examined.

*Mr. Slipper.*] You received an order early in July of this year?—Yes.

Have you got any of the papers with you?—Yes. [Put in: Exhibit No. 20.]

This notice asking you to go to Mulinu'u is dated 13th July, 1927?—Yes, and I went.

Where were you at the time?—I received the notice at Leulumoega.

Had you received any word from the Governor before this notice?—I received a verbal message from the Faipule's policeman at Leulumoega to appear before the Administrator.

Did you say that a week before that you got a written order from His Excellency?—That was the first notice I received.

It says on the record here that on the 7th July, six days before that, an order was made sending you back to Leulumoega?—I did not receive that. I was at Leulumoega all the time.

Were you not up at Apia during that time?—I came to Apia in accordance with the instructions I had received from the policeman to come to Apia to see His Excellency.

Can you give us any idea when that was?—No.

Were you here for King's Birthday?—No.

Were you here for the Minister's visit when all the people were outside?—Yes.

Did you not receive an order before that telling you to go back to Leulumoega?—No.

*Mr. Slipper:* Well, the records say one was issued.

*The Chairman:* You must leave it as it is. You have got what the witness says.

*Mr. Slipper:* I do not think the records have got any record of service. I am merely calling your Honours' attention to it. (To witness:) Did you obey this notice?—Yes.

Were you the *pulenu'u* then?—Yes.

Did you get up here in time?—Yes, I arrived at the hour appointed on the 16th.

And did you bring your stamps and papers with you?—I had no stamp. I did not bring the other official papers with me; they are still in Leulumoega.

When you got to Mulinu'u what happened?—I was questioned by the Administrator.

Do you remember what the questions were, what the Administrator said?—I was asked why I did not appear before him while he was on *malaga*. I told him I did not do so because I was in the Mau. He asked me if I could show reason why my title should not be taken from me. I told him nobody had the right to take the title from me as no one had any rights in the matter. I was the only one. I was then asked to show cause why I should not be removed from my home in Leulumoega. I told him it was not proper for me to be removed from my home in Leulumoega as I had my family to look after there.

When did you get your order of banishment?—The same day.

At the same time on the same day?—Yes.

Apparently it was made out before you got there?

*The Chairman:* You cannot say that.

*Mr. Slipper.*] When did you get the order for the removal of your title?—On the same day and at the same time.

Did you ask the Kovana for any reason why he should take your title away?—I tried to protest, but I was not permitted to do so.

Do you know of anything else the Kovana has against you besides what you have said? No.

*Mr. Meredith.*] You were the *pulenu'u* of the village?—Yes.

And the *pulenu'u* is one of the leaders of the village?—Yes.

*The Chairman.*] Is the *pulenu'u* a paid Government official?—Yes.

*Mr. Meredith.*] And before you took the office of *pulenu'u* you took an oath of loyalty to the Government?—I was not sworn.

Did you receive payment?—Yes, from the Government.

How much?—£4 10s. per quarter.

Do you remember being questioned by His Excellency the Administrator on the 16th July of this year?—Yes.

Did you not tell His Excellency that day that you had been sworn in as *pulenu'u*?—No. He asked me, but I told him I was not sworn in.

Mr. Lewis and Mr. Braisby were there at the same time, were they not?—Yes.

And they heard what was said?—Yes.

Do you remember at Leulumoega, on the Administrator's *malaga*, on the 12th July, 1927, the Faipule asked you to go to His Excellency's *fale*?—Yes.

On that date?—The Faipule himself did not speak to me. The policeman brought the message.

*The Chairman.*] What was the message?—It stated the Administrator instructed me to come to where the *malaga* party were.

*Mr. Meredith.*] You were told His Excellency wished to see you?—Yes.

And did you not refuse to go?—I did not go.

Did you not refuse to go?—I refused to go. I thought it was no use going, because I was in the Mau.

Was it not your duty as *pulenu'u* to go to His Excellency to report, as you were asked to do?—As far as the office of *pulenu'u* was concerned. From my own opinion I did not go.

Who told you that you should not go to His Excellency the Administrator?—Nobody. It was my own idea.

Had you attended any *fonos* of the Mau in your village?—There were no meetings held in my village.

Had you attended any *fonos* of the Mau anywhere else?—No.

Whom had you talked with about the Mau in your own village?—Alipia only.

Had Alipia told you not to have anything to do with the Administrator?—He did not say anything like that.

*The Chairman.* : Is it not sufficient to obtain from him the fact that he knew that the members of the Mau had determined not to attend the *malaga*?

*Mr. Meredith.* : I have not got it yet, sir. (To witness :) Did you know that the members of the Mau had decided not to attend the *malaga*?—No.

Did any of the members of the Mau attend at the *malaga*?—No.

Were you not asked to go before the Administrator at Mulinu'u two days after the *malaga*?—

Which order was that—the order that was brought to me by the policeman or the order signed by Mr. Lewis?

Were you asked to go to Mulinu'u?—I was written to to come to Mulinu'u.

Did you attend at the Native Office at Mulinu'u on the Saturday to show cause why your title should not be taken away and a banishment order issued against you?—Yes.

And the Administrator asked you about your conduct as *pulenu'u*?—Yes.

Did you not tell His Excellency that you did not obey because you were now a member of the Mau?—Yes.

*Mr. Slipper.*] You “did not obey”—did not obey what?—About coming to report to the Administrator on his *malaga*.

You say it is your duty to go to the Administrator on *malaga* if you are told to do so : where did you get that from, that it is your duty?—It is my own idea.

Have you ever been told it was your duty?—No.

*Mr. Baxter.*] We have heard about the cancellation of “fine mats” : do you want to say anything about that?—We are dissatisfied with that law because it is stopping the Samoan custom for no reason.

We have also heard about the medical tax : do you wish to say anything about that?—We are dissatisfied with the medical tax because it is good for some and not for others.

We have also heard about the proposed scheme for the division of Native lands : do you wish to say anything about that?—We do not agree with that. The *matai* should retain control of his family lands.

What is the name of your Faipule?—Logo.

Do you want to tell their honours anything about him or not?—I just endorse Alipia's remarks about the Faipule.

You remember the meeting that they had in the Market Hall, the first meeting in the Market Hall?—Yes.

Did you go to that meeting?—Yes.

Why?—Because Samoans were admitted.

Why did you go along to the meeting in there?—I went to ventilate my grievances.

Those were the grievances you have been telling us about?—Yes.

There is a lot of trouble in Samoa now : what is the reason for this trouble?—The prohibiting of “fine mats.”

Is there anything you have not told us before?—Removal of titles in addition to what I have already spoken about.

*The Chairman.*] Did you hear the evidence of Alipia and Tamasese given to-day in answer to questions put by me?—Yes.

Do you agree with the evidence they gave in answer to my questions?—Yes.

## FAAMAUSILI-FALA sworn and examined.

- Mr. Slipper.*] Have you been banished?—Yes.  
 Where were you living at the time you were banished?—Malie.  
 Where were you banished to?—Lefaga.  
 Before you were banished you used to live in Malie?—I was secretary to Malietoa, the Fautua, and resided up the Faipule Road.  
 Have you got your banishment papers?—I have them. [Put in: Exhibit No. 21.]  
 About what time was it that you were banished?—11th September, 1924.  
 What is your title?—Faamausili.  
 What sort of a title is that?—A high chief's title.  
 Have you any idea what you were banished for?—Yes.  
 What was it for?—Because another chief and I ran down the Faipule.  
 Whom did you run them down to?—Just between the two of us. We were friends.  
 Did he "split" on you?—I think the Faipule Fonoti was suspicious about Inu, and he wrote to me asking what Inu had come to see me about, and I told Fonoti what we had spoken about.  
 Had you done anything very bad?—I had not said anything very bad.  
 Can you give us any idea of what you said?—Inu started off by saying that it was no good having Tainau as Faipule for our district any more; he has got a big leg and is ugly. We ran down Toelupe, saying he is an ignorant man who could not read or write, and it was no good for him to be Faipule.  
 Is it true that Toelupe cannot read or write?—He can read a little but he cannot write very well.  
 How could he write up Government matters if he cannot write properly?  
 Did nobody speak to you about these grave things you had done?—Fonoti reported this matter and I was brought before the Faipules at Mulinu'u. The Faipules were Toelupe, Aiono, Asi, and Fonoti. We told them that we just talked between the two of us and that we did not mean any great harm.  
 Did you tell them the facts as you have told us now?—Yes.  
 Amongst these four Faipules who sat in judgment on you, was Ta'inau one of the adjudicators?—No.  
 Was there any of those four Faipules the chief Faipule at that sitting, the chairman?—Aiono and Toelupe were the chairmen.  
 Did Toelupe have anything to say about it?—Toelupe questioned me about our words.  
 Did he make any remarks about it afterwards?—He said we were bad men and did not behave ourselves.  
 Was there anything said there about your having done anything else besides what you have told us?—That was all we were punished for.  
 Were you told then what was going to happen to you?—About three weeks after this inquiry we received banishment orders.  
 Was there any further inquiry of any sort?—No further inquiry.  
 Was there any disorder caused by what you said, you and the other fellow?—No.  
 Was there any sign of it about?—No, the words were spoken just between the two of us and were not likely to cause trouble.  
 Was there anything there to do any harm to the Government of the country?—The only words that could have done anything were the words we said that those Faipules ought to be removed from the Fono as they were of no use.  
 Do you want to have good Faipules in the Fono?—Yes.  
 Did you say anything against the other Faipules?—No.  
 You gave your reason for what you said?—Yes.  
 And you owned up to it straight away when you came before the Faipule?—Yes.  
 Did you ask that Toelupe should not sit in judgment on you?—No.  
*Mr. Meredith.*] You were secretary to Malietoa, were you not?—Yes.  
 And the charge against you was sedition?—We did not commit sedition.  
 You were brought up with Inu-Tulifau?—Yes.  
 And the inquiry was before five Faipule?—Four Faipule, and Laupu'e as Clerk.  
 Aiono, Toelupe, Asi, Ama?—Ama was also there.  
 Was the evidence that you had suggested a kingship under Malietoa?—Yes, that was mentioned between us and brought out in evidence.  
 Did you understand that these proceedings before the five Faipule were to be followed by an appeal to the Administrator to exercise his powers to remove you from one village to another?—No, I did not think so.  
 You were pardoned in June, 1926?—Yes.  
 Do you know that it was Toelupe who put in the petition for your pardon?—No.  
*Mr. Slipper.*] You have been asked what was said at Mulinu'u. You told us that you were charged with sedition, and that you wished that a kingdom should be set up with Malietoa as king?—Yes.  
 Did you say those things to Inu in your first talk?  
*The Chairman:* He said it was mentioned between them.  
*Mr. Slipper:* I was not clear on that point, about what was said at Mulinu'u.  
*The Chairman:* He has already said that. It was said perfectly distinctly.  
*Mr. Slipper.*] Had you ever discussed that with him before?—No, only on the one day.  
 Had you ever discussed it with any one else before?—No.  
 Who is Inu—is he a man of any importance?—He is an important orator of Lufi Lufi.  
 Did you make any complaint, or start to make any complaint?—No, it was just mentioned casually between us.

Were you talking long about it?—No.

Was anybody else listening?—No.

*The Chairman*: What became of Inu?

*Mr. Meredith*: He was also sentenced at the same time, sir.

*Judge MacCormick*.] These Faipule are chiefs or men of standing, I suppose?—These two, or Faipule generally? These two are important orators. The others are important chiefs, too.

Is it not a serious matter in Samoa to refer disrespectfully to the body of another chief, or to the imperfections of his body?—It is offensive if spoken in public, but between two persons there is nothing serious.

It would possibly have led to war in former times, would it not?—In bad cases it might.

Was it contrary to Samoan custom and likely to be resented?—Yes, if very bad.

*Judge MacCormick*: I ask because I am not aware of Samoan customs, but in New Zealand amongst the Maoris very much less than that has caused wars and great loss of life.

*Mr. Slipper*: May I ask if your Honour will ask the witness another question. Taking the ranks of the two Faipules spoken of, which has the higher rank? How does it compare with the rank of Inu?

*Judge MacCormick*: I am not going to ask that question. I do not think it concerns me.

*Mr. Slipper*: Very well, I will have to bring evidence about it.

*Judge MacCormick*: As far as I am concerned it is quite irrelevant. My question did not concern the relative ranks of these people at all. It was merely were they all men of rank.

*Mr. Slipper*: There is a great deal of difference in the ranks of these men. (To witness:) What is the difference between your rank and the rank of Toelupe?—I am a chief; Toelupe is an orator. I do not like to say who is the higher: it is well known amongst Samoans.

Just who is the higher, a chief or an orator?—A chief is more important than an orator.

*Judge MacCormick*: The inference you draw then, is that because the chief is the higher in rank he has the right to insult an orator?

*Mr. Slipper*: No, sir. I submit that my inquiry was in order and it was unnecessary to add any inference.

*The Chairman*.] Are you now a member of the Mau?—Yes.

Have you attended any *fono* of the Mau?—I joined the Mau about three months ago. Since then I have attended three meetings.

Did you hear the evidence of Alipia and Tu'u?—Yes.

Given in answer to questions put by me?—Yes.

Do you agree with the evidence given in answer to my question?—Yes.

*Mr. Baxter*.] We have heard about the cancellation of the ceremonies about "fine mats." Have you anything you want to tell us about that?—I just endorse what Alipia and Tu'u said.

About the medical tax: do you wish to say anything about that?—I endorse Tu'u's remarks about that.

And about the division of land?—I do not agree that the land should be divided up. The *matai* should control his own land.

Do you want to say anything about the Faipules?—I do not agree with the overbearing way in which the Faipules are dealing with us in taking away titles.

Can you give any examples?—There is a person by the name of Muagutu whose title has been taken away by Toelupe. The Faipule also took away the title of a man named Auimatagi.

*The Chairman*.] How long ago was that?—Three months ago.

Is that on your list, Mr. Slipper?

*Mr. Slipper*: It does not appear here. The list is up to the end of 1926.

*Mr. Baxter*.] Is there any other complaint?—Another grievance is that there are so many officials who inflict punishments.

Is there any particular grievance that you have got?—Every department inflicts its own fines, and it makes it very hard for the Samoans.

Are there any others?—Nothing more.

*Mr. Meredith*.] Have you attended any Mau *fonos*?—Yes.

Many?—Yes.

Have any Europeans addressed the Mau *fonos* whilst you have been there?—No.

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SATURDAY, 1ST OCTOBER, 1927.

*Mr. Baxter*: Before the Commission opens I wish to refer to what was mentioned in Chambers with regard to the sittings of the Commission. I mentioned the question to my friend Mr. Slipper, and he would like to refer to the matter.

*The Chairman*: Very well, we will hear what Mr. Slipper has to say.

*Mr. Slipper*: The position is that it is very difficult to get witnesses to fit in, and I think in any case it was arranged that the Commission would sit for only the half-day to-day. I have been asked during the week, and even this morning, whether the Commission would sit for the half-day only, and I have told those who have been asking me the question that this would be so.

*The Chairman*: We gave no intimation to that effect, Mr. Slipper.

*Mr. Slipper*: I understood that it was arranged this way while we were sitting in Chambers.

*The Chairman*: It appears impossible therefore to go on, and consequently we will have to adjourn at 12.30 p.m. to-day, until 8.15 a.m. on Monday morning next.

AUELUA LAUVAI sworn and examined.

*Mr. Slipper.*] Where do you live?—At Lepa.

You lost your title, did you not?—Yes.

What title did you lose?—*Auelua*.

Have you got the order depriving you of the title?—I have lost the order.

What kind of title is that?—An orator's title.

When did you lose it?—In January, 1926.

The date given in the official list is 11th January, 1926. Where were you living at the time?—I was in prison.

What were you in prison for?—Adultery.

Have you any idea why your title was taken away from you?—The only reason is on account of the Administrator and the Faipule.

What did you do?—I do not know of any reason. I was in prison.

Have you been told why you lost your title?—No.

Have you ever been asked any question about it before your title was taken away?—No.

Do you know of anything you did to interfere with the order of the country?—No.

Do you know of anything you did to interfere with the good government of the country?—No.

Were you at one time a Government official?—Yes.

What was your position?—Clerk and interpreter in the Native Affairs Department.

Did you leave or were you dismissed?—I was dismissed.

What for?—Adultery.

How long had you been in prison when this order taking your title away was made against you?—I was first sentenced to one month's imprisonment, when I was released, and I was imprisoned on another charge for eighteen months. Three months afterwards I received notice that the title was taken away from me.

Was that served on you in prison?—Yes.

And no explanation was given to you?—No.

*Mr. Meredith.*] Are you a member of the Mau?—Yes.

How long have you been a member?—1919.

Is that the correct date?

*The Interpreter:* I have just warned the witness that this is difficult work and that he must not avoid the questions put.

*Mr. Meredith.*] What does the word *mau* mean?—The word *mau* means dissatisfied.

Do you know of the two public meetings held in Apia in October and November of last year?—No, I do not know of the meetings.

You have heard of them since then, have you not?—Yes.

Since that date have you attended any *fonos* of the Mau?—No, I was in prison at the time.

Were you not convicted of taking a Samoan girl away from her own home in December, 1925?—Yes.

And sentenced to one month's imprisonment?—Yes.

And in January, 1926, were you not convicted of perjury?—Yes.

And sentenced to eighteen months' imprisonment?—Yes.

Were you a married man?—Yes.

At the time of the abduction?—Yes.

Do you know Tagaloa?—Yes.

Does he belong to the family of the girl that was taken away?—Yes.

Do you know that Tagaloa and his family asked for you to be punished by your title being taken away—do you know who it was that made that request?—I do not know, as I was not present at the time.

Do you know that the matter was inquired into by three Faipules?—I do not know.

*Mr. Baxter.*] In regard to stopping the "fine mat" custom, do you want to tell the Commission anything about that or not?—Yes.

What is it?—The law should be revoked, as it interferes with the Samoan customs.

We have also heard something about the medical tax: do you want to say anything about that?—Yes. There should be no medical tax, and the poll-tax would be sufficient to cover the upkeep of the hospitals, and if that is not sufficient then some of the money which is expended on roadmaking should be used for medical purposes.

When you say "the poll-tax" do you mean the old head tax when there was a medical tax too, or the new one—that is, the combined tax?—I mean the poll-tax as it was in earlier years.

Now, we have also been told about the proposal to divide up the Native lands into sections: do you or do you not want to say anything about that?—Yes. I consider that the Administration and the Faipule should have nothing to say about the division of the land.

What are your reasons for saying that?—The Administrator should have no control of the land, and the *matai* should control the family land.

What are the other reasons?—Some persons who do not have any land at all will be given land belonging to another person. That is the reason why the Administrator and the Faipule would be wrong in dividing the land. Another reason is that some of the high chiefs and high orators would be offended by the land being given to other people, and the result would be murder.

What is the name of your Faipule?—Tupuola.

Is there anything you want to say regarding him?—He was recently appointed. I have no grievance against him, and he was nominated by the people of the district. Seinaho was our former Faipule. He was not appointed by the district.

Do you wish to say anything about him?—Yes. Our district asked the Faipule to put before the Fono of Faipules our disagreement with the law about “fine mats.” This was in 1923—I have forgotten the month. Before he attended the Fono he gave us his reply, saying, “You wait for three years and see how it goes.” We waited on his advice, seeing that he was the representative of the district.

Was this decision expressing the wish of the people of the district when he said that they should wait for three years?—It was his own idea.

Is that all, or is there anything else you wish to say?—The same Faipule took the title away from a certain orator.

That is the second Faipule?—Seinafo.

Who was the orator?—Fia'ai. That is all I have to say about that Faipule.

Those are the only two Faipules you have had anything to do with?—Yes. I wish to speak about the Fono of Faipules. They have made laws in their own ideas without the consent of their districts. One law is that they expect everybody to attend at a certain place, such as a *malaga*, or when the Administrator is on a *malaga*, and if a person does not appear a fine is imposed on anybody of 10s. or £1 if they fail to attend.

Does that apply to man or woman?—Only to men.

Judge MacCormick.] Whether they are officials or not?—Whether they are officials or not.

Mr. Baxter.] What else do you wish to say?—They are overbearing to the people in their position of Faipules. The Faipules had no right to write to the Government of New Zealand and say that the Samoans had no voice in the Government, especially as the Faipules were not representative of the people.

Was that given to the Minister when he came here?—Yes.

Is there anything else you wish to say?—That is all.

There is a lot of trouble in the country at the present time: what caused that trouble?—Dissatisfaction.

Is that the dissatisfaction you have been telling us about?—Yes, the dissatisfaction about what I mentioned and other things as well.

What else is there?—Fewer whites should be employed by the Government.

Is that all?—They have decreased the salaries of Samoans and increased the salaries of the whites.

Is there any other reason why there should be trouble in the country now, or do you want to tell us any more?—There are too many laws passed by the Administrator and the Faipules.

Mr. Meredith.] You are an orator?—Yes.

Were you not an official interpreter for the Administration?—Yes.

And paid for your services in that capacity?—Yes.

Can you not give the Commission your evidence in English?—

Mr. Baxter: I submit that he is entitled to give his evidence in Samoan if he likes. That is the rule of the Court.

The Chairman: I know of no such rule, Mr. Baxter; but we need not discuss the matter a present.

Mr. Baxter: I would just like to mention, sir, that this man has been on duty as interpreter in the Native office. He might be of use so far as the ordinary run of the work is concerned and may not be of any use in Court work.

Mr. Meredith: I was desirous of ascertaining whether he could not save time by giving his evidence in English.

The Chairman: We are all aware that a great many Maoris give their evidence in English. Of course, as a general rule, if they desire to give their evidence in Maori it is acceded to.

Mr. Meredith.] You made a complaint that your Faipule did not remit to the Fono your complaint with respect to the “fine mat” ceremony?—Yes.

Will you read this [file of papers handed to witness]: is that not a remit from the Faipule to the Fono on that point?—It was 1923 that we asked him to bring that forward, and this is dated 1924.

Is that not a reference by the Faipule to the Fono about the “fine mat” custom?—This appears to be a letter from the whole district, and there is nobody who signed it.

If that letter were put to the Fono will you withdraw the complaint that you made?—I cannot believe that, since there are no chiefs and orators who would sign that.

Will you deny that the Faipule brought it before the Fono?—I do not know.

Then you were speaking without knowing the actual position?—The Faipule said that we would have to wait three years.

Do you remember the *malaga* of the Administrator in July of this year to Aufaga?—Yes.

You were the orator on that occasion?—Yes.

Was the speech you made on that occasion a loyal one to the Administrator?—It was respectful.

Was not the only question that you raised a question about copra?—Yes, and also a lot of other things that the district was dissatisfied with.

Did not the Administrator reply that if they would make good copra the Administration would help them to sell it?—His Excellency the Administrator in making his speech referred to Fiji and other islands with respect to copra, and said that if we were to produce copra that was good the Government would help us to sell it.

Did the Administrator speak to you afterwards and ask you about the other complaints?—Yes.

Did you not reply that you had no complaints, but that it was *fa'a-Samoa* to say so?—I replied that there were a lot of matters about which this district was dissatisfied.

Did you tell the Administrator what they were at that time?—No.

You were not at that time a member of the Mau?—I told the Administrator at the meeting that I and the majority of the district were in the Mau.

Were you at that time a member of the Mau? Please answer my question, Yes or No?—Yes.

At the *malaga* many of the Samoans were away from the reception to the Administrator?—All of the people of Lepa were there, but some of the Lotofaga people were away.

Did they not state that they were told by the Mau not to be there?—I do not know, because Lotofaga is in a different district to where I live.

Did you not on that occasion tell the Administrator that the people were staying away because they had been told by the Mau? Answer my question, Yes or No?—Some of the Lepa people were not going along to meet His Excellency because of instructions of the Mau. That is what I said, but all the people of our district went.

Did you not tell His Excellency that the committee of the Mau had told them to stay away?—Yes, but that refers to the committee in Lepa itself.

That refers to which committee?—A sort of sub-committee.

Did you tell the Administrator that the sub-committee had issued instructions not to attend?—He did not question me as to which committee, and only the word “committee” was used.

Which committee were you referring to when you told the Administrator that they had issued instructions not to attend?—The Lepa committee.

Is that Faumuina’s district?—His title in that district is Fiamē—he belongs to Lotofaga.

Did you tell the Administrator that the Mau committee in Apia issued instructions through your district and other districts?—Yes.

And that Mr. Nelson was going to the League of Nations?—I did not tell the Administrator that.

Did you tell the Administrator that the committee of the Mau had issued instructions to hold on and not come in?—No.

Are not the fines for not attending the *malaga* fixed by the District Committee?—No, the Faipules.

Does the District Committee have any say at all in fixing those fines?—They have an interest in them, but the Faipules do not consult them.

Are not the arrangements for the reception fixed by the committee?—They are called committees, but they are really the Faipules and *pulemu’us*.

Is there anybody on the committee but the Faipule and the *pulemu’us*?—Well, it is a reception for the Administrator, and only the officials make the arrangements. The Faipules do not ask anybody to help.

Is there not a *pulemu’u* for each village on that committee?—Yes, the *pulemu’us* are included in them.

Do they not arrange the penalties for non-attendance?—I do not know.

Do you know about the festivals at the mission stations—are they Native chiefs who arrange those?—All the chiefs of the village take part in them.

Those festivals have nothing to do with the Administration?—That is so.

Do not the committees of those festivals penalize the Natives who do not attend?—No.

Are they not fined a pig, or so-much taro, if they do not attend?—Yes.

When you speak of the Faipules as saying they have all the power in Samoa, do you refer to a letter presented to the Minister on the 1st June of this year?—Yes.

That will speak for itself: it is the first document in A.—4B. Is this the letter [handed to witness]?—Yes, that is the letter.

Are you well acquainted with what the Samoans think respecting the objects of the Mau movement?—Each Samoan has his own opinion. I have my own.

Does your view as to the objects of the Mau agree with the evidence given by Alipia?—I have forgotten what Alipia said. I heard what he said, but I have forgotten it.

Do you agree that one of the objects of the Mau is to secure self-government of Samoa for the Samoans?—I have forgotten what Alipia’s opinion was, but my own opinion is that only heads of departments should be brought from New Zealand, and that all the other Government officials should be permanent residents here.

That is not an answer to my question. My question is, Do you not understand that the object of the Mau is to secure self-government of Samoa for the Samoans?—I am not aware of it.

Do you know that Alipia and Tu’u thought so?—I was not present at any of the Mau meetings—they may have got that from the Mau meetings.

Do you think that the Samoans should have the power of making laws for the Samoans?—No.

Who should make the laws for the Samoans?—The Legislative Council with the Native representation on it.

To what extent do you think there should be Native representation?—Three Natives.

In addition to the present members?—Yes, three Natives in addition to the present members.

So that those members of the Legislative Council could prevent any legislation from being passed?—That would be a matter for the Legislative Council.

Is that your opinion?—Yes.

Is that the opinion of the Mau too?—I do not know.

Do you know from your actual knowledge, so far as your district is concerned, that the Mau has refused, generally speaking, to attend the *malaga* of the Administrator?—Yes.

[Judge MacCormick.] Is it your opinion that the chiefs and elders sitting here this morning will agree with you when you say that it is a good thing to curtail expenditure on the roads?—There is no necessity to stop the improvement on the roads entirely, but money set aside for that purpose could be used.

I did not ask whether it should be stopped: what I asked you to explain was whether you thought the chiefs and elders would agree with you with respect to your idea of curtailing the work?—I do not know what their opinions are.

MOLIO'O SAOLETAI sworn and examined.

*Mr. Slipper.*] Where do you live?—I lived at Aleipata, but I am now at Faleapuna.

You are banished by His Excellency?—Yes.

And your title was taken away from you?—Yes.

Both in the one year?—Yes.

What was your title before it was taken away?—Molio'o.

You are banished during His Excellency's pleasure?—Yes.

This is the order [put in—Exhibit No. 22] it is dated 18th May, 1925?—Yes.

Has that order yet been revoked?—No.

Have you received any further order about your title?—No.

Is that a chief's title?—It expresses both a chief and an orator.

Some of the other chiefs who have had their titles taken away said that they had them given back by their families?—Yes.

Has your family given you your title back yet?—The Administrator has not given me my title back. My family did not take my title away from me.

But has your family given it back to you?—My people always respect me as Molio'o—it is only the Administrator who has taken my title away. Ever since I have been called Molio'o and respected as such.

Can you tell the Commission why you were banished and your title taken away?—I think the Secretary of Native Affairs knows most of the reasons for it—I know very little.

Do you know any of the reasons?—One reason was because I asked one of the Faipules what did he do in New Zealand. The Faipule stated before the people of the village that he had a letter which the Administrator wished every chief and orator to sign.

Did you see the letter?—No.

Could you not see it, or were you not allowed to see it?—Nobody asked for the letter.

Could you have seen it if you had desired?—Yes, if I had asked for it.

Did they show it to you?—No.

Had you any idea what was in the letter?—Only what Fonoti said.

You refused to sign it because you had some idea that the letter did not suit you: what was that idea?—I was just asked to sign a letter to be sent to New Zealand.

Do you know of anything else which accounted for your banishment?—I said to two Faipules, We will leave it to you: we are children of the Administrator.

Do you know of anything else?—I instructed my people to take down a house that was on the old leper station, and I was reported as having interfered with Government property. This house stood on my land.

Was there any trouble about it?—I was brought before the Court for it.

*Judge MacCormick.*] That is the High Court?—The High Court.

*Mr. Slipper.*] What happened there?—My title was taken from me.

In the High Court?—I was brought before the Faipules, a Court composed of Faipules.

Who were they?—Toelupe, Aiono, and Asi-Mama.

What did they question you about?—About the house.

Did they say anything about the Faipules being the Kovana's children?—Yes.

Did they say anything about your having failed to sign that letter?—Yes, I told them I would not sign it.

Did they ask you for any explanation?—Yes, I made a statement.

Did you tell them about the land the house was on?—Yes.

Did you tell them that it was your land?—Yes.

Did any one dispute that fact?—No.

Did they go into the question as to whether there was anything that threatened the "peace, order, and good government of the whole Territory"?—No.

Had anything you have ever done caused any trouble?—Nothing.

Have you done anything to make any trouble, or unrest, or anything unpleasant?—No.

Have you ever interviewed His Excellency the Administrator about it?—No.

How far are you banished from your original home?—I cannot say how far it is. [Colonel Hutchen here informed their Honours that it was about twenty miles.]

Have you a wife?—Yes.

Is she living with you or is she still in your old home?—All my family went with me to Aleipata.

Was any arrangement made for your keep when or before you went there?—No.

Are you living with relations?—Yes.

They have to feed you and keep you?—Yes.

Quite a long visit, is it not?—Yes, it is a long time.

Have you ever had any hints or suggestions from anybody as to when you might expect your banishment to terminate?—No.

Have you any plantation at your old home—such as cocoa, or anything of that sort?—Yes, a big plantation of cocoa, and coconuts, and three houses.

Do you know how they are getting on and whether they are being properly looked after or not whilst you are away?—They are deserted.

Is there nobody to look after them?—No.

As far as you know the whole place is going to wrack and ruin?—Yes, the wooden cottage is all ruined.

What about the weeds in the plantation?—It is overrun with weeds and neglected.

Are you in the Mau now?—Yes.

Were you in the Mau when you were banished in 1925?—There was no Mau at that time, but I had had a dissatisfied feeling for a long time.

*Judge MacCormick*: In fact, he was a *mau* on his own.

*Mr. Slipper*: That is, sir, what we will show the Mau to be before we finish—just a crude selection of individual opinions. (To witness:) Were you dissatisfied in any way with the Faipules?—Yes.

*Mr. Meredith.*] Before you came to Faleapuna you lived at Aleipata?—Yes.

And you had lived there for many years?—Only two or three years.

Have you not land at Aleipata?—I have no land there—only my relations' land. I belong to Faleapuna.

Did you not have land at Aleipata before you went to Faleapuna?—Only family land.

Were you living on that family land before you went to Faleapuna?—No, they supported me. I went to Aleipata and held an Aleipata title there, and the family supported me. They provided me with a share.

Did you have the same share in the family land when you went back that you had had before?—No.

What was the difference?—Because I held a title in another district.

Do you know that it was the chiefs of Faleapuna who asked for the inquiry into your conduct?—I do not know that.

If any man is disturbing the peace of a village, have not the chiefs the right to inquire into it?—In some villages, Yes; in other villages, No.

Why in some villages and not in others?—They all have different methods.

Would not the chiefs of this village have the right to inquire into the conduct of a man if he was causing trouble?—Yes.

The inquiry was held before four Faipules—Fonoti, Toelupe, Aiono, and Asi-Mama?—Yes.

Are any of those Faipules in this district?—No.

You were given notice to attend the inquiry, were you not?—Yes.

And did you attend?—Yes.

And certain charges were made against you by the Faleapuna chiefs?—The Faipule charged me.

You were charged with the following things before the inquiry started, were you not: (1) Causing trouble by spreading stories about Fonoti and Taua'a?—I do not know that charge.

(2) Using for yourself money, £5, of Faleapuna chiefs obtained by selling a boat?—Yes, I answer to that charge.

(3) Gambling?—I was charged with that, but it is not true.

(4) Removing timber from the leper station at Aleipata?—I have already given that charge.

(5) Opposition to the construction of a new village on the high ground?—Yes.

(6) Assuming control of the title of Aua'a?—I was charged with that, but it is untrue.

(7) Refusal to sign the papers with the other Samoan chiefs?—Yes.

Did you give your evidence before the Faipules?—Yes. [Notes of inquiry put in, Exhibit No. 23.]

*Mr. Slipper.*] But with regard to these chiefs of Faleapuna, did they turn up at the inquiry to give evidence?—Yes, there were two who charged me—that is, the Faipule and the Fa'amasino: they were present.

Were those two of the Faleapuna chiefs?—Yes.

Did they have anything to say themselves?—They made statements to prove their case.

Were you guilty of causing trouble by spreading stories?—I was not charged with that.

In your notice to attend before the Faipules had you been told what you were to be charged with?—No.

You did not know, then, until you got before the Faipules what you were charged with?—I only knew the charges when I came before the Faipule.

Had you anybody else to speak for you? Did you speak for yourself or did you have any witnesses?—The people in my village did not have anything to say except to petition the Faipule to allow the matter to be settled in our own village.

Did you have any one with you when you were in front of the Faipule?—Yes, people of our village.

And they asked for the matter to be settled in your own village?—Yes. The people of the village made application to be allowed to take the matter out of the hands of the Faipule and let it be settled in the village.

What was the result?—They would not allow the matter to be withdrawn: the charges were proceeded with.

Before you left that meeting of the Faipule did you know what their decision was?—No.

What was said before the Faipule—was anything said to show that you had caused any breach of the peace, order, or good government of the Territory?—I did not hear.

And the next thing you knew you received your order of banishment?—Yes.

*Mr. Meredith.*] In regard to the dispute about the reports you had spread about Fonoti: did you not go before His Excellency and afterwards apologize for what you had said, and so settle the matter with Fonoti in that way?

*Mr. Slipper*: I object to that question, your Honour. The witness answered that he was not charged with that, which answer disposes of this point.

*Mr. Meredith.*] I will put it in another way. Was the first charge settled by your apologizing to Fonoti?—I did not apologize to Fonoti.

*Judge MacCormick.*] Were you *matai* of your family at Faleapuna?—Yes.

*Mr. Slipper*: Perhaps your Honours might feel disposed to ask witness if another *matai* has been appointed in his place.

*Judge MacCormick* : I was leading up to another point, but there is no objection to your asking if another person has been appointed *matai*.

*Mr. Slipper*.] Has anybody else been appointed *matai* in your place?—Nobody in our family at Faleapuna. I have taken my wife and children away to Aleipata.

This *matai* title applies only to the family themselves?—Yes.

*Judge MacCormick* : That removes any doubt in our minds.

*Mr. Baxter*.] The Commissioners have heard mention of the "fine mat" custom: do you wish to say anything about that or not?—Yes, there should be no law prohibiting the custom of "fine mats."

Why not?—By doing so it has taken away one of the important customs of this country.

Why is the taking away of an important custom a bad thing?—There is then no meeting of the chiefs to have a presentation of "fine mats" on the occasion of the death of a chief.

You are telling us what it is, but you are not telling us why it is a bad thing to stop an old custom?—It is an important custom because it shows the importance of a chief—especially of the one who dies.

Is that all you wish to say about the "fine mats"?—Yes.

We have also heard about the medical levy: is there anything you wish to say about that?—Yes, I think that there should be no medical tax.

Why not?—The poll-tax is quite sufficient.

Which poll-tax do you mean—the old one or the new one?—As in former times.

Anything further under the medical head?—I think that the reason why it is necessary to have a medical-tax is because there is a large number of people employed on the medical staff. That is all.

Well, we come to the proposed scheme for the subdivision of lands: do you wish to say anything about that?—Yes, that new law will cause trouble amongst the Samoans.

Why will it cause trouble?—The *matai* and the members of his family will be on bad terms.

Why?—Because when that is done the *matai* will have no control or authority over the members of his family.

Apart from your troubles (which you have told us already) regarding the Faipule, is there any other specific complaint besides what you have already mentioned?—Yes. I disagree with the manner in which the Faipule spoke in New Zealand about their being representatives of the people.

Why do you disagree with that?—They are not representatives of the districts.

How is that?—Because they are not nominated or selected by the districts or district which they are supposed to represent.

Some districts have had a say in the matter, have they not?—I do not know of any Faipule appointed in that manner. Perhaps it is quite recent.

Is there anything further as to why you object to their claiming to be representatives?—The Administrator has given them too much power and authority, which they have misused.

Can you give us any example of the misuse of this authority?—If it was not for that I would not have been banished in the way I have been. That is one example.

Is there any other example?—There will be other Faleapuna people coming. I do not wish to speak about Faleapuna affairs now, as there will be Faleapuna people here to give evidence, and they will no doubt speak about what their Faipule has done.

I do not wish you to speak for Faleapuna people—speak for yourself. Is there any other example about which you know?—No, only that affair about myself.

Do you remember the first meeting in the Market Hall here at the end of last year?—No.

With regard to all these grievances you are talking about—medical-tax, &c.—how long have you felt sore about them?—Since the commencement of each one of them.

You mean, since the date of these laws being made you have had grievances?—Yes.

*Mr. Meredith*.] Are you a member of the Mau?—Yes.

How long have you been a member?—I joined the Mau when I came to Apia at the time of the Hon. Minister's visit.

You mean in June?—Yes.

Was the Mau in existence before the public meetings held in Apia?—I do not know.

Have you attended any *fonos* of the Mau?—Yes.

Have those *fonos* been addressed by any Europeans?—No.

Not the *fonos* you have been at?—No, at none of those I have attended.

Have you discussed your troubles with Mr. Nelson?—No.

Not at any time?—No.

Did you never tell Mr. Nelson about what happened before the Faipule in respect to these charges?—No.

You are sure about that?—Yes.

Do you understand the object of the Mau to be that Samoa should be governed by the Samoans?—That has been expressed. I have also expressed it myself at the meetings of just Samoan members of the Mau.

And do you understand that to be the feeling of the other Natives who are members of the Mau?—In my opinion they are all of the same opinion.

Do they all merely wish New Zealand to protect Samoa from attacks by other nations?—Yes. I wish it to be spoken of as being under the British flag.

Is that all you wish it to be under the British flag for?—Yes.

Do you understand the Mau to wish the removal of the present Administrator?—In my opinion it is the wish of the Mau that he should be removed.

Have you heard the opinion expressed by the other members of the Mau here that that was not the idea of the Mau?—No, I did not hear the evidence of the others.

If we tell you that they all said that they did not wish the Administrator to be removed, do you agree or disagree with them?—I do not agree with them.

Upon whom do the Natives look as the head of the Mau movement?—The Samoan Committee members.

Do you refer to the Samoan members on the Citizens Committee?—Yes, the six Native members.

The six Native members on the Citizens Committee?—Yes.

Whom do they look on as being the head of that committee—do they look on Mr. Nelson as head of that committee?—I do not know. I only know that of the six Samoan members of the committee. With regard to any others I know nothing about them.

*Mr. Baxter.*] You told Mr. Meredith that the object of the Mau was that Samoa should be governed by the Samoans: is that the only object, or are there other objects besides?—I have nothing else to say about that.

That is the only object you know?—Yes.

You have nothing else to complain about at all: is that the position?—No, there will be other matters, but I cannot remember them just now.

We will put it this way: besides this you have grievances you want to bring up?—I have given those already.

Yes, quite so; but you wished to mention that you wanted Samoa to be governed by the Samoans, and you also wanted to mention the grievances you have told us about?—Those are the things that I have been dissatisfied with.

TIALAVEA FAITELE sworn and examined.

*Mr. Slipper.*] Where do you live?—I live in Faleapuna.

Your home is in Faleapuna?—Yes.

And you were banished to Falefa?—Yes.

How far away is that?—The next village; they adjoin.

Is this the order you received?—Yes. [Exhibit No. 24.]

It is dated the 29th December, 1926?—Yes.

And the banishment is during the pleasure of the Administrator, and no term is stated?—Yes, that is so.

What title do you hold?—Tialavea.

What kind of title is it?—A chief.

Why were you banished, do you know?—On account of matters which our village wished to place before the Administrator.

What was the nature of those matters?—We wished the Faipule to request His Excellency the Administrator to have Molio'o, the last witness, returned to Faleapuna.

Is there anything else?—I complained against the Faipule, in that he was working for his own ends and not for the benefit of the district.

Any other matter?—Another thing is that we had no Government appointment for our village. Our village did not get any of the Government appointments.

[The Interpreter here explained that the Natives like to have some person in their village appointed a Government official, and these people had none.]

Any other matter?—The Faipule also lies.

Are you still talking about the matters you wanted to bring up to the Government?—Yes.

Are there any other matters?—That is all I can remember.

You say you got banished: what went wrong?—I have no idea why I was punished.

Why, then, do you say that it was on account of these things?—Because they are concerning Faleapuna affairs.

Has nobody ever told you why you were banished?—No.

Did you ever go up before the Faipules to be questioned about it?—Yes.

What did they say about it?—The Faipules did not charge me with anything. The only thing that made me get punished was these matters of the dissatisfaction of the Faipules.

Were all these things mentioned before the Faipules [perusing the *Samoa Guardian* of the 4th August, 1927]?—I spoke about them.

Who mentioned them?—I spoke about them.

Did anybody else speak with you?—Yes, Savusa assisted me.

Anybody else?—Yes, Peai.

Anybody else?—And Tialavea Vevesi. That is all I can remember.

Were you people brought before the Faipules by a request from them, or did you go on your own account to talk about Faleapuna affairs?—We were called.

Verbally or by a written order?—We sent a letter to Mr. Griffin, telling of our complaints. Mr. Griffin then told the two bearers of the letter that we were to appear at Mulinu'u on the 16th October, 1926.

Have you got that letter?—I did not get a letter from Mr. Griffin; he just sent a verbal message to us to appear on the 16th October, 1926.

Were you told why you were to appear?—The message was that we were to come to Mulinu'u on the 16th October and put forward our complaints; so we went.

You went there and put forward your complaints?—Yes.

Did you get any satisfaction over your complaints?—He sent us away saying that he would refer the matter to the Administrator.

Were there any accusations brought against you?—No.

Did you see Mr. Griffin that time?—Yes.

And were the Faipules there?—No.

Was there ever a time when you did go before the Faipules?—Yes.

Was that before you saw Mr. Griffin or after?—The interview with Mr. Griffin was first, then afterwards I appeared before the Faipules.

How did you come to appear before the Faipules?—On account of these complaints which had been put before Mr. Griffin.

But did you get any summons, either verbally or in writing, to attend?—I received a summons.

Was it a verbal summons or was it in writing?—In writing.

Do you know if the other three men received summonses at the same time?—There was one letter for all the chiefs and orators in the village. It was addressed to “chiefs and orators of Faleapuna.”

And what did it ask them to do—to all attend?—Yes.

Did it say what for?—It stated there that we would be tried by the Faipule on account of these matters of complaint.

And did you obey personally: did you go before the Faipule?—Yes.

And what were you charged with when you got there?—The charges were not read out to me.

Was it suggested that you should not have made complaints at all to Mr. Griffin?—They questioned me about these matters of complaint we had put forward.

Did you discuss those general complaints with them?—Yes.

Did anybody speak with you then?—Yes.

What did they say—that you had done wrong?—They said that I had misled the people of Faleapuna.

Is that all you know about it?—Yes.

Before you left the Faipule that day, were you told what was the result of the inquiry?—Three of us were threatened by Mr. Griffin, who intimidated us by saying, “If you do not at once apologize to His Excellency the Administrator and the Faipule Fonoti you will get into serious trouble.”

But did you know before you left what the decision of the Faipule would be?—I got the decision verbally.

What was it?—I was to go and reside at Falefa, and that my title was to be taken away.

Did the Faipule give that decision?—Yes.

And then you got a written order from His Excellency the Administrator after that?—Yes.

Can you tell us how long it was between the time you appeared before the Faipule and the time you got the written order?—I got the written order two days afterwards.

Did any of the three other men get an order?—Yes, Savusa and Tialavea Vevesi. They also were banished.

One man, then, was let off?—Yes.

Was there any trouble in your village at this time?—No.

Was there any likelihood of a row—that is to say, a quarrel: people getting angry and things of that sort?—No.

When you brought these complaints to Mr. Griffin, did you bring them to tell him that you would have it your way, or did you bring them to him to ask him to look into them?—We asked for matters to be inquired into.

And that is what you got?—Yes.

*Mr. Meredith.*] Did you say that there were no Government officials in Faleapuna?—Not now.

Well, did you say that there were none at that time?—The Faipule and *pulenu'u*.

And Tialavea Vevesi, the other man, was himself a *pulenu'u*?—Yes.

He was one of the men who were brought up before the Faipule?—Yes.

And was there not trouble between the villages of Fagaloa and Faleapuna?—These matters of complaint of ours were prevented from coming before the Administrator by the District Committee at Fagaloa.

Were there not disputes between Fagaloa and Faleapuna?—No.

What were the troubles between Faleapuna and Fagaloa at that time?—A man in Fagaloa, named Fea, said that we should not put our complaints forward.

Were you taking part in the disputes?—Yes.

Was there not an inquiry, at which Savusa, you, and Tialavea Vevesi were asked to attend?—We were summoned before the Faipule to attend before them for the inquiry.

And the Faipules were Fonoti, Toelupe, Aiono, Seuli, and Asi Mama?—Yes.

And did you and the other men make their statements before those Faipule?—No.

Did you not appear?—No; we were just charged, and did not make statements.

But you were there?—Yes.

But you did not speak?—No, not until after the threat.

And did not the Faipule tell you all to have a reconciliation with your opponents: this was at *Mulinu'u*?—That was made together with the threat.

You were told to have a reconciliation, but there was a threat with it?—He said that if we did not immediately apologize to His Excellency the Administrator and the Faipule Fonoti, that we would be severely punished.

There was another investigation at Faleapuna afterwards, was there not?—Yes, but I had left there.

And that inquiry was before Tainau, Mata'afa, and Leutele?—Yes.

Were you there before those three men?—No.

All those three men are Faipules, are they not?—Yes.

But you and the others had not expressed regret after the meeting at Mulinu'u, had you?—No.

They were still in the same frame of mind as before?—Yes.

Did you hear Ale Lui give evidence?—No.

Ale Lui stated that if a man caused trouble in a village with him, that he had the right to ask for the other man to be sent from the village?—I do not know how to answer that question as it is not clear to me.

Is it the Samoan custom to send a man away from a village if he makes trouble in the village?—Yes, it is a Samoan custom.

*Mr. Slipper.*] You state that after the first meeting in Mulinu'u you were still in the same frame of mind—that is, when you were threatened?—Yes.

Were you afraid of the threat?—No.

Had you done anything to be threatened for?—I had no occasion to be afraid.

You thought that you had a right to bring your grievances to the authorities?—Yes.

Now, just referring to the old Samoan custom of banishment when it was the prevailing custom, was not that time very long ago?—Yes; but only with the consent of the whole of the people of the village.

They used to hold a *fono* in those days?—Yes.

Did they hear everything that everybody had to say?—Yes.

Then, I suppose, everybody was satisfied?—Yes.

In the old days were these banishments often made, or only fairly frequently, or only very rarely made?—I do not know about years ago, but since I have been born it has happened very rarely.

You have never heard of forty-nine in one month, have you?—Only in the present time.

And in the old days, when people were banished, were their titles taken away?—I have never known of anybody being banished and having his title taken away at the same time.

*Mr. Baxter.*] You have heard about the suppression of the "fine mat" custom: have you anything to say about it?—The Government is interfering with the wealth of the Samoans—that is, their wealth as shown by the number of "fine mats" in their possession.

In what way do you mean that the suppression of the "fine mat" custom is interfering with the wealth of the Samoans?—The circulation of "fine mats" and the preserving of good fellowship among the chiefs—the circulation of "fine mats" in the same way as coin.

Is there anything else under that head you wish to mention?—In Samoa only builders of houses and boats are allowed to receive "fine mats" in payment for their work; and what is the use of "fine mats" to them if they cannot circulate them?

Is that all?—Yes.

Have you anything to say about the medical tax?—I would like that wiped out.

You mean you would like the medical tax to be repealed?—Yes.

Why?—The Samoans cannot afford to pay two taxes per annum.

Anything else?—Yes, that the hospital be financed with Government money.

Do you wish to say anything about this subdivision of lands?—That should be repealed too.

Why?—Because that would break up the good feeling existing among the people.

Why?—That is the authority which the *matai* has over his family.

By controlling the land he controls the family?—Yes.

Is there anything else?—That is all.

Have you anything else you wish to say: you have told us about the Faipule, and we do not wish to hear that over again?—The Faipules are exercising the powers of the Chief Judge; they adjudicate in cases and inflict penalties.

Can you tell us of any cases?—Molio'o's trial before the Faipule as described by Molio'o.

Any other case?—The Faipule are overbearing with the Samoans.

How?—Driving the people away from their homes, such as they did with me.

We have heard about your banishment: is there anything else besides that, and the taking away of titles, and their sitting as Judges?—Yes; they stated to New Zealand that they were the representatives of Samoa, whereas they are not.

Is that when the Minister was here?—Yes.

Is there anything else?—That is all I can remember.

*Mr. Meredith.*] Are you a member of the Mau?—Yes.

Have you seen that before [showing pamphlet, "Great Fono," to witness]?—No, I have not seen one of these before, but I was present at the meeting.

Have you been present at any other Mau *fonos* since that meeting?—No, I have only attended that one.

Did you attend at the *malaga* of the Administrator through your village last year?—At that time I was working on a church at Aleipata. When he arrived at Aleipata I did not attend either.

*Judge MacCormick.*] It is last year that you are questioning him about?—[The Interpreter explained this to the witness, who said] I was there, but when I found that our complaints were barred from coming before the Administrator we left and came down to Apia to present our complaints to the Secretary for Native Affairs.

*Mr. Meredith.*] Did you keep away from the *malaga*, or the gathering at the *malaga*, of the Administrator this year?—I was not there.

Did other members of the Mau also keep away in your district?—I do not know, as I was away in Aleipata.

That was this year?—Yes.

Did the Mau members at Aleipata keep away?—I do not know; I was busy at work.

Did you hear Molio'o give evidence?—Yes.

Do you agree with Molio'o that the object of the Mau is to have government of Samoa by the Samoans?—Yes.

And that the only purpose for having New Zealand and the British flag here is to be under protection of the British flag?—Yes.

Whom do you look on as the head of the Mau movement in Samoa?—Mr. Nelson.

*The Chairman.*] Did I understand you to say that the Mau wishes the Samoans to make the laws and administer the revenue of the country?—Yes; I mean the Legislative Council with the addition of three Samoan members to make the laws and attend to the finance.

MONDAY, 3RD OCTOBER, 1927.

MOANANU FA'AFUI SWORN and examined.

*Mr. Slipper.*] What is your name?—My name is Moananu, son of Malietoa.

You have been banished and your title taken away?—Yes.

Have you been banished more than once, or only the once?—Only once.

And is this the order of banishment, dated the 27th April, 1925 [Exhibit No. 25]?—Yes.

Where were you living when you were banished?—Mulifanua is my proper home, and I was taken away from there.

Where were you banished to?—To Letogo.

*The Chairman:* How far is Letogo from Mulifanua?

*Mr. Slipper:* About thirty-two miles, sir.

*The Chairman:* It is in Upolu?

*Mr. Slipper:* Yes, sir. Mulifanua is almost at the extreme of the island towards the west, and Letogo is four miles towards the east from Apia. (To witness:) Referring to the title which has been taken away from you, what is the name of the title?—Moananu.

What kind of a title is that?—A chief's title—title of the son of Malietoa.

Who is Malietoa?—Malietoa is the king.

Did you ever hold a Government position?—I was a District Fa'amasino—that is, a District Judge.

You were dismissed from the position of Fa'amasino, were you not?—Yes.

*The Chairman.*] What is the date of that letter?—22nd September, 1923.

The Interpreter then read out to their Honours a translation of the letter, as follows:—

“To Moananu, Mulifanua.—With reference to the violation of the law by you, regarding fine mats, when you were on a *malaga* to Savai'i, His Excellency the Administrator has decided as follows: You are from this date dismissed from the position of Fa'amasino, which you have held in the Government. All Government stationery and other Government property in your possession to be returned immediately to this office.—H. S. GRIFFIN, Secretary, Native Affairs.”

*Mr. Slipper.*] What was the trouble about the “fine mats”: what had you done?—There was a debt owing by our people, and we went with “fine mats” to pay this debt to Fagamalo. The mats were delivered to the chiefs and orators of Fagamalo.

And after that were your people and these people at Fagamalo satisfied that the debt was paid, and the whole thing concluded?—Yes.

Has there been any other trouble about “fine mats,” or is that the only occasion?—That is the only trouble about “fine mats,” and it is the one which caused me dismissal from my appointment.

Who made that law prohibiting the “fine mats”?—The Government and the Faipules.

Now, in 1925, two years later, as we see, you were banished: why were you banished?—I was banished, and think that there were five charges brought against me by the Faipule of our district and other people of the district.

Give us the name of that Faipule?—Tuilaepa.

*Judge MacCormick.*] This was some time after the dismissal, was it?—Yes, in 1925—the 27th August, 1925.

*Mr. Slipper.*] Did you appear before any of the Faipules to be questioned about this matter?—I was summoned and appeared before Mr. McCarthy at Mulinu'u.

How were you summoned—in writing or by word of mouth?—By verbal summons.

What were you charged with when you got there?—The first charge was that I had opened the pedigree of Leiataua.

What exactly does that mean?—The only thing that I can say is that I was alleged to have opened up the pedigree of Chief Leiataua.

*The Chairman:* It is a very grave offence to question or discuss the pedigree of a chief.

*Judge MacCormick:* That is on record, and that is why I would not ask the question you wished me to ask the other day. I feared it would give offence.

*Mr. Slipper.*] What happened to you on that charge?—Mr. Griffin did not decide that point.

What was the next charge?—The next charge was that I had opened up or discussed the pedigree of Ifopo. Another charge was that I had opened or discussed the pedigree of Tauti. Also that I had opened or discussed the pedigree of To'oa—that is, the title of the sister of Moananu. Also that I had

interfered with the speech made by Mau'u, when I interrupted his speech and told him that he was not to speak in that strain, as he had nothing to do with village affairs; also that his speech was fit only to wipe his *muli* [posterior]. These are the charges.

Were you found guilty of any of these?—There were two which I denied, and three which I pleaded guilty to.

Which did you deny?—I denied the first two charges, and admitted the last three.

Were those first two proved against you?—No.

Had you any relations at Letogo?—Yes.

Are they relations you are in the habit of visiting—that is, visiting before this order?—Yes, when there was family trouble I used to visit them.

Was any arrangement made for your keep when you were at Letogo?—No; the Government made no arrangement whatever for supporting me, my wife, and my family—not up to the present time.

Did you leave your wife and family at Mulifanua?—I brought my wife and family with me.

Have you any property at Mulifanua which should be looked after?—Yes, I have two big houses in Mulifanua.

Have you anybody in charge there looking after them?—No, not up to the present time.

You do not know what has happened to them?—I have no idea at present.

And your banishment then still continues, does it?—Two months ago General Richardson sent for me to appear before him at Vailima. So'oalo and I went up. We were called before him in connection with land of So'oalo at Avele. His Excellency, without consulting So'oalo, divided this piece of land. It was to be used for the electric-power scheme. At that meeting I made a speech to His Excellency, telling him that I was not satisfied with my banishment or punishment, because no inquiry had taken place before him when the two parties—the accusers and the defendant—were present. General Richardson then replied, "There is your title, and please yourself when you shall return to Mulifanua." He said that the banishment was inflicted by the Faipule. I replied, saying that I could not go back to Mulifanua "without your orders, as it was your orders that brought me away from my home in Mulifanua," and I was to be returned only under his orders.

*Judge MacCormick.*] When was this interview?—About two months ago.

*Mr. Slipper.*] What happened then: did His Excellency give you orders or not?—My meaning was that I wanted a written order or authority to return to my home and to take up my title again, but up to the present time I have not received that document.

Referring to this land you mentioned, has this land been taken over now for electrical purposes?—Yes. There is also a roadway going through there. That land has been used for that roadway and for the hydro-electric scheme.

*Judge MacCormick.*] I wish to find out if it is part of his land, or is it the other man's land?—The land belongs to So'oalo and myself.

*Mr. Slipper.*] Has any question of compensation been raised to you?—His Excellency the Administrator informed us that the Government would consider the amount which would be paid us for this land which they had taken by force.

Had the Government taken this land before that interview at Vailima?—This discussion took place a long while after the Government had taken over this property.

Then how did you know at the time that the land had been taken over? Was there anything in the *Gazette*, was any Ordinance passed, or any notice served to you: how did you know?—It was not put in any *Gazette*, and it was not served on us in writing, not even up to the present time.

You know, of course, that it has been taken now—the road has been used—but how did you know that it had been taken before that interview?—The woman who was in charge of the land reported to us.

What did she report?—That they had made a roadway through the property, and had used the stones on the property for the purpose of making that road.

What happened then?—There was a discussion with the Administrator afterwards.

Was that discussion the first thing you had ever heard about it from the Malo?—Yes, that was the first time I had been officially advised.

Have you heard nothing about it officially since?—I received a communication from the Administrator later that we were to meet on that property the following week. This is some time back now.

And did you meet the following week?—We were there with His Excellency the Administrator and Mr. Lewis, and I think the Engineer in Charge of the Public Works. I am not sure whether he was the Engineer in Charge of Public Works or not.

Tell us as briefly as you can what happened there: what was the result of it all?—A plan was brought out, and the Administrator pointed out that a road had been cut through So'oalo's property, leaving Sapolu's and Atoa's property free.

Was there anything done, just besides pointing this out?—The Administrator then asked us if we were satisfied to let the Administration have this road, because it would be a benefit to the public on the beach for the electric-light power. He said that if we were satisfied we would receive payment for the use of this land.

*Mr. Meredith.*] The Administrator said that to you, did he?—Yes. I then asked to be allowed to consider the matter. Up to the present time we have received no further word.

*Mr. Slipper.*] That is all you can tell us about it?—I am not satisfied with the taking-away of the land by force.

*Judge MacCormick.*] No one ever is.

*Mr. Slipper.*] Has anything further been done about compensation?—I have not heard anything more about compensation.

So they took it first and asked afterwards?—That is against the law.

*Mr. Meredith.*] Do not four other Faipules claim that land?—No; three—Atoa, Sapolu, and So'oalo. There were only three claims.

What about your family?—I stand in with So'oalo.

With regard to that charge of investigating titles—at least, of opening pedigrees—was not the request for your being removed made by the chiefs of Mulifanua?—The Mulifanua people did not complain about this matter. I would like to give further explanation.

Please read this over and tell us what it means [“Complaints by Chiefs of Mulifanua” was read to the witness by the interpreter]?—I would like to point out that this is not signed by anybody.

Please turn over to the next page. [Copy put in and marked Exhibit No. 26.] You know them all: are they not people of Mulifanua?—They are Mulifanua people.

Are they not some of them chiefs and leading men of Mulifanua?—Yes; but I am of a higher rank than any of them. I am the highest chief there.

Has the Faipule signed them?—I did not hear the name of the Faipule read out.

And is the translation of that a complaint by those men of your opening up the pedigrees?—I had reason to open some of the pedigrees. One is that of Tauti, who is continually having trouble with me and causing trouble in the village.

When you were called before Mr. McCarthy did you tell Mr. McCarthy your explanation?—Yes, I gave a full and thorough explanation.

Did you ask questions of the other witnesses that were called?—Yes.

And was a man named Fa'ateaina there?—Yes, he is my orator; I am the chief and he is the orator.

And did you give your explanation to Mr. McCarthy?—Yes. Mr. McCarthy himself will give evidence on that.

Did you hear the other men give evidence before Mr. McCarthy: Yes or No?—Yes.

Were you before this also convicted of assaulting a girl named Fa'alavea?—That girl is my niece.

That is not what I asked you. Were you convicted of assault on Fa'alavea: Yes or No?—I was banished by the Judge by his own will because I did not admit the offence. I denied the evidence right along.

*The Chairman.*] What date was this charge?—14th November, 1924.

*Witness* (continuing): I handcuffed this girl because she ran away with another man. That is why I was banished.

*Mr. Meredith.*] Was that in November of the year 1924?—I cannot remember; I did not note it down on paper.

Was it before you were in trouble about speaking of opening the pedigrees?—I cannot remember. Europeans write these things down, but Samoans do not. As soon as they say a thing they forget all about it.

*Mr. Slipper.*] Did you have any witnesses yourself at Mulinu'u?—Yes.

You say that you had occasion to open up those pedigrees: are pedigrees ever opened under any circumstances?—Yes. I opened the pedigree of Tauti because I had a complaint before Mr. McCarthy in reference to this Native's title, and I had a complaint before the Land and Titles Commission over this title.

Was that the only pedigree you opened up?—I opened the pedigree because I wanted to know exactly how I stood, because in the Samoan custom one person does not interfere with another person's affairs. That is the reason why I had to open Tauti's pedigree, as I explained to Mr. McCarthy, because he broke the peace of the village.

Do you admit, as a general thing, pedigrees should not be opened?—Yes, if there is no proper reason for it.

Can you, as a high chief, tell us if there was any proper reason for what you did?—Yes.

With regard to this girl—this niece of yours—how old was she at the time the assault took place?—Twenty-two years at the time.

Was she under your control?—Yes.

*Mr. Baxter.*] You have spoken about the cancellation of the “fine mat” ceremony, and we do not want to hear what you have already said again. Why did you take the mats to Fagamalo when you knew that there was such a law in existence?—That is not an offence under the conditions of the *tulafono* (law). The *tulafono* was that there were to be no “fine mats” presented at the death ceremonies; but this was a *malaga* for the payment of a debt, which was not covered by the Ordinance.

*Judge MacCormick.*] What do you mean by “debt”?—Pigs which our village got from that district for our use. Pigs from the high chief of that district, and we paid for them in “fine mats.”

*Mr. Baxter.*] Had you received the pigs at the time and owed the money, or were you going across to buy the pigs?—We had the pigs first and paid for them afterwards.

*Judge MacCormick.*] Were they paid for: are these not gifts between the community?—No; this was no presentation, and it was ordered that all debts were to be paid by the 31st December.

Who ordered that?—The Administrator and the Faipule.

*The Chairman:* This is an entirely different matter from the question of banishments. The two matters are entirely different.

*Mr. Baxter:* Yes, sir. We are handling them separately.

*The Chairman:* If there is a law in existence a Government official must obey it whether he thinks it right or wrong. If he does not obey it, or if he does not wish to obey it, he must resign.

*Mr. Baxter:* Yes, sir; but that is not a remedy.

*Judge MacCormick:* But he is not punished in any way, except by dismissal.

*Mr. Baxter* : His argument is that he did not break the law, although he was punished for it, because he did not go over for the presentation of mats at a death feast, but went over to pay his debt—that is, before the 31st December. (To witness :) Well, then, apart from that, is there anything else you wish to say to the Commissioners regarding the suppression of the “fine mat” ceremony?—Myself and my village are not satisfied with this law, as it was passed without the Samoans being consulted; it was passed by the Administrator and the Faipules.

Anything else?—This law should be rescinded, as the Samoans are not satisfied. They do not consider that it is a good law, because there is no difference between the “fine mats” and gold and silver. A European works and saves money in the bank for his children, Samoan children have “fine mats.” They are the coin of the Samoans, or Samoan wealth. I have quite a lot more to say on that point.

I think that we have heard it all, and I think that we understand it all. Is there anything fresh which you wish to say?—Yes, there is more. I never heard that through “fine mats” anybody committed adultery or that anybody committed murder.

I do not want to hear any more of that. Do you want to say anything about the medical tax?—Yes, quite a lot.

Proceed?—We (the Samoans) and myself are not satisfied with the medical tax.

Why not?—Because the distant man’s pound is no use to him; only the man residing near the hospital gets any use from his pound.

Anything further?—I do not want these ignorant doctors.

Anything else?—Because they have no sympathy and no pity.

Have you anything further to say under the heading of “medical”: leave the doctors?—The medical authorities care much more for the European patients than for the Samoan patients.

Why?—When a serious case of a Samoan is brought into the hospital the doctor will wander round for about three hours before attending to this case.

Do you know of any case?—Yes, that of Kuli Yandall.

Were you there?—Yes.

Did you see the doctor?—Yes.

Who took this man to the hospital?—Samoans and plantation people.

Were you one of them or not?—I was at the hospital with another patient.

Who else was there?—A lot of people; I cannot remember them.

Do you not know the name of one of them?—I cannot remember. I might mention somebody and be mistaken, but there were quite a number of people there.

When did this happen?—I do not remember, but it will be in the hospital records.

Yes, but when did it happen—this year, last year, or when?—Two or three years ago now.

Who was the doctor?—Dr. Armstrong. I am not sure of the doctor’s name.

The doctor is not here at present?—Probably.

Well, you said that you thought it was Dr. Armstrong, and he is away now: do you know what doctor it was?—I cannot say. I do not know what the doctor’s name was.

Well, is there any other case of which you do know the whole details?—My father died there.

[The interpreter here explained that witness now says that it was his uncle who died. According to *fa’a-Samoa*, uncles are sometimes spoken of as fathers.]

*Judge MacCormick.*] How long ago was that?—Three or four years ago. The man’s name was Amani.

*Mr. Baxter.*] Were you there at the time?—Yes, I took him to the hospital.

Very well, what happened?—We arrived at the hospital at 6 a.m. by the order of Dr. Christie, who had visited the patient at home.

Dr. Christie was the visiting doctor at the hospital?—Yes. He was the Visiting Medical Officer at the time. As we arrived at the hospital, I went to the other side of the road, where Dr. Armstrong and Dr. Hunt resided—on the opposite side of the road from the hospital, I mean. I reported to Dr. Armstrong and Dr. Hunt that I had brought my father [uncle] to the hospital, seriously ill and suffering great pain. They replied that we had to wait till 9 o’clock. He knew that it was a serious case, and yet he had no pity. We waited until 9 o’clock. The old man was yelling with pain all the time. At 11 o’clock the doctor came and we were ordered to take the patient to the Samoan Ward, and he had to undergo an operation. At 2 o’clock the same day he was operated on. There were three cuts in the back—

We do not want to know all those details?—He was then removed from the theatre at 3 p.m. They failed to bring him to again. He had not come out of chloroform, and it was 6 o’clock in the morning when he died. I went and had a row with the doctor—Dr. Armstrong—and accused him of having killed my father. It was he who administered the chloroform. I asked him to send the ambulance which was presented by Mr. Nelson to take the body away. He would not allow me to have the ambulance; he said that we were not allowed to use it. This ambulance was to help the people in trouble.

Yes, we all know what an ambulance is for. Is there anything else?—Another thing is that most of the people wanting to undergo an operation go to Pago Pago for the operation because of the doctors here; and it makes us feel ashamed of our doctors.

Is there anything else you want to say?—Yes, I can give evidence all day if you wish.

What about this subdivision of land?—We are not satisfied with any law passed to alter the usual custom with regard to land. In the township the Europeans are trying to mould Samoa to their methods, and it is not suitable for us. There will be trouble if they start subdividing the land in that manner. There will be trouble, for instance, between myself and my children and the members of my

family or other chiefs who are related, and might result in my murdering somebody else on account of this law, which is going to break the peace.

*Mr. Meredith.*] Which law is this?—The subdividing of lands. There are a lot of coconut-trees wasted with this scheme of building model villages. They cut down a number of coconut-trees just for the purpose of making model villages.

*Mr. Baxter.*] Is there anything else you want to say?—I will not be satisfied with the giving-away of a portion of my land to anybody else, whether it is cultivated or not. I have been working single-handed; I cannot cultivate all my property at once. I cultivate a portion of it, and then continue cultivating. I will not be satisfied with giving away either a cultivated portion or an uncultivated portion. His Excellency wants to have an acre for coconuts, an acre for bananas, an acre for taamu, and that kind of thing, and I will not be able to do that single-handed.

You are getting at this: if the land was divided up, as the scheme suggests, then men like you would not be able to cultivate their land, because they would not have any young men to work for them. Is that the idea?—Yes.

Regarding the division of the family land in this way, would that hold the family together or would it tend to break it up?—No, it will not preserve good feeling in the family. It will only create trouble and murder.

Will it keep the family together or will it break it up?—It will break up the family.

About the Faipules: do you wish to say anything to their Honours about the Fono of Faipules?—Yes, I have quite a lot to say about that.

Very well, proceed?—The dissatisfaction against the Faipule is that they are overbearing by the authority given them by the Administrator. They think that they are the representatives of the Administrator. That is what they have given people to understand. In my opinion, that is not so.

*Mr. Meredith.*] What is not so?—That they should not use their authority or power to be overbearing to the people. In my opinion, there should be no Faipule.

*Mr. Baxter.*] What are you driving at? You say that they are not the representatives of the Administrator: well, who do you think they should represent if they do not represent the Administrator?—They are only Government servants; they are not representatives of anybody.

Is there anything else you want to say about the Fono of Faipule—that is to say, the Faipule as a whole: we will talk about the individuals later on?—I am not satisfied with the Faipule, because they have decided in a harsh manner. They have decided harshly against some of the Samoan people, which has caused dissatisfaction amongst the Samoan people.

What are you referring to now?—Take my own case, for instance—the taking away of my title and my banishment. They usurp the authority and powers of the chiefs and orators. By that authority peace and good order is maintained, and there is no trouble.

By “that authority” what do you mean? That while the chiefs and orators retained their authority there is no trouble, but through the Faipule usurping that authority, there is trouble?—Yes, that is so.

Is there anything further about the Fono of Faipule as a whole?—The Faipule all have different stories. When the Faipule meeting is over and they return to their districts, one Faipule tells his district that such-and-such was the position at the Fono, and another Faipule tells his district a totally different thing, and so this goes on.

Anything further about the Faipule as a whole?—I want to think out all the most important things, as this is an important point. It is difficult for us Samoans, because we have to keep all these things in our minds, and we do not make notes of them.

Very well, tell us something else?—The trouble with the Faipule is that when their meeting is ended they go home after having eaten very well of the biscuits and kegs of beef presented by the Administrator; they go home and sit down and do not trouble to do anything for the good of the district. He does not use his position as a Faipule for the good of his district. That is the reason for the Mau and for the dissatisfaction of the people. Please leave the Fono as a whole now, and we will go on to the individual Faipule.

Very well, which one do you wish to talk about?—I wish to speak about Tuilaepa, in the district of Aigailetai, which district includes Mulifanua, Manono, and Apolima. My complaint against him is that, whilst I was Fa’amasino, he tried cases.

In your district?—Yes. I was the proper one to try those cases.

In what way did he try the cases?—People complained to him, and he heard the cases as if he were the Fa’amasino.

Instead of sending them to you to deal with, he dealt with them himself?—Instead of referring them to me, he dealt with them himself.

Can you tell us something of these cases?—There are so many that it is difficult to remember any particular one. I do not wish to speak about things I am not certain about.

You are certain about the point that he interfered with you?—Yes.

Is there any other complaint?—He appointed the title of To’oa, which he had no right to do, he being only the Faipule, and so he got me into trouble.

That is what you said before, really?—He appointed another young man in my family to my title of Moananu, and he had no right to the title and no say in the matter of that title. When I was banished and had my title taken away the Administrator and Faipule decided to appoint somebody else to my title; he (the Faipule) said that I would not be returned to it. My family were quite annoyed about it.

Who has the granting: is it the family or somebody else—that is, of course, with reference to your own title?—The whole family unanimously appoint the holder of the title.

*The Chairman.*] You mean the whole village, do you not?—I mean the whole family.

*Judge MacCormick.*] That would be with regard to the Malietoa title?—Malietoa has a say in it also.

*Judge MacCormick.* Yes, that is what I should imagine.

*Mr. Baxter.*] Is there any other complaint which you wish to make?—Another thing is that I issued three summonses against Tuilaepa. They were charged against him before the Court and he would not appear; he said that he was a Faipule.

Did this Faipule at any time go into your Court and try to interfere with your position, or did he hold a Court of his own?—He tried cases himself and then advised me not to interfere in my own job.

Is there any other Faipule you are not satisfied with?—Other Faipules I am not satisfied with are Aiono, Toelupe, Seiuli, and Asi-Mama.

Well, taking Aiono first?—These four Faipules tried me at Mulinu'u, instead of my being tried by Mr. Griffin.

Mr. Griffin was then Secretary for Native Affairs?—Yes.

*Judge MacCormick.* Was he not tried by Mr. McCarthy?

*Mr. Baxter.* I am following that up sir. (To witness :) Was this the same case that came before Mr. McCarthy, or was it a different case?—The trial by the Faipule was quite recent.

What do you mean by quite recent—this year or last year?—The same year that the Faipules returned from their trip to New Zealand; the time that the Faipule made a law that every Samoan residing in Apia should be returned to his own village.

Was there any trouble with that law?—One day there were thirteen imprisoned, and two *matais* had their titles taken away and they were imprisoned.

We will come to that in due course. What about these four Faipule: did they go away to New Zealand?—Two went and two did not.

Now, these four Faipule tried you, instead of Mr. Griffin?—Mr. Griffin was present, but did not say a word.

Mr. Griffin was sitting with the four Faipule?—The four Faipule sat on Mr. Griffin's right-hand side of the table.

What were you charged with at that time?—I was charged with not having obeyed the Administrator and gone to Letogo.

You did not obey the banishment order?—I stayed down here in Matautu.

Was there any sentence passed or not?—They only said that if I did not obey the order I would be shifted to Falefa or Aleipata. I told them that I could not go and leave my wife and family. I was residing in the same district as was mentioned in the order. After the threat that I might be sent to Falefa or Aleipata I was told that I would probably be imprisoned. I heard Mr. Griffin say to Aiono that I was a hard man to deal with.

Did Mr. Griffin speak in Samoan or in English?—He spoke in Samoan.

Is there any further complaints you want to make regarding the Faipules?—There is quite a lot to say, but I cannot remember the different things.

You spoke about "fine mats." I wish to go back to the document. Is this a letter which you received from the Resident Commissioner, dated 27th July, 1923 [letter put in—Exhibit No. 27]?—Yes.

Do you remember the first public meeting that was held in the Market Hall, on the 15th October?—Yes.

Were you or were you not at that meeting?—Yes, I was present.

What did you go to that meeting for?—Because I had in my mind that I was dissatisfied.

The reasons which you have given, were they the reasons for your being dissatisfied?—Yes. There were many other matters in my mind at the same time.

Why did you think it would help you with the grievances if you went to the meeting?—Because I would get some advice from the Spirit of God at this meeting.

Do you know what the meeting was called for?—

*The Chairman.* We do not want that. We know what the meeting was called for.

*Mr. Baxter.*] There is a lot of trouble in the country at the present time: what is the cause of this trouble?—The dissatisfaction of the people of the Mau with the Government and protection by New Zealand.

For the reasons you have been telling us?—We got together and formed the Mau.

What was the cause of that trouble or the grievances you have talked about: tell the Commission the position very shortly?—It was from the time of the epidemic of 1918 when the Samoans were dissatisfied.

Are these grievances you have been talking about the cause of the trouble or not?—Yes, they are the cause of the formation of the Mau.

*Mr. Meredith.*] Have you lived in Fiji?—Yes.

Were you in gaol there?—No, I was sergeant-major there.

Of what?—The Fiji Constabulary.

Do you wish the Samoans to be able to make presents of "fine mats"?—Yes, because "fine mats" would be free from any restriction.

What restriction do you object to?—I have been punished already, and have explained my punishment about "fine mats" on account of the "fine mat" law.

Do you say that presents of "fine mats" are forbidden: please answer the question Yes or No?—That is not forbidden.

Nor is the making of presents of "fine mats" forbidden?—It is not forbidden.

And it is only on a *malaga* that the presentation of "fine mats" is forbidden?—No "fine mats" are allowed to be presented on a *Malaga* or at death ceremonies, and "fine mats" are not allowed to be given to builders for building houses or boats.

On the *malaga* which you were in trouble about, how many were associated with that *malaga*?—Two *fautasis*, each holding about sixty or eighty people together.

How long did they stay?—I am not quite sure—three or four days; under a week.

Did the people in that district ask for you to go before you left?—No. There was only an order sent to me by the Resident Commissioner.

When you made the statement about the medical doctors, was that made from your own knowledge or from what you have been told?—I have seen it myself.

Then, you were not told what you have said by anybody?—No, it was my opinion.

Did Mr. Williams not tell you: have you heard what Mr. Williams said?—No.

Or seen what Mr. Williams has written?—No.

You did not know that Mr. Williams had said anything like that?—No. I have not seen the statement made by Mr. Williams. He is a white man and not a Samoan.

How many *fonos* did you attend after the first meeting called by the European committee?—I went to two meetings at the Market Hall which were brought about by the Native *fonos*.

Did you hear any European address those *fonos*—that is, Native *fonos*?—Yes.

Who were the Europeans who addressed the *fonos*?—I do not know the names; I only heard them speak.

Do you know Mr. Gurr?—Yes.

Did he speak at any of them?—No.

Do you know Mr. Williams?—Yes.

Do you know Mr. Nelson?—Yes.

Did he speak at any of them?—Yes, at several of them; and he was the only one who spoke.

Did he speak on every occasion?—That was the only time I saw him at the meeting.

Which one was that?—The first meeting at the Market Hall.

Did you not see Mr. Nelson at any meeting but the first meeting at the Market Hall?—It was the only meeting I heard him speak at.

Did he not speak at the second public meeting?—At the second meeting Mr. Nelson read a letter from General Richardson.

He did not say anything more?—I left the Samoans to decide whether to continue the meeting or not.

Did Mr. Nelson make any other speech but that?—I left early.

Did you not hear anything more after Mr. Nelson mentioned about continuing the meeting?—I was in agreement with continuing the meeting, but at that time I went away.

Did you sign the petition to the New Zealand Government on the 11th March, 1927?—If my name is there I signed it.

This is the petition [handed to witness]?—Yes, my name is there.

Where did you sign that petition?—At Mulivai, in Apia.

Were there other people present?—No members of the Mau present.

Were there any Europeans present?—No.

Was Mr. Nelson present?—Yes.

Do you know anything about the £100,000 loan from New Zealand?—I only heard that there was a loan from the New Zealand Government to the Samoan Government, but I cannot say the amount, and I cannot say anything about it, since I do not know for sure.

Did the Mau people who signed the petition wish the Government of Samoa taken away from New Zealand?—I would like to give a short explanation before I answer the question.

*The Chairman.*] Will you please answer the question first and then give your explanation afterwards?—If the New Zealand Government wish to give up the government of the country it could do so, because we are not satisfied with the New Zealand Government.

Do you wish the government of Samoa to be taken away from New Zealand?—Yes; we want the Samoans, and the Samoans only.

And for the Samoans to say what taxes they should pay?—Yes.

And to say how the taxes collected should be spent?—We know quite well how to do these things. If we make a mess of it, it is our own fault.

Do you know the details of the mandate?—The mandate said that the island would be governed peacefully, and not to break the peace.

Did the European members of the Citizens Committee know of the views of the Natives belonging to the Mau?—I do not know, because they are quite distinct from us. We have our own Samoan affairs.

Whom did the Natives look upon as the head of the Mau movement?—One chief cannot be head of another chief; they are all the same.

How many Samoan chiefs are there in this Mau movement?—There are about one hundred.

Do you know that there is no law which makes the Native subdivide their land?—There is an order issued by the Administrator, and that is a law.

Do you think that makes it compulsory for them to cut up their land if they are told?—We would not abide by any instructions of that nature, because by looking into the matter we find that there is no law.

Have you looked into it?—The Faipules are treating it as a law nowadays.

Is it not only after the people themselves are agreeable?—That is not told to us; it is done by force. We have not been told that it rests with the people whether it should be done or not.

Would you be satisfied if that were the position, and that it could only be subdivided if the people were agreeable?—No; I do not wish to be satisfied with it.

Is it not your objection that if the land were subdivided you would not have young men to work for you?—I am not satisfied with the subdivision, because that would break the peace amongst the people.

You made a complaint that the Faipule was interfering with you when you were a Fa'amasino: did you report that to any official of the Government?—I reported the matter about one hundred times, and to Mr. Griffin, but no notice was taken of it.

Did you ever put it in writing?—I saw him personally.

You did not write to him?—No, but I wanted to hear what he had to say about the matter.

*Mr. Baxter.*] This idea that you were separating from New Zealand: is that an idea you had in your own head or is it an idea that you obtained from the Mau?—It is the opinion of the Mau as well as myself.

How long have you had that opinion?—The epidemic of November, 1918 made me start that way, when all the members of my family were wiped out.

AUTAGAVAIA SIAUPIU sworn and examined.

*Mr. Slipper.*] Have you been banished?—Yes, I have been banished three times by His Excellency the Administrator and the Faipules.

Did you have a written order in each case?—Mr. Griffin ordered me to a certain place.

Was that the first banishment?—The first banishment was by the Administrator. Mr. MacFarland was the interpreter.

Did you have a written paper then?—I was advised that I was banished from my village, Palauli, in Savai'i, and I was to remain in Falealupo.

Can you tell the Commission when that first banishment was?—I cannot remember the year, but it was while Colonel Tate was the Administrator at Samoa.

What were you banished for?—My people and myself in my district objected to a Plantation Inspector of another district exercising his powers in our district.

For what period were you banished at that time?—During both the Administrator's and Faipules' pleasure. I was there for six months.

Where were you living at the time of your banishment?—I was ordered to leave Palauli and to remain in Falealupo.

How was your banishment order removed after the six months?—I, together with another person who was banished in the same way, was brought before Mr. Griffin and was informed that the punishment was ended.

Was this all the notice you got?—That was the only notice I received.

Was that also in Colonel Tate's time?—Still in Colonel Tate's time.

Coming now to the second banishment, will you tell the Commission about that: how long ago was that?—Colonel Tate was succeeded by the present Administrator.

Was the present Administrator in office then?—Yes.

Was this the paper, or does it apply to the three banishments, or was it shortly after General Richardson came here in 1923?—This is the second banishment.

So you have been banished again since this one?—The third banishment was this year, comencing in May.

This is your second banishment order and it is dated 11th June, 1925. [Exhibit No. 28.] In the order that is before the Commissioners how many miles away were you banished?—About thirty-four miles.

Was there any arrangement made for your keep at the place you were sent to by the Administrator?—No. I asked that some arrangement should be made in regard to my support in the new place where I took up my residence, but they would not do anything.

Had you not relations there?—No, only my father's sister, who was living there with her husband.

Did you live with them?—No, but I went and lived with her children. My father's sister died by this time.

They were your cousins, were they not?—Yes.

Have you a wife and children?—Yes.

Did you take them with you?—Yes, we all shifted to Safune.

Did you leave any property behind?—Three houses and a lot of land.

Was there anything on the land?—Coconuts, cocoa, bananas, and taro.

Was there anybody there to look after the land?—No.

Is that banishment finished, or is it still in existence?—Yes.

Did you then return to Palauli?—Yes, when the Administrator remitted the banishment order.

How long had you been away?—I was away from my home for eighteen months.

When you returned what condition did you find the houses in?—The big house which was under construction and which I had to leave, was broken down; it was not completed. The other two were not so bad, but were in a fairly dilapidated condition and needed repairs.

What was the condition of the plantation?—The plantation was in a very bad way. I will have to replant the whole of my plantations. They will require cleaning up.

Were the coconut-trees injured by this neglect?—The trees have been killed, and only the dead trees remain. The younger trees were killed by the weeds.

How did the cocoa-trees get on?—There is no cocoa at all.

What about the bananas?—There are no bananas at all now.

What was the title that was taken away from you?—Autagavaia.

What kind of title is that?—A leading orator.

For what district?—Palauli.

Why were you banished and the title taken away from you?—I do not know, because there was no trial.

Did anybody speak to you about it before you got the order that was handed to the Commissioners?—I was sent for by Mr. Griffin to appear before him on the *malaga*, which I did. He informed me that the Faipule, Malupo, of our district had reported me for committing a breach of the peace. I then asked Mr. Griffin to have an inquiry between the Faipule and the people of my district to show in what manner I had broken the peace.

Did you admit or deny the charge?—I denied it.

When you were called before Mr. Griffin were you called by letter?—The messenger said that he had a message for me to go to Apia.

Did he tell you in the letter what he wanted you for?—No.

However, you asked him to have an inquiry made between the Faipule and the members of your village in order to see what the trouble was?—I wanted to know what offence I had committed.

What did Mr. Griffin say as to that?—He said it could not be done.

Did he give you any reason why it could not be done?—Mr. Griffin said that there could be no inquiry between myself and the Faipule; the only thing I had to do was to go to the other district and reside there.

Did you have any friends with you then that could have said anything on your behalf?—No; I went alone.

Did you not have witnesses at Palauli?—Yes.

Were there any witnesses against you when you appeared before Mr. Griffin?—I did not see anybody there.

Was the Faipule concerned there?—No.

What is the name of the Faipule?—Malupo.

Before leaving the subject, did you cause a breach of the peace, as was suggested?—No, I did not cause any trouble or cause a breach of the peace.

Is that all that happened, or is there anything more which you wish to say to the Commission?—That is all.

How long after that did you get the order?—I got the order at Safune, when I had shifted there.

Why did you shift to Safune?—In obedience of Mr. Griffin's order.

So you were told by Mr. Griffin to do this before you were told to do this by the Administrator?—Yes.

Did anybody else beside Mr. Griffin say anything to you about it?—Only Mr. Griffin and myself were present in the office.

From the time you saw Mr. Griffin up to the time you got the order did anybody else in authority speak to you about it or question you?—When I was at Safune I was instructed to report myself to the Resident Commissioner. I did so, and I went to Fagamalo, where I was served with the order.

Did anything happen when you saw the Resident Commissioner?—When I called there the Resident Commissioner was in Apia, and there was only the secretary there.

Was there any business discussed?—The Secretary to the Resident Commissioner read out a letter to me and said that the Administrator had ordered me away.

Was any reason given why you were banished, or was there any other reason given why you were banished?—No.

Now, coming to the third banishment, when did that occur?—Lately, when the Mau movement came on.

Was it before or after the King's Birthday?—This is the fourth month of my banishment.

Do you not remember the visit of the Minister here?—I have been banished since that time.

Have you got your papers with respect to that?—I have no papers.

Did you not get a paper?—No.

Well, then, how did you come to think that you were banished if you did not get a paper?—Papers were brought by the police, but we refused to accept them.

The official date is the 16th July, 1927: where were you living at the time the order was brought to you?—I was at Mulivai, Apia.

Were you living at Vailoa Palauli?—The first order was sent out to me, but I was at that time at Vailoa Palauli. We just got orders to go to Falealupo.

You did not read that order that was brought to you?—No.

Were you told what was in it?—No; it was not read out to me or explained to me.

That is your own fault. Was there any suggestion of arresting you?—Yes.

Were you arrested?—Yes; I was eventually arrested and handcuffed.

Why were you handcuffed?—Only by the harsh dealings of the Administrator.

The police, as a rule, do not usually handcuff men unless they are using their fists, and things of that sort: did you do anything of that sort?—I resisted the police, and they asked me to go with them; and then I also resisted them when they tried to handcuff me.

Do you know the reasons of the banishment?—I do not know, because I was not tried.

Have you any idea at all?—I believe the reason why was because I joined the Mau.

Did any official ever speak to you or question you about it?—No Government official spoke to me or questioned me on the point.

You have never been told what you were punished for?—No.

Have you done anything, so far as you know, to interfere with the peace and good government of the country?—I got all the people of my district, including the Government Native officials, to join the Mau.

Have you been told that?—I have not done anything.

*Mr. Meredith.*] Did you not get into trouble in 1922 for conspiracy?—Yes, because I resisted the authority of the Administrator in refusing to acknowledge the Plantation Inspector of the district.

Did not, later, the Faipule Malupo ask that you be allowed to come out and that he would guarantee your good behaviour?—I do not know anything about the request of Malupo; but the Faipule of Safotu informed me that he had requested that I be returned to my home.

And you were allowed to go home in October, 1924?—Yes.

Were you not in trouble again with respect to the things you said at a *malaga* of the Administrator?—I did use some words in my speech at Palauli for which I was called before him.

*Judge MacCormick:* When was this?

*Mr. Meredith:* It would be a *malaga* some time prior to June, 1925. (To witness:) Did you apologize for that, and was your apology accepted?—The Faipule begged of me to think of him and asked me to apologize, and the reason why I did it was because of the request of the Faipule.

*Mr. Slipper:* May it please your Honour, I would just like to mention that the prisoners are here from Tuvao Gaol, and in order to allow them to be returned I suggest going on with them now, if your Honour pleases.

*The Chairman:* Yes, you can go on with them.

*Mr. Meredith:* Before the adjournment Judge MacCormick asked a question about the position of "fine mats." The position is that a resolution was passed by the Fono in June, 1923. This is the resolution: "Fine-mat transactions to be under control for three years. Those who are under obligation to give 'fine mats' shall fulfil their obligation, but *malagas* are forbidden for this purpose. These obligations shall be fulfilled and ended by December. *Malagas* for the purpose of mat-distribution in any shape and form are forbidden. This order shall take effect from July 1st, 1923." The matter was again brought up in May, 1926, and this resolution was passed by the Fono: "The Fono agrees not to rescind the regulation concerning 'fine mats' at present, because since its introduction Samoa has had peace and prosperity. Moreover, the three years' time has not expired for which this regulation was to be tried out before making it law." The position as it stands at present is that to make it actual law it will require this resolution of the Faipule to be incorporated in an Order in Council by the Minister in New Zealand.

*The Chairman:* What section is it under—Authority to legislate by Order in Council?

*Mr. Meredith:* I see it is apparently section 45 of the Samoa Act, 1921.

FUATAGA SOLOMONA sworn and examined.

*Mr. Slipper.*] You have been banished, have you not?—Yes.

And you had your title taken away from you?—My title was not taken away from me.

Have you got your banishment papers with you?—No.

Where are they?—Lost.

Apparently the date of the banishment order is the 5th July of this year. I am taking it from the official list. (To witness:) Was there only one order, or was there more than one order?—There were two banishment orders issued against me. One was made null and void by the Court, and for the disobedience of the second I am now serving sentence.

How long was it between the first and the second orders?—One week.

Can you remember where you were told to go in the first order?—To Lalomanu.

And where were you then?—Vaimoso.

And by the second order where were you ordered to go?—Lalomanu also.

Why were you ordered to go there?—Because of the harshness of the Administrator.

Do you know of any reason why he was harsh?—Because I was a member of the Mau.

Did any official tell you that?—That was not told to me by any official, it was what I thought myself.

Before any of these orders was made did any official speak to you or ask you any questions?—No.

Did you ever have any sort of a trial?—No.

Were you doing anything wrong in Vaimoso that you know of?—No.

Were you doing anything to interfere with the peace, order, and good government of the Territory?—No.

*Mr. Meredith.*] Did you receive a notice from the Administrator asking you to go home with the other strangers in Apia and make any complaints you had to the Administrator in your own village while he was on *malaga*?—That information was given out some time after I was in Apia.

Did you sign a letter to the Administrator saying that you would not go back to your village, but would stay in Apia?—I did not sign a letter.

After hearing that the Administrator wished them to go to their own villages did you continue in Apia?—I was dissatisfied with the Administrator, so I remained in Apia.

And after receiving the first order to return to your home you still stayed in Apia?—Yes.

You received a second order to go home, and still remained in Apia?—Yes, because there was dissatisfaction.

And it was because of this refusal to obey that order that you were brought before the Court?—I believe so.

How long had you been in Apia before you were brought before the Court?—One month

Were you here at the visit of the Minister?—Yes.

Did you remain in Apia all the time after that until you were brought before the Court?—Yes.

Were you attending *Mau fonos* during that time?—Yes.

Were you not doing any work in Apia?—Just the usual Samoan work, helping my relatives with whom I was staying. I attended the *fonos* when there were *fonos* held.

How many Samoans belonging to the *Mau* from outside of Apia were staying in Apia at this time?—A great number; indeed, nearly the whole of Samoa.

And were they meeting every day holding *fonos*?—Not every day.

Several times a week?—Yes.

Who was addressing these *fonos*?—People were in the habit of making speeches who had authority among the Samoans, including myself.

Did you address most of the meetings?—Yes.

Advising the other people to stick to the *Mau*?—Yes.

Did any Europeans address any of these meetings?—No; only Samoans.

Where were these meetings held generally?—The meetings were held in various places—sometimes at Lepea, sometimes at Tauese, Mulivai, and other places decided upon by the committee.

Were you a member of the committee?—Yes.

What committee was that; the same as the Citizens Committee?—No.

*Mr. Slipper.*] When the Samoans were in Apia were they doing any harm there?—Not one single offence. They kept the peace.

Was there any talk of making trouble or rows?—No.

What was the talk?—The talk was to preserve the peace and good-fellowship.

Was that a general talk, or a talk among only a few?—It was general amongst the committee.

How did the people seem to take this talk?—They gladly obeyed.

Was there any shortage of food, or any other trouble like that?—No.

Was there any illness or epidemic?—No.

*Mr. Baxter.*] What is your rank, *fa'a-Samoa*?—A leading orator of Samoa.

We have heard some talk about the cancellation of “fine mats”?—In my opinion, the law is not a proper law in the country. We should have freedom in regard to “fine mats.”

Any other reasons?—It is “fine mats” that preserve good feeling amongst Samoans.

There have also been some remarks about the medical tax: we should also like to know what you think about that?—In my opinion the law about the medical tax should be rescinded. We should only pay the ordinary poll-tax, as in former times—£1 4s. for a *matai*, and £1 for a *taulealea*—and not have a medical tax.

We have also been told about a proposed scheme for the division of Samoan land amongst the Samoan people, giving each a portion of land: have you anything to say about that?—In my opinion, the *matais* should control the Samoan lands, and allocate a certain portion of the land to the other members of the family, as in former times.

Why do you consider the *matais* should retain control of the land?—Because he is the controller of the family.

Do you mean that he will be unable to control the family if he does not control the land?—Yes.

About the *Faipule*; is there anything you wish to tell the Commission about the *Fono* of *Faipule*?—There should be no *Fono* of *Faipule* now, as it causes considerable trouble amongst the Samoans through having that body.

In what way has the *Fono* of *Faipule* caused considerable trouble among the Samoans?—In some instances that is the reason for the dissatisfaction of to-day.

I want particular instances?—Because when the district has matters to be brought forward by the *Faipule* and asks the *Faipule* to bring forward those matters the *Faipule* fails to do so.

Can you tell us an instance when that has happened in a district you have been in at the time?—That was done by the *Faipule* of my own district.

What was his name?—*Mata'afa*.

What was it that he refused to bring forward?—Water-supply matters for villages in the district.

Is there anything else you have got against the *Faipule*?—No.

How does a man get into the *Fono* of *Faipule* and become a *Faipule*?—Appointment by the Administrator.

Through the district, or do they not have any say?—No; the Administrator appoints the person.

In the *Fa'a-Samoa* way, who would appoint the *Faipule*?—The district would appoint the *Faipule*.

Is there anything you want to tell us about any particular *Faipule*?—No; I only wish to give evidence as regards the *Faipule* of my own district. I have reason to believe there are *Faipule* in other districts who do the same thing.

Apart from the water-supply question, is there anything else?—That is all.

Do you remember the meeting that was held here in the Market Hall at the end of last year: were you at that meeting or not?—No, I was not present.

You have told us some of the grievances against the medical tax: how long have you had those grievances?—Right from the coming into force of the tax.

How long have you had this grievance about the “fine mats”?—As soon as the law was passed I felt dissatisfaction against it.

And your other grievances: have you had them one year or two years?—Many years. It is four or five years since I commenced to be dissatisfied.

I think you came straight here from *gaol*?—Yes.

*Mr. Meredith.*] Is your only complaint against Mata'afa for not bringing the water-supplies before the Fono of Faipules?—No; there are other minor grievances.

That is the chief one, is it?—Yes. Another thing is that they suddenly appoint a Faipule and no one is consulted.

Which one?—Mata'afa.

When was Mata'afa appointed: before the present Administrator came to Samoa, was it not?—I am not sure whether it was the present Administrator or one of the others.

As a matter of fact, sir, it was before. The appointment was in Colonel Tate's time. (To witness :) Is the complaint about the water that they wanted water for Amaile and Lalomanu?—They wanted it for the whole of Aleipata.

But were those the two villages that you were concerned with in getting water?—We wanted water-supplies for the respective villages in that district. We put the matter before the Faipule, before the Fono. I am concerned with the Lalomanu supply.

Here is a letter dated April, 1925—a remit to the Fono of Faipules [letter handed to and read by the witness]?—We wanted a water-supply for the whole district of Aleipata. Some of the villages, like our own, did not get a water-supply, and we wanted Mata'afa to bring this forward so that we would get a water-supply, but he did not do so. He may have brought the matter forward, but it was unknown to us, and nothing was done.

Paragraph 2 from that letter dated the 10th April, 1925, reads as follows: "We want a water-supply for Amaile and Lalomanu": You told us Mata'afa did not bring that remit up?—I was under the impression that the Faipule had done nothing in the matter.

Do you know that is on the list of public works shortly to be executed?—I did not know. I do not know when the work is to be done. The Samoan is always anxious to get things done quickly.

Is it correct that the object of the Mau is for the Samoans themselves to govern Samoa?—Yes.

To make all their own laws?—Yes.

To say what taxes are to be paid?—Yes.

And to say how the money shall be spent?—Yes.

They just want the protection of the British flag from outside enemies?—Yes.

Did you attend either of the big public meetings held in Apia at the Market Hall?—No.

Did you talk these matters over with the European members of the Citizens Committee?—No.

You did not see the report that the members of the European committee prepared?—No.

Did you sign a petition, a petition signed by Laga'aia and a lot of other Samoans, dated the 11th March of this year—a petition to the New Zealand Parliament?—Yes.

Did you sign it in your own village or in Apia?—Apia.

Whereabout in Apia?—At Vaimoso, where I was then living.

Were you the only one that signed it at Vaimoso?—I signed it by myself. I was alone in the house.

Who brought it to you?—A clerk to the committee, named Une.

Did you read it through before you signed it?—I read it through and then signed it. I was quite agreeable with it.

Did you see any Europeans before you signed it?—No.

Or discuss it with any Europeans before you signed it?—No.

TUISILA sworn and examined.

*Mr. Slipper.*] What is your name?—Tuisila.

Have you any other name?—No, only Tuisila.

You have been banished, have you not?—I was banished.

Have you your papers with you?—No.

You were banished on the 12th January, 1927, were you not?—During the month of July.

Have you had more than one banishment?—Only one. The first time I was ordered away by the Administrator. The second time I was sent by the Court to the prison at Tuvao.

Was the first time shortly after last Christmas?—I cannot recollect. I only recollect the occasion when I was sent to Tuvao.

The other occasion was before that, was it not?—I was first told by the Administrator to return to Aleipata and not to remain any longer in Apia.

Whereabouts in Aleipata was it said that you had to go to?—Mutiatele.

That is where your home is, is it not?—My real home.

Has your title ever been taken away from you?—No.

Why were you sent from Apia back to your home: do you know?—On account of the meeting relating to the Mau.

Does that mean because you were a member of the Mau?—Yes.

How long were you to stay in your home village?—Three months.

Did you obey that order?—I obeyed.

Do you know of any other reason why the order was made?—It is the Mau.

Any other reason?—The only reason is the Mau, and that I must not remain around Apia.

Did anybody tell you that?—I know because of the letter from the Government to me.

Can you give any reason why you should not be about Apia: was there any reason given?—The order was that I was to vacate Apia and leave for my village.

Did it give any reason why you should leave Apia?—My only reply is that there is nothing else; because of the Mau that I was ordered by force away by the Governor.

Did anybody ever tell you that ?—No.

Did anybody ever ask you any questions about your conduct before the first order was made ? No.

Did any official ask you before the first order was made whether you belonged to the Mau ?—There were people of the Government that asked me about it and told me not to come to the Mau.

What people ?—The Faipule of Aleipata.

What talk did you have with the Faipule ?—He talked to me and explained the reason why I should not join the Mau, and I told him that I had already made up my mind and I should not withdraw from it.

Was there more than one Faipule ?—Only my own Faipule.

What was his name ?—Mata'afa.

Do you know of anything that you have done to interfere with the peace, order, and good government of the country ?—No.

Do you know whether yourself or any other people in the Mau have talked about doing anything against the Government ?—No, not any of the chiefs of the Mau.

The second order was on the 2nd July, 1927 ?—On the 7th July.

Do you know why that order was made ?—I do.

How do you know ?—There were two letters served upon me—by the Judge, and also by the Government. These two documents contained an order for my return to Aleipata.

Did any official of any sort—the Administrator or any one else—talk to you about these matters before that order was made ?—No.

Did anybody ask you any questions about your conduct before the order was made ?—No.

Did you obey that order when made ?—I did not obey the order that I was to return to my village and my district.

Did you have any talk with His Excellency about this time at Mulinu'u ?—Only the first time, during the first punishment. The last punishment was tried before the Court.

Did you appear before His Excellency just before the second order was made ?—No.

When was it that you appeared before His Excellency ?—I did not go.

Were you not there at Mulinu'u with Alipea and Saga ?—That was what I wanted to explain at first. During the first punishment I appeared before the Governor and talked with Afamasaga and Alipea.

Was it during the first banishment or just before the banishment ?—I appeared before His Excellency.

Can you give us some idea what the talk was about when you were before His Excellency ?—The Governor asked why I was being led astray by the merchants ; and, secondly, that I should leave the Mau and return to my home. Then I was given three months' imprisonment.

Were the papers handed to you that day ?—Yes.

At the same interview ?—The same day.

Had there been any previous inquiry before that that you know of ?—No.

And were you being led astray by the merchants ?—No.

Had the merchants anything to do with you over this matter ?—No.

Going back to the second order ; you say nobody spoke to you about it at all ? Did you appear before the Governor ?—Twice I had been ordered by the Judge to return to my home and to discontinue what I had been doing.

What Judge was that ?—Chief Judge.

Was that before or after the banishment order was made ?—The order was sent to me first for my return to my home. The only thing I received was this order telling me to return to my home.

*Judge MacCormick* : After he got that order to return, did he have any interview with an officer of the Government before he was summoned to appear before the Court ?

*Mr. Slipper* : That is not the question.

*The Chairman* : May I suggest that you leave it to Mr. Meredith to see if he can straighten things out when he is cross-examining.

*Mr. Slipper*.] You did not obey the order, did you ?—I did not obey it.

And then you were brought into Court, were you not, and by a policeman ?—Yes.

And did he take you away then and there, or hand you a piece of paper to come later on ?—I went along with the policeman.

Where did you go to first of all ?—I was first sent for by Inspector Braisby and was held in his office. This was the day I was ordered to appear before the Court.

Were you put in the lock-up at all ?—No.

You came up to the Court that day ?—The Court did not take place that day.

How many days after did it take place ?—One day.

And what became of you overnight ?—I was at Tauese.

Under arrest or not ?—I was there under order of the Court that I was to appear when the trial took place.

*Judge MacCormick*.] Where is Tauese ?—A few hundred yards down the road.

*Mr. Slipper*.] And when you did appear you were found guilty of a breach of the order ?—I was asked why I did not obey the first order. I replied, " I will not obey the first order, and I will not return to my district."

You were sentenced to three months' imprisonment ?—Yes.

You are in gaol now ?—Yes.

*Mr. Meredith*.] Is not that your signature to a letter to the Administrator, dated the 25th June, 1927 [File of letters put in—Exhibit No. 29] ?—Yes, that is my name.

That was signed by you and about sixty-nine others ?—That is correct.

Asking for an interview with the Governor ?—Yes, I understand so.

And was it to have an interview with the Governor and lay certain questions before him ?—I do not know about that letter.

Who composed that letter ?—We, the whole committee.

The whole seventy ?—All those whose names are on the document.

Do you remember what is in it ?—I cannot recollect.

Where was it typewritten ?—Here, in Apia.

Have any of those Samoans who signed that letter got a typewriter ?—Yes.

On whose typewriter was that letter typewritten ?—On a typewriter belonging to the Mau.

In whose office was that typewriter ?—Here, close to Mr. Moor's place, in our printing-office.

Whose office is it ?—Our office.

The Mau had an office ?—Yes.

Will you agree that the translation of this letter was that they wished to meet the Administrator and place certain matters before him ?—I cannot bring to mind what has already taken place, because at that time we were very angry.

On the 30th June did you receive that letter from Mr. Bell for the Secretary of Native Affairs in reply to your letter to His Excellency. [Letter put in—Exhibit No. 29.] Did you receive that letter, telling you that the Governor had gone on a *malaga* and would meet you in your village ?—Word was sent to us by the Governor to return to our homes, and whatever matters the people wished to bring before the Administrator should be brought up when he arrived at the different places.

Did you on the 5th July, with twenty-seven others, say that you would not leave Apia [letter put in—Exhibit No. 29] ? Did you sign that letter to the Administrator : Yes or No ?—I signed my name.

The part that I wish to bring out is this : “ We formed the Mau and continued to support all the laws of the Government for the past seven months, but in doing that we have belittled ourselves in your opinion ; therefore we have decided to remain gathered together in Apia until we receive the decision which we are expecting, and none shall depart until the answer we are waiting for shall be received.” (To witness :) And you stayed in Apia and did not return to your village to meet the Governor on *malaga* ?—That is correct.

And what were you doing : were you attending meetings of the Mau in Apia then ?—All that time I attended the meetings of the Mau. I stayed in Apia.

With a lot of other Samoans from outside districts also attending the meetings ?—Yes.

Were you addressing these meetings ?—I made speeches.

And then you were served with an order to return to your own village ?—Yes.

Did you disobey that order ?—I disobeyed.

*Judge MacCormick* : Have you got the date of the order ?

*Mr. Meredith* : The 2nd of July, or just about that date.

*The Chairman* : The letter of refusal is dated the 5th July.

*Mr. Meredith* : Mr. Slipper said the 2nd.

*Mr. Baxter* : The position is that the official list supplied says the 2nd ; the witness says the 7th. I presume the order was signed on the 2nd and served on the 7th.

*Judge MacCormick* : This letter was probably the disposing factor in causing the order to be issued.

*Mr. Baxter* : The official list shows the 2nd July.

*Mr. Meredith* : The original file will be turned up and the date definitely verified. The date as on the tabulated list is the 2nd. (To witness : And some days later, as you still remained in Apia, you were brought before the Court for breach of the order ?—Yes.

*Mr. Slipper*.] While you were staying in Apia did you do any harm ?—No.

Did you or any of the people that you were with talk about doing any harm or threaten to do any harm ?—No.

And when you attended these meetings of the Mau what were the people talking about—you and all the rest of them ?—The main subject, that is always discussed at these meetings, is to be at peace, to be friendly, not to cause any trouble amongst the people of Samoa.

But that is not all that was talked about ?—These were the matters as I have explained—to be friendly, to be at peace with one another ; and the meetings always ended up that the people were dissatisfied.

Did you talk over the things that you were dissatisfied about ?—Yes.

What was the reason for talking about all being at peace : was there any reason for that ?—That all the people of Samoa are friendly towards each other, except that they are dissatisfied with the Government.

You said “ friendly with all the people ” ?—All the people of Samoa who are in the Mau, not the people in the Government.

By this do you include not only chiefs, but common people : were they dissatisfied, too ?—All those who are in the Mau.

So that is the way they felt : and you chiefs, as leaders, you say that you always told them to keep the peace ?—Yes.

And did you think there was any real need to tell them that ?—I considered it was proper the thing to say to the people—to be friendly towards each other.

Did you always tell them the same thing at other *fonos* years ago : did you always tell them that or not ?—In former days the people were always at peace with each other, because there had

been nothing taking place to disturb them. Now that the people are dissatisfied with the Government it seems necessary.

*Mr. Baxter.*] What is your rank, Tuisila, *fa'a-Samoa*?—I am a *matai*, a head of a family.

Do you hold any other rank, other than that of a *matai*?—My standing in Samoa is that I rule the family, the village, and also the people of the country.

Are you a chief or a *tulafale*?—A chief.

Where do you come from?—Mutiatele.

Do you want to tell the Commission anything about the cancellation of the “fine mat” *malugas*?—That the custom of the Samoa “fine mats” should be maintained. It is not proper for the Government to disregard the “fine mats” of the Samoan people, because that is one reason why the people of Samoa meet together in a friendly manner.

Have you anything to tell us about the medical tax?—It is my opinion that there should be no tax as regards hospitals.

Why not?—That the matter be the same as in former days; that a person will pay his own medical fees.

Do you wish to say anything regarding the proposal to cut up family lands by the Government?—The lands of the family should be under the control of the *matai* of the family, and that he will apportion the land amongst the various members of the family.

Regarding the Faipule, your Faipule will be Mata'afa?—Yes.

How was he made a Faipule: do you know?—He was appointed by the Governor.

Did not the district have something to say about that?—No.

Do you wish to say anything about the Fono of Faipules?—I have no opinion to give, except this: that I consider there should be no Faipule; that matter should be as in former days.

In other words, you want the country governed not by the Faipule, but *fa'a-Samoa*?—In days gone by the Faipule was appointed by the unanimous wish of the people. In these days the Faipule is appointed by the Governor, and we are not satisfied.

Is there anything you want to tell the Commission about any individual Faipule?—There is nothing, except that I consider the Faipule should be removed.

Do you remember the night of the first meeting in the Market Hall?—Yes.

You went to that meeting, and you were elected to the committee: what did you go to that meeting for?—I went to this meeting because I had been selected as the representative of my district, and, I may say, also of the whole country.

When you say “the whole country,” what do you mean: do you mean all Samoa, or do you mean Atua?—I represented my district of Atua. It has been agreed upon by the people of Samoa who were present at the meeting.

Why did your district want to have a representative at this meeting?—The people of my district wanted me to represent them in this because the people were dissatisfied, and they wanted me to represent them.

You went on the committee, and then there were certain reports drawn up, I think, and you helped with the one on the Legislative Council. Then those reports were brought up at a second meeting—the *papalagi* reports and the Samoan reports. Were those reports, or were they not, considered by the committee before they came up before the second meeting?—Yes.

When?—I cannot bring to mind.

At the second meeting you decided to send a delegation to New Zealand for the purpose of putting these reports before the Minister: that delegation did not go, because the Inspector of Police refused you passports?—I was one of the delegates appointed, and I went before the Inspector of Police for a passport, and I was refused.

*The Chairman*: Does he know anything about it?

*Mr. Baxter*: He was present at the interview with the Inspector of Police.

*The Chairman*: That is not the whole history, as we all know. He was not refused absolutely the passport.

*Mr. Meredith.*] Is not the Faipule of your district Tafua?—Tafua is the Faipule of Aleipata.

That is the Faipule of your district, the district to which you belong?—Mata'afa was the Faipule originally for the district of Aleipata. Some time before the beginning of the Mau Tafua was appointed Faipule by the Administrator, and he is now the Faipule for Aleipata.

Was Tafua appointed before the beginning of the Mau or after?—Quite recently, since the Mau has begun.

*Judge MacCormick*: What became of Mata'afa?

*Mr. Meredith*: Mata'afa is now Faipule for only two villages, Amaile and Samusu. (To witness:) Will you read that letter?—I cannot read it without my glasses.

Is that not a request to the Governor, signed by the chiefs and orators of the district, to appoint Tafua?—I have no recollection of this petition.

*The Chairman*: Do not bother with it, Mr. Meredith. I think you should ask some questions about the appointment of Mata'afa.

*Mr. Meredith.*] When was Mata'afa appointed?—I do not know. It was a long time ago.

Were you a *matai* when Mata'afa was appointed?—I have long been a *matai*.

Were you a member of the District Council when Mata'afa was appointed?—I had not been appointed by the district.

Were you a member of the District Council when Mata'afa was appointed: that is what I asked?—No.

You were appointed by your people to attend the meeting at the Market Hall called by the Citizens Committee?—I had been selected by the whole committee to represent my district.

I am speaking now before the first meeting in the Market Hall. Did you have a discussion with your people?—Yes, I had been selected by my district.

Where was that discussion among your people held?—At Aleipata.

Who called that meeting together?—The chiefs and Councillors of Aleipata called us together.

Who asked for a meeting to be held in Aleipata?—All the chiefs and Councillors of Aleipata who are in the Mau.

Was any message sent out to them from Apia to call this meeting?—No; it was by the voluntary wish of Aleipata.

How did they know this meeting was going to be held in Apia?—This was after I had returned from the first meeting of the Mau which took place.

Did you address the meeting at Aleipata?—I made about ten speeches; in fact, I have made many speeches.

Did you address this meeting after you returned from Apia?—Yes.

Did you tell them the object of the meeting you had attended at Apia?—My speech before my district at the time was that all the people of Aleipata—chiefs, women, and children—must join the Mau.

Are the objects of the Mau to get a Government of Samoa by the Samoans?—The Samoan people to make their own Government.

They do not wish any Europeans to be governing in Samoa?—It is my contention that the Governor and the officials of the Government be all sent away, and that only the flag of the Government of Great Britain be allowed to wave over the country.

Did you attend a meeting when the European members of the Citizens Committee produced their reports?—I was present.

Did you hear them explained by the European members?—It is the opinion of us, the chiefs of Samoa, that the Governor and the Europeans be taken away from the place; that we do not wish them to rule the country—the Samoan people themselves to rule the country.

Did you listen to what the Europeans had to say in their reports, or did you take no notice of them?—That was the unanimous wish of the committee—the reports that were submitted.

*Judge MacCormick.*] When this meeting of the chiefs and Faipule at Aleipata was held you were already a member of the Citizens Committee?—Yes.

TUESDAY, 4TH OCTOBER, 1927.

*Mr. Baxter:* There is just one matter I would like to mention to your Honours. The cases are dragging on in an impossible manner, and I propose, so far as Native matters are concerned, to ask no further questions of the witnesses, except that I intend to ask—in the case of one witness coming from a different district from that of the previous witness—about the appointment of the district's Faipule. It is quite possible that one or two witnesses may have some specific matter which I may wish to bring up. It is not a case of not wanting to get the evidence in, but because the evidence is dragging so much, and I also think that there has been sufficient evidence brought before the Court to show the trend of matters.

*The Chairman:* Thank you, Mr. Baxter.

LEILUA SWORN AND EXAMINED.

*Mr. Slipper.*] What is your name?—Leilua.

Where do you live?—I live in Fusi, at Safotulafai, in the district of Fa'asaleleaga.

*Judge MacCormick.*] What is Safotulafai?—It is the province of the district of Fa'asaleleaga.

*Mr. Slipper.*] You were banished?—Yes.

And your title taken away?—My name was taken away. I have the order. [Put in; Exhibit No. 30.]

What title was that which was taken away from you?—The *matai* name of Leilua.

Is that a *matai* title?—That is the *matai* name—Leilua.

Were you banished to a place called Iva?—Yes.

How far away is that from Safotulafai?—About two miles.

Now, do you know why you were banished?—There has been no real cause according to the law, but there are two things which I believe were the cause.

Well, tell us one of those things?—Some very strong language and abusive language has been made to me by the chief Leilua Siavi'i. Such language always brings about trouble and the breaking-up of peace.

That was no fault of yours. What happened then?—It is my belief that the reason was that I reported the matter to the Court.

*Mr. Slipper:* I do not think that we need press the matter any further, sir.

*The Chairman:* No.

*Mr. Slipper.*] What was the other reason you were guessing at?—I contend that it was on account of these remarks and my complaint to the Court.

Are those the two things you are talking about?—I believe those are the things.

Did anybody ever tell you that—any official, that is?—No.

Were you ever asked any questions about it?—My complaint before the Commissioner and also Mr. Griffin was not investigated.

Was that the complaint—about the strong language which had been used to you?—Yes, on account of this very strong language.

How did you report that to Mr. Griffin: did you go to see him or did you send him a letter about it?—I first appeared before the Commissioner, and also later before Mr. Griffin.

*Judge MacCormick.*] Do you mean the Resident Commissioner of Savai'i?—Yes.

*Mr. Slipper.*] How did you appear before him: did you go of your own free will or were you asked to come before him?—By my own free will; on account of the strong language which had been used to me.

Did he take the matter up or did he not take the matter up?—The Resident Commissioner refused and did not investigate these things.

How did you appear before Mr. Griffin: was that of your own free will or were you summoned before him?—By my own free will I appeared before Mr. Griffin, because the Resident Commissioner had refused to take it up.

You have already told us that Mr. Griffin would not take the matter up. When he refused to do so did you take the matter to the Court?—Before Mr. Griffin, the Secretary for Native Affairs.

Leaving that, I want to know this: You have a banishment order: was anything said to you by any official about the banishment before the order was made out?—The order was served on me. As soon as I found out what the contents of this order were I immediately left. Nobody said anything to me, nor did I say anything at all about it.

Were you ever ordered to come before the Faipule—I mean, not of your own free will, but ordered to go by the Faipule in front of Mr. Griffin, or in front of His Excellency, or in front of anybody, to talk of what you had done before this order was made?—There was no order; nothing had been said to me to appear before any officials of the Government. I went there of my own free will.

*Judge MacCormick:* You were asking, Mr. Slipper, what happened after these Court proceedings—if there were any proceedings—were you not?

*Mr. Slipper:* No, sir, I was asking if he had ever interviewed or been ordered to come before any official prior to the making of the banishment order.

*Judge MacCormick:* But after these Court proceedings?

*Mr. Slipper:* I do not know, sir, when these Court proceedings came on. I did not follow up that point, and there may never have been any at all. (To witness:) Yes?—I appeared before Su'alatu, the Faipule, to ask for information as to whom I should lodge my complaint with—complaint of the use of such strong language. He then referred me to the Resident Commissioner, or to Mr. Griffin, the Secretary for Native Affairs.

That is the same story, practically. Who is this other Leilua: is he a Faipule in your district?—He is the Faipule of my district.

He was the man who was using the strong language?—Yes.

Now we have the story. Is your banishment finished yet?—I am still serving my banishment right up to the present day.

Have you any house or plantations at your own home to look after?—I have houses and plenty of plantations that have been destroyed.

How many?—I have a guest-house.

But how many houses altogether?—Two houses.

You have been away for getting on for two years: do you know what condition those houses are now in?—Regarding the small house, it is not standing to-day; the big house is still standing.

Do you know what condition it is in?—I do not know, but I believe that the big house is not in a very good condition.

Have you anybody there to look after your plantations and your houses?—Only an old, feeble woman and her child.

Do you know or not whether anybody has been using the products from your plantation?—No doubt some of the products of the land are being used by people, and it has been reported to me that one of my plantations is totally destroyed or damaged.

Is that Faipule living in that village where your home is?—Yes, he lives in my village.

*The Chairman:* You might ask him about the family, as you have asked the other witnesses.

*Mr. Slipper:* I did not stress that point, sir, as he has been moved only two miles away. (To witness:) Have you a wife?—Yes.

Any children?—I have eight children.

Are they with you or are they in your old home?—They are together with me at the place to where I am banished.

And who is supplying the food?—I go myself and find my own food-supplies, and also some of my family are kind to me.

Are you living with relatives at Iva?—There are relatives there, but not very well acquainted ones.

So ten of you have been living on their bounty for two years?—I have also brothers and sisters besides my wife and children—all living at this place under the good care of these people.

*Mr. Meredith.*] Do these men belong to your family: Leilua the Faipule, Leilua Leo, Leilua Fagupo, Leilua Tita'e, Leilua Temi, Leilua Tua, Pa'u P.N., Leilua Taviuni, Leilua Ieli?—They are all of the same family, except that they live separately from each other.

*The Chairman.*] How many are there altogether?—Nine.

*Mr. Meredith.*] Do you not know that all these men asked that you be sent away from the village, and that your title be taken away from you?—I am not sure about it, but it appears to me that it was some underhand scheme in order to get me out of the name on account of my complaint.

*Judge MacCormick:* What does the document say?

*Interpreter:* The substance of this document is that the holder of the name Leilua Avau be taken away from the family; that the name of the family be taken away from him was the unanimous wish of all the chiefs who signed this document.

*The Chairman.*] Did they give a reason?—That I was the cause of many troubles in the family.

*Mr. Meredith.*] Did they tell you to leave the village?—I do not know of anything like that.

*The Chairman.*] When you speak of the "village" do you mean Fusi, or where?—I mean Fusi, the place where I was living at the time.

*Mr. Meredith.*] Did the members of the family tell you to leave Fusi?—There was no order or request made to me.

After the discussion with these other men did you go and see Mr. Griffin and complain?—I was not present at any discussion except my complaint before the Government.

Do you mean Mr. Griffin?—Yes.

Did you go before an inquiry of three Faipule—Taimalelagi, Sua, and Unasa?—Those may have been a committee appointed by Mr. Griffin to look into the matter of my case, and they came to my village to investigate it.

Did you go before them and say what your story was?—I made my statement regarding the strong language.

What, before those three Faipules?—There was only Unasa and Taimalelagi.

Was Sua not there?—No.

*Mr. Meredith.* : I will put in the copies of the papers in this case [Exhibit No. 31].

*Mr. Slipper.*] Those people who signed that letter—are they all chiefs or not?—They are all *matais* or chiefs of different families separate from mine.

In your village?—Yes.

Were they friends of the Faipule Leilua?—They may have been friends of his—they may have been his children or sons.

Can you give us an idea of how many *matais* there are in the village?—I cannot remember the exact number, but there may be twenty-three; but that is a guess only.

Was a copy of that letter sent to you?—I did not see any; I do not know whether there was a copy of the letter.

When these chiefs, these two Faipules, came to your village, was that before or after you had made a complaint to the Court about the strong language?—Yes.

That is no answer?—After my complaint.

That letter which you had read out to you talks about your having been the cause of many troubles in the village. When the Faipules came to see you, did they talk about those many troubles?—There was nothing that they said, except that I laid my complaint before them.

They did not talk to you, telling you about the many troubles in the past?—No, I do not know of anything they told me.

Regarding this story about the many troubles mentioned in that letter: when you heard of it to-day, was this the first time?—Yes, this is the first time that I have heard about it.

When the Faipules were there, did these nine *matais* come forward and have their say in front of the Faipule?—No, not at all.

*The Chairman.*] You were sent to a village about three miles from Fusi?—Yes.

Was there a Faipule living in the place to which you were sent?—Yes.

Did you ever speak to the Faipule about your houses and your lands?—No. I had left that family, and I was still thinking of my houses and property.

You did not complain about it?—No.

Would there be any difficulty in getting your relatives to keep your plantations at Fusi in order?—There was only a woman and her child on the land.

You have not answered my question. Was there any difficulty in your getting your relatives from Safotulafai to attend to your plantations?—There is no difficulty, sir, except that, as I have stated, there is only an old woman and her child living in my family there: my brother, his wife, and sisters, were all together with me in the place of my banishment.

*Mr. Baxter.*] You told us the name of your Faipule: how did he come to be Faipule, do you know?—By the authority of the Governor.

Was there no *fono* of the Faipule and orators of the village to talk with the Governor as to who should be Faipule?—There was no meeting about it at all.

TIALAVEA VEVESI sworn and examined.

*Mr. Slipper.*] What is your name?—Tialavea Vevesi, formerly *pulenu'u* of Faleapuna, on the east coast of Upolu.

You have not been banished, have you?—No.

Have you lost your title?—Yes.

Have you got any papers with you about it?—Yes.

*The Interpreter* certified that the document put in was an order dated 29th December, 1926, under the hand of the Administrator, taking away the witness's title, prohibiting him from the use of the title of Tialavea, and saying that in future he shall use the name of Vevesi.

Do you know of any reason why that title was taken away?—No.

Can you think of anything that might have been the cause of it?—I have a suspicion that it was on account of the cases of different parties in our village.

Cases before the Court, do you mean?—Inquiries before the Faipule Toelupe, Aiono, Asi-mama, and Seiuli.

Yes?—For that inquiry I was punished for no reason. Any evidence was unknown to me.

Where did that inquiry take place?—At Mulinu'u.

What sort of a notice did you get—by word of mouth, or a written notice?—Mr. Griffin ordered us chiefs and orators of Faleapuna to go before him at 9 a.m. on Saturday.

Was that in writing or by word of mouth?—It was told to the bearers of our letter to Mr. Griffin by Mr. Griffin himself, and I was afterwards informed by them.

Did you send a letter to Mr. Griffin to begin with, then?—Yes.

What had you written about?—The letter contained our various grievances—Faleapuna peoples' grievances against our Faipule.

You sent a letter to Mr. Griffin about your grievances, and then you got an order to appear before him: is that it?—We got instructions from Mr. Griffin, and the bearers of the letter were also asked if they were *matais*.

Did you go and see Mr. Griffin?—We appeared before him at the hour arranged by him.

When he sent for you to come and see him, did he tell you what he wanted you there for?—On account of our letter which had been presented to him.

When you were going to see Mr. Griffin did you think that he was going to look into your grievances, or did you think he was going to scold you for having made them?—It was my opinion that Mr. Griffin was going to inquire into these grievances.

Did the other Tialavea go with you?—Yes.

Well, what did Mr. Griffin do when he saw you?—Mr. Griffin read out our letter stating our grievances.

Yes, and what then?—We were examined by him, and the names of the *matais* who had signed the letter were read out to him.

And then?—He sort of called the roll. As each name was called he told the holder of that title to put up his hand to signify his presence.

What did Mr. Griffin say—what did Mr. Griffin do about the matter?—Mr. Griffin asked us whether we had been before His Excellency the Administrator.

What did you say?—We replied that while the Administrator was in Fagaloa during his *malaga* we had attempted to present these grievances before him, but we were prevented by our district and our Faipule.

Did Mr. Griffin look into your grievances then?—Just a little.

What was the upshot of it all?—We were ordered by Mr. Griffin to go and reconcile with our Faipule.

Was the Faipule present at the meeting?—No.

It was suggested that the Faipule should try to be reconciled with you?—Yes.

Did Mr. Griffin promise to set right any one of your grievances?—He said that all our grievances would be considered and placed before the Administrator.

Do you know whether they have been considered?—Yes, they have all been considered.

And what has been the result?—The result was that we were instructed to return and reconcile with our Faipule.

Have you done that?—No, we told Mr. Griffin that we could not reconcile with our Faipule.

*Mr. Slipper* (to the Commissioners): I think, your Honours, that we had better hear what the grievances were.

*Judge MacCormick*: We know what some of them are from the evidence of the other Tialavea.

*Mr. Slipper*.] What was your trouble with the Faipule?—The document containing those grievances is with the Government.

Afterwards you appeared before four Faipules, did you not?—Yes.

When you sent your troubles to Mr. Griffin, did you put them in writing or not?—In writing.

Have you got a copy with you?—No, it has been put in the Samoan section of the *Samoa Guardian*.

That, of course, was long afterwards, was it not?—Yes.

You appeared before these four Faipule, did you not?—Yes.

Did they look into your grievances or not?—Yes.

And what was the result of that investigation?—We were told to return and reconcile with our Faipule.

And did you do that?—No.

And so your title was taken away?—I have reason to believe that that was why my title was taken away from me.

How long was it after you had appeared before the Faipule that you got the order taking away your title?—Two weeks after.

Do you know of anything else which might have caused it?—I suspect no other grievance.

Did the Faipule tell you what was going to happen to you?—We were warned by the Faipule that if we did not apologize to our Faipule and reconcile with him that we would be severely punished.

*Mr. Baxter*.] What is the name of your Faipule?—Fonoti.

How did Fonoti become Faipule?—The Administrator himself appointed him.

Which Administrator?—I believe that it was Colonel Tate. It was some time after the epidemic.

Was there any *fono* and the matter talked about with the people of the district before he was appointed?—No. It was not discussed by the district or the village.

Has there been any *fono* since to see if the village have anything to say about it?—No. The Administrator appointed the Faipule, and the Faipule held his appointment just by the authority of the Administrator.

*Mr. Meredith*.] Who was the Faipule before Fonoti?—Molio'o.

*Mr. Slipper*.] Is that the man who gave evidence the other day?—No, his predecessor.

*Mr. Meredith*.] Was not Molio'o the Faipule for the whole district, and did not the district then split up and have two Faipule?—Molio'o was the only Faipule for the district of Va'a-o-Fonoti. Since then there have been two Faipule.

Were you a member of the District Council at the time Fonoti was appointed a Faipule?—No, there was no District Council at that time.

Was there not a *fa'a-Samoa* District Council at that time?—No.

Did you know that Fonoti was going to be appointed at the time he was appointed?—No, I did not know that he was going to be appointed a Faipule.

*Mr. Baxter.*] Just to clear up that point as to whether there was a *fa'a-Samoa* District Council or not: you said that when Fonoti was appointed there was no Ali'i and Faipule?—Yes, there was the authority of the Ali'i and the Faipule.

Were they consulted, do you know, as to whether Fonoti should be a Faipule?—No, it was only after Fonoti was appointed and when he was a Faipule for Fagaloa and Faleapuna.

When Fonoti was appointed by Colonel Tate were the Ali'i and the Faipule consulted or not?—No.

*The Chairman.*] Are you a member of the Mau?—Yes.

*Mr. Meredith.*] Have you attended *fonos* of the Mau in the last few months?—Not one meeting.

Do you know the objects of the Mau?—I know some of them.

Is one of the objects of the Mau the governing of Samoa by the Samoans?—No, there is no object of that kind. I would like to give a short explanation.

Proceed?—If the Mandates Committee decide to let the Samoans have self-government like Tonga, then let it be so, but under the protectorate of the British flag.

Do you wish the British flag as a protection against outside aggression?—Yes.

The Samoans wish to say what taxes they shall pay?—Yes.

And how that money should be spent?—Yes.

And they want to do that without interference from any one else?—I want a European head for each Department.

Do the Samoans wish the present Administrator to remain?—The Government is controlling that—whether he should remain or whether he should go.

Then the Mau have no views on that?—It is my opinion that I am giving and not the opinion of the others.

Your opinion is that that should be left to the Government?—The Mandates Committee have the power in that direction.

*The Chairman.*] Have you been present in this Court during the last few days?—I only came in from my home yesterday.

Many members of the Mau have told us that one of the objects of the Mau is to secure self-government for the Samoans in Samoa?—Yes.

Have you never heard of that before?—No, this is the first time I have heard of it.

Since your coming to Apia, has nobody ever told you about the Mandates Committee?—No, I know of my own knowledge.

No information has been given to you since you came to Apia about the mandate?—No.

#### TAGALOA TALOAINA SWORN and examined.

*Mr. Slipper.*] You have been banished or, rather, you have been returned to your home?—Yes.

Did you have your title taken away?—I have not heard of my title having been taken away from me.

You have had no papers about it?—No.

*Mr. Meredith.* It appears on the list that he has not had his title taken away.

*The Chairman.* Is this order in writing?

*Mr. Slipper.* Yes. (To witness) Have you your paper?—No, I did not accept service of it.

Some time after the Minister's visit you got an order from the Government to go back to your home?—Yes.

You did not obey that order, and therefore you were tried in the Court?—Yes.

And the order was found to be faulty and you were let go?—Yes.

When was the second order made?—A policeman brought another document, but I did not read it.

*The Chairman.* What is the date of it—that is what I am more anxious to ascertain.

*Mr. Slipper.* This second order was made on the 5th July of this year. (To witness:) You did not read it but you guessed what was in it?—I knew it was a document ordering me away from Apia, where I am staying in connection with the dissatisfaction in Samoa.

In the meantime you did not obey that order?—No.

And you were brought up before the Court?—Yes.

And after several days' trial you were convicted?—Yes.

With Fuataga?—Yes.

And sentenced to six months' imprisonment?—Yes.

And are you still serving that sentence?—Yes.

This [Exhibit No. 32] is the first order that broke down: do you know when that first order was made?—I know the reason why it was made.

How do you know?—My own opinion, and it was on account of it being during the time that the Samoans expressed their dissatisfaction.

Have you been told why the order was made?—No.

Was there any inquiry held about the matter before the issue of the first order?—No.

Were you doing anything wrong in Apia at that time?—No.

Had you done anything wrong?—No.

While you were staying at Apia did you attend *fono* meetings?—Yes.

Did the people at those *fonos*, including yourself, talk about anything bad or wicked?—No, we just expressed our views in connection with the dissatisfaction.

Was there any talk of trouble?—Not a single word. There were several expressions of dissatisfaction, but every one was requested to keep the peace.

I am going to ask you an unusual question. I am going back to the time before these troubles arose, and we will suppose in those days there were some big *taalolos* when a great number of people gathered together: was it not the common thing for rows and that sort?—I have never witnessed any trouble.

Not in the old days?—I have never witnessed any trouble. This may have happened, but I have never seen them.

During your time here, and notwithstanding all the people that have been here, and all the *taalolos* that have been held, have you seen one single sign of trouble of any sort among the Mau people?—At no time of the Mau has there been any trouble or quarrel. It was only during the Minister's visit that there was a fight among the Government supporters themselves. That was at Mulinu'u.

With respect to the second order: was there any inquiry about you before that order was made?—No.

Did you do anything bad that you know of between the making of the first order and the making of the second order?—No.

Do you know of anything that you or your friends of the Mau have done, or were doing, to interfere with the order and good government of the Territory at that time?—Not a single thing.

Did you want peace?—Yes.

Did you want order?—Yes.

And you wanted good government?—Yes.

Is that what you have been crying for all the time?—That is what we want.

*Mr. Meredith.*] Did you, with a large number of other Samoans, write to His Excellency on the 21st June of this year [see Exhibit No. 29]?—Yes.

Did you receive on the 23rd June a reply to that letter [see Exhibit No. 29]?—We received a reply to our letter, but that was not what we wanted. We wanted the charges made against us inquired into.

You received that letter on the 21st June?—Yes, the reply was ordering us away again, and that is not what we wanted to know.

*The Chairman:* That is not so. The reply was that the Administrator would be glad to see him. He had gone on his *malaga*, and they could submit their views and opinions to him on his *malaga*.

*Mr. Meredith.*] Did you go back to your own village to meet the Administrator on his *malaga*?—No, it was unnecessary, and there was nothing new that I wished to bring before him.

And you remained in Apia?—Yes, I remained here and waited the result of the petition to New Zealand.

And were you attending *fonos* of the Mau while you were staying in Apia?—I attended meetings up to the time I was sentenced to imprisonment.

Were you one of those who addressed those meetings?—Yes.

Did you, together with a number of other Samoans, write a letter on the 5th July stating that you would not return to your villages, and that you were going to stay in Apia?—Yes.

Were you not served with an order to leave Apia and return to your village before you were brought to the Court?—Yes.

Did you know what was in the second order that you refused to read?—I did not read it, neither was it read out to me.

Did you know what was in it?—No, because I did not open it.

*The Chairman.*] How long had you been in Apia before the 5th July?—I was here from the commencement of the Mau. I was here from the first meeting held in the Market Hall, and have been here since.

You mean that you were in Apia since the first meeting at the Market Hall until the 5th July?—Yes.

You intended to remain in Apia until the reply to the petition was received from the New Zealand Government?—Yes.

Did you and those persons who signed the letter of the 5th July, 1927, all agree on that?—Yes.

*Judge MacCormick.*] Have you people your wives and families with you?—We have neglected them in order to get our wishes.

*Mr. Slipper.*] Have you by any chance any residence of your own about Apia?—No.

You said that you wanted the charges made against you inquired into?—Yes.

Have any charges been made against you?—The only evidence was because I remained in Apia.

*The Chairman:* His complaint is against the Administration, and not charges against him.

*Mr. Slipper:* I do not think so, sir.

*The Chairman:* All you have to do is to read the letter. It is in Samoan, and it is dated 21st June, 1927.

*Mr. Slipper:* I think that is another matter. (To witness) Are you referring to any charges against you, or are you talking about your grievances?—We do not wish to be banished without knowing what we were banished for.

Was that what you wanted looking into?—Yes.

Did you tell anybody that that was what you wanted looking into?—You yourself inquired into it.

*Mr. Slipper:* I do not remember it—a lot of things have occurred since that time.

*Mr. Baxter.*] What is the name of your Faipule?—Sagapolu.

How did he come to be a Faipule?—The Administrator appointed him.

Which Administrator was it?—It was in Colonel Tate's time.

Was there or was there not any *fono* of the people of the district to consider with the Administrator who should be appointed as Faipule?—No.

Were not the Ali'i and the Faipule consulted?—No.

*Mr. Meredith.*] Are you one of the Ali'i of your district?—Yes.

How long have you been one?—This is the fourth year.

Were not those Faipules appointed in 1919, eight years ago?—Yes.

That was some years before you became one of the Ali'i?—Well, I was a *taulealea*, meaning a "young man." I saw what took place when this Faipule was appointed. I knew that there was no meeting of the chiefs and orators.

A *taulealea* would not be consulted?—He is not consulted, but everybody knows what is going on.

Were you at the first meeting in October at the Market Hall?—No.

Were you at the second meeting?—Yes; as soon as I heard about it I came and attended the second meeting.

Were you put on the Citizens Committee?—No.

Were you later put on the Citizens Committee?—At the second meeting I was appointed.

Whose place did you take?—There are first of all six appointed on the committee, and there are another six. I was appointed amongst the second six, making it twelve altogether.

When was that?—I cannot remember. I was just informed that I was a member of the committee.

*The Chairman:* Mr. Nelson explained the position in his evidence before the Joint Committee.

*Mr. Meredith.*] Did you attend any committee meetings with any Europeans?—There were only the first six Samoans who belonged to the Citizens Committee, but not myself. I took no part in the meetings of that committee.

Did any Europeans attend any committee meetings where you were?—I did not see any.

Did you see the reports that the European members of the Citizens Committee had prepared?—No.

Were these explained to you by any European, at any time?—No.

Did you not sign a petition to the New Zealand Parliament dated 11th March?—Yes.

Who prepared that petition?—The six members of the Citizens Committee, the Samoan members that were representatives of the dissatisfied Samoans.

Where did you sign it?—At Tauese, Mulivai.

Were you by yourself or were there other Natives there when you signed it?—No, there was only myself and the person who brought the petition for my signature.

Who was that?—Alipia.

Have you been a member of the Mau since it commenced?—Yes.

And it commenced after the meeting at the Market Hall?—Yes.

Do you wish the government of Samoa to be confined to government by Samoans?—That is my real opinion.

And is that the opinion of the other members of the Mau?—Yes.

They do not wish any Europeans to interfere in the government?—No.

*The Chairman:* That is ambiguous.

*Mr. Meredith.*] Is that the view of the members of the Mau?—Yes, it is their opinion that we should decide what should be done in Samoa and what we decide should be done.

Is it the opinion of the Mau that all they require the British for is for protection against outside enemies?—Yes.

#### TAMASEU sworn and examined.

*Mr. Slipper.*] You have a second name, have you not?—Tamaseu Taifau.

What is the name of your Faipule?—Asi-Mama.

Have you any complaints against him?—Yes.

Give the Commission one of your complaints?—During the time of my holding the office of village chief, *pulenu'u*, there were certain village laws limiting the question of *lagi*, or funeral ceremonies, and the Faipules disregarded these regulations.

Were they regulations of the Government or what?—Regulations of the Government.

Is there any other complaints you wish to make?—This was in regard to matters which the people of the village and myself have agreed to present before the Government. They were taken before the Faipule, and the Faipule did not present them to the Government.

Are you quite sure that he did not present them to the Government—perhaps he might have done it without your knowledge?—I am positive not one matter had been presented.

Why are you positive—who told you?—I know of my own knowledge. I am accustomed to Government laws, and I know that he has failed to present these matters, and the people are dissatisfied in the district respecting this matter.

Did you see it in a letter, or did you dream it, or how do you know?—One of the proofs is that every time the results of the Fonos of the Faipules come out I have not heard of anything reported in regard to these matters.

How do these results usually come out?—The Faipule personally comes to me in my village and reports these results.

And has never reported the results of the grievances of your people being put forward?—No.

How long ago is it since these people put the matters up to the Faipules?—A long time ago.

How many Fonos of the Faipules have there been since then?—There may have been five or six.

When the Faipule did not report to you did you ever ask him what had become of your grievances?—I did not ask him.

Did any of your people ask him? Were you present when the other people spoke to the Faipule about the matter?—Yes, I was present.

What sort of answer did the Faipule give?—The reply was that he was going to take these matters before the Fono, but after the Fono was over he never made any report on these matters.

How long has your Faipule been there—has he been made a Faipule during the present Administrator's time, or was it before that—namely, in Colonel Tate's time?—I believe it was during Colonel Tate's time.

Do you know whether there was a *fono* in your district for the people to decide who should be the Faipule?—There was a meeting held.

As to the grievance that you gave to your Faipules, was any one of them against the Faipule himself?—There was.

Give the Commission shortly what the complaints were against the Faipule?—We were dissatisfied with our Faipule because of his oppressiveness.

I have asked you whether with respect to the grievances put forward about the Faipules and brought before the Fono, was there anything said against the Faipules themselves?—There was something that we agreed upon regarding the Faipules.

Did you tell the Faipule to bring it up in the Fono?—No.

There you are. Did you have any personal trouble with Asi-Mama?—No.

Did you build your own *fale*?—It is not my house—it is the house of my brother.

Was there any trouble between you then?—There was.

What was that trouble?—The Faipule made a report about the house of my brother. He made the pretence to prevent the building of this house of my brother.

Had he any right to do that?—He has.

What right had he to stopping the building of the house?—Because he is the Faipule.

Do you think the Faipules have the right to stop you building?—That is what I think.

Is there anything particularly you wish to tell the Commission—do not keep the Commission longer than you can help?—I would like to say something.

Please cut your statement as short as possible?—First, the reason I am dissatisfied with having been in gaol was in regard to my speech. This speech was not made for myself, but I had been prompted to say what I did say according to the minds of my people. I was very careful in making the speech, especially as the speech was made before one who had been appointed to relieve me in the office of chief.

I do not want to go over that case, because that matter has been settled in Court. Is there any other grievance?—The first is that I am not satisfied with the Administrator remaining in Samoa. The second is that there are things that give me dissatisfaction and that concern the hospital: this concerns the taking of patients into the hospital: the whole object of this is that the people do not wish this medical taxation.

The question of the "fine mat" ceremonies, the Legislative Council, Native affairs, and the hospital tax, and these things have been gone into by a number of other witnesses already. I want to know if you have anything on your own account which you wish to put before the Commission?—I am also dissatisfied with New Zealand. My contention is that the League of Nations, or the Allies, should take over the control of Samoa. The gaol also in which I am at present confined is a very bad place, and an awful place for the ruling chiefs of Samoa to be sent to.

Nobody likes a gaol. Is there anything else which you wish to refer to?—The house is very dirty, and the rooms are not cleaned in any way, and they are not sanitary. Such conditions, of course, are very displeasing to us, and we object to being confined or to live in a room with such foul air and so forth.

Is there anything you wish to say about the food?—The food also is no good, and also the place to sleep in is not good.

What have you to say about the work?—The work is very hard.

Do you receive enough food?—Not enough: and the things that are supplied there are the result of the work of the prisoners.

They grow their own food there, do they not?—Yes, we are planting our own bananas and taros.

You have been very ill lately, have you not?—Yes, I wish to bring this out in my evidence. I am very sick just now, and many of the prisoners are very sick, and almost every day somebody is getting sick.

Whilst you were at your worst were you kept in the dirty room, or were you sent away to a hospital, infirmary, or some such institution?—No, we stayed in our rooms.

*Mr. Meredith.*] Did you report the Faipule to the Secretary of Native Affairs or anybody else when the Faipule broke the village law?—I reported the matter to my people, but not to the Government.

Was it not your duty as *pulenu'u* to report it to some member of the Government?—I did not report the matter because that was the meeting at which appointment had been taken away.

Your appointment was taken away because you refused to carry out your duties in connection with the beetles?—That was the reason why my position was taken away.

What matters were there that you say the Faipule did not bring before the Fono of Faipules?—The first was in regard to the medical tax. As I have before stated, the matter regarding the taking care of patients in the hospital. Another matter concerns the sons of various chiefs who are employed in the hospital: their pay is insufficient, and the food which they are being supplied with is not suitable.

Are you a member of the Mau?—I am.

Was it because you were a member of the Mau that you refused to carry out the duties of *pulenu'u*?—I was a member of the Government, and the reason that I departed from it was because there are things that I am dissatisfied with.

Did you attend any *fonos* of the Mau?—I was there.

Who advised you to refuse to perform the duties of *pulenu'u*?—It was the unanimous wish of the whole of the people of Samoa and also myself.

Did you tell the Faipule that you would not pay taxes?—I told this to the Plantation Inspector, I think, shortly after I had been removed from office.

Did you tell the Faipule that you would not attend any receptions to the Kovana?—I did not tell him except that I had reported all this to the Inspector of Plantations.

Did you tell the Faipule that you would not attend any functions of the Kovana?—I did say something concerning it to the Faipule. This was at the last meeting, when I had been removed from office.

Did you advise the other Samoans in your village not to pay taxes and not to attend functions of the Kovana?—The subject of my speech before the Inspector of Plantations was that the people should be allowed to choose for themselves as to what they should do. I did not say that no one should pay taxes to the Government, and I also said before the meeting that the people who want to join the Mau should be allowed to do so without interference.

Please answer the question, Yes or No: did you address the people in your village and advise them not to pay taxes?—That was not so.

The principle of the Mau is to have Samoa governed only by Samoans?—That is so.

And for the Samoans to say only how the money should be spent?—That is so.

And has the Mau told the people in the village not to pay their taxes?—That is so.

And the Mau told them not to collect beetles, and if they did to give them to only members of the Mau and not to the *pulenu'u*?—That is so.

Have you attended many *fonos* of the Mau?—No.

Have you heard any Europeans address those *fonos*?—No.

Whom did you look upon as the head of the Mau?—The ruling chiefs of Samoa.

Which particular chief to be the head?—They are all the same. The chiefs of each village are members of the committee.

*Mr. Slipper.*] You say that the Mau has told the people not to pay taxes—at least, you answered “Yes” to Mr. Meredith’s question: are you speaking for the whole Mau or the small portion that concerns yourself?—The whole of the Samoan people who are in the Mau, of which I am one.

Were you ever on the Citizens Committee?—I am a member of the third-grade committee.

*The Chairman:* A sub-committee mentioned by Mr. Nelson to which Mr. Baxter referred.

*Mr. Slipper:* Who was it that said that the people should not pay taxes?

*The Chairman:* We cannot have that.

*Mr. Slipper:* That is not what other witnesses have said.

*The Chairman:* I do not care what other witnesses have said—he is your witness, you must remember.

*Mr. Slipper:* It seems to me that he is himself against the Mau. (To witness:) When was it that the Mau called upon the people not to pay taxes?—It was about the time I was sent to gaol. It may have been towards the latter part of August of this year.

*The Chairman:* What is the nature of the charge against the witness? Mr. Slipper was good enough to refer to it, but I did not make a note at the time.

*Mr. Meredith:* It is one of sedition and for undermining the Native officials. This is the information. [Put in: Exhibit No. 33.]

*The Chairman:* What is the date of the conviction?

*Mr. Meredith:* The date is 26th July, 1927.

*The Chairman.*] Will you look at this information [put in]: Is that the information upon which you were judged?—Yes.

You were convicted by the High Court on that information on the 26th July, 1927?—Yes.

How many persons were present at the meeting at which you spoke the words complained of in the information?—My whole village.

It was a formal meeting, then?—Yes.

LAVEA sworn and examined.

*Mr. Slipper.*] What is your name?—Lavea Tausitino.

Where do you live?—Safotu, Savai'i.

You have two sons?—Yes.

Was there some trouble between them and some one else?—There was trouble between them and Timu.

Who is Timu?—He is the Fa'amasino at Safotu.

Your sons got a summons to come before the Fa'amasino Court, did they not, or was it to come before the Resident Commissioner?—It was a summons from the High Court at Fagamalo from the Resident Commissioner.

That is the Court to which they were supposed to go?—They were supposed to go, but they refused to accept service of the summons.

You wrote to the Commissioner yourself, did you not?—I wrote to the Commissioner saying that the whole of the Samoans would not accept summonses.

Did you tell him that you would not allow your sons to attend?—Yes; that the Mau were of that opinion.

*The Chairman:* Do you mean that no Samoans would attend the Court?

*Mr. Slipper.*] Do you mean by that that no Samoans would attend the Court?—That refers to all the Samoans who were members of the Mau.

You got into trouble about that, did you not?—I was sentenced by the Commissioner.

For contempt of Court, as a matter of fact?—For contempt of Court for refusing to comply with the order; for stopping persons from appearing in accordance with the wish of the paper.

Whose wish was it that the boys should go to the Court?—The Faipule and the District Judge.

What right have you to speak for all of the Mau and to say that none of the Mau would accept summonses?—I was the representative of the whole of my district.

Do you not know that, as a matter of fact, hundreds of the Mau people do accept and obey summonses?—I do not know.

What summons was that that the boys got: was it from the police or from the Court?—I cannot say; but a policeman brought it.

Do you know whether the summons had the seal of the Court on it or not?—I did not see the summons; it was left in the pocket of the policeman.

*Mr. Slipper:* I would like to point out, your Honours, that the police in Samoa issue summonses to call Natives in; but, of course, it is not a summons upon which contempt of Court could be placed. With my friends' consent, I will put in these letters.

*The Chairman:* I will not allow those to go in; they have nothing to do with it. There must be some limit to indulgence upon indulgence. It deteriorates into a positive weakness. You must know that it is no part of the function of the Commission to deal with letters of that kind.

*Mr. Meredith.]* Did you prevent the police officer from serving the notices on your sons?—I and all the rest of my village who are in the Mau.

*Mr. Meredith* requested the interpreter to translate the letter written on the 24th August, 1927, by the witness to the Resident Commissioner. The interpreter translated the letter.

*Mr. Meredith.]* Is that a correct copy of the letter you wrote?—Yes. [Translation put in: Exhibit No. 34.]

Were you appointed to the main committee of the European committee—not the sub-committee but the main committee?—Yes.

When were you appointed to that committee, and whose place did you take?—About in July, when Afamasaga and Faumuina were banished. I was appointed to replace Faumuina.

After you took your place on that committee did you have meetings with the European members of the committee?—No.

How many times did you meet with Samoan members of that committee?—Six times.

Did you not receive a message from the Governor to go back to your village in Savai'i?—Yes.

Did you not, with Tuisila and about seventy others, send a letter to the Governor saying that you were going to stay in Apia?—Yes.

You did not go back to your village, but stayed in Apia?—In August I was arrested by the police, handcuffed, and taken to my village.

When the police came to you did you not refuse to move, and you did not move until you were handcuffed?—Yes, I was handcuffed and taken to Savai'i under arrest.

Do you remember seeing the Resident Commissioner on the 26th July in Savai'i?—Yes.

Did you not tell him that the Mau committee would not recognize any Government officials?—No.

You did not tell him that?—No.

Did you tell anything to Mr. Bell about the Mau's attitude towards Government officials?—No.

Was it discussed at the committee meeting of the Mau that they would refuse to allow witnesses to go to Court or recognize the Court?—No.

Is it the policy of the Mau that only Samoans should govern in Samoa?—That is the real object of the Mau.

That no Europeans should interfere in the Government?—Yes.

Is it the opinion of the Mau that the Government should be taken away from New Zealand?—That is the real opinion of the Mau.

Do the Mau look on the half-castes as Europeans or as Samoans?—As Samoans.

Whom do you look on as the leader of the Mau in Samoa?—Six European members and all the chiefs of Samoa.

*Mr. Slipper.]* You were not appointed on the original committee of the Samoans, were you?—No.

And you said that it was about in July when you were appointed—when Faumuina and Lago Lago were banished?—It was about July. I was appointed to replace Faumuina.

You said that it was never discussed at committee meetings that you should resist summonses?—Only from the time that I was appointed to the committee.

What do you mean by that?—At the commencement of the Mau movement that was not mentioned. It is since I was appointed that the decision has been arrived at.

Who mentioned it?—The whole of the Mau at Lepea.

Has it been carried out?—Yes, right up to the present it has been followed.

When you were handcuffed did you make any trouble about being arrested?—No; I came in peace.

Were you sitting down when you were handcuffed?—Yes.

*Mr. Baxter.]* What is the name of the Faipule of your district?—Tapusoa.

When was he appointed as Faipule, during the time of Colonel Logan, Colonel Tate, or General Richardson?—During Colonel Tate's time.

And how did he become a Faipule?—He was appointed by the Administrator alone.

Did the Administrator not discuss the appointment with the *ali'i* and Faipule of the district?—No.

Was there any *fono* at all among the chiefs to discuss the question as to who should be Faipule?—Not a single meeting.

Since the beginning of 1925 has there been any other *fono* or not as to whether you wish to keep this man as Faipule?—No.

*The Interpreter*: The witness asks whether he may give further evidence upon points he is dissatisfied about.

*Mr. Slipper*: From this moment he rests in the hands of the Commission.

*The Chairman*: Tell him, No.

SAVUSA FA'AVELA sworn and examined.

*Mr. Slipper*.] You have been banished?—Yes.

And this is the order?—Yes. [Order put in: Exhibit No. 35.]

It is dated the 29th December, 1926, and says "during the pleasure of His Excellency," and is for banishment from Faleapuna to Tuana'i: how far are they apart?—I am not quite sure, somewhere about thirty miles.

Your title of Savusa was taken away by the same order?—Yes.

And what sort of title is that?—An orator's title for the Village of Faleapuna; and it is also recognized in the whole district, but it is not a leading orator's title.

What was your banishment for?—I do not know what offence I committed to warrant my banishment.

Has there ever been any inquiry into what you have done, or what you are supposed to have done?—Yes.

Who held that inquiry?—Four Faipule—Asi-Mama, Toelupe, Aiono, and Seiuli.

Were you with the two Tialavea?—Yes.

Did your people in Faleapuna have some troubles that they wished to put before the Native Department?—Yes.

Had you tried to put them before the Governor on his *malaga*?—Yes.

Why did you not succeed?—Because the Faipule used his influence with the other villages of that district, Fagaloa, to prevent us from presenting our grievances.

Did you give your grievances to the Faipule to give to the Governor?—It was not put down in black and white at the time, but we put our grievances verbally to the Faipule and asked him to bring them before the Administrator.

And they were not brought before the Administrator at that time?—No.

And what was the next thing you did about your grievances?—We placed them before Mr. Griffin at Mulinu'u.

Was that by word of mouth or in writing?—In writing.

Can you remember, shortly, what the grievances were?—I cannot remember some of the grievances.

Can you remember some?—One was the dissatisfaction with our Faipule living so far away in Solaua. The other was that the Faipule Fonoti had used words that we had reason to complain about in conversation between himself and another Faipule, Tainau, in which Tainau asked why his (Fonoti's) village did not get any Government appointments. Fonoti, in reply, said who are they to deserve Government appointments when they are all bad people.

Is there any other complaint? Is there anything about the water?—No.

Were there any more complaints against the Faipule?—That is all I can remember.

After you had written to Mr. Griffin, what was the next thing you heard about it?—We were sent for by Mr. Griffin.

Did you get a letter—or spoken word?—Verbal instructions.

Did those instructions tell you what you were to go there for?—No.

You went?—Yes.

How many of you?—All the heads of the families of our village.

What happened there with Mr. Griffin: did he look into your grievances?—No.

What did he do, then, if he did not look into your grievances?—He instructed us to go back and write to the Faipule with a view to reconciliation.

Were there any people before the Faipule there speaking against you?—No.

Did you have a talk yourselves?—I spoke a few words.

Were they in reply to questions or were they your own statements?—I was appointed by the village to speak on behalf of the whole village.

Did you speak on behalf of the village?—Yes.

What did you say?—We cannot become reconciled until our grievances are first investigated.

Did anybody else speak on your side?—I cannot remember.

Is that practically all that happened there?—That is all.

Did you make a reconciliation with the Faipule?—No.

What is the next you heard of this matter?—We were summoned to Mulinu'u.

To appear before whom?—Before a committee of Faipule.

What were the names of the Faipule?—Asi-Mama, Aiono, Toelupe, and Seiuli.

*Judge MacCormick*: But not Mr. Griffin?—No.

*Mr. Slipper*: Did the Faipule go into your grievances?—Yes.

Did you speak up yourself about your grievances?—Yes.

Did anybody else speak up?—Tialavea Fajtele.

Anybody else?—Peai.

Anybody else?—Pasui.

Anybody else?—Tialavea Vevesi.

Any more?—That is all.

Did anybody speak against you?—Fonoti.

Did anybody else speak against you?—There were some people of Fagaloa.

Against you?—Yes.

About how many were there, do you think?—I cannot remember.

Were there ten, or a hundred, or what?—Not ten.

*Mr. Meredith*: Of course, sir, in this case so far this is a repetition of the evidence given in the Tialavea case. The proceedings in the two cases were identical.

*The Chairman*: Why should they be repeated, Mr. Slipper?

*Mr. Slipper*.] How far is Faleapuna from Fagaloa?—Faleapuna is part of the Fagaloa district.

What did the Faipule tell you to do?—They told us to go back and endeavour to become reconciled.

Did you become reconciled?—No.

What was the result of that?—We were called up again.

Again?—Yes.

What happened that time?—They went into the matter a little further, but I have forgotten now what they actually went into.

Were they the same Faipule?—Yes, the same Faipule.

And what happened as the result of that?—The Faipule did not give a definite decision. They said they could do nothing but refer the matter to the Administrator.

What was the next thing you heard after that?—We were summoned before Mr. Griffin again—that was, the three of us.

Who were the three?—Myself, Tialavea Vevesi and Tialavea Fайтеle.

What happened then?—We then appeared before Mr. Griffin and the same Faipule, and it was given out there that I was to be banished from Faleapuna to Tuana'i and lose my title Savusa.

How long after that did you get the order?—Two days after.

Has anything else ever been said against you except as regards your grievances?—I do not know of any other charge.

Have you a wife?—Yes.

Any children?—Four.

Are you still under banishment?—Yes.

Are your wife and children living with you or not?—Yes.

Have you left any property at your home?—Yes, I left it at Faleapuna.

What property is left?—Two houses.

Any plantations?—Coconut, taro, and plenty of bananas.

What is the size of the plantation?—The coconut plantation consists of nearly 10 acres.

Is there anybody there to look after the *fales* and the plantations?—They were left untended for about a month, but some one is attending to them now.

One person or more than one?—One boy.

Do you think he will be able to look after a plantation of 10 acres?—No.

Have you seen the place since you were banished?—No.

*Mr. Baxter*: I just wish to mention that the last witness held both the rank of a *tulafale* and of a chief. He is the *matai* of a family.

*Mr. Meredith*.] Have you any interests in the family lands at Tuana'i?—No.

*Mr. Baxter*.] What is the name of your Faipule: Fonoti, is it not?—Fonoti.

Was he appointed during Colonel Tate's time?—Yes.

How did he become a Faipule?—By the Administrator alone.

Did the Administrator discuss with the *ali'i* and Faipule of the district before the appointment or not?—No.

Since the 1st January, 1925, has there been any *fono* or discussion with the *ali'i* and Faipule as to whether you want him or another one?—No.

Apart from what you have told Mr. Slipper, is there anything else you want to say about Fonoti?—Yes; another grievance is that he was asked to request the Administrator to have Molio'o returned to his home.

Is there anything else?—That is all about that Faipule.

#### LAGO LAGO sworn and examined.

*Mr. Slipper*.] What is your name?—I hold two titles—namely, Afamasaga and Toleafoa. Lago Lago is my *taulealea* name.

Where do you live?—My proper home village is Fasito'otai, but I am residing at Pesega, about two miles from town.

And you have been banished twice?—Yes. I did not go in accordance with the first banishment order; I was stopped in Apia by the Government.

We will just take the date of your first banishment order—14th January, 1924: is that correct?—I think that would be about right, because it was the previous month—that is, December—that I was before this High Court here.

And you were banished from Pesega to Fasito'otai?—Yes, for six months.

And at the same time your title was taken away from you: is that correct?—Two important titles which I held at that time, Afamasaga and Toleafoa, were taken away from me—at least, I was ordered not to use those titles.

Have you any papers with you about that banishment order?—I sent them to Tu'u'u, of the Native Department.

What was the nature of that title " Afamasaga " : what sort of a title was it ?—The leading chief of A'ana.

That is one of the three big districts in Upolu, is it not ?—Yes.

What was the nature of the other title—Toleafoa ?—That is another very important title, and very near a king's title ; not exactly a king's title, but it is connected with a king's title. I have to sort of assist the king.

For how long were those titles taken away ?—The Administrator advised me that the Faipule had desired that I should not hold another Samoan title for life. I had documents sent to me.

*The Chairman.*] Are you still referring to the first banishment ?—Yes, sir.

*Mr. Slipper.*] So you have not had these titles given back to you ?—No ; in spite of the fact that my family has asked for the titles to be given back to me three times.

*The Chairman :* What was the order in regard to the title ?

*Mr. Meredith,* reading out the order to the Chairman, said that no period was mentioned.

*The Chairman :* Prohibiting without any period ?

*Mr. Meredith :* Yes.

*Mr. Slipper.*] We now come to the question of why you were banished and your title taken away from you ?—I bore the blame of illicit brewing by a lady in my village. The liquor was found on my premises and I bore the blame.

It was *fa'amafu* ?—Yes.

That is quite a common offence in Samoa, is it not ?—Yes, considerably so ever since the commencement of brewing in Samoa.

You say that you bore the blame for a woman of your people : what exactly do you mean by that ?—I did not brew the *fa'amafu*, neither did I ask for it to be brewed.

But you were found with it on your premises ?—Yes. I did not conceal the liquor.

And you were brought before the Court in the usual way ?—Yes.

And did you plead guilty or not guilty ?—I pleaded guilty.

And you were punished by the Court, were you not ?—Yes, I believe that I was fined £15. *Mr. Baxter* appeared for me. £15 and costs, I think.

Is that, so far as you know, the reason why you were banished and lost your title ?—So I was informed by the Administrator in writing.

Is there any other reason you know of why you lost your title in 1924 ?—I cannot think of any other reason, since that was the reason given by the Administrator in his letter, and it is the only one I can think of.

Had there been any other cases of *fa'amafu* brewing here before this case of yours ?—I do not exactly know how many prosecutions there were, but there were a considerable number.

And I suppose that we may take it that they were dealt with in the ordinary manner through the Court ?—Yes. Some were fined more than £15.

Was this before your case or after your case ?—Yes, before.

Can you tell us how long before this you had been living at Pesega ?—I went to live in Pesega about April, 1918.

You have a Samoan house there and a European house there still ?—Yes.

Your Samoan house, or *fale*, is accounted to be one of the best *fales* in Samoa ?—Yes. When that house was built I was of the opinion that it was the best house in Samoa at that time.

And you live almost entirely in European style ?—Yes, more in the European style than in the Samoan.

And your European house and your *fale* are both furnished in European style ?—Yes.

And your wife is the half-caste sister of Mr. S. H. Meredith, who has already given evidence ?—Yes. That is the sister mentioned in the Minister's report in connection with Mr. Meredith.

The Minister's report to Parliament ?—Yes.

And your wife speaks English well, and has had a big experience of Europeans in her long residence in New Zealand ?—Yes.

Has His Excellency ever expressed any opinion regarding your wife ?—

*The Chairman :* That cannot be evidence, Mr. Slipper.

*Mr. Slipper :* Very well, sir.

*Judge MacCormick :* What is all this tending to ?

*Mr. Slipper :* All these facts, sir, will apply to the second banishment as well, and the evidence will be to show what effect there is upon a person when banished who has been living in European style. (To witness :) What were you doing for a living at the time of this banishment ?—I had a store.

*The Chairman.*] You had a store where ?—My head store was at Pesega, but I had stations at Fagaloa and Leauva'a.

*Mr. Slipper.*] How did you manage to run those stores when you were banished ?—I did nothing but allow the Administration to sell up the stock by auction. I had to file a petition in bankruptcy.

And your stores were sold up, were they ?—Yes, by the Official Assignee.

And was any assistance in any way given to you or to your wife by the Government ?—I do not remember any assistance.

*The Chairman :* It would only be his trading assets that would be affected by his bankruptcy ; it would not affect the communal lands at all, or his own lands.

*Mr. Slipper :* I do not think, sir, that we have had any evidence about his land ; it is his living I am speaking of, sir. (To witness :) Had you any land ?—I only had one acre of land at Pesega. I was dependent upon my work for my support.

*Judge MacCormick.*] At Pesega?—Yes.

What about the other places?—The family land was at Fasito'otai.

*Mr. Slipper.*] Were you getting any rentals or any profits out of the family lands?—There was only a copra-shed site leased in Fasito'otai. The rental of it came to 12s. per month. That 12s. was paid to me as the head of the family and was distributed amongst the family. Just before I was banished these rents were paid to the Government to defray a debt to the merchants. It was to defray a debt owing by my brother.

Are you referring to the rent of the copra-shed or anything else?—It was mentioned that my brother was Afamasaga Maua, who died in 1918, during the epidemic.

You had your stores, and I want to know what income you had, if any, besides what you got in your stores?—I depended on my stores, and sometimes when there was a steamer in port I got employment by the stevedoring company.

Have you any idea of what your assets and liabilities were?

*The Chairman.*: We will get that from the Official Assignee, Mr. Slipper.

*Mr. Slipper.*: Very well, sir. (To witness:) You went to Fasito'otai: how did you live there—was it *fa'a-papalagi* or *fa'a-Samoa*?—When I went into bankruptcy the Official Assignee kept me to assist in the winding-up of affairs. I never went to Fasito'otai. The six months of my banishment expired before I went there.

So that you did not actually go there at all?—No. It was hard for me to get food for my support in Pesega during this time, because I had no plantation. If I had been in Fasito'otai, I would have been better off, as I would have been amongst my family and would have had the use of their plantations.

Did you get any pay from the Assignee whilst you were staying on?—I did not receive any pay at all.

Had you any other dependants at that time besides your wife?—Relatives, such as sister and nieces, who were living in town with me. I helped to support them.

Did you have your present dependants with you, Oscar and Nora?—Yes. Oscar went to Savai'i for a short period and then came back again.

How old is he?—Over seven years old now.

He is the son of your wife's dead brother?—Yes. He (wife's dead brother) also served at the front.

That is the father of Oscar you mean, of course?—Yes.

How old is Nora now?—About fourteen years.

What relation is she to you?—Daughter of another brother of my wife's who died in the epidemic here. He was a clerk of the Native Court.

You were bringing both those children up in European style?—Yes. I have spent quite a lot of money on them and brought them up with my wife and children.

And Nora, as a matter of fact, is a clerk in the Education Department?—Yes; because of her smartness through the education I have given her she has been able to hold that post.

Now, is there anything concerning the first banishment which I may have left out?—I cannot remember anything now.

Well, we come to the second banishment then: that took place apparently, on the 20th January of this year?—Yes.

You were then still living in Pesega?—Yes.

In the way which you have already indicated?—Yes.

*The Chairman.*] Pesega is near Apia?—Yes, about two miles from Apia.

*Mr. Slipper.*] At that time what was your occupation?—I was working for Meredith and Co., commission agents.

Were you depending on your work for your living?—Yes; I had no other income. The only other income I can mention is the rent of the copra-shed site, but I got only about £1 out of that per annum, the rest being distributed amongst the members of my family.

Have you got any papers *re* your banishment?—I have brought none with me. I believe that I handed them to Mr. Meredith to file in connection with other papers of the Mau.

You were banished from Pesega to the Island of Apolima?—Yes, a small island.

Can you remember how long your banishment was to be for?—There is no period given in the order.

Apolima is a small rock-bound island, is it not?—Yes, with very little foodstuff on it.

And only one small point of entrance through the lagoon?—Yes, a very small point of entrance.

And the only boats that can go in are Native boats?—Yes, row-boats and canoes.

Is there any store or any Government service there—any private store or any Government service?—No, only the *pulemu'u*.

Is there any regular service between Apolima and Upolu, the mainland?—No, there is no regular communication between the islands. There are only Samoan boats.

In the manner we see them rowing out here?—Yes; just small row-boats of six or seven thwarts.

Was any provision made for your keep or care when you were there?—I asked Mr. Braisby at the time I was to be removed to the island for a supply of food. No foodstuffs were supplied, and even right up to the time I left the island there were no foodstuffs supplied by the Government.

Were they relatives of yours that you went to in Apolima?—Faumuina and I lived with the *pulemu'u* on account of the Government orders, but we were not related.

Faumuina was banished with you, was he not?—Yes.

But later on he was removed?—Faumuina was later transferred to Lotofaga, in Upolu.

Well, returning to Apolima; did you live there *fa'a-Samoa* or *fa'a-papalagi*?—I had to give up to a great extent the European way of living. I did not wear trousers whilst on the island. As we had eaten quite a lot of the foodstuffs of the people living there and we felt sorry for them giving us their food, our relatives in Apia sent quite a lot of European foodstuffs over to help these Natives to feed us.

About how many people live on this island of Apolima?—Between one hundred and fifty and two hundred.

Had you any chance there of doing anything to earn your living or to partly earn your living?—I had no work except the ordinary Samoan plantation work, in which I assisted the residents of the island.

There is only one tiny little stream in Apolima, is there not?—Yes.

Did you always have enough food there?—The people on the island had considerable trouble to supply us with food, since we had our wives and families there with us at the time. It was fortunate that when we first went there the breadfruit was in season. The *pulemu'u* and people of the island requested the Administrator to help with the supply of food for us. That was the time when the Administrator was on his visit to the Manono district.

Manono is a neighbouring island?—Yes, and larger than Apolima. It has a Faipule.

And what was the result of that request?—The Administrator said he would be pleased to assist the Apolima people to support us.

Did he give any assistance?—No. Up to the time we came to Apia, nothing had been sent.

So he only said that he would, and did not do it?—He made the promise but has not kept it, and the people on the island are angry about it.

Did your wife and dependants stay with you the whole of the time at Apolima?—My wife could not stay with me, as she had to go to Apia to try and get foodstuffs to send to me; but the little boy Oscar remained with me on the island, and he had been sick and was convalescent.

What was his sickness?—I cannot say what the name of the illness was, but it was a very serious illness and the boy had just been taken to the hospital the day I was sent away, and I went away with a very heavy heart.

*Mr. Meredith*: I do not see, sir, what this boy has to do with it at all?

*The Chairman*: No, nothing at all.

*Mr. Slipper*.] Your wife made visits over to the island and then made a visit home; she was a part of the time on the island and a part of the time at home?—As it has been ruled by the Chief Justice that the matter of the illness of the boy is irrelevant, I would like to explain the importance of that point. That was a hardship on my wife, in that she had to look after and nurse that child and at the same time endeavour to get foodstuffs for my support. She had, as it were, to keep three homes going at the time—looking after the boy at the hospital, looking after our home in Pesega, and finding food for my support in Apolima. The reason why I say this is to show that the representatives of the Government did not render us any assistance, that is all.

*The Chairman*.] At what hospital was the boy?—At Moto'otua Hospital; that is the Government hospital up the road from here.

*Mr. Slipper*.] We go back to the causes of your banishment: can you tell us why you were banished?—Yes. Faumuina and I appeared before the Administrator and the Faipule at Mulinu'u soon after the visit of the Hon. Minister for External Affairs.

It would be shortly before your banishment order, anyhow, as you were banished on the 20th, and it would be shortly before that, would it not?—Yes, shortly before the 20th June, when the banishment orders were issued.

Well, what happened then?—We were placed in the centre of the Fono house (Samoan house), and the Faipule were round the outside of the house, where the posts of the Samoan house are. Then the Administrator addressed us, using words to say that he was of the opinion that we—the two of us—were the leaders of the Mau. He also said that he felt very sorry for our wives, Fa'amu and Ta'avili; that he was not feeling sorry for us, because of the wrong that we had done. He also added "This is the order from the Honourable Minister for External Affairs which has been sent to me to read out to you," and I do not know whether he read from a paper or whether he just gave it out by heart.

Was that in the English language or in the Samoan language?—He spoke in English and Tu'u'u translated.

Is there anything more you wish to tell us about what His Excellency said?—Yes. He spoke at great length, and it appeared by his tone that he considered that we had done something wrong, but that he still felt sorry for us. He said that we ought to feel that we had done wrong. He said, "You shall return and disperse the Mau and let them return to the original feeling that they had before you misled them."

Did he tell you what wrong you had done?—He spoke at great length, and I cannot remember exactly all that he said, but that he blamed us for something and yet felt sorry for us.

Did he tell you of anything being wrong with the Mau?—There were other interviews at which he mentioned to us people who were in the Mau that all that the committee had done was wrong.

Did he tell you any one wrong thing that was done or that had been done?—He did not say any special thing was wrong, only that he said it was all wrong. He spoke as a father would speak to his children.

He told you to disperse the people of the Mau: did you try to do that?—I have not said all I wish to say.

I wish you to answer this question first: did you try to disperse the people?—In a way. We held meetings of the Mau and made speeches to that effect,

*The Chairman.*] This “disperse” means the dispersing of the people who are in the Mau and the sending of them back to their villages?—Yes. I would like to give a little further explanation.

*Mr. Slipper.*] Regarding what happened at Mulinu’u?—Yes. The Administrator said, “You shall go now and do as the Hon. the Minister has ordered you to do. I will give you two or three days within which to do that. If you do not succeed you will get into serious trouble, but if you do succeed you will come and see me again. If you do as you are instructed to do, and feel your error, you shall come and speak with me again.” So we went and called a meeting of the members of the Mau at Lepea.

One minute—before we leave Mulinu’u: were you asked any questions about what you had done?—The Administrator appeared to be quite satisfied with the whole matter, and told us not to speak, and that he had all the particulars.

Did he tell you what the particulars were?—No.

Did you have any say at all—I am referring to you alone?—We were told to go then, that enough had been said; but we waited behind, as I wanted to say something. Faumuina and I were arguing about it, as to whether I should speak or not. Eventually I gave in to Faumuina and we went away without saying a word.

Did that argument take place in front of the Governor or was it outside?—Yes, we were sitting in the house.

Were any witnesses called against you?—No.

Was any other inquiry at any other time made about your conduct?—Three times I was before the Administrator. Each time he did all of the talking; in spite of the fact that I wanted to reply, I was not permitted to do so.

Apart from those three occasions, then, did he ask you any questions at any time?—No, not a single question.

Were ever any witnesses brought against you?—No, not a single witness.

Was ever any charge of any sort made against you?—No.

Simply that you were a member of the Mau?—Yes; I was accused of being one of the leaders of the Mau.

So far as you are aware, have you ever done anything to interfere with the peace, order, and good government of the territory?—No. I have done a lot of work to preserve the peace.

You want peace, then, do you?—Yes.

And order?—Yes, order by the British Government justice.

And good government?—Yes, for the Samoans, not for the Europeans.

What do you mean by that?—I mean self-government for the Samoans. We want the New Zealand Government to rule the Samoans well, and to make laws for the Samoans for the good of the Samoans; not self-government. [The interpreter, explained that he interpreted the answer that the Mau desired self-government for the Samoans, but thought that he made a mistake, and that that was not the purport of the witness’s answer.] I would like to explain further about this matter of the interpreter being wrong.

After your last interview with His Excellency you held a meeting with a view to dispersing the people who were in Apia, did you not?—Yes, in accordance with the orders from the Minister.

You met the people after that at Lepea, did you not?—Yes.

And did you speak to the people?—Yes; I made them a speech and informed them of the order I had got from the Administrator.

Very well; did you tell them to obey that order or not?—Yes, I warned them to obey that order.

Were there any other speakers there?—Faumuina also made a speech.

Any others of the committee, whether of European or of Samoan blood?—Mr. Nelson, the chairman, also made a speech.

And what was the general nature of those speeches, particularly with reference to the Government directions?—The speeches, generally speaking, were that the reasons for the Samoans gathering in Apia was over, and that they now should disperse and return to their homes.

Was it told to them that that was the order of the Administrator or the order of the Minister?—It was given out that it was the order of the Minister, and that the Governor was acting in accordance with that order.

Just roughly speaking, so far as you can tell what was the spirit of the people: was it in the direction of obeying that order, or did they show any signs of disobeying?—The attitude of the people was that they were disappointed or dissatisfied with the Minister’s visit, and refused to return to their homes.

*Mr. Meredith:* In this letter, sir, the whole of the details to which Mr. Slipper is now going to refer regarding this meeting have been committed to writing by Lago Lago. It has been given to the Administrator and it is going to be put in shortly. This will obviate our going through it now.

*Mr. Slipper:* I object to that, Mr. Meredith. It is not necessary. I am doing my best to expedite the evidence. (To witness:;) The Administrator asked you, did he not, to turn the people’s minds away: had you turned their minds in the outset?—No.

Can you turn them back again?—No; I could not change their minds.

*Mr. Meredith.*] Do you think it a correct thing to sell intoxicating liquor to Samoans?—No; but I did not sell any.

Would it not be a very bad thing for a big chief to sell liquor—liquor that would make the Natives drunk?—Yes, but I did not sell liquor to Samoans to make them drunk.

Was not the liquor that was made in your house very strong?

*Mr. Slipper:* I object to that question, sir. There is nothing in the examination to suggest it.

*The Chairman:* It does not matter. Mr. Meredith can ask anything relative to the inquiry.

*Witness:* Do you refer to imported liquor or to *fa’amafu*?

*Mr. Meredith.*] I mean the liquor that was being made in your house : was that not strong ?—It was strong : about 6 or 8 per cent. was the wine which was made for home consumption.

The wine was 6 or 8 per cent. ; and what about the beer ?—A little over 3 per cent.

Did you make the beer in two 56-gallon kegs, which were kept outside your *fale* ?—I made no beer at all.

Did you not tell Mr. Braisby, the Inspector of Police, that you did make the beer, and that you made it in these two 56-gallon casks ?—I do not know where Mr. Braisby got that from, because I do not know how to make beer, so how could I make it ?

*The Chairman.*] What quantity of liquor was found, Mr. Meredith ?—There were eighteen bottles found under the bed, and the empty barrels, and apparently about five gallons of wine.

How many barrels ?—There were two empty 56's.

What was he convicted of ?

*Mr. Meredith.* : Of brewing, sir. [To witness :] Do you know Elia and Tamati ?—I know Tamati, but I do not know Elia, although I may know him by sight.

Did they not say that they bought *fa'amafu* from you at your store ?—I did not hear the statement made by them, nor did I hear of their being served with *fa'amafu*, nor did I serve them with *fa'amafu*.

You were convicted of brewing beer in the Court ?—As I have said before, I pleaded guilty and bore the blame of brewing liquor because it was found in my *fale*. I did not wish the blame to fall on anybody else, as they were my premises, although I did not make it.

Were you not asked to go before the Faipules, Toelupe, Aiono, Seiuli, and Tuatalagoa and Fonoti after being convicted ?—I had a telephone communication at the time. Mr. Griffin communicated with me by telephone and told me to be prepared in case I was wanted to appear. I am still waiting to be called in accordance with that advice.

Did they not call on you to appear ?—No ; I just waited prepared to appear before them, but I am still waiting. Up to the present time I have not been called.

You were ordered to go to Fasito'otai on the 16th January, 1924 ?—I believe that that was the date.

And you were adjudged a bankrupt on the 28th January, 1924 ?—Yes, I think so.

And were not your financial affairs being inquired into before the date of your banishment ?—

When the order was served on me I was still running the store.

*Judge MacCormick.* : The first date was the 16th January, was it ?

*The Chairman.* : We were given the 14th by Mr. Slipper.

*Mr. Meredith.* : The 16th is the date I have got.

*Judge MacCormick.* : That is the date of the first conviction ?

*Mr. Meredith.* : No, sir, of the banishment order. It is the 16th, sir, and the adjudgment of bankruptcy is the 28th. (To witness :) In January were you not asked about what you had done with moneys, £700, of Church funds entrusted to you ?

*Mr. Slipper.* : Before the question is asked, sir, I would like to raise a protest. This matter of the Church funds is totally outside the scope of the inquiry. It has nothing to do with any banishment order, and it cannot credit or discredit the evidence, and if it has to be dealt with I ask that the matter be dealt with when Mr. Baxter is handling his portion of the matter.

*Mr. Meredith.* : Sir, it is irrefutably a matter of credit.

*Mr. Baxter.* : I suggest, sir, that it should come under the general scope, and not under the banishments.

*The Chairman.* : That I must leave to Mr. Meredith. It is not a question of general scope, in any event, Mr. Baxter.

*Mr. Baxter.* : No, sir, but it is with reference to a banishment that happened before. This banishment order was issued before the inquiry into financial affairs.

*The Chairman.* : The question is undoubtedly permissible, and I cannot interfere with Mr. Meredith's cross-examination any more than I can interfere with yours, Mr. Baxter.

*Mr. Meredith.*] Were you not being asked about what you had done with the £700 belonging to the Church funds at Sa'anapu ?

*The Interpreter.* : The witness argues the same as Mr. Slipper.

*The Chairman.* : The Commission has decided that you must answer the question.

*Witness.* : The banishment order taking away my title was before that.

*The Chairman.* : You must answer the question and obey the order of the Commission.

*The Interpreter* said that the witness said Yes.

*Mr. Meredith.*] Did you not receive the sum of £700 from the Sa'anapu Natives for their Church : please answer the question Yes or No ?—£600 was deposited with me and I let it out on interest.

How much interest did you receive on the £600 : was it not £100 ?—I think so.

Did you not buy in March, 1922, a motor-car from Mr. Gray ?—Yes. The money was not withdrawn ; it was deposited on interest with Meredith's Samoa, Ltd., at the time.

At the time you bought the motor-car where was the money ?—Meredith's Samoa, Ltd.

Was Mr. Gray connected with Meredith's Samoa, Ltd. ?—He was manager for the company.

How did you pay Mr. Gray for the motor-car ?—He took £200 of this money and debited it to my account.

Did you tell Mr. Gray to take £200 out of that money ?—Yes, transferred.

You told him to take it out : did you draw £50 out on the 18th December and a further £100 on the 19th December from that money ?—I believe that to be correct.

And in February, 1923, did you draw a further £20 and £30 which you used for yourself ?—Perhaps so. Certain amounts were drawn and other people asked for withdrawals. Probably those figures are correct.

Did you not use that money yourself—that is, the £30 and £20 ?—It is some time ago now. It is probably correct if it is from the books.

Is that your signature [file of papers handed to the witness] ?—Yes.

Are the facts which you signed to there correct ?—Yes.

You were later convicted of stealing this Church money, were you not ?—I pleaded guilty, but the other people realized that they had not kept their part of the agreement with me.

Were you convicted of stealing Church funds of the Sa'anapu district ?—Yes, the charge was made out as theft. Although I had taken the money, I intended to repay it.

And you were charged with converting £523 to your own use ?—Yes, when the Government inquired into the matter.

Have you returned any of it since ?—The Government records will show how much was paid out of my bankrupt estate.

*The Chairman* : What is the date of the conviction ?

*Mr. Meredith* : 24th October, 1924.

*Witness* : I would like to say something more. The people were afterwards sorry for the trouble, and they came and apologized to me and also advised the Government, and they agreed to let the matter go, as I had given them a piece of land, and it was arranged that we should settle the matter amongst ourselves.

*Mr. Meredith*.] Did you receive the sentence of one year's imprisonment for that ?—Yes.

The amount you received from the Church was £600 and £100 interest ?—Yes, that would be about right.

Did not the Church receive before your prosecution the sum of £177 only ?—I believe that was the sum that was still deposited with Meredith's Samoa, Ltd.

That was the sum still left, and you were prosecuted for receiving the £523 ?—Yes, that is the way the law put it. These arrangements about the withdrawals were made by the people themselves.

Do you know what further dividends will be paid to the people out of your bankrupt estate ?

*Mr. Baxter* : A dividend has been paid.

*The Chairman* : How much ?

*Mr. Baxter* : I cannot say ; but it is round about 7s. or 8s., speaking from memory.

*Mr. Meredith*.] Is that correct ?—I think so. The people whose money it was asked the Court to have the charges withdrawn, but the Court would not allow a withdrawal. A settlement could be arranged between us.

Were you not the promoter of the Toeaina Club ?—Myself and others—Malietoa and Tamasese.

Is not an inquiry being made by the Native Affairs Department into the operations of that club at the present time ?—I do not know. It has been wound up ; also the Tu'u-fa'a-tasi. The liquidators from New Zealand wound it up, and I was dismissed when it was all wound up.

Did not the subscriptions from those two clubs come from the Natives ?—Yes. The Toeaina Club was the first, and then the other company.

Is there not a shortage in those two clubs of £3,500 ?—I do not know. All I know is that I was employed for three months and paid a salary by that company.

Do you not know that the loss of those clubs was £3,500 ?—I do not know ; I was not advised.

Were you not told that the question of your title being returned to you would be considered when the funds of these clubs were satisfactorily explained ?—I did not have any information of that fact. I formerly asked three times for my title to be given back.

*The Chairman* : I do not know what you are referring to : you speak of a loss and then you refer to a shortage.

*Mr. Meredith* : It is a loss on the operations.

*The Chairman* : That may not have been his fault.

*Mr. Meredith* : That is so. (To witness :) Do you know that your family has withdrawn that application until the investigation of the operations of these companies are satisfactorily completed ?—That is not so. There is another objection sent to the Faipule to be brought up, and that is the recent petition.

After the Minister's visit both Faumuina and yourself met the Administrator at Mulinu'u ?—Yes.

And you were asked—that is, Faumuina and yourself were asked—by the Government to disperse the Mau adherents to their villages ?—It was on that date.

Did the Administrator tell you that he would see you again, or hear from you again, in three days' time to see whether you had done so ?—And if we succeeded he would like to see us within the three days. We put an application through Mr. Braisby to see the Administrator, but we were not permitted to see him.

Is this the copy of the letter which you wrote to the Administrator [copy of letter handed to witness] : it was on the 16th June, 1927 ?—Yes, I acknowledge that signature.

*The Chairman* : Would you please read the translation of the letter to the Commission ?

*Mr. Slipper* : I raise a technical objection to the question of the reading of the translation : it will have to be subject to verification if it is read.

*The Chairman* : Of course, Mr. Slipper.

*Mr. Meredith* : The translation reads,—

[TRANSLATION.]

His Excellency, Sir George S. Richardson, Governor of Western Samoa.

YOUR EXCELLENCY,—

Apia, 16th June, 1927.

We, the undersigned, continue to pay our respects concerning the message from the Minister of External Affairs which you conveyed to us in Mulinu'u on 14th June, 1927.

At four o'clock on the afternoon of that day chiefs and orators of the Mau assembled in Lepea, and the proceedings were as follows :—

1. Lago Lago stood up and reported to them the order of the Minister of External Affairs to himself and Faumuina.  
2. The chairman of the *fono* arose and gave a clear report of all that was happening, including the letter which the European committee had received. He conveyed the wishes and decision of the committee as to what should be

done, as follows: "Chiefs and orators, representing the largest section of the Samoan community, you who are classed together under the name 'discontented,' hear the wish of the committee. The business you came here for now is concluded—King's Birthday celebrations, welcome to the Minister of External Affairs; therefore return now to your homes and attend to your regular work, and wait hopefully concerning our complaints placed before the Minister of External Affairs. The committee beg you to maintain peace and harmony, as you have done from the beginning up to the present time, and pray that, with God's help, the foundations of our cause may be established for the future."

3. Faumuina arose and spoke, strongly supporting the statement of the chairman and committee, and tried to comfort and explain and satisfy the gathering, asking them not to be angry because of the special instruction that he and Lago Lago had received as though the Mau was only the concern of themselves, or that they two were more important than the rest, especially the four other members of the committee.

4. The assembly, out of respect to Pasia, agreed that he should first respond. Pasia thanked the committee and chairman for their work in bringing their subjects before the Minister; but, replying to the suggestion that the Mau should now disperse, such was not their view. They should remain together still and await the verdict from New Zealand. If the storm smote them, let it strike them all together. That was their true desire.

5. The chairman again rose and made another address, further explaining the wisdom and correctness of the committee's resolution. He used strong words in order that they would be contented and obey.

6. Various representatives from each district then proceeded to make known their dissatisfaction and their districts' opinions. The following spoke: Veletalo'ola (Tuamasaga), Leoli (Aana), Tu'u'u (Siumu), Lavea (Le-alii-ole-itu), Asiata (Satupaitea), Inu (Atua), Autagavia (Palauli). All these speeches showed their opposition to the order concerning us two, as though we controlled the Mau, and we both tried to change their wrong opinions and make clear that we were as themselves, unchanged, and had not left the Mau.

7. We point out that it was not only at this gathering that we both worked for the fulfilment of the order, but we very carefully explained to many chiefs and orators the real meaning of the wisdom of obedience to the order.

Your Excellency the Governor, you now have the report of the both of us to carry out the high order of the Minister; but we ask you to further hear our statement concerning the heavy burden that is placed upon our necks.

(a) We begged of the committee and chairman that they would stand together with us and make known this special order, because doubtless the League would rise in anger and oppose it.

(b) We both could not change the minds of the League, but the Spirit of God; nevertheless we both worked faithfully together with the committee and the chairman in accordance with our appointment at the public meeting in the Market Hall last year.

(c) We are both happy to use the wisdom God has given us for others (as you have frequently advised us) when we see the good way set up by the committee in accordance with customs of great Governments—for people to express their dissatisfaction with their Government—that this should be a step in Samoa's education.

(d) Many districts were in the habit of expressing in their addresses to Your Excellency matters on which they were not satisfied, and also Faipules. Thus it is evident that for a long time they have been complaining and bearing up under their discontent, and it is not long since they have joined with the committee to find a new way for them to express their discontent.

(e) Our hearts are full of surprise at the harsh and threatening treatment towards us, while no proper investigation has been made by you or no trial held; that both sides may be heard in accordance with British justice and in accordance also with the chief law of the Kingdom of God.

(f) We would express to Your Excellency that our fear and groaning are before God because of what is now apparent—namely, that no matter whether for good or bad, whether satisfied or not with any operations of the Government, such as the great *mamalu* given to Faipule and other officials, we are still to obey and continue.

(g) We both beg to point out further—Let not the blame for matters on Samoan affairs be charged to the European committee; for no Samoan or no man anywhere in the world is ignorant of how to show dissatisfaction, but because of some being unaccustomed to expressing themselves, and lest they transgress the law and propriety, the European committee was used as a means.

Thus Your Excellency hears our reply to the order of the Minister, together with our statement in which we both have expressed our real thoughts as directed by the Spirit of God; and we remember the parable of Jesus which says, "A visitor arrived at a certain man's house at midnight, and he got up and went and knocked at the door of the store where bread could be bought. He wanted bread for the visitors who had just come to his house. His request was not heeded at first, because it was so late at night; but the man continued knocking persistently until at last the storekeeper got up and opened the door and sold him the bread."

We close our humble report with great respect.

Your humble servants,  
FAUMUINA,  
LAGO LAGO (T. AFAMASAGA).

After that *fono* did the Mau people disperse to their homes, or did they remain about Apia?—Some of them went home immediately, and the others were gradually driven back to their own villages, whilst others persisted in remaining in Apia.

Did you not address *fonos* of the Mau during the next week after writing that letter?—I cannot remember. That letter was sent on the Saturday, but during the following week I was banished—that is, Tuesday or Wednesday of the following week.

*Mr. Slipper.*] It is suggested that your financial affairs were being inquired into before the date of your first banishment order?—Yes.

You said that you were running a store when the notice was served on you?—Yes.

How long before that did you appear in front of the Faipule before the order was served on you?—I did not appear before the Faipule. Mr. Griffin rang me up on the telephone. He warned me to be prepared in case I had to appear before the Faipule.

How long was that before you received the first banishment order?—Not long before.

Have you any idea how long before: was it a week, a fortnight, a month, or what?—Between four and ten days. That is what I think. It is a long time ago.

Are you now discharged from your bankruptcy?—Yes.

Did these people of Sa'anapu make any objection to your discharge?

*The Chairman:* His discharge would not protect him from his liability for this money.

*Mr. Slipper:* No; but I wish to know the attitude of the people. (To witness:) Did they make any objection to the order of discharge?—No; they only felt sorry for what had happened to me.

You have told us that the people concerned asked the Government not to go on with the case: did they go to Court?—I saw them about here, but I cannot remember whether they actually appeared in Court.

When were the clubs wound up?—In 1919.

And a New Zealand accountant came round?—An auditor was in Samoa to go into the Government accounts, and when he got through his work with the Government he was requested to wind up this company.

From that day to this have you ever heard anything about it?—No; I was dismissed when it was all wound up. I also saw a publication in the *Savali* notifying the shareholders that dividends were to be paid out.

You are not answering my question. From the time that these clubs were dealt with by the New Zealand accountant up to this day have any inquiries been made about it, or has nothing further been done?—No.

I refer now to the matter of the people who were collected in Apia at the time you and Faumuina wrote that letter to His Excellency: you say some of the people went home and some of the people remained?—A lot went back and more were still going back, but others remained.

Up to the time of your banishment is it fair to say that these people were gradually trickling off to their homes?—They were gradually trickling away from Apia, but when they heard of the banishments being inflicted on us they came back again—at least, some of them came back.

*Mr. Baxter.*] You were going to tell Mr. Slipper something about the laws of the country and what the Samoans wish?—I said that I wanted New Zealand to govern Samoa for the Samoans.

Is there anything else you wish to add to that in the way of how New Zealand should govern Samoa?—It may be left when you deal with the other matters.

I want an answer now. How do you suggest the laws should be made, and by whom?—I wish to have the laws made by the Legislative Council with Samoan elected representation on it, so that those who make the laws may understand the feelings or views of the Samoans.

How many members would you have in the Legislative Council: would you have officials, Europeans, and Samoans?—Official members representing the New Zealand Government and representatives of the European population—that would be European members; and there should be representatives of the Samoans, who form the greater part of the population of these islands.

How many officials would you have, how many elected Europeans, and how many elected Samoans, excluding the Administrator?—I would leave the Legislative Council as at present—six official members, three elected European members, and in addition three elected Samoan members.

Is there anything further you want to say on this point?—What I have in view in saying that is the wish of the three-power government when Samoa was taken over by the European Power. This would be for the advancement and education of the Samoans, so that in time they may govern themselves.

What about the cancellation of the “fine mat” custom on the *malagas*: do you wish to say anything about that?—Yes. The Samoans are not satisfied at the very oldest custom from the commencement of time being taken away, which was a prayer of the Samoans from God. That is the way the Samoans put it from the beginning of time, as it were.

However, you object to it as being interference of the ancient customs?—Yes. “Fine mat” presentations are for the purpose of restoring good fellowship and good feeling among the people; “fine mat” presentation for the ransom of a prisoner; “fine mats” on occasions when people wish to go to one another and visiting relations. The question of the “fine mats” is a very important matter with the Samoans, and they are respected when taken to other countries.

Is there anything else which you want to bring forward?—Taking away the practice of “fine mats” in Samoa shows that it has been the endeavour to prevent the Samoans from running their own affairs.

What about medical matters?—I do not complain about some of the work of the Medical Department. Some of the work in some respects by the Medical Department has been very good, but there are some matters about the Medical Department that the Samoans are dissatisfied with.

Let us have one example?—The medical-tax is a good thing, since it has protected the health of the people; but I think the tax has been mishandled, and has caused dissatisfaction amongst the Samoans.

In what way do you suggest that?—It was given out that this would not be the permanent practice to levy the medical-tax, but it appears that it has since been made permanent without consultation with the people. It was given out to the Samoans that it was intended that hospitals were to be erected in different parts of Samoa, so as to enable everybody to obtain the benefit of the hospital by way of medical treatment; and if they were required to pay a tax for that purpose, then every one would have been satisfied.

Do you mean to say that the tax is good, but that it has been brought in in an unwise way?—Yes; the tax is quite all right, but it was the way in which it was levied that has caused the dissatisfaction. When the hospitals have been paid for by this tax, then the matter of the medical-tax should be reconsidered, and perhaps made permanent if necessary. There is another reason why this tax should be reconsidered, and that is the money could be got from other sources, instead of the Samoans paying this tax, which they are not quite clear about.

What do you suggest—the general revenue or something like that, or do you mean that the people should pay for it?

*Mr. Meredith:* I do not think that the witness should be directly led in this way.

*Mr. Baxter:* It was a long question, and if I were to let things go on we would delay things very considerably.

*The Chairman:* I do not think that we wish to make any reflection on you, nor do I think Mr. Meredith desires to do so.

*Mr. Baxter.*] From what source do you suggest the money should come from?—Think of the amount of money spent on roads. For instance, I heard that there is an expenditure of £400 for laying down the track to Malie, and it is now taken up.

Is it only out of public works that you expect to get money from that source?—There should be a saving in the salaries of Government officials. In a lot of cases officials are brought from over-

seas, and they are paid big salaries and tropical allowances and such things, and a lot of expense is involved in paying their passages to and from other countries, where their places could be taken by local people—that is, people already in the country. I think there would be a considerable saving if that were done.

Are these the only sources from which you suggest getting the revenue for running the medical tax, or are there other ways?—There are other things here which cause the Samoan Government to borrow money from New Zealand, such as the institution of the laundry, which could be disposed of.

Is there anything you wish to say as regards the suggested division of Samoan land?—Yes.

What is it?—If this is done, there will be considerable trouble and bad feeling between the head of the family and the members of the family, and blame will be put on to New Zealand for this trouble. A very important reason is that it raises bad feeling among the various families.

Other witnesses have explained all this. Is there anything else of which you wish to inform the Commission?—These troubles will probably result in the death of some one.

We appreciate that?—Because the young men might rise up against the *matai* and his children, and this might result in the young men of another branch of the family not recognizing the authority of the *matai*, and the children of the *matai* will probably go and seek to do harm to that person not recognizing the authority of the *matai*.

We fully explained the matter of the trouble that is likely to arise out of it. Is there anything further you want to say?—It would turn the Samoans into the European way of thinking; they would have no care for anybody else and they would be selfish.

Who is the Faipule in your district?—Where I am living I am under the control of Seiuli. I pay my taxes to the Faipule.

Were you living in the district at the time Seiule was appointed?—Yes.

How did he become a Faipule?—He was appointed by the Administrator.

Was there or was there not any discussion of the *uli'i* of the district at that time as to who should be selected?—I do not know of any discussion taking place.

Were you in the district at the time?—Yes, I was there.

You would, would you not, have known of any discussion had it taken place?—Yes, I would be amongst the first to know.

Since the 1st January, 1925, has there been any *fono* discussion with respect to Seiuli remaining as a Faipule?—As I explained before I worked as a European, and I was unable to attend any meetings of the district. I would prefer to leave that matter until Faumuina gives his evidence, and I leave him to discuss the matter with you.

You are living more as a European?—Yes.

And you are not sure of the position?—Not sure.

You went to the first meeting, on the 15th October, at the Market Hall, did you not?—Yes, the first meeting.

Why did you go?—I believe I saw something about it in the *Samoa Times*, and I heard other people talking about public meetings to be held, where the people expressed their views.

It is, is it not, surely unusual for a Samoan to attend meetings of this nature: what was your reason for going?—Because I heard that the Minister of External Affairs was coming, and this meeting was discussed to decide matters to be brought before the Minister.

Is there anything else you wish to inform the Commission?—That is all I wish to say. I was appointed by the Samoans to represent them at the meeting.

Did you know at the second meeting whether or not any arrangements had been made to ensure applause when Mr. Nelson spoke?—I do not know of any arrangements about applause. I know that I made a lot of applause.

What caused the formation of the Mau?—To ventilate the grievances of the people.

That is, the grievances you have been telling the Commission about?—These that I have been speaking about; some of them and others I have spoken of.

How long have some of these grievances been in existence?—In my opinion, it was the epidemic that brought dissatisfaction amongst the Samoans with the New Zealand Government. As a matter of fact, it was about that time there was a petition to His Majesty the King from the Samoans to take away the control of Samoa from New Zealand and place it in the Colonial Office.

Has any person or persons collected these grievances together and pointed them out and argued them with you, and told you to bring them forward to make trouble over them?—No, that was not given out.

Do you read the Samoan portion of the *Samoa Guardian*?—Yes, but I did not get all the issues while I was away at Apolima.

What is that paper like?

*The Chairman*: We are not here to inquire into the articles in the *Samoa Guardian*.

*Mr. Baxter*: There is a certain allegation made that the paper—

*The Chairman*: I do not care; we do not have to inquire into that aspect of the matter. We will not say anything about the *Samoa Guardian* in our report, you may be quite sure of that.

*Mr. Baxter*.] You are a member of the committee of the Mau, are you not?—Yes.

Will you tell the Commission any particular part you have taken in it, if there is any particular part?—The Samoan members of the committee deal with Samoan grievances.

All the members together or individually?—Each individual member had a matter to go into.

That was drawing the report. The Mau grew in size: would you have anything to do with making the Mau grow; if you had not, please say so, because I do not know?—Some people look upon me as having more knowledge of the affairs than they have, and they have been in the habit of

consulting me. They asked me what the business was about, and they requested my views on the matter and I told them. I expect that is why they joined the Mau, and I think that is why some of them are in the Mau.

Did you make any *malagas* for the purpose of doing it, or did the people come to you?—I did not go round. These people must have heard something about the grievances, and they came to me on their own account. I took it to be my duty to explain these matters to my own countrymen so that they could assist me in ventilating my grievances.

Are you on the Citizens Committee?—Up to the time you went away to Apolima what instructions were given by the committee, if any instructions were given, as regards the payment of taxes?—No; I myself urged the people of Leulumoega and the district of A'ana to pay their medical taxes, as they were not going to pay their medical taxes.

Were there any other instructions issued, or any instructions issued, with regard to not carrying out any laws of the country?—I did not hear anything to that effect. It was quite a long while, and I did not attend any meetings of the Mau, on account of the orders of the Administrator. I only attended meetings of the Mau again at the time the Minister came.

In other words, instructions might have been issued before you went to Apolima, but you did not attend?—No.

*Mr. Meredith.*] Is the badge you are wearing the badge of the Mau?—Yes.

And you are a member of the Mau?—Yes.

And you were a member of the Citizens Committee?—There were two sections of the Committee, European and Samoan. The Samoan section confined itself to Samoan matters, and the European section dealt largely with European matters and in some cases with Samoan matters.

Did you write the Samoan section on finance?—No.

Who wrote the Samoan report on finance?—That was prepared by me. I thought that you meant the balance-sheet.

Did you see the report prepared by Mr. Gurr and Mr. Smyth?—Yes, it was read at the meeting.

Did you discuss it with Mr. Gurr and Mr. Smyth in detail?—A few questions were asked.

By whom?—By myself about the report.

What were the questions that you asked?—The items in the report dealing with the various expenditures. I cannot remember just now exactly, but my questions included the debt by Samoa to New Zealand.

Did you ask Mr. Gurr about the £100,000 loan?—No; I knew of that some time ago.

Were you satisfied with what Mr. Gurr told you?—Yes. It appeared to be correct to me. I thought that it would be correct, although I was not sure.

Did you tell the other Native people that Mr. Gurr's figures seemed to you to be correct?—No. The only question raised was about the £100,000 loan; that was what the Samoans were interested about. That was all asked about.

What did you tell the Natives who asked about the position of the £100,000 loan?—I told them that it was quite true that Samoa owed New Zealand £100,000, and that it was contracted in the time of Sir James Allen, and that Samoa had been paying interest on the loan from that time.

Did you ask any of the Administration people about that £100,000 loan?—I did not ask any of the Government officials about that, but His Excellency told us about it.

When?—It was the month that the whole committee of the Mau was called before him at *Mulinu'u*.

That was after the reports had been brought down at the meeting at the Market Hall?—Yes.

Did you see the medical report prepared by the Europeans?—I heard that report read as well as the Samoan report.

Did you hear read out the European report on the Medical Department?—Yes.

Did you hear read out the remark that the taxpayer wanted a Medical Department that would command the respect and confidence of the people, and not one that creates ridicule?—Yes.

Did you agree with that?—Yes.

And did you tell the Natives that that also was correct?—They heard about it, and spoke about it and agreed.

Do you not think that the Medical Department has done good work for the Samoans of Samoa?—Some of their work has been good and some has not; and they have not been respectful or kind to the Samoans.

Do you know that Mr. Williams has withdrawn that remark and expressed regret for making it, and that he has promised to tell the Natives to help the Medical Department all they can to carry on their work?—I do not know about that. I only heard that he had withdrawn it.

Have you attended any *fono* of the Mau within the last few days?—Yes, last week.

And has not Mr. Williams been there with you?—He was only there for a short time.

Do you know whether Mr. Williams told the Samoans that he had withdrawn those remarks, and asked the Natives to help the Medical Department?—No; I only heard that he would help in bringing our case before this Commission. We were not prepared, because we had not had sufficient time to bring our case before the Commission.

That is all Mr. Williams said before the Mau?—He did not have time to make any other statement. He may have had it in his mind to say something else, but he did not have time. He urged us to come before the Commission and give evidence.

You suggest that there should be three Samoans elected on the Legislative Council?—Yes; there should be six non-official members.

There should be an equal number of official and non-official members?—Yes.

How would those three Samoan members be chosen?—The Samoans would appoint suitable ones.

How would the Samoans choose them?—They would set up a committee represented by members from all the districts in Samoa, which would number about eleven. They might select six, and the names of these six would be submitted to the various districts. They would then vote for three out of the six.

Did you say "vote"?—Yes, the sort of Ayes and Noes system of voting.

Would they take a show of hands or count heads?—That is what I referred to.

The minority would have to give way to the majority?—That is my own opinion. The majority would rule.

Have you ever seen an election like that in Samoa?—Yes.

What would you suggest happens when six non-official members differ from the six official members on the Legislative Council?—The Administrator would have the casting-vote.

You differ from the European report? Have you considered the European report? In this case the European report suggests that where the official and unofficial members differ, the question should be referred to the Minister in New Zealand?—I replied too quickly about the Administrator having the casting-vote. In my opinion, it should be referred to New Zealand.

Did you change your mind when you saw the report just now?—No; I spoke too quickly. I always had that opinion, and I always said so. I spoke that way at the meeting.

Were you a Faipule at one time?—Yes.

Were you dismissed from the position of Faipule?—Yes.

You were a Government Faipule when there were only two Government Faipules?—Asiata Niko and I were appointed by the Government.

Did you two Government Faipules confer with the other Faipules?—Many times.

In reference to matters affecting the Samoans?—Yes, matters which the Administrator wished to bring before the Fono of Faipule. I very soon found out that my position was a bad one to be in. I could not use my own ideas. I had to work in accordance with the wishes of the Administrator.

You signed a petition asking that the Government of Samoa should be removed from New Zealand?—A petition to the King?

Yes?—No.

Why were you removed from the position of Faipule?—I was suspected of having got up that petition.

Did you and Asiata Niko write a letter to Mr. Massey on the 21st November, 1921?—Mr. MacDonald was then Secretary of Native Affairs and he was about to go to New Zealand, and he asked us to let him take any matters which we wished to bring before the New Zealand Parliament with him.

Is that a correct translation of the letter?—I believe that is a correct translation of the letter. I have a copy myself.

Did you ask in that letter that certain things should be done?—What is in the letter would be correct. I cannot remember.

Do you believe in having a Fono of Faipule now?—Yes, if the districts appoint their own Faipules.

That is, the District Councils?—The chiefs and orators of the district. The District Committee is a Government institution.

You know that there has been provided a place for Samoans as assessors of the High Court when dealing with Natives?—I have seen them in Court.

Do you not know that it is the committees of the Samoans that the Secretary of Native Affairs consults in matters affecting Samoans?—That is another matter about which Samoans are dissatisfied. I do not agree with that committee.

What do you disagree with?—Those committees are endeavouring slowly but surely to usurp the powers and authority of the chiefs and orators, because the Faipule is the head of the district, and the *pulemu'u* is the head of the village committee.

What description of Samoans were you referring to when you asked for that in your letter to Mr. Massey?—In German times the German Administrator was head of the Native Department. It was so even up to Colonel Logan's time. During those times one of the family of Afamasaga was in the Mulinu'u office, and he was always consulted by the Administrator as to Samoan matters.

Did you want the job kept in your family?—It was offered to me, but I did not want it. I wanted things to go properly, as in former times.

Did you not think it that would be a good proposition if you had it?—I was earning more outside at the time. I wanted somebody else to take the position, because they would be consulted by the Administrator.

*Judge MacCormick.*] Is that not the very thing that is being done now: the Samoans to confer with whoever is Secretary of Native Affairs?—The objection is that by doing that there are so many laws. It is like a ship that is top-heavy.

*Judge MacCormick:* That is not an answer. It does not remove the cloud in my mind. It seems that the present system is the same as in German times, except that there are several advisers instead of one.

*Mr. Meredith.*] You attended both meetings at the Market Hall?—Yes.

Did you discuss the meeting with Mr. Meredith, your brother-in-law, before the first meeting?—I cannot remember any discussion.

Did you discuss it with Mr. Nelson before the first meeting?—My only conversation with Mr. Nelson was the one in which I mentioned the Minister's visit to Samoa.

Neither Mr. Nelson nor Mr. Meredith mentioned it to you before the meeting took place?—We had a meeting with several others.

Where was that meeting held?—At Mr. Meredith's residence.

And how long before the first meeting was that?—Not very long, about two weeks.

Who was at that meeting?—The three elected members of the Legislative Council.

Who else?—Two Fautuas, Malietoa and Tuimaleali'ifano, Faumuina and Tofaono, and myself.

Who asked you to attend that meeting?—Soon after Mr. Nelson returned he mentioned to me that the Minister was visiting Samoa. It was then I suggested to him to have a meeting and discuss matters regarding the Samoan grievances being placed before the Minister.

And was this meeting the result of that conversation between you and Mr. Nelson?—Yes, I believe that that was the result of that conversation.

And did you tell the other Samoans what time the meeting would be held and where it would be held?—Yes.

And did you arrange at that meeting to call the big meeting in the Market Hall?—Yes; it was at the meeting that we decided to call the public meeting and both sides to be represented.

Did you take charge of the work of notifying the Natives to attend that meeting?—No.

Who did?—It was decided to advertise in the *Samoa Times* and screen it at the picture-show.

The advertisement had no reference to Samoans in the *Samoa Times*, had it?—The meeting was announced, and it stated in that notice that we would discuss matters to be placed before the Minister.

Did you tell any Samoans about the meeting to be held?—No, but they came and asked if it was true that there was to be a meeting.

Did you tell them that Samoans were wanted to be present at that meeting to discuss their grievances?—I told them that there was a new light shining whereby the Samoans were going to get an opportunity to ventilate their grievances with the support of the Europeans, and these grievances were to be put before the Minister on his visit.

Have you been in Court the last few days?—I was not here yesterday, but I arrived here at 12 on Monday.

Several members of the Mau have sworn that the objects of the Mau is self-government of Samoa by the Samoans: do you agree with that?—I disagree with that. That is not one of the Mau resolutions—that the New Zealand Government should be removed from Samoa.

Have you heard of any members of the Mau holding those views?—That is the proper view of the majority of the chiefs; but it is twenty-seven years now since the treaty was made with the Samoans whereby Samoans should be educated and when the time was ripe should govern their own country. That is why the majority have got the idea that it is time to govern themselves; but it is not one of the Mau resolutions.

You have been in Apolima for some time, have you not?—Three months.

Have you attended any meetings of the Mau at Apolima?—No.

And you do not know what has been happening at the Mau meetings in Apia?—Only by accounts in the *Samoa Guardian*, and having heard from my wife when she visited me, and Apia people when they visited Apolima and returned.

Certain of the Mau witnesses stated that they are refusing to recognize the Government or Government officials: do you approve or disapprove of that?—From the commencement of the Mau I have respected all Government orders, and although I have suffered I have carried them out.

Do you say that those men who are making those statements are not good members of the Mau?—The people can hardly bear the trial any longer. In the past they have obeyed, but it is getting too much for them to bear.

Do you approve of keeping them in the Mau?—Yes, because they are still dissatisfied. They are trying to keep the peace. There has been no trouble so far.

At the first meeting in the market-hall did you draw up the documents [See Exhibit No. 10] that had to be written in Samoan?—I drafted them, but certain corrections and elaborations were made before they were printed.

Who made these corrections and elaborations?—The chairman.

Who was the chairman?—Mr. Nelson.

Did you draft any letters to be signed in the various districts?—I drafted them, but at the suggestion of the Native committee. I was the clerk for that committee.

Did you draft them, type them, and send them out for signatures to various districts?—Yes, I drafted and typed them, and Samoans came in and took them away.

*Mr. Baxter.*] You said that the finance report was discussed along with others, and you asked various questions about it: when was that?—In the daytime; the same day as the meeting. The second meeting was held at the Market Hall. This meeting was held in the daytime, and at night the big meeting was held.

Who replied to your questions regarding the finances?—I believe, Mr. Nelson.

You say that the Samoans have been coming to you and asking about the loan of £100,000: what have they been asking about?—They were surprised, and afraid of the big debt owing by Samoa to New Zealand. They feared that New Zealand would take over the whole of Samoa.

Part or the whole?—The whole of Western Samoa.

You say that the Administrator told you about this £100,000: was that the meeting you had when he told you to send the people away, or another one?—It was the big meeting, when about two hundred members of the Mau were at the Fono house.

When was that?—I do not know. Mr. Lewis will have it in his records. It was the December fono.

Can you remember the financial report of the European section of the Committee?—I cannot remember it. I would have to read it again.

There was a petition that Mr. Meredith referred to you, and he asked you whether you had signed it. It was for a change of Government to the Colonial Office of Great Britain. Do you know who signed that petition or not?—The Faipules signed. I have a copy of that petition which gives the names of the Faipules who signed it.

*The Chairman.*] What year was that in?—1921.

*Mr. Baxter.*] You mention Tofaeono: is that the present Tofaeono or another one?—It is the present Tofaeono.

You told Judge MacCormick that you objected to the present advisory committee that the Secretary of Native Affairs has: why do you object to that committee?—I am dissatisfied about it because as soon as a Samoan gets a Government appointment he becomes quite conceited about it and does not care about the other people and oversteps the mark.

Does that apply only to those who are on the committee, or does it apply to any person who may get on the committee?—Yes, it is the position they hold that we object to. That particular body has usurped the powers of the chiefs and orators who have power in the district.

You mentioned about a resolution, and Mr. Meredith asked you if you agreed with some of the views expressed by other witnesses in the box. You said that that was not one of the resolutions passed by the Mau. What do you mean? Was it passed at one of these meetings or was it from other times?—It was not at one of the Mau meetings.

Were the Mau matters ever decided upon or not?—Those matters were sent to the Administrator for forwarding to the Minister, and were called the Mau matters.

*The Chairman:* Are you of the opinion that the Samoans are now competent to be entrusted with self-government?—If the mandate agree to—

The answer is in the affirmative, then?—Yes.

And is that the opinion of many members of the Mau?—I believe that that is the opinion of many in the Mau as well as in the Government—the Samoans.

Did you feel that you would be competent, for example, to undertake the duties of Minister for Finance for the Government?—Yes.

Did you say that the Samoans were getting impatient at not having self-government?—I do not think that I said that.

You certainly did say it. Anyway, it will be recorded in the notes. We will leave it at that. Mr. S. H. Meredith is a connection of yours?—Yes.

And you and he have been associated in Mau matters?—Yes, he for the European section of the committee and I for the Samoan section.

Do you agree with this statement by Mr. Meredith—"Can you say whether or not from your own knowledge of the Mau movement that its object is to obtain self-government for the Samoans" and the reply is, "That is the Samoan's wish."?—That is his opinion, but I have given mine.

I asked you, do you agree with that statement?—I agree to have it like Tonga: the Samoans to have their own government, but British protection.

That is not an answer to my question. I have read you the question put to Mr. Meredith and I have read you his answer?—Yes, I agree with that. That is the wish of the Samoans.

#### FAUMUINA further examined.

*Mr. Slipper.*] What are your full names?—I have two principal titles, Faumuina and Fiamē. You live at Lepea?—That is my home. The title Fiamē comes from Lotofaga.

*Judge MacCormick.*] The title Fiamē is associated with the title Faumuina?—It has always been associated with the title Faumuina right to the present time.

*Mr. Slipper.*] You have not been deprived of your title, have you?—No.

In November of last year you went to Savai'i?—Yes, I went there.

And you went with Alipia?—No, only myself, my wife and children, and Matau.

Did you have any of these circulars [Exhibit No. 10] with you?—Yes.

And did you distribute any of them in Savai'i?—Many of the people of Safune, Savai'i, came to me personally and asked if I had any of these circulars.

And you received this letter, of which this is a copy, from the Administrator, dated 25th November, 1926 [Exhibit No. 36]?—Yes.

Did you obey that order?—Yes.

Now we come on to the question of this banishment: you were banished on 20th June, 1927, were you not?—Yes.

You were banished from Lepea to Apolima: Lepea is your home?—Yes.

You are the chief of Lepea Village?—Yes.

And you live there with your wife and children?—Yes.

In all these matters of your banishment you were with Afamasaga, were you not?—We were together.

You were present at Mulinu'u with Afamasaga before the Governor and the Faipule?—We were together.

That was just before your banishment?—Yes.

And the Governor spoke to you at some length, did he not?—It was a very lengthy speech.

*The Chairman:* Is it worth while repeating this evidence? He has heard what Afamasaga said.

*Mr. Slipper.*] Have you heard what evidence was given by Afamasaga, as to what happened at Mulinu'u?—I have.

And do you agree with what he said?—There is nothing different.

Had you yourself had any interview with the Governor before that interview at Mulinu'u?—No.

You went to Apolima with Afamasaga and you stayed there together for some considerable time?—Yes.

And lived in the same *fale*, under the same circumstances?—In one house.

Then you were removed from there to Lotofaga?—Yes.

Did you receive any written order from the Administrator?—No. Mr. Braisby took me under a clump of breadfruit-trees and we talked there, but there was no written order from the Governor.

Did he tell you he had come to take you to Lotofaga?—He told me that he came to Apolima to take me to my real home.

You told us you have a title in connection with Lotofaga: is that your real home?—Lepea is my real home.

How long have you lived in Lepea?—Since the visit of the Prince of Wales. I have made visits also to Lotofaga. I cannot stay altogether in one place because I hold titles belonging to these two places, and I therefore must from time to time visit both places.

Which of these two places, Lepea or Lotofaga, do you spend most of your time in?—Lepea.

And for how many years has that been the case?—The biggest part of my life I have lived in Lepea.

Your wife is a princess, the sister of Malietoa?—The sister of Malietoa.

*Mr. Meredith.*] Did you, with Lago Lago address this letter to the Administrator, and is this your signature? [Letter put in: Exhibit No. 37].—That is my signature.

You and Ainu'u went to Savai'i with the circulars, did you not?—I have already given you my reply a little while ago. There were only myself, my wife and children, but there was no Ainu'u.

Ainu'u was to go there about the same time as you, but was stopped: is that correct?—I do not know anything in regard to Ainu'u.

Were you asked by the Citizens Committee to go to Savai'i?—They did not express any wish to me that I should go to Savai'i. I went of my own free will.

Who supplied you with the circulars?—I went and told them I wanted some of these circulars as I was making preparations to go to Savai'i.

Did you not say Matau went with you?—I went together with Matau.

Matau was the secretary of the Citizens Committee, was he not?—He was at that time.

Did he take circulars with him too?—Matau did not have anything to do with these circulars, except the ones that were in my possession.

Were you and Matau visiting the same village in Savai'i?—Safune was the first village that we arrived at.

Did you leave circulars at Safune?—Immediately I arrived when the people of Safune found out about it they all came to me, including the Fa'ipule himself, and all asked me to explain what had taken place.

Were you going to any other village but Safune?—Safune was the place that I named as the place of my arrival, but it was my intention to go through the whole group of Savai'i and see my relatives.

Have you relatives in every village of Savai'i, or how many parts were you going to?—I cannot give an exact list of the numerous relatives I have in Savai'i, except this, that I am related to the four divisions of Savai'i. I am a chief of that island at any time that I go there.

And were you going to leave circulars in all the places that you visited?—Provided that any of the villages asked for them I would give them.

Were you collecting subscriptions for the Mau in Savai'i?—Not one penny did I collect.

Did Matau?—I do not know, neither did Matau ever say anything about it.

On the King's Birthday did you not hold sports at the Lepea grounds?—Yes.

Those were sports for the Mau supporters, were they not?—They were sports for the people of the Mau, in connection with the celebrations of the King's Birthday.

Were there not boat-races and sports being held on the racecourse as well on that day?—Yes.

And those are the sports that are held in Apia every King's Birthday, is that not so?—Yes.

You have not held sports before this King's Birthday in Lepea?—No.

Did you lead the Mau procession on the day that the Minister was speaking here?—I was the leader.

*Mr. Slipper.*] Did you in fact lead the procession that day—march at the head of it and lead it?—Yes.

On the day that the Minister was here did you walk at the head of and lead any procession?—Yes, we were the leaders.

You were up at the interview with the Minister, were you not?—I was present at that interview with the Minister.

And when the Minister came out you called them all to their feet to hear "God Save the King," did you not?—Yes, I made the announcement that everybody should stand up.

And they obeyed promptly?—Everybody—the whole of the Samoans that were present at the time.

With regard to the boat-races in the morning, were the Mau people along the waterfront at the time?—I do not know where a few of the Samoans were who are with the Government, but most of the people were of the Mau, or the biggest part of the crowd were the people of the Mau.

Did the people of the Mau take any part in the boat-races?—Yes; and there were also several boats belonging to the Mau.

Referring to your trip to Savai'i, had you been told it was wrong for you to go over there before you went to distribute this literature?—Nobody ever said anything.

Had you heard anything at all before you got that letter that I have just given to their Honours?—Not a single thing.

And you obeyed that at once?—I obeyed it.

*Mr. Baxter.*] We have heard about the prevention of the *malagas* for the conveyance of "fine mats." Is there anything you wish to say about that?—Yes.

What is it?—The first thing is concerning the "fine mats": a "fine mat" is the saviour of the life of a Samoan, or it may be used as a redemption.

What exactly do you mean by that? Is that applicable at the present time? Are you talking about the present time or about some time back?—It was useful in days past as well as at the present time.

How could a "fine mat" be the saviour of a man's life now?—If the people of Vaimauga were to kill a man belonging to Faleata the people of Vaimauga will have to present a "fine mat," together with their apology. That is, they will humble themselves and apologize with the "fine mat" and it would be considered, and money would not be considered at all.

Are there any other reasons?—The taking-away of the "fine mats," or the cancelling of the "fine mats," would mean the discontinuance of family meetings, parents and children, and so forth.

Would there be anything serious in the discontinuance of these meetings?—The "fine mat" is a very valuable thing, and always brings together families, villages, and districts.

Is there anything else about "fine mats" or is that the lot?—The Samoan people have lost their honour and respect since the cancellation of the "fine mats."

Do you mean the cancellation of "fine mats," or the cancellation of the "fine mat" *malagas*?—The whole thing, *malagas* and "fine mats"—everything has been prevented.

Medical matters have been mentioned. Do you wish to make any remarks on medical matters?—I wish to say that I am very much dissatisfied with the hospital. There are many reasons, and this is one—

Are you referring to the Medical Department as a whole, or to the Apia Hospital, the Tuasivi Hospital, or the Aleipata Hospital?—In connection with the Samoan Hospital and the outside dispensaries. There are certain things I wish to specify showing the reason for my dissatisfaction.

You say, as regards the Samoan Hospital and the outside dispensaries. What do you mean: the Apia Hospital or the Samoan portion of the Apia Hospital?—In regard to the Apia Hospital—in regard to the Europeans.

What is your complaint about that?—I am dissatisfied with the Medical Department.

We have heard about that quite a number of times, and the reason that some of the Samoans do not get the same treatment because they are not near the hospitals. Is there anything else?—There is. For instance, when a patient is sent to the hospital, people of course are very anxious and somewhat upset, and want the doctor right away, and in many cases the doctor is not there.

Are you talking about the European patients or the Samoan patients?—Samoan.

Can you tell us of an instance of that nature when you were present?—I cannot remember other times, but I have gone to the hospital on three occasions on account of my children.

You yourself?—Yes.

The first time you went on account of your children—when was that: this year or last year?—I think it is about four years now since that occasion.

What doctor was it that came at last?—Dr. Matheson.

Do you know what date it was?—I cannot recall the date.

On the first occasion did you go in the morning or in the afternoon?—In the morning.

What time?—The morning is the only thing I can remember.

Was it early in the morning or late?—I think it was close on to 9 o'clock.

The second occasion, when was that?—I have no exact recollection of the incident, but I believe it was somewhere about two years ago.

Do you say that you have no exact recollection of the case or not?—I cannot recall the date.

Do you remember what happened?—I do, because I was there myself.

What happened on the third incident?—It was probably last year, at the beginning.

What time did you go this time—in the morning, or in the afternoon, or in the evening?—I remember it was 10 o'clock when I arrived at the hospital, at night, with my son.

Did you leave your son as an in-patient at the hospital? Did you leave him there, or did you bring him away with you?—He was left there that night, and one of the nurses of the hospital gave us instructions to go to one of the wards.

What doctor did you eventually see that night?—It was not until 12 o'clock when Dr. Armstrong arrived.

*The Chairman:* That doctor has left here now, I suppose?

*Mr. Baxter.*] Yes. (To witness:) What was the name of the nurse, do you know? Did you see a European sister or a Samoan nurse?—It was not the Matron; but I do not know whether my wife recalls the name. It was a white nurse.

Is there anything else you want to say on medical affairs?—I wish to say something regarding a doctor.

Which doctor?—The Chief Medical Officer.

What about him?—The Governor's *malaga* arrived at Salega, Savai'i. I do not know the date, but I know positively it was the *malaga* of the Governor: probably 1925.

*The Chairman.*] 1925?—There was a little trouble took place in the village of Foa. A woman gave birth to a child, and the arm of the child protruded first. It was thought there was a Samoan nurse in the village of Gaga'emalae, and the women was ordered to be sent there.

*Mr. Baxter.*] Were you there at the time or are you telling us something some one else saw?—This was the explanation given to me.

We cannot have that. You can only tell us things you saw yourself, with your own eyes?—The village pastor—

Were you there or were you not?—I was not there, but this matter has been brought to my notice by these different people, begging me to attend to it.

We cannot listen to what other people told you. Is there anything else you want to say concerning the Medical Department?—I wish to state my grievance against the Chief Medical Officer of a certain thing that I saw, and about which there was nothing done. The Faipule, and the village pastor, and also the orator of the village, came and begged me—

You cannot tell us that. You cannot tell us what conversation you had with any one else?—I personally appeared before the doctor. I went to the doctor and explained to him about this very serious case concerning this woman. We wakened the doctor up, and he said to send the woman to the Samoan nurse. We explained to the doctor that the Samoan nurse could not deal with it, that it was a case for him personally and should be attended to by him. The doctor then said it was better to take the woman to Tuasivi. We—the Faipule, the village pastor, and the orator—told the Medical Officer that such a thing was impossible, as the woman would die before reaching Tuasivi. Then the doctor said to take her to Apia, and they also told him that such a thing was impossible, as the woman would not live as long as that. Then, after several communications passed between them, he finally said, “Faumuina, I cannot do anything in the matter.”

Is that the same woman as you mentioned when you first referred to the matter?—Yes, the same one.

How far would it be away from Tuasivi Hospital?—A very long way [distance pointed out on map].

Was the doctor on *malaga* at the time?—He was, together with the Governor's party.

What happened to the woman?—I cannot say, because the party then passed on.

What time of the day did the party go on?—Very early in the morning, between 7 and 8, that we began walking.

Are there any other matters about the Medical Department you want to speak about?—I cannot bring to mind any more at the present time.

We have heard talk of a scheme providing for the subdivision of Native lands: is there anything you wish to mention as regards that?—I wish to express an opinion about it. It is not proper to apportion the lands of the Samoans.

Why not?—As it will deprive the *matai* of his authority.

Why is that a reason for your raising an objection to it?—Because when a portion of the land is given to a member of the family he will go on improving this portion with the intention of owning it, that it will become his, and therefore he will lose all respect for the *matai*.

Why do you object to that? Is that a good thing or a bad thing for Samoa?—It is a very bad thing, the division of the Samoan lands. Samoan lands should remain as they are now.

What would be the result to the family if they did cut up the lands?—That they would not any longer recognize the *matai* or the head of the family.

What is the name of the Faipule of your district?—Seiuli.

Which district are you speaking of?—Faleata. Any information regarding the other district, Lotofaga, I will give later.

Who is the Faipule of the district where Lotofaga is situated?—Seinafo.

*The Chairman.*] When was he appointed, in Colonel Tate's time or General Richardson's time?—Colonel Tate's.

*Mr. Meredith:* In September, 1919, sir.

*Mr. Baxter.*] Were you in the district at the time of his appointment, or not?—Yes.

Do you know whether or not there were any *fonos* held to discuss who should be Faipule at the time this man was appointed?—There had been no discussion, no meetings concerning his appointment.

Has there been any *fono* or discussion as regards who should be Faipule since 1st January, 1925? I know of no deliberations whatever.

Would you know if there were to be a deliberation?—I would know about it.

*The Chairman:* Yesterday the counsel for the petitioners and the counsel for the Administration attended me in Chambers and asked for certain directions relating to the materiality of evidence to be called in relation to local banishments from the 11th September, 1922, until the visit to Samoa of the Minister of External Affairs in June, 1927. Since then my colleague and myself have considered the matter, and we have made the following direction, which we have put into writing:—

1. Counsel for the petitioners ask for some direction from the Commission as to the materiality of evidence to be called in relation to the local banishment of Samoans from the 11th September, 1922 (the date of the coming into force of the local Samoan Offenders Ordinance, 1922), until the visit to Samoa of the Minister of External Affairs in June, 1927. There are some fifty in number of such banishment orders; and it is desired to ascertain how far it is necessary to call witnesses as to the circumstances attending the making and putting into force of such banishment orders.

2. It is common ground that none of such orders relate to any participation in the Mau movement, or to any alleged political offence or misconduct in any way relating to the Mau movement. They all relate to domestic offences, matters, and conduct.

3. It is clear that the Commission cannot investigate or review the merits of the offence, conduct, of matter on which these orders respectively are based.

4. We are of opinion, and so direct, that evidence as to these orders should be limited to the following matters: (a) Did the Administrator in each such case before making the order, for the purpose of satisfying himself that the presence of the Samoan in question in the particular village, district,

or place was likely to be a source of danger to the peace, order, and good government of such village, district, or place, cause the matter alleged against the person in such case to be investigated and reported on by a Faipule, or meeting of Faipules, or by the Administrator, or by some official or board appointed by him for that purpose, and was such person in such case present or given an opportunity of being present at the inquiry, and given an opportunity of asking questions and presenting his case.

5. The proof of these matters ought to be in the possession of the Administrator; and we suggest that counsel for the Administrator should begin on this branch of the case, reserving leave to counsel for the petitioners, if they find it necessary so to do, to call rebutting evidence. We think it reasonable that counsel for the Administrator should, a reasonable time before calling such evidence, give to counsel for the petitioners a general statement of the procedure in the case of each such order.

Except so far as this decision is a direction as to the materiality of the evidence in the matter of the local banishment orders referred to, and as such may be acted upon, and indeed must be acted upon by counsel for the petitioners, we desire to make it clear that the direction is not directly or indirectly expressing any opinion with reference to the validity or propriety or otherwise of the banishment orders.

*Mr. Baxter:* There is another matter which I should like to mention at this stage before the Commission opens: There has been a large amount of evidence brought forward, with practically the same words from each witness's mouth, with regard to the "fine mat" question, medical matters, the question of the division of Native land, and as regards various matters concerning the growth of the Mau; and it seems to me, sir, that there is sufficient evidence before the Commission for the purposes of my case, and I do not think that any further evidence along those lines could materially add to my case; and, with your Honours' permission, I shall cease to call evidence on those points.

*The Chairman:* Yes. My colleague and myself are in complete accord with the view just expressed by Mr. Baxter on behalf of himself and Mr. Slipper. We are satisfied that the evidence already tendered is sufficient to enable us to understand the nature of the complaints made against the Administration of Samoa in relation to the matters mentioned by Mr. Baxter, and we are satisfied that no further evidence would add to our knowledge upon the matter. We understand that there are a large number of witnesses who adopt the views already expressed upon these points by the witnesses who have been called. It is clear that they would add nothing to the reasons already urged by those witnesses, except to repeat and adopt that reason. I desire to say on behalf of the Commission that we think counsels are completely justified in the course which they propose to adopt, and we feel satisfied that that course will be of advantage both to their clients and to the Commission in the determination of the matters entrusted to us.

#### FAUMUINA further examined.

*Mr. Meredith.]* You are a member of the Mau?—Yes.

And you attended a meeting with Malietoa and Tuimaleali'ifano at Mr. Meredith's office, with the three elected members—Messrs. Nelson, Williams, and Westbrook?—I was present at that meeting, but it was at Mr. Meredith's house.

And did all of you discuss the question of calling a public meeting to discuss the grievances of the Europeans and the Natives?—Yes, it was decided to have a public meeting and not to have a meeting in secret, which would be against the regulations of the country.

What time of the day was that meeting held?—About 8 p.m.

Who asked you to go to that meeting?—I heard that there was to be a discussion and so I went. Nobody invited me to attend.

Who told you that there was going to be a discussion?—I asked Afamasaga whether there was to be a discussion at Mr. Meredith's residence. He replied that he thought that there was to be one. I then said to him, "Well, I wish to be there myself."

Regarding the Samoans who were there that night, where did they come from?—Tofaeono came from Vaimauga district.

How far away is that?—By Matautu, on the east coast, near Apia.

Did the Samoans come together to that meeting, or did each man come by himself?—There were only five of us Samoans—Tuimaleali'ifano, Malietoa, Tofaeono, Afamasaga, and myself.

But did you go singly?—I believe that they went singly. Afamasaga went by himself; I myself went alone.

And did you all arrive there at 8 o'clock?—No, we arrived at different times.

Between what times did they arrive?—I only arrived there after 9 p.m. There were others who arrived later than that.

Did you have another meeting like that before the meeting in the Market Hall took place?—No.

Did you yourself prepare any speech to be made at the meeting in the Market Hall?—No, I was appointed to make a speech, but there was no necessity for me to prepare one. I know exactly what to say on such occasions.

What speech were you to make at that meeting?—A lot of the points to be made in my speech I cannot remember now.

I do not want the speech. Which one of the European members indicated to you what points you should speak on?—No European made any suggestions to me. I had my own speech to make.

Did you tell your village people to come to the meeting at the Market Hall?—No, I did not ask a single person.

Were any of the people of your village at the Market Hall meeting?—I did not see any; there were so many people there that I did not take particular notice of the people in my village.

After the first big meeting in the Market Hall did you attend the meetings of the Citizens Committee?—Yes.

Did you see the reports prepared by the European members of the committee?—They were read out whilst I listened.

Were they read out in Samoan or in English?—They were read out in English, and then partly translated into Samoan, because I am not very well up in English.

Did you hear Mr. Gurr read his Finance Statement?—Yes.

And did you think that it was right?—I thought that they were the correct figures—that was why I endorsed them.

Did you ask him any questions about any particular matter in that statement?—No, I did not ask a single question.

Did you understand from the report that the Government here was spending more money than was being spent in Fiji and in Tonga?—Yes, I heard that.

And you believed that?—Yes.

And did you believe that New Zealand might take over Samoa for the money that Samoa owed to New Zealand?—I had my suspicions about it; in fact, I am quite certain that if Samoa owes a debt to New Zealand, she will be unable to pay it and New Zealand will take over Samoa.

Is that what Mr. Gurr told you?—No, it is my own opinion.

And is that the opinion of the Samoan members of the Citizens Committee?—Yes, that is what we are very much afraid of.

Have you told what you think about this to the other Samoans?—I did not go out preaching it amongst the Samoans. It was only when the Samoans came and inquired of me that I told them.

You have given that opinion to Samoans when they have asked you?—Yes, I told them my true opinion.

Do you know if the other Samoan members of the committee have also told other Samoans that when they have been asked?—I cannot say that because I do not know for certain. I speak only for myself.

Do you remember the Governor explaining to you at an assembly of Samoans all about this £100,000 loan, and the financial position of Samoa with New Zealand?—Yes, the Administrator spoke to quite a large assembly of Natives at Mulinu'u.

And did you not believe what the Governor told you on that occasion?—I did not believe it on this account—because he said New Zealand does not want any money from Samoa, and if New Zealand sees that Samoa is unable to pay it back she will remit the loan. But we are quite satisfied that there is interest being paid on that loan to New Zealand. That is the reason why I did not believe him.

Did you hear Mr. Williams at the meeting read the report he prepared on the medical services?—Yes.

And did you hear him say that the medical service was the object of contempt and ridicule?—Yes.

Did you believe that?—Yes.

Did you hear Mr. Williams give evidence in this Court last week?—No.

Were you not sitting here when Mr. Williams gave his evidence?—No, I was not here when Mr. Williams gave evidence.

Do you know that Mr. Williams admitted that that statement was wrong and apologized for making it?—I heard it outside.

Having heard that, are you prepared to again agree with what Mr. Williams said in taking it all back?—I cannot be led by Mr. Williams in that respect; I have my own opinion and dissatisfaction with the medical authorities.

Have not the Medical Department done a lot of good for Samoa in curing yaws and hookworm?—Their work is very satisfactory on one hand, and on another it is unsatisfactory.

Do you want hospitals in Samoa for the Samoans or not?—I want hospitals for the Samoans.

Do you want Samoan nurses for the Samoans?—Yes.

And do you want Samoans to be trained up to be Samoan doctors?—That is my real wish.

Then you approve of sending Samoans to Fiji for training?—I am satisfied in a way, but not quite satisfied. I do not see why they should not be moved on to New Zealand for further training, and where they will probably get better training than in Fiji.

Do you want hospitals and medical stations placed as far as possible all over the islands of Upolu and Savai'i?—I am satisfied that the present hospitals are sufficient—Apia, Tuasivi, and Aleipata; but they should have medical stations under the control of Samoan nurses, or dispensaries, all round the different parts of the islands.

Have they not got fourteen dispensaries in various parts of the island under Samoan nurses or under Samoan doctors?—If that is so, I agree with it.

Do you not know that more are being established from time to time?—No, I have not heard anything about an increase in dispensaries.

Anyhow, do you think that increasing the dispensaries as soon as Samoan nurses are trained is a good policy for Samoa?—I think it would be a good thing if we were able to support that number.

Do you think it right that the Samoans should pay for these hospitals and dispensaries?—A person should pay his own medical expenses.

Where is the money to come from to build the hospitals in the first place?—What about the poll-tax?

Do you not approve of the medical tax?—No, I do not approve of it in any way.

Are you one of the *ali'i* of Faleata?—Yes.

Was not the medical tax discussed by the *ali'i* of Faleata in 1923?—Yes.

And did not they approve of the payment of the medical tax?—They agreed to do so because all the rest of the districts agreed to do so, and we were afraid to stay out on account of the Government; but the Faleata people are not satisfied to pay it.

Read this and see what the Faleata people said about it [document "Decision of *Ali'i* of Faleata of the 27th August, 1923," put in: Exhibit No. 38]?—I know nothing of any decision of that kind being arrived at.

Do you say that that is not a true report of what happened?—I say that it is not true because I do not know of any decision being arrived at like that.

Did you not say just now that you did agree because the other districts all agreed?—I said that Faleata agreed to pay the tax because the other districts agreed to pay, and it was because we were afraid of the Government, but we were not satisfied with it.

Will you swear that there was no discussion of the *ali'i* of Faleata in 1923—will you swear that definitely?—There was a meeting of the Faleata chiefs at which the medical tax was discussed.

Were you one of the chiefs at that discussion?—Yes.

Did you object at that discussion to paying the tax?—I addressed the chiefs at Faleata saying that we had better pay the tax because it was the wish of the Government. I said I was afraid of the Government and we had better pay the tax.

Did the *ali'i* and Faipule of Faleata discuss the question of subdivision of land in April, 1925?—Yes.

And did they recommend that land should be divided the same way as in Tonga?—The Faipule suggested that.

Did the *ali'i* agree to that suggestion?—They had no satisfaction whatever with it. The chiefs said to the Faipule, "Ask Faumuina, since he is the only one who owns land in Faleata—we have no lands of our own."

Is this a correct report of the meeting [report of Faipule put in: Exhibit No. 39]?—That is not correct; no person in Faleata agreed to that. At that meeting I said to Seuli, "You go and tell the Administrator that the land in Faleata will not be subdivided."

You were friendly with the Administrator at that time, were you not?—Yes.

Did you tell the Governor at that time that you objected to the land in Faleata being divided like Tonga?—I discussed that matter with the Administrator in his office, and he asked me whether I agreed with the subdivision of the lands. I told him I did not agree with it in any way.

When did you tell the Administrator that—was it after this meeting at Faleata?—I am not sure. At the time the matter was being discussed everywhere.

Did you tell the Governor that you approved of the subdivision of land?—No, I did not say that at all. The Administrator came to me at Lepea and said, "I believe you are right, Faumuina."

When was that?—I cannot remember. I can only remember the incident, but I did not note it.

Do you think that if a Samoan creates a disturbance in the village he should not be sent away?—It would be right if there was a proper investigation by the *ali'i* and the Faipule of the village, and if it was found that it was necessary to remove them, then it would be quite in order to do so.

It has been the custom of Samoans to banish troublesome Samoans from their villages and districts from long time ago?—By the authority of the chiefs and orators. They are the ones who investigate the matter and decide whether the person should be banished or not; and even when they are banished their titles are never taken away from them.

Do you know what was the law when Malietoa was king—with reference to banishments, I mean?—I did not read the law and I am not quite sure about it.

Did not King Malietoa under his law have the power himself to banish any one who caused trouble?—The Samoans were satisfied with that because he was the King of Samoa, and if he was satisfied that there was anything wrong with his people, then he was empowered to banish them.

Did you ask the Administration to order any one away from his village?—I cannot remember asking for anybody to be removed.

Do you remember a man being trussed up like a pig because he assaulted a girl? Do you remember a Samoan called Panini, of Salelesi?—It is no use my talking about anything I do not know.

Do you deny asking for any man to be banished from his village?—I cannot remember. If there is any record in the Government records, probably it is true.

Do you deny that you asked for Panini to be banished, and that you came and gave evidence yourself at the inquiry before Mr. Griffin?—Probably I appeared before Mr. Griffin to state what I had been asked to state by somebody in Salelesi.

Did you not make the complaint in the first place to Mr. Griffin and ask for Panini to be banished?—I do not remember that.

That the three complainants were Taulofa, Faumuina, and Sogialofa?—Yes, I remember now.

*The Chairman*: What year was that?

*Mr. Meredith*: The date was June, 1924. (To witness:) And as a result of their application and evidence Panini was ordered away from the districts of Atua and Tuamasaga?—That was on the recommendation of the chiefs and orators of Salelesi, which was conveyed to myself and the Faipule Senafu by their representatives, the other Salelesi chiefs, because there was trouble over that. The Faipule knew about it, but I did not know what the trouble was.

You gave evidence, did you not?—Yes.

And you said, "The words used by Panini are a great insult to my village generally and to me in particular"?—I did not hear it myself personally, nor see it, but it was what I was told by the Faipule.

But did you not tell Mr. Griffin what I am now going to read out to you?—Yes, on hearsay from the Faipule.

“The words used by Panini are a great insult to my village generally and to me in particular, because it is I who accepted the Lalomanu apology on behalf of our people.” Is not that right?—Yes, that is the evidence I gave Mr. Griffin. I accepted the apology.

Did your District Council in September, 1924, discuss the offences for which banishment should be the penalty [resolutions put in: Exhibit No. 40]?—Yes, it was discussed.

And did not the District Council, amongst other things, say, “Any one who does anything to break the peace of Faleata will be brought before the Council for inquiry, and if the charges are proved he will be banished from the district”?—I myself suggested that; but the offender or the alleged offender was to be brought before the chiefs and rulers of the district and the matter properly inquired into, and if it was found that he was guilty, then he was to be banished from the district.

And did you also decide in the District Council that the *taulelea* are to obey the authority of the *matai*, the result of disobedience to be banishment: did they pass that resolution too?—Yes.

And did they pass this one—that every person failing to obey the call of Faumuina to the Fetu to be brought before the Secretary of Native Affairs or the Samoan Fa’amasino, at Faumuina’s discretion? Did they pass that?—Yes; but nothing came of that, because the Secretary of Native Affairs would have nothing to do with it. The Fa’amasino would not banish anybody for failing to attend.

The Fetu is the Boy Scout movement, is it not—run on similar lines to the Boy Scout movement?—Yes.

And did you go and give these results to Mr. Griffin with Seiuli, Aulavemai, and Mano’o?—Yes. I said when presenting that to Mr. Griffin, “Will you and the Administrator agree that you banish any of these men who do not join the Fetu?” Mr. Griffin said it could not be so.

Have you been attending *fonos* of the Mau in the last week?—Yes.

Have you attended *fonos* of the Mau before you were sent to Apolima?—Yes.

Did you attend any *fonos* of the Mau at Apolima?—There is no Mau in Apolima.

Did you attend any meetings of the Mau at Lotofaga?—No.

Do you know Mr. Rutherford, Inspector of Schools?—Yes; he and I worked together in the Fetu movement.

When you were at Lotofaga do you remember Mr. Rutherford going to Lotofaga?—Yes.

Do you remember that when Mr. Rutherford was there none of the children were at school?—Yes.

Did not the Mau people tell the children not to go to school?—That is probably due to the opinion of the parents themselves. They evidently did not want their children to go to school and they kept them from school, but there was no agreement or arrangement by the Mau on that point.

You are a chief of that district, are you not?—Yes, I am a higher chief than the Faipule of that district.

Did you tell the people that they should send their children to school when you knew that those children were not going?—The parents came to me and told me that they were very much dissatisfied, and had therefore stopped the children from going to school. I said, “Well, I cannot do anything in the matter.”

Do you not think that it is good for children to go to school—do you not think that they should go to school?—Yes, it is a good thing, and they should go to school. We are satisfied with the schools.

Did you not think that as their chief you should advise them for their own good to go to school?—I told them that it was a good thing to have education.

Did you tell them they were to send their children to the school?—I spoke to them in that way, but they said they were not satisfied with the schools. The children continued to go to the pastor’s class and to the Marist Sisters’ school.

But not to the Government school?—No, not to the Government school.

Did you tell those people who had children attending the Government school to send their children to the Government school or not?—No, I did not say anything to them.

Is there a Mau *pulenu’u* at Lotofaga?—There is no such thing as a Mau *pulenu’u*.

Mr. Rutherford was in Lotofaga on the 18th August?—I expect that that is right.

August of this year?—Yes.

*The Chairman:* There is one other matter—no doubt it was interpreted correctly, but the parents said they were dissatisfied with the schools. The witness said he was not dissatisfied with the school. I think that you will probably find on referring to the witness that they (the parents) were dissatisfied with the Administration and not with the schools really, Mr. Meredith.

*Mr. Meredith.*] Did you address the parents in a body?—No; they came at various times to visit me.

Did they agree with you that the school itself was a good school?—Which school?

The Government school to which the children were not going?—The parents were dissatisfied—that being shown by the fact that they stopped their children going to school.

*The Chairman.*] Were the parents dissatisfied with the Administration or with the school itself?—I think they were dissatisfied with the Administration.

Before you go to another topic, Mr. Meredith, do you mind asking whether the children ever went back to the Government school, and, if so, when?

*Mr. Meredith.*] Did the children go back to the Government school before you left Lotofaga?—I did not see a school-teacher at Lotofaga whilst I was there.

Did the children go back—Yes or No?—No.

Do you think that there should or that there should not be a Fono of Faipule?—No; I think it should be abolished.

Do you agree with the witnesses who have given evidence for the Mau that the object of the Mau is to have government of Samoa by the Samoans only?—If this present Commission, after hearing

all the evidence on these matters, are of the opinion that the Samoans should have their own Government, then they should be allowed to govern themselves, but under the protection of the British flag.

That is not an answer to my question. What is your own opinion—what do you say?—The Samoans can manage their own government in many respects.

Do you agree that one of the objects of the Mau is to have government of Samoa by the Samoans—is that one of the objects of the Mau?—That is not a point that the Mau has.

That is not one of the objects of the Mau?—No.

Do you think that the Samoans are fit and have knowledge enough to govern themselves and run their own Parliament?—There are some things which we cannot manage ourselves, but quite a lot of things we could manage ourselves.

How do you classify half-castes—do you look on them as Samoans or as Europeans?—I consider them Samoans, on account of their Samoan connection.

And what are the affairs you think that the Samoans could not manage?—Lawyers; we have no Samoan lawyers to learn from. We would not have anybody to fill the position of Chief Judge.

What other positions?—Doctors; we could not fill doctors' positions.

Could the Samoans fill the position of Governor?—Yes.

Could they fill the positions of Ministers in the Government?—It is only those matters we feel confident we are able to do that we wish to fill; but there are many positions which we are unable to fill at present, and we wish to have more education before we try to fill them.

*The Chairman.*] Many of the witnesses, Faumuina, who are members of the Mau have told us that the object of members of the Mau was to secure self-government for the Samoans: what do you say to that—do you agree or do you not?—Yes, if it is to be under the protection of the British flag.

Do you wish to explain further on that point?—Yes, I just want to explain that I have given my opinion on that point to Mr. Meredith.

*Judge MacCormick.*] Do you say that there should be no Fono of Faipule?—The present Fono should be abolished, and the Faipule should be elected by the districts.

That is quite a different thing. That is not the impression which the Commission gathered from your first answer. You wish the Fono to be continued, but with different members?—The present Fono should be abolished on account of the members, and another Fono should be appointed by the districts.

Are you able to tell us what are the actual objects of the Mau?—Our grievances and our objections have been included in the petition to New Zealand.

Nothing more?—Yes; our complaints about laws and medical affairs—all those are included in the petition.

To redress the grievances which are complained of in the petition to Parliament and which have been given in evidence before this Commission?—Yes.

And nothing more than that?—All that which has been placed before the Commission.

All the objects of the Mau have been placed before the Commission?—Yes, that has been given by various witnesses.

You know of nothing that has been left out of the objects of the Mau?—There may be other objects that have not been brought before the Commission, but I cannot remember anything just now.

But we are asking you as a prominent member of the Mau and one of the committee of the Mau to tell us. If you do not know, how are we to know?—I cannot remember any more objects, but there may be others who can remember them.

*Mr. Baxter.*] This meeting at Mr. Meredith's residence: was that long after Mr. Nelson's return or a little while after his return?—Shortly after Mr. Nelson's return.

And do you know who called the meeting together?—I do not know whose idea it was.

Now, this £100,000 loan which you told us something about—from whom did you learn about this £100,000?—I heard the Administrator speaking about that.

When was this?—Last year: it was at the commencement of the Mau movement.

Now, there has been a message sent in which was produced regarding the agreement of the *ali'i* to the medical tax, and signed by Seiuli, the Faipule: was there any Fono of the Faipules who authorized him to sign any notice?—He was not authorized by us to sign this.

There is a resolution put forward by Seiuli regarding the division of land: do you know whether the *ali'i* and the Faipules approved of that?—There was a meeting. I did not hear a single person give his assent to have the land divided at that meeting, but I said at this meeting, "Go and tell the Administrator that the land will not be subdivided."

The schools are at Lotofaga, and you said up to the time you left the children had not gone back: that is the Government school?—That is so.

Why had they not gone back?—I do not know what reason their parents have.

The teacher was there, was he not?—Up to the time I left there was no school-teacher there.

At any of the Citizens Committee meetings or at any *fonos* at which the members of the Citizens Committee were present was the question discussed as to whether or not the Samoans could govern Samoa?—That was never discussed at any of the meetings, either committee meetings or other meetings, at which the Citizens Committee were present.

#### AUTAGAVIA further examined.

*Mr. Meredith:* The last stage at which we arrived in the cross-examination of this witness was that he had been called upon to apologize for something he had said or done. That is as far as we have got. (To witness: ) After you made the apology you informed us about, were you told by the Administrator that you would be punished if you raised any more trouble?—Yes.

And were you on the 8th June, 1925, again brought before Mr. Griffin for raising further trouble?—Yes.

And after appearing before Mr. Griffin you were ordered to leave Palauli?—That was the decision by Mr. Griffin, to leave Palauli.

And did you go to Safune from Palauli?—I was not directed to any particular place. I went to Safune, because that was the place to which I chose to go.

On the 16th June, 1926, did you write this letter [put in : Exhibit No. 40A]?—I did not write that letter.

These are not your words [letter handed to witness]?—No.

Please read it and see if this is the letter you had written [interpreter read out letter to witness]?—I know that I did not write that letter. It may have been written by some of my relatives, but I deny having written that letter.

*The Chairman.*] Whom does the letter purport to be signed by?—By my former name.

Does that purport to be your former name?—That was my former name before I became a *matai*.

*Mr. Meredith* (to interpreter): Will you please read the English on the bottom of the letter. [Letter read out.] (To witness:) Are you satisfied with that translation?—It gives the meaning of that.

Fairly accurate?—Yes, it gives the meaning.

Were you allowed to go back to Palauli in January, 1927?—I was allowed to go back. I do not remember the month, but I was ordered by the Governor to go back.

That was at the beginning of this year?—At the beginning of this year.

And when you went back did you not have an interview with Mr. Bell, the Resident Commissioner?—I received another order directing me to go to Palauli. Just when I went to the Resident Commissioner's office he said, "This is a letter which has been lying here for quite a while, allowing you to return to Palauli."

Did the Resident Commissioner tell you that you were allowed to go back provided you did not cause any more trouble?—The Resident Commissioner first read the letter of the Governor to me.

Did the Resident Commissioner tell you that the terms were that you would have to behave yourself?—No; all that the Resident Commissioner said was, "I have received a letter from the Governor allowing you to return to Palauli: it was decided in the Fono of Faipules"; but there was nothing said at all.

Is this not the letter that was read to you?—

To Siaupiu, Safune.

10th January, 1927.

BECAUSE you have asked the Governor to forgive you and said you are sorry, and promised not to cause further trouble, and also because Malupo, F.P., Tapusoa, F.P., Suisala, F.P., Seumanutafa, F.P., and the *ali'i* and Faipule and officials of Vaitoimuli say you are sorry, he has said you may return to Palauli; but (1) You are to live *puipuia*; (2) not to leave Palauli or go beyond Vailoa, Vaitoimuli, or Faaala; (3) not to attend meetings of *ali'i* and Faipule. Under these conditions you may return to Palauli; but your conduct must be good, and the Faipule must tell me how you behave at the end of six months. If your conduct is good, be sure the Governor will be kind to you, but if you cause trouble you will be punished.

W. M. BELL, Resident Commissioner.

*Witness:* That is the letter read to me. I have not asked any of these Faipules to apply to the Government for my return. This was just said by the Faipules themselves without any application from me.

Is that your signature [produced to witness]?—I do not remember whether I signed it.

But you can see it?—I do not remember whether I saw it. The Resident Commissioner said many words to me, and I replied in my own words to him, but I do not remember anything just now.

*The Chairman.*] Surely you know whether that is or is not your signature?—It is a long time ago.

*Mr. Meredith.*] Is that your signature? Please answer the question, Yes or No?—Perhaps that is my handwriting.

Is it?—It does not look like my handwriting. My handwriting is very good.

*Judge MacCormick:* You are not making a very good impression on the Commission as to the truth of your evidence, fencing in this way.

*Mr. Meredith.*] Is that your handwriting?—I do not recognize whether the writing is my own handwriting or not.

After the Minister's visit did you not receive notice to leave Apia and return to your village?—I received an order.

You did not obey that order, but remained in Apia?—I did not obey the order, and I remained in Apia Village.

On the 15th July did not a police officer serve you with a notice to appear at Mulinu'u on the following day?—I do not know. I know that the police came there with the letter, and I objected to the letter.

You would not receive it?—No.

You did not go to Mulinu'u on the next day, the 16th July?—I did not go to Mulinu'u.

*Mr. Slipper.*] I refer to the time when you were charged with seditious conspiracy in Colonel Tate's time, and I am simply recalling the matter to your mind?—It was not sedition, if I remember rightly.

Was not that charge laid at that time?—It was only a district matter.

We have it as seditious conspiracy?—It was not sedition.

Did you come before a proper *maio* Court?—Yes. I went to Mulinu'u, and I was also tried in Palauli, and also at Matautu, where the Resident Commissioner is, for the same thing.

Was it not for something about refusing orders from the Plantation Inspector because he came from another district? In what way did you argue against the Plantation Inspector?—I resisted him. I did the talking because I was representing the district, and I told him that he must go back, as he was not according to the wishes or desires of my district.

Was there anything done more than talking?—I instructed the secretary to write a letter, which was dictated by me.

You used certain words to the Administrator for which you were called up before him, were you not?—What I said against the Governor was about his journey around Savai'i.

Tell the Commission what happened. He said that you made some offensive remark or an alleged offensive remark?—Yes.

Referring to the letter that you say you did not write: did you send it, or did you know that it was sent?—I did not know anything about that letter.

Have you apologized with the exception of that occasion at the request of the Faipule—you apologized once because the Faipule begged you to do so?—Yes, I apologized.

Have you apologized at any other time besides that occasion?—No, I made no other apology.

Referring to the letter in respect of which you say your signature is doubtful, can you recall to your mind the letter that was handed to the interpreter and read out by him?—It does not look like my handwriting.

When you were ordered to go away from Apia where were you ordered to go to?—I was instructed to go to Itu-o-tane and to see if I had any relations at any of the villages, and to remain there.

As a matter of fact, you were banished and your title was taken away from you?—I received another order in writing at that time. I was just verbally informed to go to Falealupo. I did not know whether they had taken my title away, but I heard that from other people.

Who is the Faipule of your district when you are at home?—Malupo.

Is there more than one Faipule there, or have you only one?—We had two at one time; at another time we had three; and then on one occasion we were reduced to two. At the present time we have only one.

Have you any grievances to bring forward against that Faipule?—I have many grievances against the Faipule.

Let the Commission hear one?—One of the grievances that I have against the Faipule in question is because he was not selected by my district. He was just appointed by the Governor himself.

Is there any other grievance against the Faipule?—Another point is that he had been appointed a Faipule although he is not a titled man and was not a *matui*—he is a *taulealea*.

In that capacity as Faipule has he got power over the chiefs?—He is respected on account of the Governor appointing him in that capacity.

Is there any other grievance?—He wants to show authority and use the authority of the Government over the place, and he was not selected by the district.

We have already had that information, and we do not want to go over it twice. Is there any other grievance?—He has got too much authority, and he wants to take my title away. He is taking authority which he has no right to take. Another grievance that I have against the Faipule is that he held a meeting in one of the villages of the district regarding the headdress, which he had no business to do. Another grievance that I have against our Faipule is that he frightens our people in our District Council, and if anybody says anything at all that does not suit him he checks them and says, "You must hold the peace; when the Faipule is angry the law is angry too."

Are there any other grievances which you wish to bring before the Commission?—There are a lot, but I cannot call them to memory just at the present time.

Have you said all that you can call to your memory?—We had better leave it at that.

*Mr. Meredith.*] Is it not a fact that this Faipule was appointed as long ago as 1916—that is, eleven years ago?—Yes; he was appointed by the authority of the Governor.

Do you remember that it was eleven years ago that he was first appointed?—I remember.

And for eleven years before that he had been a *pulenu'u*?—He was *pulenu'u*. At the same time he is a *taulealea*.

Will you deny that Malupo is a high chief?—That title is not the title of a chief in my district. I have nothing to do with other districts, and I am speaking for my own district.

Is not Malupo a chiefly title?—No.

Do you refuse to obey any of the officials appointed by the Administration?—I will obey on account of the Government.

#### AINU'U TASI sworn and examined.

*Mr. Slipper.*] Your usual residence is in Apia?—I was born and bred in Apia. My title is Chief of Sapapali'i.

You have been banished and your title has been taken away?—Yes.

These are the documents leading up to the matter [put in: Exhibit No. 41]?—Yes.

Do you know why you were banished?—No.

Did you ever have any trial?—I was asked to appear at the office at Mulinu'u on the 12th January.

And did you appear?—Yes, I appeared according to the order.

Can you tell the Commission whether that had anything to do with your banishment of July of this year?—It was just an exhortation to me by the Governor that day. He only spoke and he gave me no chance to reply to him. After he had spoken he said that was final, and he would not allow me to reply.

Were there any witnesses there against you?—There were no witnesses and there was no trial.

Did you have any sort of trial just before your banishment order was made in July?—I was called on that date; but I do not remember the date in the paper, and that is the date that the decision was given to me.

Did you attend?—The date is in the paper: I have not got it here.

These [produced] are dated 20th July, and that is the date the Administrator sent them—20th July: that is all we know. Do you mean that you knew that when called at Mulinu'u?—Yes.

You went to Mulinu'u?—I went there according to the order.

Did you have any trial there?—No, there was no trial.

Was there any charge made against you?—There were three of us called together that day before the Governor.

What are their names?—Ainu'u, Matau, and Papali'i-ulu.

Was any charge made against you?—Matau was first asked by the Governor, and before any reply was made he asked that the Governor should state the reasons why we were called to appear before him. The Governor replied, "This is no trial—it is only a discussion."

What happened?—The Governor then asked me what grievances I had against my Faipule.

Did you previously state that you had no grievance against your Faipule?—I had not previously stated any grievance against the Faipule.

Did you state any grievance at that time to the Governor—did he not ask you if you had a grievance?—I said I could not express any other grievance outside what has been placed before you by the people of Samoa, and those are the points I am not satisfied with.

Is there anything else of importance that you want to tell the Commission?—Another matter is that I was forbidden to say anything against any other Faipule, but only about the Faipule of my district.

Did His Excellency tell you what his grievances were against you?—He stated his grievances to me on the 12th January, but he did not say anything the second time, in July.

In July were there any witnesses present at that time?—Only the three of us who were called together before him.

Did you have any chance to speak at that time?—He insisted that I should tell him what I was dissatisfied with, and I told him.

But did you have any chance to ask the question about what wrong you had done?—No, there was no chance given to me. I only said that I was dissatisfied with the Faipule, and when he gave me his reply it was finished.

We have spoken about being before His Excellency in January and in July: has there been any other inquiry by His Excellency or any other official at any other time before the banishment order was made?—Only the two occasions.

Did Papali'i-ulu or Matau have any chance of asking questions or making any reply?—There was a chance for a little discussion between His Excellency and Matau and also Papali'i-ulu regarding matters, and when I stated my views regarding our Faipule, then he gave me my reply, and that ended all.

Did you get the order the same day?—That is the very day I received the banishment order.

Was that while you were at Mulinu'u?—That was handed to me when I was in the office at Mulinu'u.

Before that was handed to you did the Administrator tell you that he was going to banish you and take your title away?—The Governor said that I realized who the people were that started the trouble in Samoa. Previously he had some regard for me, but now had no more love for me.

Did he say what the trouble was?—He said that we were the people who were conveying reports to the people of Samoa—in other words, we were the instigators.

Did you have any chance to reply to that?—No, because the Governor was angry. At the end we expressed our dissatisfaction, and we appealed to him regarding our wives and children.

Did he make any reply?—He said, "That matter strikes my heart, but I will not withdraw your banishment on that account. Regarding the maintenance of your wives and families, you go and see Mr. Braisby about that." Mr. Braisby was present in the office at that time.

Did you see Mr. Braisby about it?—That very day at 5 p.m. I appeared before Mr. Braisby in his office.

Did you ask for assistance for your wife and children?—Yes.

What answer did you get?—He said, "I am surprised that the Governor referred that matter to me."

Was there any other answer?—"However, I am going to write down your complaint, and to-morrow morning I will bring it before the Governor."

Was there anybody with you at the time?—Only the two of us.

Have you heard anything further on the matter?—I said to Mr. Braisby, "I do not want to leave my home until I have seen what has been provided for my wife and family, and I wish you to say that to the Governor."

Mr. Braisby said that he would lay these matters before the Governor on the following morning: since then have you heard anything further about the matter?—The result of that was that two sergeants of police and two corporals and four privates came to me with handcuffs and brought me to the police-station: that was the reply I got.

Has anything been done for the maintenance or care of your wife and children?—Nothing at all up to date.

How did you make your living previous to your banishment?—I am one of the chiefs who has plenty of land here in the vicinity of Apia.

When you went to Malie did you take your wife and children with you, or did they remain at home?—I went alone; my wife and family remained behind.

*Mr. Meredith.*] You were a member of the Citizens Committee of the Mau?—Yes.

You were taking copies of the Native circulars to Savai'i when you were stopped by the police?—Yes.

And you were told to distribute those circulars, and they were taken from you?—The police told me that the Governor had forbidden me going to Savai'i. Nothing was taken away from me.

Then what did you do with the circulars that you had—did you give them to the Samoans?—When I was detained from going I returned with those papers to my home.

Did you circulate those papers to Samoans in Upolu?—I did not send any circulars out, but when people wanted a paper and they asked me for it I gave it to them.

When you attended before His Excellency in Mulinu'u in August did not His Excellency ask you about what you had been doing to help the Mau?—There was no such question put to me.

Did his Excellency not tell you that he was sorry to see that you had been active in assisting the Mau?—He said that.

Did you tell him that you had not been assisting the Mau, or did you tell him that you had been assisting the Mau?—I did not speak—the Governor alone spoke that day; he gave me no chance to speak.

Did you not speak several times at that interview?—I did not open my mouth.

Did you not tell the Administrator your complaints about the Faipules?—That was on the second occasion, when the banishment order was given to me, and I spoke about the Faipule.

On the 2nd July you spoke to the Administrator about the Faipules: is that clear?—Yes.

Did you speak on that occasion about any other grievances?—I was debarred from saying anything else except to speak about my Faipule, and I was only asked the one question in regard to my Faipule.

Do you say, when the Administrator mentioned the Mau, that you were not allowed to speak, or that you did not say anything?—I was not allowed to say anything regarding the discontent.

Did you try to say anything?—I tried, and the Governor replied that that was wrong, and that there was no foundation for what I was saying.

What was it that you said?—I told him that I was appointed by the people of Apia to attend the District Council and to put before it the desires and wishes of the Village of Apia.

And to that His Excellency said that there was no foundation for what you had said?—I told the Governor what the wishes were of the people of Apia, and that is why the Governor said that there was no foundation for it.

*Mr. Slipper.*] With regard to anything that was said in July at the meeting referred to, was there any investigation or question as to why you were banished?—There was no investigation.

*Mr. Baxter.*] You were at the first meeting. Why did you go to that meeting on the 15th October, 1926?—I was told that it was free to every one to go.

By whom were you told?—I read it in the *Samoa Times*, and also heard it from the Samoans.

You knew that there was a public meeting on. What was there about the meeting that attracted you there?—What attracted me was that at the meeting the people would express their discontent and would make preparations for the visit of the Minister to Samoa.

Had you any subjects of discontent?—Yes.

What would they be?—All the matters that had been raised by the committee. Those were the matters that we were not satisfied with.

Were those subjects of discontent at the time or were they after the meeting?—I went to the meeting. I was full of discontent.

During that meeting or at any other time did the Samoans select speakers for them, or did each man speak for himself?—It was left to the option of everybody to speak about matters.

We know that you were going to make a trip to Savai'i and were prevented: were there any other special duties given to you?—No.

They did not require of you to make any further *malagas* other than this one?—No.

Do you live in a Samoan house or a *papalagi* house?—I live in a Samoan house.

And your wife is a Native lady?—Yes.

What customs do you follow in the way of living and conducting your usual life—Samoan or European customs?—I have always been used to European way of living and also Samoan.

How do you dress—as a Samoan or as a European?—I dress as a Samoan.

You were at one time on the staff of the Native Office?—Yes.

How long ago did you leave the staff of the Native Office?—On the 7th May, 1925.

Why did you leave the staff of the Native Office?—I was not satisfied.

Why not?—I was forcibly ordered to go to Savai'i just as if I was a prisoner, and I was not satisfied with that.

To the Fagamalo staff?—They wanted to push me off to that office.

Who decided whether you were to leave the office or not?—When I was ordered by Mr. Griffin to go to Savai'i, Mr. Griffin turned his back on me and said that he did not want any further discussion.

Did Mr. Griffin tell you to go, or did you tell Mr. Griffin you were leaving?—There are other matters, and I would like to give—

Answer the question just asked?—I sent in my resignation.

Was it done verbally or in writing?—I did it in writing, because Mr. Griffin did not wish to speak to me any more.

What was this other matter that you wished to tell us about?—When I was ordered by Mr. Griffin to go to Savai'i he said that he would not discuss the matter with me, and ordered me to go and see Mr. Ross for instructions. Mr. Ross told me to clear up my table and prepare to go to Savai'i. I felt very hurt about that.

The whole thing arose over your going to Savai'i, and rather than go you resigned?—The Government would not do all the things I required.

Tell us the more important of them?—I wanted an increase of salary. I had spoken before that time to Mr. Griffin and I said I wanted an increase, and I asked for an increase in salary.

Who is the Faipule of your district?—The title belongs to Savai'i, but I am living in this district, and Asi-Mama is the Faipule.

Do you know who appointed Asi-Mama—was it Colonel Tate or General Richardson?—General Richardson.

When was he appointed—soon after General Richardson came?—On the 1st February, 1924.

Were you in Apia when Asi-Mama was appointed?—I was on the Native staff.

Living in Apia?—Yes.

Were there not any meetings between the *ali'i* and the Administrator or officials of the Native staff to ascertain the wishes of the people as to who should be the Faipule?—I do not know. I did not hear of any.

Would you have heard if there had been such a meeting?—Yes, I would be sure to hear of it.

Has there been any *fono* to discuss as to who should be Faipule since Christmas, 1924?—I have not heard.

Would you have heard if there was going to be one?—I should know, because I am a *matai*.

Have you anything to say regarding the Fono of Faipule?—They do not do what the districts wish.

Is there anything else?—There are many things, but if you will give a direct question I will answer.

If you have anything in your own mind tell us about it?—Another thing, they are not chosen by the people to be their representatives to discuss matters before the Government.

Have you anything you wish to say regarding your own Faipule or any individual Faipule?—This matter has been before the Minister. We complained against Toelupe. It was for oppression and his overbearing manner that he was opposed by the Samoans. He was going on without having any right; and his method of using the land and cutting down trees on which he had no right whatever, and using the authority of the Government.

And who is the owner of the land?—I am.

Is there anything else that you wish to mention against Faipules?—They are my individual grievances; but with all the Faipules the Samoans are not satisfied.

For the reasons you gave before?—Yes, those are the reasons. They used the law without any consideration for the Samoans.

*Mr. Meredith.*] In May last year did you apply for your position to be given back to you in the Native Department?—I did not apply to be reinstated in that particular Department, but in some other Department.

Did you get a position as the result of that application?—I have received no reply to date.

Do you know Tamaseu?—Yes.

Did you hear him give evidence here?—I was not present.

The Faipule of your district is Asi-Mama?—Yes.

Has anyone told you that there was a meeting held in the district to consider the appointment of the Faipule Asi-Mama. Will you say that that is not correct?—It is not correct.

Are you one of the chiefs of Vaimauga?—Yes.

Are you a chief of the district of Asi-Mama the Faipule?—Yes.

What Samoan told you about the first meeting to be held in the Market-place?—I heard it from several people, and heard rumours, and read it in the *Samoa Times*.

Did any Europeans tell you about it before the meeting?—I do not know of any.

Had you spoken to Mr. Williams, Mr. Gurr, or Mr. Nelson before the meeting about what was taking place at the meeting?—No.

Had Lago Lago spoken to you about it?—I first saw him inside the *fono* house, when he saw me and I looked at him, but we never met before the meeting.

You were elected on the committee as a representative of the Samoans, were you not?—Yes.

Did you attend a meeting of the Citizens Committee before the second meeting in the Market Hall?—I was appointed at the first meeting.

Did you attend a meeting of the committee on the day on which the second big meeting was held in the hall?—I was there.

Did you hear the European reports read at that meeting or not?—Yes.

Do you think that they were right?—I thought they were right.

You heard Faumuina give evidence in this Court to-day, did you not?—I heard part of the evidence.

Did you hear Faumuina say that he believed that if Samoa could not pay the debt to New Zealand, New Zealand would take Samoa?—I heard it.

Do you hold the same opinion as Faumuina?—The same opinion as Faumuina.

Did you form that opinion from what you were told by Mr. Gurr—from Mr. Gurr's report?—I had that opinion for a long time.

Did you hear His Excellency explain to many Natives at Mulinu'u the position about the debt from Samoa to New Zealand?—No.

Do you think that the Samoans are now able to govern themselves and have their own Parliament?—I do not want to give a reply to that matter. It was not a matter given in the points by the Samoans.

What is your opinion now?—If New Zealand thinks that it is proper and right, it should be done.

Do you think that the Samoans are at present capable of controlling the government of Samoa?—The Samoans are quite able to carry on their government, as in former times. It is not necessary to teach them.

You think that they are able to carry on their own government?—It was no trouble in former times.

Do you know that many members of the Mau think that the government should be handed over to the Samoans now?—That matter was not in their points. They did not ask New Zealand to give the Government to Samoans, but expressed their discontent.

Answer my question. Do you know that many members of the Mau think that the Government should be handed over to the Samoans now?—I understand that some members of the Mau have said that.

Do you agree with the members of the Mau—Yes or No?—If New Zealand thinks that it is proper to give it back it will give it back.

Do you agree with those members or not—Yes or No?—I do not agree to it. I want to make an explanation.

Faumuina stated that he looks on half-castes as Samoans: do you agree with that?—The half-castes should be called Samoans. Nobody can break the connection between them and the Samoan side.

Faumuina said also that they had Samoans in Samoa fit to be Governors: do you agree with that. Is there one here now?—If there are any, there are; if not, there is none.

Leaving yourself out of the question, is there another fit to be Governor?—If there is none there is none.

Will you not say whether there is another besides yourself?—I do not want to be Governor.

By permission of the Commission, thirty-two chiefs who appeared on the official list as having been ordered home immediately after the Minister's visit were brought into the Court together. They had selected Tofa Tamupuleni to be spokesman on their behalf.

TOFA TAMUPULENI sworn and examined.

*Mr. Slipper.*] You are a chief of Amoa, Sava'i, and received an order to go back to your village, did you not?—Yes.

There were two orders: the last order was made on the 28th July, 1927?—Yes.

You were in Apia for the Minister's visit in June?—Yes.

And you are a member of the Mau?—Yes.

Have you ever been told why you were sent home?—Yes.

Who told you?—The Administrator.

Did he tell you personally, or in writing?—In writing.

Do you refer to the order that you got?—Yes.

Did it say in the order why you were sent home?—I was not advised of the reason for my banishment.

Was there any inquiry into your conduct before you got that order?—No.

Were you called or ordered to appear before anybody for an inquiry?—No.

While you were here in Apia—that is, from the time of the Minister's visit until the time that you got your order—did you attend any *fonos* of the Mau?—Yes.

At any of those *fonos* was there any talk of making trouble, or doing anything against the peace, order, and good government of the place?—No.

What were you talking about at those *fonos*?—These warnings and exhortations to the people to keep the peace.

What else were you talking about—anything else?—The Executive Committee and the other sub-committees exhorted the people of the Mau to keep the peace and not to cause any trouble.

You are not answering my question. Did you talk about anything else at your *fonos*, and, if so, what was it?—Matters that we were dissatisfied about were discussed.

Were you talking about your grievances?—Yes.

Was there any outbreak of trouble or any sign of an outbreak of trouble?—No.

Was there any shortage of food?—No.

Was there any appearance of an outbreak of disease, or any disease at all?—No.

You were appointed to-day at a *fono* to represent these people who are here now?—Yes.

*Mr. Meredith.*] Is that your signature on a letter of the 21st June, 1927 [Exhibit No. 29], to the Administrator?—That is my signature.

On the 23rd June, 1927, you received a letter from the Secretary for Native Affairs, of which this is a true copy. Did you get a copy of that letter [Exhibit No. 29]?—Yes.

On the 5th July, 1927, did you, with the others, send that letter [Exhibit No. 29]?—Yes, there was a letter to that effect.

And signed by you?—Yes.

Did you go home to your village, or did you stay in Apia?—I remained in Apia.

How long did you remain in Apia?—I have been in Apia about seven months.

You have not been home yet?—No.

How long before the Minister's visit did you come here?—I cannot remember exactly. I believe I arrived in Apia the same month as the Minister arrived.

From that time up to the present have you been attending Mau *fonos*?—Yes.

Have you been speaking at those *fonos*?—Yes.

Are these *fonos* held several times a week?—Three times a week.

And do Europeans address these *fonos* as well as Samoans?—Only Samoans address these meetings.

Who is looking after your plantation while you are in Apia?—My children and my family.

*The Chairman:* I understand, Mr. Meredith, he has not obeyed the order to go home.

*Mr. Meredith* : I am just going to get that out, sir. (To witness) You remember the first order you received was to go home and to stay home for three months?—Yes.

*Mr. Slipper* : The date of the first order, according to the list, is the 7th July, 1927.

*Mr. Meredith.*] You disobeyed that first order on the 7th July, to go home to your village?—I disobeyed it.

And you received a further order on the 28th July, 1927, ordering you to return to your village and to stay there for twelve months?—Yes.

And you have disobeyed that order too?—I have disobeyed it.

*The Chairman* : There has been no attempt to enforce it apparently.

*Mr. Meredith.*] Have you received any summons for disobeying the order?—No.

Nor have you been arrested and taken away by force?—No.

*Mr. Slipper.*] Has any harm resulted in your staying here and not obeying the order?—No.

*Mr. Slipper* : I ask leave your Honour, to refer what has been said to the other witnesses assembled here in the Court.

*The Chairman* : Yes, you may do that.

*Mr. Slipper* (to the assembled witnesses).] Did you hear him say why he was sent away from Apia?—Yes.

Did you hear him say that he had had no sort of trial or inquiry?—Yes.

Is that the case with all of you? If there is any one who says it is not the case, let him put up his hand or stand up. (No reply.)

Put up your hands, those of you who did obey the order.

*Tuala Tulo*, one of the chiefs said : I was arrested and removed to my home. I wish to give evidence about that.

*Mr. Slipper* (to the assembled witnesses) : Do you agree with what Tofa has said in the box?—We are of the same opinion.

*Mr. Slipper* : I find, sir, on checking the official list of names that of the thirty-two chiefs eight are absent from the Court: one is in jail, three are ill, and four are absent. The names and districts of the chiefs are as follows:—

Name.	District.	Name.	District.
LEUTELE .. ..	Falefa.	FIU .. ..	Letui.
MAMEA LAULIMA .. ..	Lefaga.	LEOTA .. ..	Gautavai.
TUAO TAUILO .. ..	Lefaga.	FUONO, PINI .. ..	Falealupo.
LAGAATA, M. .. ..	Palauli.	SILIA, P. .. ..	Falealupo.
PASIA .. ..	Safotulafai.	GISA .. ..	Tufutafoe.
TOFILAU, F. .. ..	Iva.	FALEALILI .. ..	Tufutafoe.
MATAMUA, P. .. ..	Salelologa.	FAISILA .. ..	Neiafu.
LUAMANU TOFU .. ..	Salelologa.	LEAVAI .. ..	Vaitomuli.
MAFUIE .. ..	Saleaula.	SEGI, L. .. ..	Sasaai.
TUALA TUOO .. ..	Lealatele.	TOILOLO .. ..	Taga.
ALOIAI .. ..	Palauli.	FIU, T. .. ..	Sili.
LAVEA, T. .. ..	Iva.	FISO .. ..	Lotofaga.
VAAFUSU .. ..	Sasaai.	SITAGATA .. ..	Lotofaga.
VUI, P. .. ..	Lano.	MELEI .. ..	Lotofaga.
TUU FAATUPUA .. ..	Samauga.	MOANA .. ..	Safune.
VAOLITO .. ..	Sataua.		

TUALA TULO sworn and examined.

*Mr. Slipper.*] Did you hear what Tofa said in the box?—Yes.

Do you want to say anything different?—Yes.

About your being sent home?—Yes.

You were sent home on the 28th July of this year?—I did not receive any order.

Was it offered to you to receive?—No.

Did you not get any paper from the Governor, signed by the Governor, to go back to Savai'i?—No.

Did you go back to Savai'i?—My home is in Leauva'a, Upolu, but I was taken to Savai'i by the police.

It says here that your home is in Lealatele?—That was before the lava flowed on our village in Lealatele, and then our home was shifted over here.

Since that lava-flow your home has been where?—Leauva'a.

Were you handcuffed?—No.

But you were taken by the police back to Savai'i?—I was taken from Lepea by the police and then right over to Savai'i.

Had you any home to go to when you got there?—Not a true home, but the people of my village received me.

Was there any sort of an inquiry about you before you were sent over there?—No.

Were you ever asked or ordered to appear before any official?—No.

Was any writing handed to you for you to take?—When?

After the Minister's visit?—No.

Was any paper offered to you between the time of the Minister's visit and the time when you were taken away to Savai'i?—No.

Is there anything else you want to tell us just about your being sent away?—Yes.

Tell us, but cut it as short as you can?—I am not satisfied with the punishment I received——

*The Chairman* : We do not want to hear about that.

*Mr. Slipper*.] We only want to know if you have got anything fresh to tell us?—I made known to the Resident Commissioner when I arrived in Savai'i, and asked him to provide for me as I had no family there in Savai'i.

What was the reply?—The Resident Commissioner said, "Never mind, you go and stay there in the place and the Native officials will look after you and take care of you."

Do you think you have been fairly treated about this order?

*The Chairman* : I do not think we want to know that.

*Mr. Slipper*.] Well, have you told us all about the unfairness of it?—The unfairness of it is my being taken to Savai'i——

*Mr. Slipper*.] We know all that.

*Mr. Meredith* : With Your Honour's permission we would like to hold this witness over to enable us to have the records searched.

PAPALI'I ULU, of Apia, sworn and examined.

*Mr. Slipper*.] You were banished, were you not?—Yes.

And is this the order of banishment [put in Exhibit No. 42]?—Yes.

And by an order of the same date your title of Papali'i was taken away from you?—Yes.

Ulu is another title?—Yes.

So that two titles were taken away from you?—It appears from the order that two titles were taken away since it is stated in that order that I am no longer a *matai*.

It says in the order that you are to be known as Fa'asi'usi'u?—Yes.

For all I know Papali'i Ulu may be one title, or Papali'i may be one title and Ulu another title.

Will you just clear that up?—Papali'i is one title connected with Malietoa.

Of what rank is that title?—A high chief title.

And Ulu, what is that?—Also a chief title.

Before you were banished was any inquiry held into your conduct?—On the 19th July, 1927, I received a communication stating that I was to appear at Mulinu'u on the 20th July to show cause why my title should not be taken from me, and to show cause why I should not be banished.

Did you hear AINU'u's evidence about his appearance at Mulinu'u?—Yes.

Is that what you are referring to?—Yes.

You and Mata'u were with him at the same time?—I was called first out of the three of us.

When you say you were called first, were you all three at the same time in the presence of His Excellency?—We were waiting on the veranda, and I was the first to be called into the presence of the Administrator.

And what happened when you got there?—The Administrator questioned me.

What about?—The first question was, "Why are you dissatisfied with the *pulenu'u*?"

Any other question?—He asked me what I was dissatisfied with. I then proceeded to explain the matters with which I was dissatisfied.

We do not wish to go into the matters you were dissatisfied with now. What other questions did he ask you, if any?—There were no other questions.

Did His Excellency ask you any questions about your own conduct?—No.

Did he make any accusations or charges against you?—There were no charges read out.

Did you ask any questions as to what wrong you had done?—No, only Mata'u asked.

Did Mata'u get any satisfaction?—He did not get a satisfactory reply. He was told that it was not a hearing but merely a discussion.

Why did you not ask any questions yourself?—I was not given an opportunity to ask questions.

When you left the office at Mulinu'u did you know what there was against you?—No.

You are a member of the Mau?—Yes.

At any other time from the visit of the Minister to the time when you were ordered away, did you appear before anybody, any official, for an investigation or an inquiry?—No.

Did you ever receive any request or order to appear for such examination?—No.

Did you ever have a writing offered to you that you would not accept?—No.

Are you married?—Yes.

Any children?—Seven.

Was any provision made by the Government for your keep when you were banished?—Before I was actually served with the banishment order I asked the Administrator, at that discussion with him, what was going to be done with my family if I were to be banished, because I have four children attending the Government school at Ifi Ifi, and three living at home with their mother. The Administrator replied that he was very sorry, but it was not his fault—it was my own fault, by sticking to the Mau; and he said that if I would declare that I would leave the Mau I would not be banished. I replied to him saying that because of my grievances, which had caused me to be in the Mau, I could not leave the Mau until those grievances were satisfied.

Did His Excellency tell you of anything being wrong about the Mau?—Quite a number. He said that Mata'u, AINU'u, and I had led quite a number of people into the Mau.

Did His Excellency tell you anything about the Mau that he said was bad?—The Administrator said it was bad and false.

Did he give you any other reason why it was bad?—That it had broken the law.

Anything else that he had said about it being bad?—I cannot remember what else, only what I have already said.

You say you did not have a chance to ask questions. Why did you say that—that you did not have a chance?—I was not asked any questions.

Why did you not speak up?—It is not the custom to question the Administrator. He did the questioning.

Why did you not ask his leave and say, "Please, sir, may I ask some questions?"—He asked me what I was dissatisfied with, and I told him.

That is not answering my question. I am saying, why did you not stand up and say something like this: "Please, sir, I want to ask you some questions as to why I am being banished?"—That is not the way the Samoans treat the Administrator. There was no opening.

*Mr. Meredith.*] Were you a member of the Mau from the time of the meeting in the Market Hall?—Yes.

And had you attended many *fonos* of the Mau from that time until the time you were called to see the Administrator?—No.

Had you persuaded other Samoans to join the Mau?—No.

Did you not address *fonos* of the Mau yourself?—No.

Did you not distribute papers and circulars for the Mau?—No, I was not a member of the committee. I was only an ordinary member of the Mau.

Do you ask any one now to join the Mau?—No; people join on their own account.

You have land at Vailele?—Yes.

And Vailele is only three miles from Apia?—Five or six miles.

Have you not refused to search for beetles in Vailele?—I was not instructed by the *pulenu'u* to search for beetles.

Have you searched for beetles there?—No; my children in Apia searched for beetles for me and got my quota.

You have not searched for beetles in Vailele yourself?—No.

Have you told other men in Vailele not to search for beetles?—I deny that. It is not so.

Do you know that the *pulenu'u* and chiefs of Vailele have asked to have you shifted away from there because of your persuading their people to join the Mau?—I know that they have asked for me to be removed from Vailele, but I deny trying to get the people of Vailele to join the Mau.

When you met the Administrator there were several other Samoans there, besides Ainu'u and Mata'u, were there not?—There were about twenty besides the three of us.

And did he not tell the others, other than you three, that he would give them until the next day to make up their minds to leave the Mau and be loyal to the Government?—Yes, they were given to the following day.

You told the Administrator that you would not leave the Mau?—Yes.

*Mr. Slipper.*] Mr. Meredith said, Were these other men not told that they would be given until the next day to give up the Mau and be loyal to the Government? Were those words said, or anything like that, "Be loyal to the Government"?—I am not sure now what the actual words were—something about returning to the Government.

Had you wandered away from the Government?—Please explain the question.

We will leave that question. You were asked about the chiefs at Vailele asking to have you shifted: you remember speaking about that?—Yes.

Did you get any notice yourself from the chiefs?—No, they kept it from me.

Did you get any notice from the Malo?—No.

Do you know why they want you shifted?—I do not know.

Have you had any chance to defend yourself in any way on this question?—A chance by whom?

It is told us that the chiefs want to shift you. You have not been notified by anybody?—

*The Chairman.*] Were you removed from your village?—No.

*The Chairman* (to counsel): Do you think it necessary to trouble about that question any further?

*Mr. Slipper.*] About the question of beetles: was that before or after the order for banishment was made?—I did not search for beetles at Vailele after the order was served on me.

*Mr. Baxter.*] What sort of a house do you live in, *fa'a-papalagi* or *fa'a-Samoa*?—A Samoan house with an iron roof.

Your wife is a Samoan, I believe?—A half-caste.

What customs do you follow—do you follow the customs of the Samoans or the customs of the Europeans?—In some cases I follow the European method of living, and in some cases I follow the customs of the Samoan.

How do you dress, in European or Samoan style?—I dress as a Samoan, but my children dress as Europeans.

Have you ever been in jail?—I was in prison many times in former times, in the time of the German Government.

Have you ever been in prison during British administration?—Yes.

When?—At the commencement of the war in 1914.

Any other time after that?—No.

Who is the Faipule of this district?—Asi-Mama.

We know he was appointed by General Richardson. Was there any *fono* to discuss the appointment of the Faipule or not?—No.

Have you got anything to say about that Faipule or not?—Yes.

What is it?—I am not satisfied with him, because he was appointed Faipule for Viamauga when he was not nominated. He is overbearing. There are matters which he has been asked to place before the Administrator which he has failed to do. I would like to be given an opportunity to explain my charges.

We would just like the charges and that is all at the present stage?—That is all about the Faipule.

*Mr. Meredith.*] Are you a member of the District Council of which Asi-Mama is the Faipule?—Yes. Just mention three matters which he has not brought before the Faipules, which have come before the District Council?—We wanted him to place before the Fono our opinion that there were too many doctors—that the numbers should be reduced; another matter was the medical tax—we wished that to be discontinued. We wanted the district to select the Faipule for that district.

FRIDAY, 7TH OCTOBER, 1927.

TUALA TULO further examined.

*Mr. Meredith.*] Do you remember the *malaga* that the Administrator was to make to Leauva'a in July of this year; and did not many of the people of that village make up their minds not to attend when he came to Leauva'a?—I do not know that, because I was in Lepea at the time.

How long were you at Lepea—only one day?—For many days I remained there.

Before you went to Lepea did you not have discussions with other Samoans to decide that no one would attend at the Administrator's *malaga* to Leauva'a?—I did not attend any discussion regarding that matter.

*Judge MacCormick.* Mr. Meredith, is there an order by His Excellency directed to this man to do anything, go anywhere, or abstain from going anywhere, or do anything at all?

*Mr. Meredith.* Yes, sir.

*Judge MacCormick.* This man denies that he was ever served with an order. That seems to me to be the first thing to be established.

*The Chairman.* I quite agree.

*Judge MacCormick.* If you cannot establish that, what is the use of arguing about the matter at all? This man says he never had anything sent to him.

*Mr. Meredith.* I will just ask one or two questions, sir, and prove that in the affirmative later, if it can be done. (To witness:) Were you asked by the Fa'amasino, or told by the Fa'amasino or *pulenu'u* to attend at Mulinu'u on the 26th July, 1927?—I received no instructions.

*The Chairman.*] You must answer the question?—No.

*Mr. Meredith.*] Were you given a notice the same as that to attend at Mulinu'u (put in: Exhibit No. 43)?—I was not.

Were you given that order by the police officer at the time the police officer saw you (document put in: Exhibit No. 43)?—No, I did not see this order at all.

*The Chairman.* The witness said that he was taken away by the police; you might ask him, Mr. Slipper, to tell us the circumstances of that.

*Mr. Slipper.*] You say that the police arrested you and took you away?—Yes.

Where were you then?—I was in Lepea.

Just tell us what happened from the time you saw the policeman or policemen?—Nothing happened, only two policemen came to me when I was in Lepea and said these words: "We have come after you to take you to Savai'i."

Did they offer, or show you, a piece of paper?—No.

Very well. What happened then?—I obeyed and came along with the police.

Did they handcuff you?—No.

Was there any trouble of any sort?—No.

You just went along with the two policemen?—Yes.

Were there any other people at the time?—Many.

Can you remember any of them—any of their names?—Yes.

I am not going to ask you for their names now, but if you are asked to bring any forward later on, can you bring forward any of those people?—I can mention all the names that I can remember.

*Mr. Slipper.* I have an idea, Your Honours, that this witness has some other matters to bring forward, but as I do not know what they are, I suggest I might have an opportunity of looking into them?

*The Chairman.* I shall not give permission unless I have your assurance about them.

*Mr. Slipper.* I cannot give that assurance now, sir.

(Mr. Slipper here instructed the interpreter to inform witness that if he had any other matters he wished to speak about he must tell them to him (Mr. Slipper) afterwards, and Mr. Slipper could then see whether they were such as might be brought up before their Honours.)

MATA'U KARAUNA sworn and examined.

*Mr. Slipper.*] What is your name?—Mata'u Karauna.

And you live in Apia?—Yes.

And you were banished to Assau, in Savai'i?—Yes.

Have you your papers with you *re* the banishment?—No, I think you have them.

Oh, yes: this is your banishment order, dated the 20th July, 1927, is it not?—Yes.

And on the same day your title of Mata'u was taken away from you?—Yes. [Documents put in: Exhibit No. 44.]

Now, that title of Mata'u—what kind of a title is it?—The highest chief's title for the district of Sataua, in Savai'i.

*The Chairman.*] The banishment order says he is to remain in the village of Papa, Sataua?—Asau is the district and Sataua is the village, and one of the smaller villages of Sataua is Papa.

*Mr. Slipper.*] We may take it that Sataua covers the lot?—Yes.

Your title comes from Sataua?—Yes.

Have you ever lived in Sataua before the banishment?—I have never lived in Sataua before. I grew up in Apia.

Have you always lived in Apia?—I have always lived in Apia except when I went to school in Malua.

So your home, then, is in Apia?—Yes.

Well, prior to your receiving that order, was there any inquiry made into your case?—I was called to appear at Mulinu'u.

And was it not with AINU'u and PAPALI'i Ulu?—That is the same case.

You were not here yesterday?—No, I was ill yesterday.

Did you appear before the Governor at any time concerning your banishment?—That is the only time.

Did you appear before any other official?—No.

Did you get any order or request to appear before the Governor or any other official at any other time?—No.

Well, then we will turn our attention to this interview with the Governor on?—19th July, 1927.

That paper is dated the 20th July—was it the same day or the day before?—It is the same day as the order was served on me; the date on the order was the date on which we were to appear at Mulinu'u, although it was served later. We received notice to appear at Mulinu'u about two days before the date fixed.

Was that order served on you the same day as you were at Mulinu'u or not?—Yes, the same day. It was served on me before I left the Native Department Office.

Tell us as briefly as you can what happened when you were before the Governor?—Immediately I appeared before the Administrator he asked me if there was anything about which I was dissatisfied with the Faipule. I replied to him saying that "I cannot answer that question just now. I would like the charge on which I am brought here read out first." The Administrator said it was not a trial, it was a discussion. There are some things I have forgotten and am not quite sure about, and I will only speak about those things I can remember. He asked me also if there was anything I was dissatisfied with about myself. I replied, "Yes, our grievances have been brought before you and you have not attended to them." The Administrator said, "That is another matter in which you have been misled by Mr. Nelson. No grievances have been placed before me." I said, "I am sorry, but I am the secretary for the Mau, and remember sending those grievances to you," and I mentioned the date, which was the 14th January of this year. He said, "That is not so. I only found out the grievances when the papers were returned from New Zealand to me." I told him that I knew the procedure, and that nothing could go to New Zealand without it went through him. When he decided that I was to be banished PAPALI'i asked what was to become of our wives and children, and I also put that question to him myself. He referred this to Inspector Braisby. We went before Mr. Braisby, and he took statements from us, which were intended to be placed before the Administrator. I mentioned in my statement that I was receiving £10 a month for work I was engaged in, and asked for the support of my wife and family at home, and my support in the place where I was to be removed to.

Did you get any answer from Mr. Braisby?—Mr. Braisby said there was no way provided by law for that.

Well, what is the next thing you heard of it? Was there anything done?—I was arrested and handcuffed at my home, and brought down to the boat.

Returning to Mulinu'u for a moment: was any charge laid against you along the lines which the Governor has asked you about, or was there any charge laid against you as to what you had done?—No; that is what made me ask about it whilst I was there.

Were there any witnesses brought against you?—No.

*Mr. Slipper:* It is no use, your Honours, to pursue the matter of whether he had a chance to answer questions, as no charges were laid and he could not therefore answer any questions.

*Mr. Meredith.*] Did you have an interview with His Excellency at the Administration Offices on the 31st January of this year?—Yes.

Did you tell His Excellency that you were secretary of the Mau?—Yes.

And that you wished to tell him all about the Mau?—No.

Did you tell His Excellency that you were translating into Samoan the documents supplied by Mr. Nelson?—Yes.

And that those were papers against the Administration?—No.

What was in those papers?—I cannot remember now; there were many things.

Were not those papers documents persuading the Samoans to join the Mau?—May I give an explanation, please?

*The Chairman:* Tell him to answer the question and then give his explanation.

*Mr. Meredith.*] Were not those papers documents persuading the Samoans to join the Mau?—No. I want to say that I went to see the Administrator because I became afraid when I heard that I was to be removed from Apia. I wanted to go and tell him personally what I was doing. I did not want other people to make reports to him about me—I preferred to tell him myself. I went and told him that I was employed by the Mau at a monthly wage of £10. My work was to translate papers in connection with the Mau, and I was the secretary. And I said, "I have come before you to explain to you myself in case you hear from other sources and become annoyed with me." There was quite a lot said about it, and the Administrator finished up by saying, "That is all right—you go about your work; there will be no trouble about that." I was surprised when I appeared before him at Mulinu'u and he alleged that I had told him that the Mau was bad.

Is that all the explanation you wish to make about the interview?—Yes.

Did you tell the Administrator that you were in the Mau because you were dissatisfied with the Government through being in gaol?—No.

Had you been in gaol?—Yes.

You were convicted, were you not, of stealing £400 belonging to Fa'atoega and others of the Village of Lalomanu, in Aleipata?—Yes.

That was in January, 1924?—Yes.

You were sentenced to two years' imprisonment?—Yes.

And before that you had been dismissed from the Police Force for taking moneys belonging to the Police Department, had you not?—Yes, but without a trial.

Did you tell the Administrator that Samoa was peaceful before the committee had been set up and that the committee was a bad thing for the Samoans?—No. There is something else I would like to say about that.

Very well.—Before I was discharged from prison I communicated with the Administrator advising him that I wished to see him. I advised the gaoler that there was too much confidence being placed in the Faipule, and that very soon there would be serious trouble rising out of this.

Did you tell the Administrator this at the interview?—My request was not replied to, so I did not see him. I only informed him at this meeting with him in January.

Who prepared the documents for you to translate—was that not Lago Lago, for the Mau?—I only started my work as secretary in February; that was some time after the commencement of the Mau movement. There were a considerable number of documents for me to take over.

Did Lago Lago prepare any documents you had to translate?—Answer that Yes or No.?—No.

Did you not tell His Excellency that Lago Lago prepared the documents you had to translate?—No.

Did you mention Lago Lago's name to the Administrator at all?—No.

Did you tell the Administrator about a document that was sent to Lufi Lufi?—No, but there was a document in connection with Leulumoega in Samoan which I read.

Yes; that was a document calling on the Samoans to oppose the Government, was it not?—The papers were only shown to me, but I did not read all the contents of the paper, and he asked me who had prepared that document.

Did you not say Lago Lago had prepared that document?—I told him that I did not know.

Was not that a document calling on the Natives to oppose the Government?—I am not quite sure; I believe it was a letter from Leulumoega to the Administrator, and that it was signed by the people of Leulumoega.

*Mr. Slipper*: I raise the point, sir, that I hope that this letter will be put in; I object to the cross-examination if the letter is not put in.

*The Chairman*: Is it not a universal rule that you may cross-examine upon a document without producing it?

*Mr. Slipper*: Yes, sir.

*The Chairman*: Well, what is the use of objecting to it? But you are quite right to ask counsel if he will put it in. He says that he will.

*Mr. Meredith*.] You say that you did not know where that letter was typed or prepared?—No. The Administrator appeared to expect that I knew where it had originated and that I had prepared it.

Did you not send out all the papers, as secretary of the Mau?—Yes, but that paper did not go through me; that was the Administrator's document.

Did you tell the Administrator that you had attended *fonos* of the Mau, which *fonos* were addressed by Mr. Nelson and other Europeans?—I cannot remember. I do not think that we discussed that.

And you told him that Mr. Nelson had told the Mau people to keep a brave heart?—No.

You never told the Administrator that?—No.

What papers were they that you forwarded to the Administrator in January of this year: was that the Native petition?—The minutes of the Mau, to be forwarded to the Minister upon his visit.

What papers are you referring to that you sent to the Administrator in January—what papers were they?—I did not say that I sent those papers to the Administrator. I saw them being sent.

What papers were you referring to?—Only matters concerning the Mau.

Would they be the reports of the Citizens Committee which Mr. Nelson sent?—Yes, all the reports of the Citizens Committee.

*Judge MacCormick*.] You did not send these papers personally?—No.

*The Chairman*: He says that he was not secretary until February.

*Mr. Meredith*.] When you attended before His Excellency with AINU'u and many others, did not His Excellency ask you to leave the Mau?—Yes.

And you told him that you would not leave the Mau?—Yes.

After you went to Savai'i did you not see Captain Bell, the Resident Commissioner in Savai'i, at the end of July, 1927?—I cannot remember the date, but we called in there and saw him on our arrival in Savai'i.

*Mr. Slipper*.] After the banishment?—Yes.

*Mr. Meredith*.] You told Captain Bell, did you not, that Papali'i was in the committee?—Yes.

And that nothing could be done to stop the committee until the Europeans were punished: did you not tell Captain Bell that?—I said something like that, but that is not exactly what I meant to convey. May I explain?

What exactly did you say, then?—I told Captain Bell that we could not do anything with the Mau since Europeans were doing what was wrong and were not punished. For instance, if the

Administration refused to allow the *Samoa Guardian* to be published as a newspaper and punished the whites who were circulating the things in that newspaper, then that would prove that the Mau was wrong.

Do you think that the *Samoa Guardian* was influencing the Samoans?—No, but there are reports and publications in that paper similar to the reasons for which they punish us.

Do the Samoans read the *Samoa Guardian*?—There is a part of the newspaper in Samoan which the Samoans read.

Did you tell Captain Bell that the *Samoa Guardian* ought to be stopped?—No, I said that if those works were closed down, then we would be satisfied that the Mau was wrong.

Were you talking to Captain Bell in English or in Samoan?—In English.

And you used to be an official interpreter, did you not?—Yes.

*Mr. Slipper.*] Have you seen the letter from the Hon. the Minister of External Affairs to the chairman of the Citizens Committee, dated 28th June?—I would like to know what it was about.

I will read as follows: "I have to acknowledge receipt of your letter of the 10th instant, with which you forwarded me copy of the letter you addressed to the Administrator on the 7th December last, together with a complete file of the reports," &c.?—Yes, I remember seeing that letter.

It says here in the Joint Samoan Inquiry Report (see page 166), in a letter from His Excellency the Administrator to the Hon. the Minister of External Affairs, "The first-named is a notoriously bad character who came to me four months ago and stated that he knew that what Mr. Nelson and his committee were doing was wrong." Did you go to the Administrator and tell him that?—I went to the Administrator, but I did not tell him that.

"And would end in trouble for the Samoans": did you tell him that?—No.

You say that you were dismissed from the Police Force without a trial?—Yes.

Was there any inquiry of any sort?—There was correspondence between the Administrator and the Commissioner of Police, and I was quite surprised to be dismissed.

Was there any charge laid against you?—No. They just said that they had no confidence in me—"that my services were unreliable" were the words used.

Were any witnesses brought against you?—No.

Did you have a chance to ask any questions about your dismissal?—No.

This trouble about your having been in gaol and the trouble about your dismissal from the police and similar matters—were they mentioned to you by His Excellency when he saw you at Mulinu'u, just before your banishment order was made?—No.

My friend Mr. Meredith talks about a paper which you say you saw something of, calling on the Natives to oppose the Government: "oppose" means to go right slap-bang against them?

*The Chairman:* That is a pretty free translation.

*Witness:* During the whole time I have been in the Mau I have not seen any documents of that nature.

*Mr. Slipper.*] Of course you have seen documents of grievances, have you not?—Yes.

You thought that that letter was from Leulumoega to the Administrator?—Yes.

Do you remember saying that?—Yes.

What grounds had you for saying that?—Because I remember seeing on the bottom of that paper "*Ali'i* and Faipule of Leulumoega."

You say that the Administrator seemed to "expect" (I presume that you mean "suppose") "that I was responsible for this letter": do you remember saying that?—Yes. He seemed to think that I had prepared the document.

Well, were you responsible—did you prepare the document?—No, I knew nothing of that document.

You know—it is common ground—that Mr. Nelson was present at the public meetings held in the Market Hall?—Yes.

Leaving those meetings out, did you indicate to His Excellency that Mr. Nelson was ever present at any other meetings of the Samoans?—No.

You have heard what my learned friend Mr. Meredith put to you about your conversation with Captain Bell: you have heard his suggestions?—Yes.

And you have given your explanation of it?—Yes.

*Mr. Baxter.*] You live in Apia. Is Asi-Mama your Faipule?—Yes.

We have heard about him several times, sir, so I do not propose to ask further questions. (To witness :) Have you any specific complaints about Asi-Mama?—I have worked for many years in European employment, and have not had many dealings with the Faipule, so that there is nothing concerning myself—no personal grievance against the Faipule, but I am dissatisfied with the method in which they are dealing with Samoa.

*The Chairman.*] Had you relatives at Sataua when you were banished?—Yes.

When the policeman came to your house, were you prepared to go willingly with him?—Yes, I just asked them to give me a few moments in which to say good-bye to my people, and after that I held out my wrists to be handcuffed.

I see, you proffered your wrists to be handcuffed, did you?—I could do nothing else.

That is not an answer to my question. Did you or did you not proffer your wrists to be handcuffed?—Nobody wishes to be handcuffed, and I could not do anything else.

You must answer my question. Did you offer your wrists to the policemen to be handcuffed—yes or no?—Yes.

You did not resist in any way?—No.

Very well; did you keep minutes of the *fonos* of the Mau?—Yes.

Are those minutes in your possession now?—No.

Where are they?—Mr. Nelson took them with him.

When he went to New Zealand?—Yes.

So that they ought to be in Mr. Nelson's possession?—Yes. I am not sure that he has them.

*Mr. Baxter* : I might mention, sir, that those are my instructions—that they are in Mr. Nelson's possession.

*The Chairman* : Thank you, Mr. Baxter (To witness :) Were you in frequent communication with Mr. Nelson whilst you were secretary of the Mau?—Do you mean whilst Mr. Nelson was in Samoa?

Yes?—Yes, I was.

During that period did you see Mr. Nelson constantly?—Yes.

Did you have any business with Mr. Nelson except Mau matters?—No.

TOFAEONO SWORN and examined.

*Mr. Baxter* : This is not a banishment case, your Honours : this man is one of the members of the Citizens Committee. (To witness :) What is your name?—Tofaeono.

And your rank?—High Chief of Vaimauga, in the district of Tuamasaga.

And you are a resident of Vaiala, I believe?—Yes.

Were you not one who went to the first meeting?—Yes.

What was your reason for going to the first meeting in the Market Hall?—I heard that there was going to be a meeting held between the whites and the Samoans to examine matters of dissatisfaction which were to be presented to the Minister, who was expected to arrive.

Who told you of this meeting?—Nobody told me. I only heard that by Samoan rumour.

While at this meeting—either at the meeting or before the meeting—did the Samoans elect or select a speaker to speak for the lot of them, or did they not?—Yes, they arranged for a Samoan to speak for them.

Did all the Samoans there select the one speaker, or did they have a number of speakers?—When I first said that they arranged for a speaker, I meant that they chose representatives there for the whole Island of Samoa at the meeting; everybody who wished to could get up and speak.

You were elected to the committee. At that time you were employed on the staff of the Director of Agriculture?—Yes, I was working for the Government at the time.

And I believe that you left the position. What was your reason for leaving the position?—I got instructions from the head of the Department that he had received orders from the Governor that I should resign if I did not leave the Mau.

You stayed in the Mau, so I conclude that you resigned; is that so?—Yes, I sent in my resignation and said I would remain in the Mau.

Did you have an interview, either before or after this resignation, with the Governor, or the Secretary for Native Affairs, or anybody, as regards your resignation?—On the 14th November I was called by the Governor and I appeared before him.

Was there anything important at that interview?—The Governor asked me, "Why have you gone to that wrong thing?" He said that it was a pity for me to lose my position in the Government. I could not depart from the Mau, as my title is Tofaeono, and it is not suitable to the title or to one holding the title to depart from the Mau.

Why is it that the title Tofaeono cannot depart from the Mau?—Because he is a high chief, and it is a disgrace to depart from what the Samoans have agreed upon.

Very well. Were there any further interviews, or were there not?—I was sent by His Excellency then to interview Mr. Griffin that very day.

What arose out of that?—Mr. Griffin then asked me why I had gone to the wrong thing.

Anything further?—He said, "Do you not know that where you are now in the Mau, there is no difference between that and the matter of Lauati?"

Do you know what happened to Lauati?—He was banished to Saipan, Marianne Islands.

*The Chairman.*] That was during the German regime, of course?—Yes.

*Mr. Baxter.*] Now, we have heard from the others all about what the Mau has done, so we need not ask you about that. There is just one thing about which I wish to ask you: You gave up a position in which you were getting a good salary: did you get anything in return?—No.

Were you at all these meetings of the Citizens Committee?—Yes.

Can you tell us whether or not the Citizens Committee gave any instructions as regards children not going to Government schools?—No.

Can you tell us whether or not they gave instructions as regards resisting lawful authority?—No.

As regards the disobedience of orders issued by the Government?—No.

To clean your villages, say, for instance?—No.

Payment of taxes, or the collecting of beetles?—No.

The registration of births?—No.

Do you know whether or not any instructions were issued as regards accepting the orders of the Mau as against those of the Government?—No.

Who is your Faipule?—Asi-Mama.

Have you any personal complaint you wish to make about Asi-Mama or not?—Yes.

What is it?—I am not satisfied with our Faipule because matters which we put before him to take to Mulinu'u we have had no word about up to date.

Tell us one of those matters?—We put to him the matter of "fine mats"—to revoke that law.

How long ago was that?—Past years, before the Mau was established.

Is there any other matter?—One matter we put to him—not to pay the medical tax but to oppose the medical tax, as we did not wish to pay the medical tax.

Is there any other matter?—Many other matters, but we will take only these two.

Is there any other matter you have in your mind at the present time which you wish to bring up or not?—Yes; for instance, the matter regarding the taking-away of titles—what right has the Faipule to do that?

Do you consider that the Faipule takes away the titles?—With the authority of the Government which has empowered the Faipule to take the titles away.

Can you tell us of any title that has been taken away by the Faipule?—Many titles have been taken away through the overbearing power placed on the Faipule by the Government.

Will you give us the name of one?—Tamasese, and AINU'U, and Fa'amausili.

That is enough. I just wanted to make sure that they had been brought before the Court. Is there any other complaint against Asi-Mama which you wish to mention?—Those are the matters we are dissatisfied with, but we suspect that he has not given them to the Governor because we have had no reply.

Is there anything you wish to say as regards the Fono of Faipules?—I am not satisfied with the Faipule.

Why?—Because their position has not been selected by the districts.

By whom have they been selected?—By the Governor.

Is there any other complaint?—That is all.

*Mr. Meredith.*] Were you not with Faumuina, Tuimaleali'ifano, Malietoa, and Lago Lago at Mr. Meredith's house when the three elected members of the Legislative Council were there before that first meeting?—Yes.

And you decided that there was need to call a public meeting, did you not?—That was the decision of Faumuina.

Who was it that asked you to go to that meeting at Mr. Meredith's house?—Nobody told me, and I was surprised to see a motor-car come after me. The messenger told me that I was wanted in Sam Meredith's house with Malietoa.

Where were you when the motor-car came for you?—I was in my house at Vaiala.

Whose motor-car was it that came for you?—I do not know.

Was it Mr. Nelson's car?—I do not know whose car it would be—I did not ask the driver.

Did you drive home in a motor-car after the meeting that night?—I went home in a bus.

Who was the driver of the motor-car that brought you to the meeting?—It is a long time now.

You did not pay anything to ride in the motor-car?—I paid 2s. to go home.

But you did not pay anything to come in?—The driver did not ask me for any money and I did not pay him.

Do you know the difference in the makes of cars?—No.

Did you know that there was to be a meeting at Sam Meredith's house before the motor-car came for you?—No.

Were you asked to tell the Samoans to come to the meeting?—No.

Did many Samoans from your village go to the first meeting at the Market Hall?—No.

Did many go to the second meeting?—No.

On the afternoon of the second meeting did you see the European reports that were put forward before the meeting that night?—I cannot speak English, and I do not know anything about any European reports. All that I know of is about our Samoa reports.

Then you do not know what is in the European reports?—Only what I heard was referred to the committee.

What were you told about the debt?—I heard it said that the debt of Samoa to New Zealand amounted to £100,000.

Did you think that if Samoa could not pay that debt New Zealand would take Samoa?—That is the fear of the Samoans.

Who told you about that debt?—Mr. Smyth.

Coming back to the meeting at Sam Meredith's house: who told you that they had sent a motor-car for you that night?—When the motor-car arrived I asked the driver where he came from, and he said, "It was sent from Tuimaleali'ifano and Faumuina to bring you and Malietoa."

When you got to Mr. Meredith's house did Mr. Nelson speak to you when you came in?—Sam Meredith said, "You have arrived, and welcome."

Did he tell you what they wanted you for?—No.

Who first spoke about holding the meeting?—Mr. Nelson first announced that they were going to discuss matters—not matters that would violate the law, but with reference to his discussion with the Prime Minister in New Zealand—that is, the discussion between the Prime Minister and himself.

Did he ask you what grievances you had?—No.

Were the Native grievances discussed by Mr. Nelson that night?—No; but only about his discussion with the Prime Minister, who told him that the Minister of External Affairs was coming to Samoa.

Did he tell you that he had mentioned Samoan grievances to the Minister in New Zealand?—Mr. Nelson made it known in this way: he had discussed the grievances of the Samoans with the Minister.

Did he tell you that he would help the Samoans with their grievances?—He did not say anything like that.

How long did the meeting at Sam Meredith's house last?—About three or four hours.

Who did all the talking during that three or four hours—did Mr. Nelson talk all the time or did some of the others talk?—Mr. Nelson made a short statement, then Faumuina and then Tuimaleali'ifano, and then everything was finished.

Did that take four hours?—And then they had tea and something to eat.

Which of the people there suggested that the meeting should be held?—Then the members of the Legislative Council arranged for a meeting to be held in the Market Hall, and this was agreeable to us.

Did they arrange that it should be for Europeans and Samoans, for both of them?—Yes.

Did you remember which European it was that first proposed the meeting being held?—That was the opinion of the Samoans present, and the Samoans present expressed to the white people there that the Samoans should be included in the meeting.

You were not asked whether you had any grievances: is that correct?—No.

If you were not asked whether you had grievances why were you asked there at all?—I was called because I was a chief.

Because you are a man of high standing—or, rather, a high chief and a man of great influence?—Yes.

Have you confidence in the wisdom of the Europeans on the Citizens Committee?—I have in them, yes.

And you think that Mr. Nelson is a very wise man?—He is wise just as well as the Samoans are wise.

Do you feel that Mr. Nelson and the other Europeans will be of greater assistance to the Samoans in the settlement of their grievances?—They will get from the mandate a settlement of their grievances.

Do you think that the European members of the committee will be of greater assistance to the Samoans in the settlement of their grievances?—That depends on the mandate.

Are they relying on the help of the Europeans? You must have intelligence to answer that, surely?—Yes, I depend on their assistance. It depends on New Zealand and the mandate, and they will get all the assistance from them.

How do you look on half-castes—that is, do you call them Samoans?—Yes, because they are part Samoan.

Do you agree with what some of the witnesses have said, that the object of the movement is to get self-government for Samoa, or government of Samoa by the Samoans only?—The time is ripe when the Governor cannot satisfy the grievances of the Samoans. If the time is ripe according to the mandate, then give Samoa back to the Samoans.

Do you know what the mandate is?—The authority of the League of Nations.

Do you know the terms of the mandate?—No.

You said that the Faipule had not brought certain resolutions before the Fono: was not a resolution of the District Council that there should be a request to reduce the medical tax brought before the Fono of Faipules?—If they could not abolish the medical tax, then to reduce it if possible.

This is the remit brought forward by your Faipule [remit read to witness as follows:] “A petition to His Excellency and to the Faipules asking whether the medical tax can be reduced or made less”?—The question put before this meeting was that if the medical tax could not be abolished, then to reduce it according to what they say there, if possible.

Is that not signed by the secretary of the District Council of your district?—It is signed by the Faipule himself, Asi-Mama. I suppose he signed his name to it and then the Faipule brought it forward. I do not know myself if he brought it forward.

This is a copy of the minutes: “If the time is not ripe now to reconsider the matter regarding ‘fine mats’”?—This is signed by the Faipule. That is one of the matters that is always put before every district meeting.

Do you understand that the matters that have been mentioned were brought forward by the Faipule in the Fono?—They have not got any reply from the Faipule regarding those matters.

Do you read the *Savali*?—No.

Do you know that the result of these discussions in the Fono of Faipules are published in the *Savali*?—It is read by others, and I am informed of it, but I do not read the *Savali*.

The *Savali* is the Native Government *Gazette*, is it not?—Yes.

And is published in the Samoan language and is distributed free?—Yes, true.

*Mr. Baxter.*] With regard to this £100,000, you say that that was mentioned by Mr. Smyth. At what meeting was that mentioned by Mr. Smyth—was it at the first public meeting, or the second public meeting, or at the committee meeting?—The second public meeting.

Did he speak in English or in Samoan?—English.

Did somebody translate his remarks?—Yes, his remarks were translated by some one to me.

What did he say about the £100,000?—I did not quite understand the position about this £100,000, but what I took notice of from what the interpreter said to me was that this was a debt by the Samoans to New Zealand of £100,000: that is what I paid particular attention to.

*Judge MacCormick.*] Did you ever ask your Faipule what had happened with respect to these matters—did you ask him to bring them forward before the Fono?—I asked him about the replies to our letters.

That is not what I asked you. I asked you as to whether you asked for replies, and what did the Faipule say?—He said, “I presented them to the Governor, but I did not receive any reply.”

Then you were aware that he presented those matters?—Yes.

Why did you tell the Commission that the Faipule did not bring them forward?—

*The Interpreter* : He said what I just informed you, and now says, "I am not satisfied because regarding the matters that we sent to the Government we have not had any replies from the Governor."

*The Chairman* (to witness) : You did not say anything of the kind.

*The Interpreter* : He says that this was the reply when the question was asked of him why he knew that they were not presented, "Because he did not receive any reply yet."

*Judge MacCormick* : He said that he had discussed it with the Faipule. However, that is a matter between you, Mr. Interpreter, and the witness.

*The Interpreter* : He says that he was dissatisfied because the replies had not been received by them.

*Judge MacCormick* : That is not what he told us.

*The Interpreter* : I gave out what he said. He takes it as meaning that they did not receive replies.

*Judge MacCormick* : That is a different thing altogether. His grievance is not that the matters were not brought forward, but that the Faipule was not able to get them done.

*The Interpreter* : Because he did not receive any replies from the Government.

*Judge MacCormick* : We will leave it at that.

*Mr. Slipper* : May I ask as to whether or not the Commission would like to hear Mr. Gurr in any way as to the question of prohibition. He is a member of the Citizens Committee, and he is being called now, and Mr. Smyth and Mr. Nelson will be called later. Would the Commission desire to hear the views of Mr. Gurr as to the prohibition question ?

*The Chairman* : Certainly not. We do not desire it. There is very little to be said on this subject that has not been said, and, moreover, the evidence would be merely repetition.

*Mr. Slipper* : Very well, sir.

EDWIN WILLIAM GURR further examined.

*Mr. Baxter.*] How long have you been in Samoa ?—For forty-two years.

I believe that when the International Land Commission was sitting you acted as Native Advocate before that Commission ?—Yes.

And that Commission dealt with the question of the ownership of the land ?—It did.

Your duty as Native advocate was to protect the interests of the Natives before the Commission ?—Yes.

And that required a close study of the Native customs and manners ?—Yes.

In each village there are several families ?—Yes, several families in the village—it depends on the size.

And the head of each family is called the *matai* ?—Yes, that is so.

Are all the *matais* of the same rank or are they of different rank ?—They are not all of the same rank—there are some higher than others.

There is the *matai sili* and the *matai* ?—Yes.

I believe that the *matais* can be divided into two divisions, of *sili* and *tulafale* ?—Yes, there are two divisions, of chiefs and *tulafale*.

*The Chairman.*] What is a *commoner* ?—He is a person who is not a *matai*.

What is his name ?—Tagatanu'u.

*Judge MacCormick.*] Those are the persons who are not *matais* ?—Yes.

What are *tulafale* ?—They are attendants upon the chiefs.

*The Chairman.*] They have a special rank ?—Yes.

*Mr. Baxter.*] They have always had that special rank, have they not ?—Yes, always.

In what way do you say that they would be an attendant—do you mean secretary or valet ?—No, their duties are more important than a valet.

What are the duties ?—A *tulafale* has to speak for the chief.

*The Chairman.*] Are you referring to modern days ?—Yes, as well as to olden days. The *tulafale* speaks for the chief at all Native functions. He is the mouthpiece of the chief before the chief speaks and before other chiefs speak. His other duties are to preserve the genealogy of the chief's families. He has to receive all the property—moveable property—presented to the chief, and he attends generally to the business of a chief.

*Judge MacCormick.*] The *tulafale* is the same as an orator, is he not ?—Yes.

*Mr. Baxter.*] Are there or are there not any specific duties required of the chief ?—They act in conjunction with each other—that is, the *tulafale* and the chiefs act together.

Referring to the *matais* themselves—what is the duty of a *matai* ?—When a Samoan receives the title of *matai* he becomes the head of the family known under the *matai's* name, and he has the right to take part in all matters of a public nature.

You say that he becomes the head of a family : does that mean the immediate family, or the whole family that has a number of branches ?—That depends on the size of the family. For instance, it may be a small family which has its residence in one village ; it may be a family whose members reside in different parts of the island.

In that case there would be more than one *matai* ?—There would be other *matais* under a *matai sili*.

*The Chairman.*] Do they all bear the same family name ?—They have different *matai* names, but they are under the *matai sili*.

We quite understand that. You said that when a Samoan receives the name of *matai* he becomes the head of the family and the family comes under the *matai's* name ?—Not the *matai's* name, but those *matai* names can be given collectively under a *matai sili*.

*Mr. Baxter.*] What are the duties of a *matai* towards his family?—He has to protect the family; he has to see that each member of the family has a portion of land to cultivate, and the whole interests of the family are vested in him.

The whole interest of the family is vested in him, and he controls the land, looks after the land, and controls the family generally?—That is so.

There is another class, I believe, namely, the class that *Tuia'ana* would belong to?—He is one of four *Ao* in Samoa. That is a kingly title. The others are *Tuiatua*, *Gatoaitete*, and *Tamasoali'i*. They are the four kingly titles of Samoa, apart from the title of *Malietoa*.

The title of *Malietoa* is apart from them: what is the reason for that?—It is a special title amongst the Samoans. Originally there were only the four which I first mentioned.

*Mr. Baxter* (to Commissioners): I will put in this chart which I have in my possession showing the position of the *matais* and their descendants [Exhibit No. 45.]

*Mr. Baxter* (to witness).] Then the *kava* title is something different again?—It is different—it must not be confused with the political title of the chief.

Has the *matai* who has control of his family unlimited power to do what he thinks fit?—His power is limited.

In what way is his power limited?—He has to pay heed to recommendations given to him by the members of his family of either the male or the female branches.

Supposing he does take such heed and goes along on his own, what would happen?—The family and the special members of the family who have in their hands the gift of a *matai* title would cause his title to be taken away and placed with another member of the family.

Who has the control of the titles as regards granting them and taking them away?—It is, generally speaking, in the hands of certain of the *tulafales* who are associated with the *matai*. The members of the family who are not of the rank of *matai* have also the right to express their wishes to those *tulafales*.

Are these *tulafales* supposed to take heed of the expressed wish of the family?—They usually do.

The position is that the *matai* is dependent upon the people of his family for his services, and the family are dependent upon the *matai's* protection of the land, &c.?—Yes.

So they are mutually dependent upon each other?—Yes. There is a covenant known as the *tantua* by which the dependants of the *matai* have to serve by presenting him with food every day, and assisting him when there is any village function.

In return he has to control the family land?—Yes, he controls the family land. They all have an interest in the land.

*Judge MacCormick.*] He administers it?—Yes, they all have an interest in the land.

*Mr. Baxter.*] Is it possible for an *ali'i* to also become a *tulafale*?—Yes, he is then known as a *tulafale ali'i*. An *ali'i* chief can take a *tulafale* name, and he is known as a *tulafale ali'i*.

In those circumstances has he the right to exercise both his powers of chief and *tulafale*?—Yes.

Could a *tulafale* take a chief's title?—He cannot, because it causes immediate trouble if he attempts to do it. I might explain that sometimes a *tulafale* who has descended from a woman of the rank of chief would elect to take a title on his mother's side: in that case he can take the title of a chief.

Who had seats on the village council in *fa'a-Samoa*?—The whole of the *matais* of the village constitute the village council.

Who would be the convenor of such council?—There is in each village one person who has a right by inheritance to call the *matais* together. Of recent years a meeting is usually convened at the request of any of the *matais*.

Would it be right to say in the *fa'a-Samoa* days that the right of convening a meeting was vested in some special *matai's* name of the village?—Yes.

*Mr. Meredith:* A title is not inherited, but the rights and duties go wherever the title goes?

*Mr. Baxter:* Yes. The point that *Mr. Meredith* raises is this: that it is vested in the title already, but that title does not necessarily go from father to son: that is your point, *Mr. Meredith*, is it not?

*Mr. Meredith:* That is how I understand the position.

*Mr. Baxter* (to witness).] Will you please explain whether a title goes from father to son?—They do not strictly.

*The Chairman.*] Are you speaking of titles generally now?—Yes. There is the question of bequeathing their titles to another person. There is no notice taken of seniority. If the son is a suitable person to control the family and is acceptable to the members of the family he can take the title direct from his father. In some cases the holder of the title has no direct issue upon whom the title may be bestowed. In that case the *matai*, with the consent of the family, will adopt a young man or boy into the family with the object, when the occasion arises to change, to pass on the title, that the man or boy will receive it.

*Judge MacCormick.*] If he is suitable?—Yes; sometimes in the boy's infancy, and sometimes when they arrive at the matured age.

They could hardly tell in the case of an infant whether he would be suitable or not?—Yes. Or the successor of the *matai* may be drawn from any collateral branch of the family; and there are instances where the husband of a woman of the family, where a *matai's* name is to be passed on to another will be appointed the *matai* by the family.

*Judge MacCormick.*] Does that mean that a woman could have a *matai* title?—Yes.

*Mr. Baxter.*] Coming back to these village committees: you have told us that each *matai* has a seat on the village committee and would control the village affairs—I am speaking of *fa'a-Samoa* and not at the present time?—Yes, they control the village affairs.

Was there any arrangement for the villages to combine in any way?—Villages have combined to form a county. Amongst the Samoans they have a Fa'alupega and also a Maupu. I might mention in reference to these councils of the villages that they are known by a distinct name. In some cases such as Vaiusu, which is several miles from here, the council there is known as Falefia. That is one instance. Again, for your information, the whole of the *matais* of a village have the right to speak on public matters, as I said before, but the right to decide anything is left to a section of the *matais*.

*Judge MacCormick.*] Are you speaking now of an ordinary village?—I am speaking in this case of an ordinary village, and I mentioned Vaiusu, which reminded me of this *falefia*; and it is a large village with quite a number of *matais*, but the actual controlling of *matais* of that village is known as the *falefia*, consisting of the three chief *matais*.

*Mr. Baxter.*] Was there any council to control the interests of these councils that we could call them?—Yes, there is a Samoan Council.

Of whom were they composed?—Composed of chiefs and *tulafales* who are elected by the *matais* of each village.

There would be a representative from each village?—Yes, each village agrees upon the chief and the *tulafale* to attend the County Council meeting to deliberate on the questions concerning the county that are brought before it.

Do the *tulafales* and chiefs meet on equal terms or not?—So far as equality goes there is very little difference: it is only in the name *ali'i*.

*Judge MacCormick.*] What do you call County Councils?—The assembly of chiefs and *tulafales* who are appointed by the villages embraced in that special county.

I asked you, what do they call them?—I mentioned the Samoan word *fa'alupega*, or *maupu*. That is the general name, but again these County Councils are known by a special name.

Each Council has a special name?—Yes.

*Mr. Baxter.*] You have told the Commission that the chiefs and *tulafales* are different: how did they carry on these County Council meetings?—It must be strictly understood that strictly Samoan Council meetings consist of the chiefs and the accompanying *tulafales*. They go in pairs, and the chief may have two *tulafales* with him. These two *tulafales* do the speaking, and the chief gives directions. When the meeting is assembled the *chief* and *tulafale* of one of the villages has the right to make the first speech in opening the meeting. Then another chief with his *tulafale* has the right of reply. Then the others discuss generally the question before the meeting, and another chief with his *tulafale* has the right of announcing the decision of the meeting.

Are there any special places selected for these county meetings or not?—Yes.

Now do they come to their decisions—do they do that by a majority rule?—No, not by a majority.

Do you think that rule is acceptable now?—Yes, it is acceptable; it is done throughout Upolu in the election of their village chief. There is a proper count taken of the *matais* for or against the person nominated.

*The Chairman.*] Is that the practice in Western Samoa now?—I cannot say by my personal observation here, but I believe it is so.

*Judge MacCormick.*] Before you pass on perhaps you could tell the Commission how they came to a decision in the olden days?—The decision was arrived at by force of argument, and after a meeting was held there was bound to be one chief with his *tulafale* holding out against the general opinion of the balance. No decision would be arrived at, especially if that chief and *tulafale* were from an important family; but they would adjourn, and delegates of the meeting would be deputed to confer with the dissenting chief and *tulafale* in an endeavour to bring them around to their views, and it usually resulted in the dissenting person consenting later to the general views: in other words, they brought sufficient argument to bear on him.

*The Chairman.*] I suppose it was a compromise?—Very likely a compromise would be arrived at.

*Mr. Baxter.*] Who was it that set up the Fono of Faipules for the whole of Western Samoa?—During the time of Colonel Steinberger. Under the constitution framed by Colonel Steinberger for Samoa in 1874 two legislative Houses were created: one was the Lower House, known as the House of Faipules, and the Upper House, known as the Taimua. There were various vicissitudes of government in the year 1885. After the division of the island—

That is the division between Germany and America?—Yes. For several years this system was dropped, and I believe about 1903 or 1904—I am not certain of this—Governor Solf created the Fono of Faipules in practically the same manner as it exists to-day.

When this Council of Taimua and Faipule was in existence was there a Governor of Samoa?—Yes.

How were the Faipules selected?

*The Chairman.*: Is this not purely historical?

*Mr. Baxter.*: Not entirely, sir. I propose to show how the present system is repugnant to the Samoan custom. (To witness:) How were those Faipules selected at that time?—The Faipules—I am speaking now of 1885—were chosen by the districts which had been assembled by the *matais* or the deputies of each village.

What did the Taimua consist of?—They comprised that class of chief in Samoa known as Aloali'i, which would be equivalent to the princes of Samoa. The meeting will not carry the influence which it has the capacity to carry if the Aloali'i is not present. He may not be personally present but he would be certainly represented, and the orators of the meeting would be very careful to give all honour to the Aloali'i by mentioning his complimentary title and stating that the decisions of the meeting are arrived at chiefly in the name of the Aloali'i.

This is largely a matter of procedure. This chart [produced], which will be handed in later, sets out the Samoan position?—Yes.

I think you have explained all this. What is the *tulafale*?—The *tulafale* is the sitting *tulafale* attached to the high chiefs and the *tumua* of the district. I should explain a little more about this *faleupolu*. I have stated when there is a meeting to be held the chief is accompanied by his orator or *tulafale*. The *faleupolu* consists of a number of *tulafales* who are attached to the chief, and the greater the number in the *faleupolu* the greater is the power and influence of the chief. They receive the “fine mats” if it happens to be a function where “fine mats” are given in exchange for property, and the “fine mats” are divided amongst these *faleupolu*. All this is done nominally in the name of the chief, but the *faleupolu* get the gifts.

I wish to draw your attention to a paragraph on page 46 of the Mandatory Report for 1926, and then I wish to ask your opinion on it. The paragraph reads: “The social system of the Natives is based on the family, at the head of which is a *matai*, who is appointed to use the family name or title and to rule over the family. Families are gathered together in villages, and the village is presided over by a *pulenu'u* (or town ruler), who is chosen by the *matais* and appointed by the Government. Every endeavour is made to maintain the authority of the *pulenu'u* and *matai*, and to preserve beneficial customs whilst eliminating undesirable ones.” Then, lower down, there is another paragraph: “The administration of the government of the Natives is entrusted largely to themselves through their own officials. The Fono of Faipules, or Native Parliament, has been given statutory recognition by the Samoa Amendment Act, 1923, and all matters affecting the welfare of the Natives are discussed by the Administrator with the Faipules at their Fono, which assembles twice yearly.” Then, the next paragraph is: “In addition, the Native Regulations (Samoa) Order, 1925, provides for the constitution and establishment of District Councils and Village Committees, with certain well-defined duties and statutory powers, providing to a large extent for local government by the Natives, so far as concerns local affairs.” Are these things in accordance with Native customs?—The first paragraph read does agree with the Samoan custom with the exception of the presidency of a Village Council by a *pulenu'u* or town ruler. That is of recent introduction—the appointment of the *pulenu'u*—but I notice he is chosen by the *matai* and appointed by the Government. It would not interfere to any great degree with the Samoan custom, except that the *matai* has the right of opening a meeting, as I stated in my evidence this morning, and the *matai* also has the right of closing it. He may not exercise those functions if the *pulenu'u* presides over the meeting, but the Samoans can well adapt themselves to that procedure, provided they appoint the *pulenu'u*.

I want to draw your attention to this paragraph: “The administration of the government of the Natives is entrusted largely to themselves through their own officials.” Considering the statements you have made this morning, is the Fono of Faipules in accordance with the Samoan custom? Firstly, as to the Faipules: are they selected by the *matais* themselves?—The Fono of Faipules, as constituted under the Samoa Amendment Act, 1923, will conform to the practice which was inaugurated in 1874 by Colonel Steinberger, with reference to the House of Faipule, except that under the Samoa Amendment Act, 1923, the Faipule is appointed by the Administrator and not elected or selected by the *matai* representing the villages at a district or county meeting.

Leaving aside the Amendment Act, supposing the Faipules from the various districts were selected by the *matai* and merely appointed by the Administrator: if they had been selected by the district, would that be in conformity with their customs or not?—It would be in conformity with the practice instituted by Colonel Steinberger. It has been accepted in the past. Faipules during the time of Steinberger were selected by the people who assembled at *Mulinu'u*.

Can we take it that if the Faipule were selected by their districts and merely appointed by the Governor that would be acceptable to the Samoan custom?—That would be acceptable to the Samoan custom, provided they carried out their functions as laid down in the Act.

Supposing they were selected by the *matai* of their districts to act purely in an advisory capacity, would that be acceptable to the Samoans?—Yes.

Supposing they were selected by the *matai*, apart from an advisory capacity, and also given administrative duties in their districts, would that be acceptable?—No, it would be contrary to the customs of Samoa, and it would be an interference with the hereditary rights of the chiefs.

Supposing the Faipule were merely nominated by the Administrator without any previous selection by the Samoans, would that be acceptable to the Samoan custom or not, even supposing they were high chiefs?—I would say not so.

Getting down to the District Councils—that is, the District Councils as constituted now under clause 4 of the Native Regulations, 1925, Order—are you of opinion that that will be acceptable to the Samoans or not? Take the paragraphs under clause 4?—I will take each section: “(a) The Faipule for the time being representing the district by appointment of the Administrator; (b) chiefs of that district, chosen by the Village Committees of the villages in that district to the number which the said Faipule shall from time to time decide.” That would be repugnant to the Samoan customs, inasmuch as the Faipule states the number of the chiefs of the district to be chosen by the Village Committees. It is also repugnant in the choice being vested in the Village Committee instead of the Village Councils.

*Judge MacCormick.*] What is the distinction between the Village Committee and the Village Council?—The Village Committee is a body authorized under clause 14 of this order: “The Administrator may, for the more convenient government of the villages in any district, appoint Village Committees, with such constitution as he thinks fit,” &c. That is, I suggest, taking the power out of the hands of the *matai* and vesting it in such a number as may be named by the Administrator. As to paragraphs (c), (d), and (e) of clause 4: There can be no objection to those officials being members of the District Council, but it is limiting the number on the Council, so that it is possible that some villages would not be represented on the District Council—if the Faipule were to say only two or one, for instance, and there may be twelve or more villages in that district.

*The Chairman.*] What is the alternative to (b)?—To (b) the alternative is to let the Samoans choose their chiefs and orators by the *matai* to represent them on the District Council.

In other words, by the Village Committee?—No, sir.

Well, how else would the *matai* exercise their powers, except by the Village Committee?—The *matai* would select their deputies for this District Council, and, provided there is a *pulenu'u*, the names of their deputies would be communicated through the *pulenu'u*.

How are they to do it?—Meet together.

They already meet in Village Councils?

*Mr. Baxter:* Mr. Gurr, sir, is trying to stress the difference between the Village Council and the Village Committee, as constituted under this order.

*The Chairman:* Leaving out this order: the *matai*, according to your view, will exercise the power of selection in each village of the chiefs to be upon the District Council, the Samoan Council: is that so?—That is so—the chiefs and orators.

It is transferred now to the Village Committee to be constituted under paragraph 14?—Yes.

Would not the Administrator as soon as possible constitute the Village Committee as nearly as possible on the same lines as the Village Council?—I would not say, your Honour, what the Administrator would do.

*The Chairman:* It appears to me, Mr. Gurr, that this is hyper-criticism, and not practical criticism, of these regulations.

*Mr. Baxter.*] I want you to give us some idea of the system of land-tenure in Samoa, if there is any general scheme of land-tenure in Samoa: just give us the general particulars?—Generally speaking, the land is vested in the *matai* bearing the family title, for the benefit of the family he represents under the *matai*-ship.

It is, in fact, a trusteeship on his part, for the whole family?—You may call it a trusteeship.

Do you say the control of the land is vested in the person or the title?—It is in the title.

So that the holder of the title has the control of the land?—That is so.

Then, if he should lose the title, what would be the position?—He loses control of the property.

Are there any main limitations at all?—There are exceptions to that rule. Property, land or real estate, may be held by a *matai* which is not family land—such a property obtained by a person's individual efforts. I will illustrate: The Samoan tattooer frequently has been paid for his services in a section of land, when the family whose male members were being tattooed had not sufficient "fine mats" or other property to pay for the services of the tattooer. So also with a Samoan house-builder.

*The Chairman:* That question is not directly involved in any matter which you have brought before the Court.

*Mr. Baxter:* It has not been, sir, except in the removal of titles.

*The Chairman:* Yes, it has in that sense.

*Mr. Baxter.*] Is there any occasion where the land is not vested in the title?—Yes, there is a class of *matai* who have the title of a *matai* under a *matai-sili*. That class is known as *tuaigoa*. The *tuaigoa*, although they hold minor *matai* titles, do not control land: they have the use of it.

Is there any other case where the title does not carry with it a *pule* of the land?—Only such cases as we have around Apia, where we have direct purchases.

Returning to Samoan matters, I wish to draw your attention to the review by the Administrator on page 162 of the Report of the Joint Committee proceedings: "The present agitation, which commenced in October last year, was not initiated by the Natives, as they were not then dissatisfied. One person with one object only was the originator of the present trouble—viz., Mr. Nelson, the wealthy half-caste merchant, whose aim was apparently to increase his power and influence, particularly in Native matters, and so materially enhance his commercial interests." Have you got anything to say regarding that?—The Natives at that first meeting did express dissatisfaction.

Take the next sentence in that paragraph, which in effect says that Mr. Nelson started the whole thing for the purpose of commercial advancement?—That is not correct; and I cannot see that he can gain any commercial advantage by the present movement.

When you say that it is not correct, what do you mean?—That he was the originator of the present trouble. My first information was that the three elected members had called a meeting. That was the first I knew of it, and at that meeting there were a large number of Natives who appeared to me to be people with certain grievances which they wished to be presented to the Minister.

Then there is a reference in the next paragraph: "Apart from Mr. Nelson, the European section of the committee was composed of men whose only intention was apparently to increase either their political or commercial interests, as they were not much concerned with Native matters and did not realize the danger their action would cause to the Native administration." What have you got to say about that?—I can give on the part of myself a distinct denial that I had any intention to increase my political or commercial interests. I must admit that I am very much concerned in Native matters, and have been ever since I came to Samoa, and if there is anything that I could do in support of the Natives I would do it. I did not consider at that time there was any danger in the action taken by the committee—any danger to Native administration.

While we are on that point: when you were first told of that meeting, did anybody discuss it with you beforehand?—No one discussed this meeting with me before it was held. In fact, I went to the meeting to ascertain what was going on. I had no idea of being elected to the committee when I went to the meeting.

"And subsequently found themselves forced into a position of supporting Mr. Nelson in his strenuous efforts to disturb the Natives": what have you got to say to that?—I am not aware that we were forced into any position to support Mr. Nelson, nor had we any idea of disturbing the Natives. That was far from our intention.

“ And make them dissatisfied with their own authorities ” : what have you got to say to that ?—That was far from our intention and our statements to the Natives.

“ Having no power myself to prevent Mr. Nelson from intriguing with the Natives ” : do you wish to make any remarks on that or not ?—I do not know of any intriguing.

As far as the committee are concerned, you being a committeeman, will you consider the next paragraph : “ Therefore he strengthened his forces by setting up an organization in Apia and in every district for spreading propaganda on behalf of his movement.” Have you any personal knowledge that would enable you to make any remark as regards that ?—As far as I have been connected with the committee there was no suggestion of setting up an organization to strengthen forces. We did not consider ourselves at that time in any attitude of opposition to the Government. We were desirous only of helping and not opposing the Government.

Then there is a reference to the *Samoa Guardian*, of which it is known you are the editor. I would like to know what that paper is : is it a company ?—It is a company. I would certainly like to say one word here about “ articles appealing to the lower instincts of the Natives.” That I give a direct denial to.

Is your company in any way subsidized by the Mau movement, or are its shareholders entirely members of the committee ?—No, it is a mixed company. There are members of the Mau in the company, but there are other people as well. We have nothing to do with the Mau.

Have you been subsidized by the Mau ?—We have not been subsidized.

Consider the next paragraph at the top of page 163. The reference is again to Mr. Nelson, but it might include members of the committee : “ He realized he had gone too far to be able to retreat from his seditious campaign ” ?—There was absolutely nothing seditious in our statements or movement. We urged loyalty, and especially loyalty to New Zealand. That answer will be sufficient, I think, to say we are going too far to be able to retreat.

The next paragraph directly brings in the committee : “ He and his committee therefore hoped to create such a state of confusion in Samoa as would necessitate a Royal Commission being set up ?—It was not hoped to create or set up confusion in Samoa. We had no thought at that time of a Royal Commission. Our only thought was the visit of the Minister of External Affairs.

Take this paragraph : “ Mr. Nelson’s committee, through his traders and certain Natives in receipt of material benefits, gradually influenced other Natives.” Do you wish to say anything as regards that ?—As a member of the committee I have never contributed to any material benefits to the Natives.

You would know what was done with the Mau funds ?—I certainly would. I know that none of the Mau funds have been used for the material benefit of the Natives.

“ The demonstration of Natives organized by Mr. Nelson and his colleagues for the purpose of impressing the Minister on the day of his interview with the committee, followed by Mr. Nelson’s speeches to large numbers of Natives assembled at the Village of Lepea, stimulated the agitation throughout Samoa to such an extent that when the Minister left Samoa immediate action on my part became necessary.” What have you to say to that ?—With regard to that statement I will say that I attended meetings at Lepea with other members of the committee after the interview with the Minister. We did not stimulate any agitation. We stated frankly to the people assembled there our position as defined by the Minister, and we also told them that if they desired to have a hearing of their reports they would have to conform to all orders, and that we as committeemen felt it our duty to obey the instruction of the Minister and to keep aloof from the Native chiefs. The message we delivered was written, and it should be in existence somewhere.

Take the 12th paragraph on that sheet : “ The agitation consequently spread rapidly after the Hon. the Minister’s visit, and the European members of the committee now thought they could cease from further Native activities and safely allow the Native members of their committee to carry on the campaign alone.” What have you to say to that ?—We put ourselves in a position of waiting to hear further from the Minister.

Did you have anything to do with the Natives after the Minister left ?—After the Minister left I refrained from having anything to do with or taking any active steps with regard to the Samoans, as a member of the committee, but when I heard that Samoan chiefs assembled in Apia were acting contrary to the advice which we had given to them previous to the Minister’s visit, I took what opportunity was afforded to me to correct them.

That is hardly an answer. After the Minister’s visit did you have anything further to do with the Natives, and, if so, how ?—I did not have anything to do with them in carrying on any campaign, on account of the orders of the Minister.

Turn over the page. Have you read the seventh paragraph on page 164 : “ It revealed the seriousness of the treasonable plot being worked up by Mr. Nelson’s committee, as I found that in nearly every district of this island there was one or more village where the Natives had received instructions to ”—then follow eight headings of what the Natives had to do ?—I know nothing whatever about instructions of the nature mentioned in that paragraph.

Do you know of any action on the part of the committee which could come under the term “ treason ” ?—Nothing. There was nothing treasonable done.

If you take the next paragraph on that page, “ The solution is a clear and easy one for the Government, as it is now definitely shown that certain persons have acted seditiously and stirred up the Natives without just cause. These persons are now finding themselves exposed, as well as being despised by the majority of the European residents of Western Samoa, and are therefore fighting to save themselves from punishment.” The point that should interest you in that is, “ now definitely shown that certain persons.” There is just cause to believe “ certain persons ” refers to your committee. Have you ever been charged with sedition of any nature at all ?—No.

Are there any further comments you wish to make on that ?—No.

There is another paragraph, the seventh on the page, that concerns you: "It may only be a coincidence, but I blame Mr. Gurr, one of the committeemen, and a well-known intriguer with the Natives, for setting up an organization here in this agitation similar to that which caused trouble in American Samoa six years ago, when he was a resident of that Territory." What have you to say to that?—I do not indulge in intrigues with the Natives. I have set up no organization in connection with any agitation in Western Samoa, neither have I been connected with any such organization in American Samoa. A line here refers to the trouble in American Samoa: "and after the Governor had committed suicide, twenty chiefs had been imprisoned, and the originator of the trouble had been deported." No chiefs were imprisoned after the trouble mentioned here, headed by Greene. The originator of the trouble had been deported after an exhaustive trial.

There is a reference there, "I am informed that the Island of Savai'i is now in an unsettled state as the result of the *Samoa Guardian*, a weekly paper almost entirely owned by Mr. Nelson, and published partly in the Samoan language, and which is circulated in every village." What have you got to say to that?—It is not entirely owned by Mr. Nelson. I do not see what the publication of a section of the *Samoa Guardian* in the Samoan language has had to do with the creating of unsettlement in the Island of Savai'i.

*Mr. Meredith.*] Of course, you know Mr. Sam Meredith well, Mr. Gurr?—Yes.

And Mr. Westbrook and Mr. Williams?—Yes.

And you have known them for years?—Yes.

And discuss local politics with them?—I have occasionally.

Did you write to Mr. Nelson while he was away in Australia, before he came back in October or September?—I did not.

Do you know that Mr. Westbrook and Mr. Williams had written?—No.

Did they not tell you?—No.

I suppose you would see Mr. Meredith and Mr. Williams every day in Apia?—I would not.

Before October, where were you in business?—I was in business with Mr. Meredith.

Partners with him?—Yes.

Up to what date?—Up to 31st December, as near as I can tell.

As his partner would you not be seeing him every day?—No, not necessarily.

Well, very frequently then?—When he was in the office.

Was he away three weeks before the first committee meeting?—I could not say that, but he was away frequently.

If I told you he was in Apia at that time?—I would see him.

There was a meeting held in Mr. Meredith's house with the three members of the Legislative Council and some Natives before the meeting was called. Will you swear on oath that you did not hear of the meeting in Mr. Meredith's house?—Yes, I swear that I did not know of that meeting.

And that no one ever mentioned to you about that meeting between Nelson, Williams, and Westbrook with Faumuina and other Natives in this house?—Nobody ever mentioned it.

So that until the actual night of the meeting Mr. Meredith had never mentioned to you anything that led up to that meeting?—I knew nothing about it until the day of the meeting.

Had you intimated to Mr. Meredith that you were going to the meeting?—No. It might have happened that towards evening he asked me if I was going to the meeting that night, and I might have said Yes.

But you have no recollection of any conversation before that night?—I have no recollection.

You have been concerned in Native affairs before?—Yes.

Are you not the man known to the Natives as the man who caused the "one-day war"?—I do not think so.

The "one-day war" was the fighting between the people of Malietoa and Mataafa, was it not?—That was the name.

In that affair you took an active part on behalf of Malietoa?—I did.

And assisted him?—Yes.

And finally you fled to the man-o'-war for safety?—I got on to the man-o'-war, but I would not say that I fled there for safety.

Well, you got on the man-o'-war for safety?—Yes.

You appreciate the danger of raising trouble with Natives in Samoa?—If there is any trouble caused it is serious.

Did you have a friend named Captain Steffany?—Yes.

And you correspond with him?—I am in the habit of writing to him.

He was in trouble over some opium?—Yes.

Do you know that when his boxes were seized correspondence was found in the box from you to him?—I did not know.

You would not be surprised to know that there might have been?—No.

You had some land claims against the Government?—Not personally.

Your son-in-law?—On behalf of my children.

What is your son-in-law's name?—Halliday.

He was indirectly interested in the claims, was he not?—He was interested in so far as his wife was one of the claimants.

In one of your letters to Steffany did you say, referring to these land claims, "If H. and I do not get what we want we will go after somebody's meat"?—I do not remember.

Will you deny that is in the letter?—It is not an expression I would use habitually.

Well, did you use the term "somebody's blood"?—No.

Will you deny that it is in the letter?—I cannot say that I ever wrote that letter.

I will refer to another letter. Did you criticize the Administration in some of your correspondence with Captain Steffany?—I cannot tell you.

*The Chairman* : How long ago is this ?

*Mr. Meredith* : In January, 1926. And did you use this expression, "I suppose that before long I will find myself up against the authorities, as usual" ?—I do not recollect it.

Is it usual for you to be up against the authorities ?—I have been up against the authorities very frequently.

I think you were up against the Land Commission when you were Native Advocate ?—I have been up against them in fighting the battles for the Samoans.

Did you make a complaint against the Land Commission ?—No.

Were you Native Advocate in Samoa when Haggard was Commissioner ?—Yes.

Were you Native Advocate in Samoa in 1892 ?—I think the Rev. Claxton was here then. I was appointed at the latter end of 1892. I never had a controversy of this nature with the Land Commissioner.

Were you here in 1892 ?—Yes.

And you were Native Advocate ?—I was Acting-Advocate. This letter [shown to witness in parliamentary report on Samoa] was never written by me. I think you will find the explanation is this : that was a controversy between my predecessor and the Land Commission. I think that correspondence must be the correspondence which led up to the removal of the Rev. Claxton and my subsequent appointment. I never had any disputes.

Do you agree with this, Mr. Gurr : Mr. Cusack-Smith, the British Consul, in a report dated 26th May, 1892, says, "When discontented the white residents have always retaliated by stirring up intrigues, revolts, and wars among the Natives. When contented the white residents take no interest whatever in Native affairs except commercially, and would leave the white officials a free hand in dealing with Native matters. Without the moral support of the white residents I believe that no Samoan Government can ever be successful." Do you disagree with Mr. Cusack-Smith's views ?—There is a good deal of truth in it.

Is there any alteration in Samoa now, from what it was in 1892 : would these observations not be of equal truth now ?—I think that if you had discontent amongst the white people now, it follows that there would be discontent in Samoa.

Particularly if the discontented whites allied forces with the Samoans ?—If they did so for the purpose of causing dissatisfaction. But the object was not to cause dissatisfaction, but to present reports to the Minister and prevent any Natives from going in direct opposition to the Government. What has arisen later has arisen out of the attitude of the Minister towards the people since we worked together with the Native Committee.

You did your best to allay the hostile feelings in the minds of the Samoans ?—I did my best to allay any hostile feelings.

You remember that Native circular that was sent out giving the report of the two meetings [Exhibit No. 10] ?—I recall the circular.

The one purporting to give the result of the meetings : you saw it before it went out ?—Yes.

Were you satisfied that it was couched in terms calculated to allay hostility on the part of the Natives ?—It was stating the decisions of the meetings that had been held, to the best of my recollection.

And would you say it was a fair statement of the meetings ?—Yes, I would like to see it again.

Did you see that ?—I have a recollection of seeing a paper like this going out.

You are the editor of the *Samoa Guardian* ?—Yes.

And I suppose you take the responsibility for everything that goes in it ?—Yes.

You see everything that goes in it ?—I should.

I take it you are the writer of the article about Mr. Nelson's return yesterday : you feel that you are expressing the feelings of a large section of the community when you write in that way ?—Yes.

Particularly of the Samoans ?—Yes.

Who prepared those financial figures in the European report—you or Mr. Smyth ?—I take the responsibility.

Do you know that some of the Mau Natives have got the impression that in the event of the loan of £100,000 not being paid, New Zealand will take Samoa. Do you know that that view is current amongst them ?—I do not know. I think from the notice in the *Savali* that New Zealand would waive the debt if there was any trouble. There was no talk of taking Samoa.

You have addressed meetings of the Mau *fonos* ?—I have.

In reference to their grievances ?—Yes.

And have you not told them to stand firm and not give in ?—I have asked them to stand together in all that is right, but I have not used those expressions, "not to give in." If at any time any error can be shown I will be one of the first to advise them to give in.

Have you attended any meeting of the Mau since these proceedings started ?—No, not with Native delegates. The only meeting I have attended was a committee meeting this week, when the question was brought up as to what was to be done with the Samoans who had not attended here on the Commission. That is the only meeting I have attended.

What is the capital of the *Samoa Guardian* ?—£2,500.

How are the shares held ?—£1 shares.

Who are the main shareholders ?—Grey, 300 ; Moors, 250 ; Nelson, 500. I hold 300. Nelson and Co.—I cannot say exactly ; it might be about 400. Mackenzie, 100 ; Williams, 50 ; Westbrook, 50.

*Mr. Baxter.*] You said you took an active part in the "one-day war." When you say "active part," do you mean physical activity?—I did not take an active part in the fighting.

What was your connection with Malietoa?—He was my ward, and I was counsel for him.

In 1892 you were not the Natives' Advocate before the Land Commission the whole time?—No, I was the Acting Natives' Advocate. Mr. Claxton had a dispute with the Commission, and he left Samoa. Whilst he was away I was appointed Acting Natives' Advocate. When he came back there were certain serious disputes between him and the Land Commission, and I continued as Acting-Advocate. It was uncertain whether he was going to resume office or not, and when it was certain that he was not going to do so I was appointed.

When did you address the *Mau fono*—before or after the Minister's visit?—Before the Minister's visit.

This committee meeting that you attended this week—that was called by me, I believe?—Yes, on account of the non-attendance of Samoans at the Commission.

You speak the Samoan language?—I do.

How do you translate those words in Exhibit No. 10?—Oppressive rule; distressed or troubled; overbearing.

ALFRED GEORGE SMYTH SWORN and examined.

*Mr. Baxter.*] You are a retired merchant of Apia?—Yes.

You are a member of the Citizens Committee, and you were one of those concerned in drawing up the financial report?—I was.

In that report a comparison is made between this country and Fiji and Tonga: what were your reasons for taking your figures in that way?—I wished to draw a comparison between the salaries paid in Samoa with Fiji and Tonga, because I considered the salaries and expenses were too heavy for this country to bear.

In the report you make a recommendation as to the control of the public money. You wished a Financial Board: what is the reason? Tell us what personnel you would put on the Board?—I should say, five members—two official, and two members to be elected, and one for the Samoans.

What was your reason for recommending a Financial Board?—I considered that the people who pay the taxes should have representation in connection with the expenditure of all public money.

You read the report on the 15th October: is that the same report as appeared in the citizens' report, or different?—It is an entirely different report. The report I read on the 15th October is merely a comparison of the salaries of Samoa and Fiji. The report was quite a mild one, and the idea was to raise an argument with the Minister of External Affairs.

This other report was drawn up and appeared in the citizens' report. How did you go about the drawing-up of this report with Mr. Gurr?—I extracted the figures from the 1926-27 estimates, and as regards salaries I took the Fiji blue-book for 1925 and compared the salaries with the respective salaries paid to similar officials in Samoa. I have the whole of my rough figures here.

What was done next?—I sent them to Mr. Gurr on the 10th November and asked him to put my figures into shape. I do not know what figures he had, but what I supplied would be something to go on. When he had completed his report he let me have a copy of it.

Did you have a copy?—Yes, he let me have a copy of it.

It was signed by you?—Yes.

Did you check that copy off before you signed it?—No.

Why not?—I took it as being correct, as it was prepared by Mr. Gurr. I thought that he would be able to extract the figures correctly.

Would it have taken much time to check?—Yes, and we did not have the time to do it.

Was the report discussed at length by the committee?—No, it was not discussed; it was only read out at the committee meeting held in the 12th November.

There was something in this report referring to a loan of £100,000 and the Crown Estates being security: how did you happen to pass that?—That was loaned to Samoa by New Zealand. I saw the whole matter reported in the newspapers when Mr. Massey asked for the loan, and the members asked him what security could be given for the advance, and he said the Samoan Crown Estates.

What is your opinion of that report now?—There are several errors in it by Mr. Gurr.

You are satisfied that the report is incorrect?—Yes.

Have you gone into fresh figures?—Have you gone into the actual revenue and expenditure per head?—Yes, I have for the year ended 31st March, 1926. I find that the actual revenue is £150,038, less the New Zealand subsidy of £21,400, and this brings the Samoan revenue down to £128,638. This works out at £3 4s. per head of the actual revenue. The actual expenditure to the 31st March was £145,687, which works out at £3 12s. per head; therefore the excess of expenditure over revenue was 8s. 10d. per head. I also took out the figures for 1926-27. I find the estimated revenue was £133,500, less New Zealand subsidy of £20,000, leaving a total of £113,500, which works out at £2 16s. 9d. per head. The estimated expenditure for 1926-27 was £133,500. That works out at £3 6s. 9d. per head, an excess of expenditure over revenue of 10s. per head. The Fiji blue-book figures for 1925 show the revenue as £550,236, equal to £3 4s. 8d. per head. The expenditure for the same year, 1925, £478,174, equals £2 16s. 3d. per head. For that year Fiji showed a surplus of 8s. 5d. per head. Samoa had an excess of expenditure in 1926 of 8s. 10d. per head, and an estimated excess of expenditure for 1926-27 of 10s. per head. [Table handed in: Exhibit No. 46.]

You took out the percentage per head from the Fiji blue-book for 1925 and from the Samoan estimates 1926-27?—Yes.

You are a member of the Citizens Committee?—Yes.

Are you connected with the Samoan race in any way?—No.

You were elected to the committee at the first meeting?—Yes, on the 15th October, 1926.

Did you ever discuss the report with the elected members before that meeting was called?—On Mr. Nelson's return from New Zealand he was given a public welcome, and he mentioned that he had brought up matters in New Zealand relative to Samoan affairs, and he mentioned that the elected members would be calling a general meeting to hear his report, and he asked me to be sure to be there, and I said that I would.

At any of the preliminary discussions was it said what the meeting should be called for?—I do not think they were mentioned at the first meeting on the 15th October. It was a public meeting and—

Did the elected members tell you why it was proposed to call the public meeting?—On account of the dissatisfaction there was in Samoa at that time.

There were Natives at that public meeting?—Yes.

Do you know of your own knowledge how they came to be there?—I do not know why they came along.

You left Samoa about the same time as Mr. Nelson?—Yes.

At that time you received a letter from General Richardson, and made a reply as on page 40 of the Joint Committee report?—Yes.

*Mr. Meredith.*] You did not prepare any figures except in connection with the salaries?—That is all I did.

Is the comment running through the report yours or Mr. Gurr's?—Mr. Gurr's.

You signed it?—Yes.

Before you signed it did you read through and understand it?—I certainly read through it. It was a hurried affair.

In regard to public works—page 10, on the bottom. The comment is to the effect that £9,000 worth of work required an expenditure of £5,000: did that not strike you as being peculiar when you read it?—I cannot say that I noticed it. I was very busy at the time.

Did you read it at all?—Yes.

Did you give it any consideration?—No.

In regard to the £100,000 loan: you know that the Crown Estates were the property of the New Zealand Government?—Not at that time. Only recently we understood that it belonged to New Zealand. We believed that it belonged to Samoa and merely gave it as security.

You made no enquiries about the position of the Crown estates?—No. In 1921 I had a similar report on finance drawn up. I asked one or two questions from the then Treasurer. He supplied me, but refused to supply any more.

They were offered for lease by the New Zealand Government, and you were a tenderer. Do you suggest that you did not know that they belonged to the New Zealand Government when you tendered for them?—I considered that they belonged to Samoa.

These reports—were they discussed by the other members of the committee?—I have already stated that we read them over on the afternoon of the 12th November.

Had you signed them?—Yes.

When?—That morning.

Did Mr. Gurr bring them in?—I think that I called to see if they were ready.

Were they signed in his office?—I cannot say.

Did you take them away for consideration?—No.

Were they signed in his office?—Yes.

That was the morning of the meeting?—Yes.

In the afternoon there was a committee meeting?—Yes.

Who read them to the committee?—I do not remember.

Was there any comment from any other member about the report?—No.

No question was raised by Mr. Williams or Mr. Westbrook?—No.

At the meeting that night, who spoke on finance?—Mr. Gurr.

Did you speak?—No, I spoke on the 15th October.

Did you use these figures in your speech?—No, my report on the 15th October was drawn in quite a different strain.

Was it read or discussed at the meeting on the 15th October?—It was not ready.

At the second meeting did you speak on the report?—Mr. Gurr read the report.

You spoke at the first meeting only?—Yes.

You heard it read at the committee and also at the second meeting?—Yes.

And did it not strike you on either occasion, or any other member of the committee, that it was wrong?—No; Mr. Gurr said that he was sure of his figures. The report was only a complaint of the general expenditure, so that the Minister would discuss it with us; but he did not.

*The Chairman.*] You have retired from business?—I have.

I do not want any details, but have you any objections to telling me the general nature of your business interests in Samoa?—I have interests in different businesses.

You are still interested in commercial interests?—Yes.

How long have you been in business in Samoa?—Since 1920.

And prior to that?—I came here in 1918.

Will you be kind enough to tell me the grievances of traders and business men against the Administration, leaving out Native grievances. I do not want you to justify them, but to give them categorically?—I cannot think of any at present.

So far as your mind is at present concerned your grievances against the Administration relate to the administration of Native affairs?—I do not say that. I should have said that the principle grievance of the Europeans was on finance.

Apart altogether from the suggestion that the expenditure in the administration might have been more economical, the other grievances are mostly relating to Native administration. What do you say are the grievances under which traders and business men have laboured so far as the administration of the Samoans is concerned. You have told us of expenditure: do you want to refer to hospitals, for instance?—Government interference in the copra trade.

Anything else?—I cannot think of anything else at the present time.

Have you constituted yourself the protector and protagonist of Native interests, then?—Do you not recognize that in the part you have taken in connection with the Mau movement you have put yourself forward as the protagonist of the interests of the Natives?—That is so.

Have you any special interest in the welfare of the Natives?—I just want to see the wrongs righted.

You have no special interest except an altruistic interest in the welfare of the Samoans?—Yes.

PAPALI'I ULU further examined.

*Mr. Slipper.*] You were the possessor of a boatman's license under the Taxation Ordinance?—Yes. And this license was taken away from you?—Yes.

Can you give us approximately the date when it was taken away from you?—On the 25th July of this year I received the order.

Your banishment order was dated 20th July?—Yes.

Did you receive that order on the 20th?—Yes.

You received this other order on the 25th, you say?—That was in connection with my license, yes.

Where were you when you received that order about your license?—I was in custody at the police-station. That was the day I was handcuffed.

That was the 25th?—Yes.

Have you got that order with you?—Not with me.

You could produce it to-morrow if you were asked to?—Yes.

Who was that order signed by?—Mr. Bates.

Was there any reason given why your boatman's license should be cancelled?—No.

Was there any inquiry into your conduct before your boat license was cancelled?—No.

Were you asked or ordered to attend before any Government official, to have an inquiry?—No.

Did you have any piece of paper presented to you about this time that you refused to take?—No.

Did you know of any reason yourself why your boatman's license should be cancelled?—The only reason was because I have joined the Mau.

How many boats have you?—One.

It was a row-boat?—Yes.

And what were your earnings from that row-boat?—Sometimes during the stay of the "Tofua" I would get £15, and sometimes I would get £12.

You say "other times, £12": were you referring to other steamers?—No, only when the "Tofua" is here.

And when the "Tofua" and other steamers are in, is it a fact that a lot of shore people here make trips out to the steamers?—It is a fact; and they have also packages.

What do you charge for each package?—2s. for a large one and 1s. for a small one.

*Mr. Meredith:* Must we go into that? His boat was in Apia and his license was for Apia. If he was sent out of Apia his license was cancelled so that there would be no excuse for his coming into Apia. The one follows on the other.

*The Chairman:* I have mentioned before, Mr. Meredith, that the only way to get this thing through is to listen to these matters.

*Mr. Meredith.*] You keep your boat in Apia?—Yes.

You were ordered under the banishment order to leave Apia and go to—where?—Vaialele.

Your boat license was not cancelled before you were told to go to Vaialele, was it?—No.

*Mr. Slipper.*] Do you think that your wife or anybody on your behalf could have carried on your boat business in your absence?—They could carry it on.

Your boat was not banished, was it?—No, it is here in Apia.

ROSA sworn and examined.

*Mr. Slipper.*] You are the wife of Papali'i Ulu?—Yes.

Do you remember that he was taken away to Vaialele in irons?—I remember.

Do you remember that his license as a boatman was cancelled?—Yes.

Do you think you would have been able to carry on his boatman's business while he was away, if you had been allowed to do so?—I am of the opinion I could have done it.

What was the first step you took about that matter—about running the business while he was away?—I wanted to get somebody to carry on the boat.

Did you go to see the Governor about it?—I went to Mr. Ross, when I received the notice that the license would be cancelled.

Did you ask to see the Governor, or did you not?—I told Mr. Ross that I would like to go before the Governor.

Did you give any reason to Mr. Ross why you should?—I showed this paper about the cancellation of the license to Mr. Ross, and said that was the reason why I wished to appear before the Governor.

Did you tell Mr. Ross of your trouble about the cancellation of this license?—Yes, I told him that I wished to see the Governor as regards my family and myself.

Do you mean by that the care and maintenance of these children?—Yes.

Did you see the Governor?—Mr. Ross replied I could not go before the Governor.

Did he give you any other directions as to what to do?—Mr. Ross told me to go and see the Collector of Customs.

And you went to see Mr. Bates?—Yes.

And what did he tell you?—I presented the letter that I had to the Collector of Customs, and he read it, and then replied that he could not do anything. It was the decision of the Governor.

That letter was signed by Mr. Bates, was it not?—I forget.

From Mr. Bates, where did you go then?—Then I returned and saw Mr. Ross.

And what did he tell you to do?—Mr. Ross replied, and directed me to go to Mulinu'u to see the Rev. Mr. Lewis.

Mr. Ross was good to you and tried to help you all he could?—In my opinion Mr. Ross was not very good in his assistance to me.

Well, you say that Mr. Ross was good but was mistaken?—I was not satisfied, because I wanted to go before His Excellency.

Of course Mr. Ross cannot help that: that is not his fault: I would like you to understand that. You went then to Mulinu'u?—I replied to Mr. Ross, when he directed me to go Mulinu'u to see Mr. Lewis, that his reply would not be any different from that of the Collector of Customs.

You did go to Mulinu'u?—I went to Mulinu'u, but I did not find Mr. Lewis there. I met Mr. Kirk.

Was your husband banished by this time or not?—He was banished.

And what did Mr. Kirk have to say to you?—Mr. Kirk said he would take down my statement.

Did he say anything else?—He did not say anything else.

Do you know why you did not see Mr. Lewis?—That day I said to Mr. Ross, when he told me to go to Mulinu'u, I asked him to telephone to Mr. Lewis and tell him I was coming, because I had no money to pay for a motor-car. He said to go on and he would telephone Mr. Lewis and inform him that I was going. When I arrived Mr. Lewis was not at Mulinu'u.

Was not Mr. Lewis away in Savai'i? Were you told that?—After taking down my statement Mr. Kirk informed me that Mr. Lewis had gone to Savai'i.

Then, later on, when Mr. Lewis had returned from Savai'i, did you go to Mulinu'u again?—Yes.

Did you see Mr. Lewis?—I did not see Mr. Lewis; I only met Mr. Kirk.

What did he tell you about your license?—Mr. Kirk told me that he was going to take my statement to Mr. Lewis, and when he came back Mr. Lewis told me that he could not do anything.

Did he say anything else?—What Papali'i should do was to apologize for joining the Mau and then he would get his license back.

We have it that you went to see the Governor, you saw Mr. Ross, you saw Mr. Bates, you saw Mr. Lewis: what was it all about?—It is this way: my husband has been banished for twelve months, and I have seven children, four going to school, and nothing at all to maintain them. I have no money.

What about the license: did you want the license to continue or not?—That is what I wanted.

*Mr. Meredith.*] When you said that your husband was in irons, did you mean what we know as handcuffs?—I did not see that.

SATURDAY, 8TH OCTOBER, 1927.

*Mr. Baxter:* There are one or two special complaints, sir, which I would like to clear off to-day. There is Tuao Tauilo and Sua Lamasi, and I thought it would save time if the two came in together and then get Sua Lamasi to confirm what Tuao Tauilo says.

TUAO TAUILO SWORN and examined.

*Mr. Baxter:* What is your name?—Tuao Tauilo, of Lefaga.

What is the name of the Faipule of your district?—Su'a Soloi. He has only recently been appointed.

When was this Faipule appointed to your district?—The last meeting of the Faipule since the commencement of the Mau.

That is May of this year. Who was the Faipule before him?—Lemalu.

When was he appointed—in General Richardson's time or Colonel Tate's time?—Some time ago—it was Colonel Tate's time.

Well, this Su'a Soloi—how did he come to be Faipule of your district?—I do not know; he suddenly became Faipule. We did not know.

Were there any *fonos* in your district for the purpose of considering who the Faipule should be?—No.

How did you first find out that he was Faipule?—He returned from the Faipule meeting holding the title of Faipule.

Did you know that he was going to the Faipule meeting?—No.

Were you living in your district at this time or not?—When he came to attend the Faipule meeting I came to Apia.

But before he attended the Faipule meeting were you living in your district or not?—No, I was in Apia.

What does your district comprise—what villages are in your district?—Falease'ela, Lefaga, Salamumu.

Would you have known whether or not there was to be a *fono* discussing such a matter as this in your district?—Yes.

*Mr. Meredith.*] You knew the Faipule Lemalu?—Yes.

And he died in May of this year?—Yes.

And before he died he had been ill for a long time, had he not?—Yes.

For about two years he had been ill?—Yes, about.

And while he was ill was not Su'a Soloi acting in his place as Faipule?—Yes, he was acting Faipule.

And was not Su'a Soloi chairman of the District Council?—No.

He was not chairman?—There was no chairman. Chiefs met and discussed matters and there was no chairman.

No chairman at all?—No.

Is Masina the *tulafale* in that district?—Yes.

Were you present when Masina addressed the Administrator on his (the Administrator's) *malaga* of this year?—No, I was in Apia at that time.

Do you not know that Masina, in addressing the Administrator, told him that they were happy with their Faipule Su'a Soloi?—No.

*Mr. Baxter.*] Do you know whether or not there was any *fono* to select Su'a Soloi to act in the place of Lemalu?—No.

SU'A LAMASI sworn and examined.

*Mr. Baxter.*] What is your name?—Su'a Lamasi, of Lefaga.

You have heard what the other witness has said: is it true or not?—Yes, I agree with all that the last witness said.

What is this you wish to tell us about the Pulefa'atoaga?—He has appointed other officials to work in connection with the inspection of plantations. These he calls a committee.

Is there anything else?—During the reception to the Administrator, Su'a appointed Tuilaepa to wear headdress. Tuilaepa is not in the habit of wearing headdress.

Have you any special complaint to make regarding the Faipule and about matters concerning the Government?—Yes, he was not selected by our district.

Very well, that will do—we know all about that.

*Mr. Meredith.*] In May of this year were you in Apia?—I was ordered to Lefaga by the Administrator.

When were you ordered to go to Lefaga?—At the Administrator's last *malaga*.

Was not that *malaga* in June?—Possibly—it was the last *malaga*.

Do you know when Su'a Soloi was appointed Faipule?—During the Minister's visit.

Were you in Apia, or where were you at the time of the Minister's visit?—I was in Apia.

And how long had you been in Apia before the Minister's visit?—About two days before the arrival of the Minister.

Where did you come from then?—I came from Lefaga by boat.

TU'U MATAVAI sworn and examined.

*Mr. Baxter.*] What is your name?—Tu'u Matavai.

Where do you live?—Safune, in Savai'i.

What is the name of the Faipule in your district?—Mala'itai.

In whose time was he appointed—Colonel Tate's or General Richardson's?—Colonel Tate's time.

Was there any *fono* before his appointment or not?—No.

Has there been any further *fono* since the 1st January, 1925?—No.

Have you got any special complaint about this Faipule or not?—Yes.

What is it?—He has failed to place before the Administrator and the Fono of Faipule matters which we have asked to be put before them.

We know what those are: is there anything else?—Nothing else.

*Mr. Meredith.*] I would like to know one or two of those matters.

*Mr. Baxter.*] What are those things which the Faipule failed to place before the Administrator?—We desired to drop the medical taxes; also, there were our complaints about the "fine mats" law.

When was it that you asked him to place before the Governor your objections to the medical tax?—The time of the 1926 *fono*.

And the "fine mats"?—They were both at the time of the 1926 *fono*.

Anything else?—We also asked the Faipule to ask for a bridge across the river in our village. That is all.

Have you any complaint against the Faipule himself?—Yes; he is lazy.

Is there anything more than that or not?—He is ignorant.

*Mr. Baxter.*] That is enough.

NAMULAU'ULU sworn and examined.

*Mr. Baxter.*] What is your name?—Namulau'ulu. It means "master builder," and that is my employment.

Where do you live?—In Safotulafai.

And the name of your Faipule is?—Leilua Siavi'i.

When was he appointed a Faipule?—Just after the epidemic of 1918. From that time I have been dissatisfied.

That will be October, 1919. Have you any special complaint against this Faipule?—My complaint against the Faipule is that he has tried to change the Samoan customs in the district. That is one grievance.

Tell us another one?—He has used his position as Faipule to intimidate the people of the district.

Can you give us a definite case of that?—There was a meeting held at the commencement of the Mau movement, where all the chiefs and orators gathered, the Faipule of Fa'asaleleaga also being present. Our Faipule made a speech saying, "Please do not join the Mau; it is a bad movement." I replied saying that if a person thinks he ought to do a thing, then it ought to be done. Instead of the Faipule speaking to me, he spoke to another man called Pasia, saying, "You shut your mouth. It was I who opened your mouth in connection with the Government." The man Pasia did not reply; I did not reply to that either, because I was afraid on account of the position the Faipule held. And so I know that he has intimidated our district. The words he spoke were words calculated to cause trouble. That brings me to my title or position of "the angry builder."

Is there any other complaint?—He has stopped the usual meetings of the village to which the village has been accustomed.

Is there anything else: is there any complaint or any fault that the Faipule has—is there any wrong?—He also addressed a meeting at my house and said, "If anybody charges me with any fault, then that family will be banished from their village."

You need not worry about that now: if he said it he had no right to say it. Tell us some of the faults?—Another grievance I have is that the Faipule, in recommending the appointment of various officials of the Fa'asaleleaga district, has recommended his friends or his relatives, which is favouritism.

Are there any malpractices in his office—is there anything to do with money, with lands, with Church matters, or with anything?—Yes, there was a big house being built for the Protestant Native pastor.

Which is that, the L.M.S. or the Wesleyan?—The L.M.S. And when the house was completed, it was given out at a beetle-searching gathering that the builders would be paid for their work. But the Faipule said that was not to be done, and he stopped it.

Did you use "Faipule" in the plural or the singular?—In the singular.

He stopped them paying for the house—is that it?—The Church people and the supporters of the Church wished to pay for the building of the House, but the Faipule stopped it. Another chief who has given evidence before this Commission replied to the Faipule saying that they wished to pay the builder, but the Faipule replied in insulting words, which have already been given.

What, this "Shut your mouth," &c.?—No. Leilua Avau gave it in his evidence.

What Church did the Faipule belong to?—The Roman Catholic.

Is there anything further to this incident?—Because Leilua Avau replied to the Faipule he was punished, which resulted in his being banished.

That is all there is to it, is it? Did you or did you not make any complaint to any European official about this?—We complained to the Resident Commissioner, who forwarded the complaint to Mr. Griffin. Mr. Griffin decided to appoint Faipules to inquire into the matter. The Faipules decided that some man should be banished.

What did they inquire into—the incident of saying "Shut your mouth," or into the question of the interference with the building of this house?—The interference with the paying for the building of the house. The Faipule made insulting remarks which made Leilua Avau complain, and then, instead of the Faipule being punished, the complainant was banished.

Is there anything further to this incident, or is it closed?—That is all about that.

Is there anything else—anything specific?—No, that is all.

*Mr. Meredith*: No questions.

*Mr. Slipper*: May it please your Honours, there is a matter of some thirteen chiefs who have lost their titles, and who, so far as I have been able to check it, have not been or did not appear on the list that has already been before your Honours. The general allegation seems to be that they lost their titles as a result of not having attended the Governor's *malaga*. It occurs to me, sir, that I might be able to call one chief, and have as many of the others present as may be here (I do not know how many will be here), and we might possibly bunch the matter. Apparently, your Honours, six out of the thirteen are not present this morning, but I suggest the other seven be asked to be present and be included as evidence if their cases are on a parity with Tuiatua-tuia (upon whom I shall call to speak); and if they think the cases of those who are absent are on a parity, they also shall be included. I think, your Honours, that in no case is there a specified time, and in no case has there been a reason given. I will call now upon Tuiatua-tuia.

#### TUIATUA-TUIA sworn and examined.

*Mr. Slipper.*] Where do you live?—In Fasitootai.

And your title has been taken away from you?—Yes.

What is the name of the title?—Tuiatua.

What sort of a title is that?—An orator's title.

Tuiatua is then the title of an orator?—Yes.

Was ever any inquiry made into your conduct before the title was taken away from you?—No.

Did you appear before His Excellency or any Government official?—No.

Did you not appear before His Excellency at Mulinu'u?—Yes.

Was that before your title was taken away or was it after?—The same day that I appeared before the Administrator my title was taken away.

Did you appear before the Administrator or any other Government official at any other time with regard to your title?—No, only the once.

Were there any other chiefs in trouble about their titles who appeared at the same time with you?—Yes.

Now, are these the chiefs—Tuiatua (spokesman in box), Saga M., Saga L., Maiava, Fesolai, Vaili, Letele, Fa'amau, Soia, Leoli, Taufetée, Vaa, Fuga?—They were all thirteen together with me.

You were all called in from the veranda separately to see His Excellency, were you not?—Yes.

And then afterwards, before you left, you were all there together, and he spoke to you all together: is that so?—Yes.

And were any charges laid against you personally?—The Administrator's *malaga* was mentioned, and I was asked why I did not attend the reception.

What did you say?—That I did not know why I should attend when I had not received written instructions from him to attend.

Had you received any other instructions?—I received a verbal instruction from the Faipule.

Is there any reason on earth why you should attend such a *malaga* if you do not want to?—There is no reason.

Were you fined for this?—No.

Was anything else brought up against you?—No.

Had you done anything to disturb the peace, order, or good government of the place in which you were?—No.

Had you threatened to do so?—No.

And now that your title has been taken away, apparently for ever, what is to become of that title—have you any idea?—I do not know what the Administrator intends to do with it.

According to *fa'a-Samoa* would that title die out or would it be handed over to somebody or other?—No, the Samoan custom is that no person can control another person's title.

If your title had been taken away by your family according to *fa'a-Samoa* custom, would they have just dropped it in the sea, or would they have handed it on to somebody else?—Somebody else would be appointed to hold it.

And now, as regards your title, you do not know where it is: is that the position?—Yes.

All you thirteen were there together in the end, were you not?—Yes, also Aiu'u, Papali'i, and Matau.

And what did he do when you all thirteen were there together—did he read you a lecture, or what?—He made a very lengthy speech, and told us that we had done wrong in joining the Mau. He told us to retire and consider what he had said, and on the following morning we could appear again and apologize to him if we felt that we were wrong—that is, if we had changed our minds. I replied to the Administrator, saying, "There is no necessity for us to consider that matter, as we have all decided that we will remain in the Mau until there is a settlement of affairs"; and I asked him to say then what our punishment was to be.

And he replied by taking your titles away?—The Administrator said, "That is the decision"; whereas he had not given any decision.

Did he say anything to you then, whilst you were all together, about not attending at his *malaga*?—No.

Was there any charge of any sort suggesting that you had been disturbing the peace or were likely to disturb the peace?—No, there was only that about the Mau being wrong.

Was there any other charge of any sort or any other suggestion made against you, or any of you?—Nothing else.

Now, does your title carry any lands with it?—Yes.

Do you know if the titles of any of these other chiefs carry lands?—Each chief has land.

*Judge MacCormick.*] That is not quite an answer to what Mr. Slipper asked you. Does the land follow the title—that is what Mr. Slipper meant?—Yes, the titles of all these other twelve men also control lands.

*Mr. Slipper.*] Does the land go with the title? Where I have a title or the next man has a title, does the land go with the title?—Yes, in every case of a Samoan with a title, the lands go with the title.

Does it cost a Samoan any expense to obtain his title as a chief?—The whole family suffer considerably. They have to get a lot of stuff for the election feast.

*Mr. McCarthy.*] You are a member of the Mau?—Yes.

Have you got a Mau committee in your district?—Yes.

Has that Mau committee given you any instructions of any sort?—No. I know the reason for this discontent, as well as my own dissatisfaction.

Do you search for beetles?—I search for beetles. The beetles are handed to the Mau committee.

They are handed to the Mau committee?—Yes.

Whom are they handed to?—In other times, before the Mau, they were handed to the *pulenu'u*.

The Government *pulenu'u*?—Yes.

Well, who takes them now?—The committee appointed for that purpose to receive the beetles and make a note of them.

Are you one of that committee?—I am a member of the committee, but not the beetle-searching committee.

Who is the Mau *pulenu'u*?—No, there is no Mau *pulenu'u*—there is only the committee.

But there must be one man who takes these beetles from the people?—Any member of the committee.

Then there are a number of Mau *pulenu'us*?—They are not *pulenu'us*.

Your title was not taken away on the same day as you appeared before the Governor?—No.

It was taken away the day following?—Three or four days after I received the letter.

You remember the Governor's *malaga* to your district?—Yes.

You did not attend?—No.

Why did you not attend?—I did not know any reason why I should attend.

Do you not know that every Samoan attends out of respect?—Before the grievances were ventilated that was done.

Is it not the proper thing to be done?—No.

Is it not the proper thing to do to attend the Governor's *malaga*?—No.

Who told you not to attend?—Myself.

Was not that a decision of the Mau committee?—No, it was left to a person's own way of thinking.

Did any members of the Mau attend?—I do not know.

There were two parties in your district?—Yes; the officials—the Faipule, *pulemu'u*, and Fa'amasino are on the Government side.

Do you believe in banishments?—No.

You do not believe in banishments?—No.

You are one of the *ali'i* of Fasito'otai?—An orator.

And you have asked to have a certain man banished from the district of Fasito'otai?—Yes.

What was his name?—Lio Peapea.

Why then do you say that you do not believe in banishments?—This man was guilty of a very serious offence, and had it not been for the law he would have suffered death.

Did you apply, with those other chiefs, to the Secretary of Native Affairs to have this man banished?—The whole village asked for his removal.

Have you paid your gun-tax and your dog-tax?—I have no dog; I have not paid my gun license.

You should have paid that on the 3rd July?—I have no instructions to that effect.

*The Chairman.*] What is the date of that file?—The third week in July, 1925.

*Mr. McCarthy.*] Why have you not paid your gun-tax?—I did not know when the licenses were due; I am staying in Apia as a member of the committee.

*Mr. Slipper:* May I ask, sir, if this has anything to do with the cancellation of titles?

*The Chairman:* It certainly has nothing to do with the cancellation of titles, but it has its relevance to the activities of the Mau.

*Mr. McCarthy.*] Are you a *pulemu'u*?—Yes.

Then you should know all about gun licenses and when they are paid?—I was dismissed from the office of *pulemu'u* some years ago, and I am afraid I have forgotten the details.

What instructions have the Mau committee given about these licenses?—I do not know of any instructions by the committee.

*Mr. Slipper.*] In your village, you say, the Fa'amasino, the *pulemu'u*, and the Faipule are on the Government side?—Yes.

What about the rest of the people?—Joined the Mau.

Before you signed that letter to have this man banished, did all you chiefs in the village have a meeting about it?—Yes, to discuss the matter.

Did you have him present?—No.

Before you held the meeting, had he been told that there would be a meeting about it?—He knew that there was to be a meeting.

Was it possible for him to be present if he had wished (speaking *fa'a-Samoa*, of course)?—Yes.

Was it possible for him to bring forward any witnesses he wanted to?—He had no witnesses, and his offence was committed in the view of all the people in the village.

*Judge MacCormick.*] Where is Fasito'otai?—This side of Mulifanua.

*Mr. Slipper.*] Was he told about the decision of the meeting when the meeting was over?—No, we came straight to the Secretary of Native Affairs and asked for the removal of this man.

*The Chairman.*] You have said that with the exception of the Government officials all the rest of the people in your village belong to the Mau?—Officials and members of their family; one or two other chiefs; but the majority are of the Mau.

Does that answer apply to the district?—Yes, there are only the officials of the various villages for the Government.

Can you tell me what proportion of Upolu is in the same condition?—I cannot say, as I have not visited any of the other districts. I can only speak for my own district.

Have you continued in occupation of your land since your title has been taken away?—Yes.

The occupation of your lands has not been affected by the Governor's order?—No.

How do people in your village address you now?—I have several names—I am known by several names.

Are you not still called and addressed in your district as Tuiatua?—Yes, by those who do not understand very well the meaning of the order taking away my title.

Is it not a fact that since the order you have been addressed as Tuiatua?—Yes, generally.

Are you a *matai*?—Yes.

Have you been affected in that office by the order taking away your title?—Yes.

How?—It has not affected my position as *matai* exactly, since I am using another title, called *Upusili*.

Has it affected your authority as *matai*?—Yes.

How?—A lot of people do not pay me the same respect.

Except with respect to your last answer, have you the same power over the *matai* lands?—It has not affected my control over the family lands.

*Mr. Slipper:* Would your Honour be good enough to allow me to ask a question?

*The Chairman:* Yes, but you must not lead the witness.

*Mr. Slipper:* If you continue to be deprived of your title, what ultimately would become of your position with relation to the lands?

*The Chairman* : You are going to dip into the future ?

*Mr. Slipper* : That is a matter to be looked at now, sir.

*The Chairman* : He has discussed that question.

*Mr. Slipper* : But your Honour first brought in the matter of the lands. What is going to become of them ?

*The Chairman* : Common-sense should answer that question ; but put the question to the witness. (Question reput to the witness, who answered " I do not know.")

*The Chairman* : That is exactly the proper answer.

*Mr. Slipper* (addressing the other chiefs present and named above).] Have you heard all that Tuiatua has said in the box ?—Yes (unanimously).

Is there any one of you whose case is really different from his ?—No.

Are you all satisfied with what he has said in the box ?—Yes.

Is his trouble about which he has told us the same as your trouble ?—Yes.

*The Chairman* : Thank you, Mr. Slipper. There are nine not attending, are there not ?

*Mr. Slipper* : No, sir, there are six absent out of the thirteen.

*Mr. Slipper* (to other chiefs).] With regard to the ones who are absent—do you think that their troubles are the same as yours ?—Exactly the same.

*Judge MacCormick* : How many does that actually make ?

*Mr. Slipper* : That makes a total of thirteen who were alleged to have had their titles taken away, and five (as follows) are absent. Absent chiefs : (1) Fa'amau ; (2) Soia ; (3) Taufetee ; (4) Vaa ; (5) Fuga.

#### TAUA'A LELAFU sworn and examined.

*Mr. Baxter*.] Where do you live ?—I belong to Faleapuna, but I am now living at Falefa, where I was banished : it is the adjoining village.

Who is the Faipule for your district ?—The Faipule of the district in which I am now living is Tainau.

Who is the Faipule of the other district from where you were banished ?—Fonoti.

I believe there is some trouble over some land ?—Yes, of Falefa land.

There was some trouble over some land : will you tell us about it ?—There was a portion of Falefa land which the Administrator took from the Falefa people and gave to the Faleapuna people. He took this land by force.

How long ago was this ?—About two years ago.

How big was the piece of land ?—It was a big piece of land, comprising 200 or 300 acres. That has been surveyed and a plan prepared.

This piece of land was taken from one district and given to another : what was it given for ?—The Faleapuna people asked the Administrator for some land. That was really in connection with the Crown Estates land. In many cases the Administrator had given Samoans part of the Crown Estates land. We were surprised when a surveyor came to define the boundaries of Faleapuna. In the survey this land was included in the Faleapuna land.

*Judge MacCormick*.] Is this a complaint of yours, or is it a complaint of the Falefa people ? The land was taken from Falefa, where you are only a temporary resident, and given to the Faleapuna people, where you belong : is this a grievance of the Falefa people, or is it a complaint of yours ?—I now belong to Falefa, since I hold the Falefa title.

*Judge MacCormick* : His banishment did this witness some good, then.

*Mr. Baxter* : Yes, it benefited him. I think this is a case where a man was banished and he got a better title at the place where he was banished to. You say this land was taken from Falefa and given to Faleapuna ?—Yes.

And it was surveyed ?—Yes.

Was there any complaint made about this, or not, so far as the Falefa people were concerned ?—The Natives of Falefa all objected.

To whom ?—To the Administrator and the Secretary of Native Affairs.

Which of those persons did you see first, or did you see them together ?—The Falefa people were called first by Mr. Griffin. He tried to first see the Falefa people and ask them to withdraw their complaint, as the Administrator had full power over land in Samoa.

Did he tell you whether you were to get paid for it or not ?—No, he did not say anything about payment.

Did the question come up at all, or was there a statement made that there would be no compensation ? Did the question of compensation arise ?—Later, when we had dealings with the Administrator, he told us.

Did the Falefa people withdraw their complaint ?—No.

What happened next ?—It was then arranged for the Administrator to come to Falefa, where there was to be another discussion.

Did you have a discussion with the Administrator at Falefa ?—Yes.

What was said at Falefa ?—The Administrator told the Falefa people that they should not be annoyed about taking away the land, as the Faleapuna people had no land for plantation purposes.

What next was said ?—The Falefa people were given to understand that all uncultivated land in Samoa was under the control of the Governor and is not controlled by the villages ; it was proper that they should give the people of Faleapuna the land to enable them to plant, as they were very badly off for plantations, and he wanted everybody in Samoa to enjoy the benefits of the plantations.

This land that was transferred, was it owned by any family or district, or did it belong to anybody at all ?—The land belonged to the Village of Falefa. It was uncultivated land.

Did it belong to the village as a whole, or to whom?—The whole of the Village of Falefa. They were dissatisfied with the Administrator taking this land by force.

I am coming back to that. You say that the people had to give it up: was there anything further said at that interview?—The Falefa people replied that although he said that it should be given to the people of Faleapuna, they did not agree with his opinion, and that it was not a proper thing to do by Christians or Governors, to take property from people by force and give it to others.

Did the question of compensation come up at this interview with the Administrator?—He asked if the people of Falefa would be satisfied if they were paid 1s. per acre, but Falefa would not accept that offer.

Were there any further interviews, or was that the last interview?—The Administrator was also informed by the Falefa people that this land had been purchased by the Falefa people during the time of the German Government, when Dr. Solf was Governor.

This land was actually purchased by the Falefa people during the time the Germans were here?—Yes, it was purchased from the Mormons, and it was purchased for 2,500 dollars.

Is that the compensation they got, or what the Falefa people paid during the German time? That was the price paid for the land in the German time.

Was this the only interview, or was there any other interview?—He adjourned that meeting to Mulinu'u.

You mean the Administrator?—Yes.

Was there a further interview at that place?—Yes.

What happened there?—The Administrator intimidated us by using very strong language.

What did he say?—He said, "If you do not agree to what I suggest you will be severely punished, and you must understand that I have the sole right on matters like this."

Did anything else happen at this interview?—We told him that we could not agree. It did not matter what punishment he inflicted upon us, we would never agree.

Did he say what form the punishment would take?—No, he only said that it would be severe punishment.

That was all the interview you had with His Excellency?—The Administrator then asked the Falefa people to allow a surveyor to come and survey the boundaries.

Did the surveyor go and survey the boundaries?—We objected to a survey. We told him that we were not agreeable to the boundaries of our land being surveyed, whether it was defining the boundaries of the villages or defining the district boundaries—we objected to it.

Was the surveyor going down to survey the boundaries of the village?—We were informed that the village boundaries and district boundaries were to be defined, and that the boundary of each person's property was to be defined.

Had it any connection with this piece of land that you have been talking about?—That had already been surveyed. The Falefa people did not know that it was being surveyed.

Was the question of compensation ever fixed up—did you get compensation?—No. Up to the present time nothing definite has been decided.

With respect to the last interview that you had with the Administrator at Mulinu'u about the land, was it this year or last year?—1926 or 1925, I am not quite sure.

Was it near the beginning of the year or near the end of the year?—It was about the middle of the year.

What do you wish to say about the village boundaries?—The Falefa people pointed out to the Administrator that it is a serious offence to the Samoans to have village boundaries or district boundaries defined, and very often causes war. In many cases the law is broken if this is done.

We understand that; you have told us about that. Is there anything else which you wish to bring before the notice of the Commission?—We agreed to a survey, and a surveyor came and defined the boundaries. If the Administrator had done as we had told him there would have been no trouble between the Faleapuna people and the Falefa people.

Is there anything else?—That is all on that matter.

What is the other matter?—I wish to speak about the Faipule Tainau, the Government appointee for the district.

We have been told about that?—There is the question of the Faipules in regard to Government appointments, which has not been explained.

You had better leave me to run the case. Is there any special instance as regards the appointment of the Faipule—is there anything that he has done wrong that you wish to refer to?—That Faipule allowed the Government appointment to be sold for foodstuffs, and they were given appointments; and the people of our district are not satisfied with the Fa'amasino and a member of the Land Commission, with respect to the appointment of those who brought food.

What are the names of those men to whom you refer?—Faleatonoa'i, of Falefa, was given the appointment of Fa'amasino.

What about the Land Commissioners you were talking about?—He gave that appointment to one of his own family named Mata'afa, of Lufi Lufi. The district had no discussion about these appointments.

Is there any other special complaint?—We do not think that he should be in the Government when he has spoken in favour of the Mau and exhorted us to join the Mau. That was at a district meeting.

Why did he not join the Mau himself?—This is what the Faipule said: "I am in full sympathy with the Mau, but, of course, I have to be careful as I have a Government appointment. I am an old man, and I want to get some money."

Is that all?—Yes, that he should not be a Faipule since he wants money and does not work for the good of the country: That is all.

*Mr. MacCarthy.*] You were a Native Judge, were you not?—Yes.

How did you get your appointment as a Fa'amasino?—I was appointed by the Administrator.

How long did you hold that appointment?—Five or six years.

You were dismissed from the position of Fa'amasino in September, 1925?—I was appointed Fa'amasino after the epidemic of 1918.

With regard to this land, is that Native land or European land or Crown land?—It was Native land.

When the Administrator attended at Falefa the people produced receipts for that land?—Yes.

Having bought it from whom?—The Mormons.

The Mormons could not possibly hold Native land?—The Falefa people purchased this land from the Mormons during the time of the Germans.

That was not the land which the Administrator wanted to give to the people of Faleapuna, you know that?—It takes in part of that land.

Why did you not tell us that before? Does not that land lie between the two roads, one to Falefa and one to Lalomauga?—No.

But the land that was German land does lie between those two roads, does it not?—No.

What is the land called—is it not called Alatu?—Yes.

Those are the principal pieces of land?—Alatu and Vai'ala. Those are the names of the two pieces of land purchased from the Mormons.

You say that those are the two pieces of land which the Administrator wanted to give to the people of Faleapuna?—Portion of them. May I explain that the piece of land between Lalomauga and Falefa was secretly surveyed by Mr. MacDonald and Salanoa Mulufi. He misled the surveyor, and he immediately tried to rectify the position when it was found out.

Is it not a fact that the land which the Administrator wanted to give to the Faleapuna people was about half a mile away from the land which you have in mind?—Yes; but the Falefa people consider that that was the land they purchased from the Mormons.

The Falefa people produced receipts for these two pieces of land—namely, Alatu and Vai'ala—did they not?—Yes.

Knowing that that was not the land that His Excellency gave away?—The Administrator gave away portion.

Why was this given to the Faleapuna people?—The Faleapuna people asked for plantations.

You were one of the Faleapuna people at that time?—Yes.

And you agreed with it?—I agreed with it, but not with that piece of land.

Did you agree that the Faleapuna people should get an extra piece of land because they had so little themselves?—Yes.

And this land that was given away, was that not Crown land?—No.

That land was uncultivated bush land?—Yes.

And not in use by the Falefa people?—No.

Is it not a fact that the whole matter has been satisfactorily settled between the two places now?—I do not know.

Has it not been settled a long time ago?—Who settled it?

The Falefa people and the Faleapuna people?—I would like to know the settlement.

*The Chairman:* You can produce that information, Mr. MacCarthy.

*Mr. MacCarthy:* Yes, sir. [Minute of Department put in: Exhibit No. 47.] (To witness:) What is the title you hold in Falefa?—My second name Lelafu.

What title?—A *tulafale* title.

Have you had that title taken away from you?—Yes, since the Mau movement.

You gave the name of Mata'afa as being appointed to the Land Titles Commission?—Yes.

By the Faipule?—Yes.

Do they get any pay?—I do not know.

They do not get any pay, and you know that?—Perhaps that is so.

*Mr. Baxter.*] The land that was to be transferred consisted of land purchased from the Mormons and had *fa'a-Samoa* titles?—Yes.

To whom did this *fa'a-Samoa* land belong?—It belonged to Falefa.

Is this a complaint of your own, or do the other people think the same way as you do?—It is the complaint of the whole village, and I am speaking on behalf of the village.

Was there a settlement over this matter between the Falefa people and the Faleapuna people?—We do not know of any settlement.

Would you know if there was a settlement?—Yes, I would know.

SEUAMULI IOSEFA SWORN and examined.

*Mr. Slipper.*] You come from the Matautu district in Savai'i?—Yes.

What is the name of the Faipule in your district?—Suisala.

What position do you hold in your village?—An orator.

Are you a *matai*?—Yes.

How long has your Faipule been in his present position?—Recently, by the present Administrator—I am not sure of the year.

Was there any *fono* or meeting of the people to decide whom they wished as their Faipule?—No.

Have you any grievances to give about your Faipule?—I am dissatisfied with the punishment inflicted upon me, because the punishment was something that would be inflicted on a wild beast.

What was that punishment?—My title was taken from me and I was sent up to the bush and to remain there for twelve months.

Was that an order of the Administrator?—No, it was by the Faipule.

Did you get any written order?—No, the Faipule gave it out verbally.

I can tell you now that the Faipule had no power to do that. What was the year that you were banished?—About four years ago. I have it noted in Savai'i. I did not bring my papers with me.

Do you know that it was not in his power to do that?—Yes.

Well, why did you go?—Because he intimidated me, and he being a Faipule of the Administrator I took notice of what he said.

In what way did he intimidate you?—If I did not obey him and go he would punish me severely.

Did you make any complaint to the Governor about that?—No. I was suddenly removed to the bush.

Did they send anybody to take you away?—The Faipule said that I was to go at once.

Were you directed to go to any particular place?—No. For about three months I lived in a very bad house.

Did you serve out the whole twelve months of your banishment?—I served eight months.

Did the Faipule allow you to come back?—Yes, the Faipule allowed me to come back because I frequently went before the Faipule and begged of him to lift the punishment.

Have you been informed as to why you were banished to the bush?—No.

Is there any other grievance that you have against the Faipule?—That is sufficient.

Is that all you have to say?—Yes, that is all I wish to say. There are other grievances of the district against the Faipule. The district asked the Faipule to bring certain matters before the Administrator and the Fono of Faipules; but we have not been advised that that was done.

Do you know whether the Faipule sent on those requests?—I do not know. We have not been advised that they have been brought forward.

How long ago is that?—This has been going on for a year. They have never been advised that what they wished brought forward at the Fono of Faipules has been brought forward.

After having brought the matters forward before the Faipules you have not heard anything about them?—That is so.

Is there anything else which you desire to bring before the notice of the Commission?—Nobody in our district is allowed to have animals to be at large, but the Faipule allows his animals to be at large.

Is there anything else?—That is all I can remember.

Have you ever been present when the Resident Commissioner has been sitting in Court?—Yes.

Have you seen any of the Faipules there?—Yes, two Faipules—namely, Tapusoa and Su'a Latu.

Have you anything to say about them?—I do not know who was being tried, but I heard the Faipule say, "Send him to gaol."

To whom did he say that?—To the Resident Commissioner.

Did anybody object to the Faipule saying that in the Court?—No, I did not hear any one.

Do you know whether that person was sent to gaol or not?—He was sentenced to imprisonment.

Have you anything else to say about the Faipules?—I cannot remember.

You are a member of the Mau?—Yes.

Has the Faipule ever spoken to you about that matter?—I think when I went to say good-bye to him and I told him that I was coming to Apia he said, "Do not join the Mau." That is all.

*Mr. MacCarthy.*] You were banished on the 22nd November, 1923?—I think that would be right.

From the village of Alamagoto?—That is another banishment.

You have a banishment order from the Administrator?—Yes, it was issued by Mr. Griffin, but it was signed by the Administrator.

You appeared before Mr. Griffin and said that you would not recognize the *ali'i* of Alamagoto?—It was because they were overbearing. I was equal in rank with the rest of them.

What title have you got?—It is in connection with the Church. I have the same title as regards Church matters.

What title was taken away from you?—No title was taken away from me.

*Judge MacCormick.*] You told us that the Faipule took the title away from you and banished you to the bush?—The banishment by the Faipule took the title away from me.

Which was first, the banishment by the Faipule or the banishment by the Administrator?—The banishment by the Administrator first, and afterwards the banishment by the Faipule. When the Administrator banished me I did not hold a title. When the Faipule banished me I had a title.

How did you get that title?—I was elected to the title by my family.

When you got that title the Administrator pardoned you?—It was after the period of banishment had expired. I was banished for twelve months, and at the expiration of twelve months I knew it was over, and I was elected to the title.

*Mr. MacCarthy.*] You did not complete the twelve months' banishment. You complained about the Faipule not putting matters before the Fono—that is, matters that were brought forward by the district?—Yes.

What matters are they?—The presentation of the "fine mat" law, and many other matters which I cannot remember because I have not written them down on paper.

## LEMAUGA SWORN AND EXAMINED.

*Mr. Baxter.*] What is your village?—Lotofaga.

What is the name of the Faipule of your district?—Seinafo.

Is there any special complaint that you wish to make as regards this Faipule?—Many.

Tell us some?—Stopping the Samoan custom of *fonos*, gambling. He announced that it was forbidden to gamble and he leads in gambling.

Any other?—Matters regarding the *pulemu'u*. When he wants to take away a *pulemu'u* he does it all on his own account, and appoints another without discussion by the people.

Can you give the name of a *pulemu'u* so dismissed?—Yes, Sitagatasina.

And the name of any *pulemu'u* so appointed?—Sulu.

Is there any other complaint?—The other *pulemu'u* who was dismissed is Tauanu'u.

Can you give the name of another appointment?—Maugaivao is another appointment.

Has there been any trouble about land matters down there?—He has announced that if anybody works on any land that is not his own and plants on this land, he can claim it as his own.

Is there any other matter concerning land?—No.

How did you come to make the statement that any person working on land that is not his own can claim it as his own even if he does not own it?—Because of the allocation of the property to the people.

Has any land in this allocation been given to people who are not in the family of the land which has been divided?—Yes.

Can you give a specific case?—Others planted on my property and he gave it to them.

Did you take any steps to prevent these others taking it, and what was the result of your objection?—Yes, I objected to the people taking the land. He replied that the property belonged to God, and anybody can do as he likes.

Who said that?—The Faipule.

Did they go there of their own free will, or did the Faipule tell them to go there?—It was said by the Faipule that he was going to allocate the land so they can go and claim what they like.

Was there any rent or compensation paid to you?—No.

*Mr. McCarthy.*] This question about the land: does that not refer to the suggested division of Native lands?—Yes, it is about the allocation of properties given out by the Government.

The people of the districts held a *fono*?—There was a meeting held, and the Faipule made this announcement.

Do you not know that there is no law with regard to that?—I do not know.

These *pulemu'us* that were appointed: when were they appointed? When was Sitagatasina appointed?—Since the epidemic.

Many years ago?—Yes.

And Sulu?—The same.

And Tauanu'u?—The same. When the Faipule was angry with one he dismissed him and put another in his place.

Who pays them?—The Government.

Did your people make any complaints when the land was being allocated?—No.

Do you not know that no *pulemu'u* is paid unless he holds a Government appointment?—All *pulemu'u* appointed by the Faipule are paid by the Government, but the appointment is without discussion by the people.

*Mr. Baxter.*] Was there a discussion at a *fono* about this question of the land?—Just an order by the Faipule.

*Mr. McCarthy* has told you that there are no laws regarding land. Why did you think that there was a law?—Because we considered that the matter came from the Governor.

Where did they get their information from?—Nobody thought that there was a law, but it was said by the Faipule, and so they considered the Faipule as a representative of the Governor.

## TALAMAIVAO ULUALOFAIGA SWORN AND EXAMINED.

*Mr. Slipper.*] Where do you live?—Fagaloa, Upolu.

In the past, you yourself were a Faipule?—Yes.

And you were created a Faipule under the Administration of Colonel Tate?—Yes.

Was there any *fono* to consider that you had any right to be a Faipule before you were appointed?—No.

Can you tell us then whether your selection was in accordance with the ancient custom?—No.

You have since been dismissed from that position?—Yes.

By whom?—By the present Administrator.

Was there any inquiry held into your conduct as to why you were so dismissed?—There was an inquiry made.

Can you give us any idea of the date of your dismissal?—The latter part of 1925.

Who is the Faipule for your district now?—The Faipule appointed in my place there looks after the district.

Has there been another Faipule appointed by the Government, or has there been a Faipule appointed by the people, or is neither of these things the case?—At the present time there is no Faipule there.

Neither by appointment nor by selection?—No.

Is this the position: two districts have been combined into one, so that Fonoti is really the Faipule of your district?—Fonoti is the Faipule who is looking after the district at the present.

Can you tell me how long Fonoti has been Faipule?—I do not know. About seven years.

That was before the present Administrator?—He was appointed by Colonel Tate.

You have attended many Fonos of the Faipules?—Yes.

Have you anything to say about the conduct of those meetings?—Yes.

What is it?—Matters by the Governor are presented first by the Faipules, and then the Faipules discuss them, and afterwards we come together with the Governor and deal with the matters that are put to us by the Governor.

Is it a question of the Faipules having their wishes in the matter, or the Governor carrying out his wishes?—The Governor's wish. These matters are his points.

Have the Faipules made any laws so far as you are aware?—We have made laws.

Do you know whether they have been printed or not?—Yes.

Have you anything to say about model villages?—Yes.

What is it?—Model villages waste a lot of valuable things—breadfruit and coconuts.

Do they cut trees down to make room for the villages?—Yes, they cut them down.

Have you anything else to say about model villages?—People put up their houses on others' lands.

Did you wish the Government to take any property away for model villages?—By the order given through the Fono of Faipule.

Have you anything else to say about the Faipule?—Other matters are that they have been appointed by the Governor, and they have not the strength to say anything because they are under his power and cannot exercise their love for their districts.

At the present time, or in the past when you were a Faipule?—When I was a Faipule.

*Mr. MacCarthy.*] You were dismissed on the 6th November, 1925?—Yes.

The reason for your dismissal was a criminal assault, was it not?—It appears so; but I was dismissed without any hearing.

Your family complained to the Government about you?—People in the family.

At the time you were appointed Faipule there was no opposition to your appointment from your district, was there?—No opposition.

Was it not talked over in your district beforehand?—No.

But all the people were satisfied, were they not?—Some were satisfied and others were not.

Regarding these discussions in the Fono and what you suggest are the wishes of the Administrator: are they not remits from the District Councils?—No.

Is this not one of your District Council remits [shown to witness and read out]?—These are remits from my District Council.

Here are some others: read them?—I cannot read this because it is not my writing.

Do you disagree with model villages?—I agreed with it when I was a Faipule.

Take remit No. 2, "model villages" [remit put in: Exhibit No. 48]: is that one of your remits?—That is one of my remits.

Is the remit about the division of the land one of the remits from your district?—Yes, it is another of the remits from my District Council.

These laws made by the Faipules which you say are printed: do you know of any one case where they have been operated on?—The making of model villages and the taking-away of titles.

The Faipules did not make those laws?—The taking away of titles—

Those are the printed laws you referred to?—Yes, those are the laws I referred to. They are decided by the Faipule and the Governor.

Those are the ones you complained that the Faipules made?—Those are the laws I referred to.

*Mr. Slipper.*] Do you know of any prosecution in respect of the "fine mats" ceremony?—Yes.

Who was prosecuted—give his name?—The Fa'amasino Moananu was punished through the matter of "fine mats."

Were you present at the time?—I was there and heard about it.

What happened?—There was a Court case.

Where was it held?—At Mulinu'u.

Before whom?—A Faipule committee which was appointed.

What was the result of it?—He was dismissed and his title taken away.

Any further punishment?—That is all.

These remits that you have heard read out to you: were these remits considered by the Faipule and the Governor?—They were read before the Fono.

Were these remits talked over and considered carefully?—No, only read.

#### SEUMANUFAGAI TUPEA sworn and examined.

*Mr. Baxter.*] What village do you come from?—Palauli.

What district?—Vaitoomuli, Palauli, Savai'i.

What is the name of your Faipule?—Malupo.

When was Malupo appointed?—Before the epidemic, by Colonel Logan, in 1916.

Were you there in 1916?—Yes.

Can you remember whether or no there was any *fono* as to who should be Faipule?—There was no *fono*.

Has there been any *fono* since the beginning of 1925 to discuss who should be Faipule of the district and to make a recommendation?—No.

Is there anything particular you want to tell the Commission about Malupo—any complaint to make?—Yes.

Is it in connection with the way in which he carries out his work?—Yes, interfering with the duties of the *pulefa'atoaga*.

Give some specific instances?—He has himself made inspections of the plantations.

Anything else?—Interfering with the duties of the Fa'amasino.

Give a specific case?—He held an inquiry into the case of Fau muina and Silofau in the Village of Papa.

Did the Fa'amasino hear this case?—No.

Why not?—Because the Faipule made the hearing.

Were the Fa'amasinos there at all?—No.

Is there any other complaint?—Interfering with the authority of the *ali'i* and Faipule.

Is there anything else?—That is all.

*Mr. MacCarthy.*] I think that Malupo is an *aloali'i*?—Yes.

You can hardly accuse a man of that rank interfering with the authority of the chiefs of the district, can you?—They can do it with the authority of the *ali'i* and Faipule.

TOFA TAMAPULENI further examined.

*Mr. Slipper.*] Where do you reside?—I live in the Village of Saipipi, in the district of Amoa.

Who is the Faipule?—Su'a Mui.

Was that Faipule appointed in the time of the present Administrator?—Yes.

Can you tell us when?—I do not remember.

Was there any *fono* of the *matai* of the district of any sort to consider whether he should be made Faipule or not?—No.

Was he appointed by the Governor?—Yes.

Would you have been willing to have him appointed Faipule if you had had a say?—No.

How did that Faipule get on with the *pulenu'u*?—The Faipule told me that he was going to dismiss the *pulenu'u*. I objected and told him not to.

Is that the business of the Faipule, to dismiss a *pulenu'u*?—No.

Did you ever ask the Faipule to bring matters forward to the *Fono*?—I was appointed to represent the district, and I presented points to him.

Can you tell us the points very shortly?—We received orders that they were going to prevent the chief customs of Samoa, and so we asked the Faipule to approach the Governor and tell him not to do that.

What do you mean by the "chief customs"?—The *Fonos* of the *ali'i* and Faipule.

You brought up points to the Faipule to be presented to the *Fono*: is that correct?—Yes.

Do you know whether he presented them or did not present them?—I do not know, because we have not received any reply.

Has the Faipule ever said anything to you about it, whether he did bring these up or not?—He said that the Samoan Faipules had discussed the matter and they did not agree with it.

Then it was brought up?—Yes.

Have you anything else to say against your Faipule?—Another matter we gave him to bring to the Governor and the *Fono*, that the Governor must not have any authority over the titles of the chiefs.

Can you tell us if that was brought before the *Fono* or not?—I do not know; we have only seen punishments in other parts of Savai'i, but do not know if the point has been brought before the Governor.

Anything else against the Faipule?—He tries to intimidate the people of the district.

In what way has he intimidated the people of the district?—If anybody does any wrong, then he says a little more, and he will take his title away and put him in gaol.

Has he done this more than once?—Often.

Have you often talked with him?—Yes.

Has there ever been any discussion about the Mau?—Yes; he told me not to come to the Mau or I would be deported to a distant land or put in gaol.

You had something to say about a lease?—Yes.

What is it?—It is a lease with Mr. Carruthers, and it went before the Secretary for Native Affairs, and from there there was an objection made, and it went over to Savai'i to the Resident Commissioner. Then it was given over by the Resident Commissioner to Su'a Mui to attend to it.

And is that as far as it got, or did it go any farther?—He attended to it and decided it to my satisfaction.

Then what are you dissatisfied about?—Because I did not want him to attend to it. I wanted it to be dealt with by the Secretary for Native Affairs.

*Mr. McCarthy.*] Su'a Mui managed to get three years' rent in advance for you?—Yes.

He is a good friend of yours, is he not?—He is my son.

You and he enjoy the highest ranks in the district of Amoa?—I am above him.

And this intimidation that you mention—that is only a warning that if some one does a wrong thing his title may be taken away?—He says it is, but there is a law against intimidation.

But it is only a warning he gives not to break the law?—I have read the book of the law, and I have read that nobody is allowed to intimidate any one else.

Do you read the *Savali*?—Yes.

Do you not see in there the reports of all the *Fonos* of Faipule?—Yes.

*Mr. Slipper.*] You said, I think, to me, that if anybody did anything slightly wrong he was threatened that he would be put in prison or sent to a distant country: is that correct?—Yes.

Are you sure they were told that they might be sent to another country or another place out of Samoa? What was it, exactly?—He will be shipped to a distant land.

## LILOMAIAVA TUPUA sworn and examined.

*Mr. Baxter.*] Where do you reside?—At Foua Salelologa.

What is the name of the Faipule of your district?—Su'a-latu.

Who appointed this man, General Richardson or Colonel Tate?—The present Administrator.

How long ago was that?—I do not know.

Did the *ali'i* and Faipule of the district have any discussion in order to make a recommendation to the Governor or to decide who should be Faipule?—There was no order sent to us to have any selection or discussion.

How did he become Faipule?—He was appointed by the Governor.

Is there any special complaint that you wish to make with regard to the Faipule?—The first point is that we are not satisfied with his being appointed as Faipule without a discussion by the district.

Is there anything to say about him as Faipule?—He came and announced that the property of this district would be opened up now to anybody who wished to make use of it.

Did you hear about this idea of opening up this land from anybody other than the Faipule?—I was surprised to hear of it from the Faipule.

Is there anything further that you wish to say as regards special complaints?—He forcibly ordered families in which the *matai* had been banished by the Governor to appoint another in his stead.

Can you name any family where he did that?—Matamua Tololi was banished to Matautu by the Governor. The Faipule then ordered the family to bestow the title on another of the family. Some of the family were not agreeable to this but wanted to wait until their *matai* returned from his banishment, but they had to carry this out, as they feared the order of the Faipule. Another branch of the family objected to the Faipule about this and told him to wait until they learned more about their *matai* who had been banished, but he forced that matter, and a man was appointed. Now the banished *matai* has returned and the two *matai* are always at variance at the present time.

Are there any other special complaints?—He prevented the holding of *fonos* by the people.

We understand that?—A committee was appointed by his orders, and now he has broken up the committee and at the present time there is no committee.

Is that all?—He has also used intimidation.

*Mr. McCarthy.*] Is it not a fact that before the appointment of Su'a-latu there was a consultation between the Resident Commissioner and the *ali'i* and Faipule?—I am a high chief and I should know, but I did not know of any discussion.

Matamua, did he not get his title back?—He got it back. He is going under that title now.

Under the recommendation of his own family; is that not so?—Yes.

And this Faipule made the application to have his title restored to him, did he not?—Yes, because he was given property by the family—horses, land, &c.

You mean he was given presents. Would you call him a bad Faipule?—He has many faults.

You have not told us them yet?—It is no use making him Faipule: he is a man who is quite deaf. He cannot hear what is going on in the meeting with the Governor, and then he comes back and tells us what has happened.

You mentioned his power to divide and open up the land: is that not the division that has been suggested?—He came and offered the property of Salelologa to the Governor and Faipule, which he has no right to.

That is hardly an answer to my question. Was it not just the question of the suggested division of land that the Faipule was bringing forward?—Yes, it was that matter.

You mentioned the committee that was broken up: what committee was that?—It was called the Government committee. He broke it up because he was angry that they came to the Mau, but they wanted to work on this committee for the protection of their property.

Were you a member of that committee?—Yes.

*The Chairman.*] When Matamua's banishment was over, was it in the power of the family to appoint him *matai* and revoke the other man's appointment?—The family has the power to do that, but they could not enforce the power because they were afraid of the Faipule and the Government.

## ASIATA ELIAPU sworn and examined.

*Mr. Slipper.*] Where do you reside?—At Satupa'itea, Savai'i.

The Faipule of your district is Asiata Tauaese?—Yes.

Are you a *pulenu'u*?—Yes.

What complaint have you against your Faipule?—He has stopped the Samoan customs.

Anything else?—There is a law forbidding the purchase of property, and he has done that himself.

Any other grievances against your Faipule?—He has also violated another law regarding "fine mats."

How has he done that?—His son got married, and he made a distribution of "fine mats."

Was that before or after the regulation forbidding the ceremonies?—He violated the regulation.

Were you present at the ceremony?—Yes.

Did you pay anything towards the cost of the presentation?—Yes, money.

How much?—I paid £2.

Were you asked to pay that or did you offer to pay it?—The people were asked to bring up the money.

Were there any *tulafale* there?—Yes.

What was their business?—They were requested to supply the pigs for the ceremony.

Who requested them to supply the pigs?—The Faipule.

Did you know if that Faipule has ever refused to allow any other "fine mat" ceremony?—Yes, he stopped the "fine mat" ceremony in connection with me.

Was there anybody else concerned in that ceremony?—It was in connection with "fine mats" that were being given to me.

How did the Faipule forbid it—by word of mouth or in writing?—He announced to the people that nobody should give any help if there was any "fine mat" distribution in connection with house-building or anything at all.

Was that "fine mat" ceremony concerning you prior to or after the ceremony concerning the Faipule's son?—His was first.

What do you know about Tatala?—The Faipule heard this case instead of the Fa'amasino. He called this case himself.

There must be two parties. Was Tatala one party?—Yes.

Who was the other party?—Tuimauga.

Were you present?—Yes.

What was the result of the hearing?—Tuimauga was fined £1 and 7s. for costs.

Was there any other similar case?—There was another case like that.

Who were the parties in that case?—The girl Siuli and the boy Silulu of the Village of Sili.

Were you present at that case?—I was present.

Who tried the case?—The Faipule.

And what was the result of it?—The boy was fined £2; no Court costs.

Did you know how much was actually paid by the boy?—He paid £1.

How do you know that?—I was the secretary at that trial and the boy handed me the £1.

Has any more been asked for besides that £1, do you know?—The boy asked me to take pity on him and go and plead for him to the Faipule—that he could not get the other £1.

Did you go to the Faipule?—Yes, and he remitted that £1.

Do you know whether the Faipule referred this matter to any Fa'amasino?—No. We have a Fa'amasino in our place, but it was not given to him.

There was something about the sale of a piece of land?—Yes.

What was that?—He bought a piece of land and paid £5 cash and a "fine mat."

Who did that?—The Faipule for himself.

And whom did the land belong to?—To Fa'anana.

Was there any objection to that sale?—Fa'anana himself objected to it. The land was sold by his brother, Fa'atafuna.

To whom did he make the objection?—To the Resident Commissioner.

With what result?—I did not know, but up to the present time the Faipule is making use of the land.

Was any reference made to the Land and Titles Commission?—No.

Was your Faipule appointed during the present Administrator's regime, or before?—During Colonel Tate's time.

Was there any *fono* to decide that he should be appointed at that time?—No.

Has there ever been any *fono* since to decide whether he should keep on in that position or not?—They had a *fono* to discuss their dissatisfaction.

Was that a representative *fono*—were the majority of the people of the place present?—Yes, it was a *fono* by the whole district. They were not satisfied with him because he was a sick man and not fit for the position.

Did they send their wishes in this matter into any Government official?—To the Resident Commissioner; and we asked him to bring the matter forward to His Excellency, and to tell His Excellency that he was not fit for the position—that he was sick.

Did you hear anything further about the matter?—We have had no reply up to the present.

I think you were incorrect in saying that you were a *pulenu'u* now. You have been dismissed, have you not?—I do not know if I have been dismissed. I have received no orders informing me of my dismissal. I am in the Mau. I have received no order, so I presume I am still *pulenu'u*.

Has the Faipule told you anything about the people of the Mau, as to what would happen to them?—He advised me to keep away from the Mau, and also exhorted the people of the village to keep away from the Mau, and remember what happened to former people who were banished away from Samoa. [Reference to Lauati's exile under the German Government.]

Anything else?—Those are the important points. He said to me that if I went back to the Mau he would dismiss me from my appointment.

That Faipule is dead, by the way?—Yes, he died about the time of the King's Birthday.

*The Chairman*: If we had known that, it would have made a difference, Mr. Slipper. It is hardly fair, is it, to criticize a man who is dead?

*Mr. Slipper*: I have only just noticed that, your Honour. (To witness:) Is there a Faipule there now?—No.

*Mr. McCarthy*.] How long have you been away from your district?—I came here in June.

Have you been here ever since?—I returned for one month to visit Savai'i.

You did not know, then, that your district has been asked by the Government to select a new Faipule?—I know that. That letter was shown to me by my people.

*Mr. Slipper*.] Have your people held a meeting to elect a Faipule?—They have not held any *ono* until they see how the dissatisfaction in Samoa is going to end. This is quite a different procedure to send an order to select a Faipule. It was never done before.

*The Chairman*: Is there any practice with regard to weddings and the resolution of the Faipules in connection with "fine mats?"

*Mr. McCarthy* : There is a limitation to the number of the mats that is to be presented. Formerly there was no limitation, but now they have imposed a limit—that is, during the last three years.

*The Chairman* : What I want to know is, would a wedding and the people attending a wedding come within the terms of the resolution as generally understood ?

*Judge MacCormick* : Supposing a hundred people went to a wedding, and in the course of the visit made a presentation of “ fine mats ” : would that be regarded as a breach of the resolution ?

*The Chairman* : Would that be regarded as a *malaga* for the presentation of “ fine mats ” ?

*Mr. McCarthy* : Yes, that would be regarded as a breach of the resolution.

*The Chairman* : The same with a death feast or funeral ?

*Mr. McCarthy* : Yes.

*The Chairman* : And with a christening ?

*Mr. McCarthy* : Yes.

*The Chairman* : All those would be considered *malagas* ?

*Mr. McCarthy* : Yes.

*The Chairman* : I did not believe it myself. The resolution does not say so. This is the resolution. [Resolution *re* “ fine mats,” previously handed in, read out]. Apparently the people are prohibited from going to a wedding or a funeral if they make a presentation of “ fine mats ” : is that not so ? The matter seems never to have been considered properly by Government officials.

*Mr. McCarthy* : This point will be cleared up, sir, later on, by Mr. Lewis.

#### TALEVU sworn and examined.

*Mr. Baxter.*] Where do you reside ?—At Satuimalufilufi, Upolu.

What is the name of your Faipule ?—Salanoa.

We have heard about the Faipule's appointment. We want to know if there is any special complaint about the Faipule that you wish to bring forward ?—It is a matter in connection with a *fono* that was held in our district.

What was the *fono* about ?—It was about a Fa'amasino for our place. We put that matter to the Faipule, for a Fa'amasino for our district.

You were recommending a special man ?—Yes, a new Fa'amasino.

What year was that in ?—Last year.

What did he say ?—We sent this matter to him to bring forward to the Governor. We waited quite a long time, and all of a sudden he appointed a Fa'amasino himself.

Is there any other complaint ?—This Fa'amasino is his own relative.

Is there any other complaint ?—They had a *fono* of the District Council in connection with the school, and they appointed people to visit this school together with the Faipule. The Faipule fined those who did not turn up £1 each.

Is there any other complaint besides that ?—They do not know what has become of the money, which was district money.

Is there anything further ?—Another matter is that he made a similar inspection with another committee appointed to inspect the plantations with him, and he fined those who did not plant, and also make W.C.s, the sum of £1, and £2 in some cases.

Any further complaints ?—That is all.

*Judge MacCormick.*] Did you report this occurrence about the Faipule collecting money and not accounting to anybody for it ?—No. We just spoke about it amongst ourselves.

How could the Government know about such a thing if the people who are aggrieved do not report it ?—They trusted everything to the Faipule.

*Mr. McCarthy* : Those fines have been paid in to the District Council funds.

*The Chairman* : Those funds are audited ?

*Mr. McCarthy* : Yes.

#### TANOAI sworn and examined.

*Mr. Baxter.*] Who is the Faipule in charge of your district ?—Tupuola. I reside at Aufaga, Lepa.

When was he appointed Faipule ?—During the time of the Mau.

Before or after Christmas ?—I do not remember.

*Mr. McCarthy* : He was appointed about May of this year.

*Mr. Baxter.*] Was the opinion of your district sought as to who should be Faipule ?—Yes.

Who was the Faipule in charge before Tupuola ?—Seinafo.

I believe you want to make some complaints about some land question prior to Tupuola's appointment ?—Yes ; it was the order given by the Faipule that nobody has any more right to his own land—that the land is to be given up to be used at the option of any one else.

Did anybody get anybody else's land ?—My own land has been apportioned out by the Faipule to people in my own village, and they are planting and using it.

And are they people of your own family ?—No.

Has that happened to any one else in this village ?—Yes, another one.

Give us the name ?—Tago.

Anybody else ?—Only the two of us.

Is either of you getting any payment for this land ?—No.

Are you getting any rent ?—No.

*Mr. McCarthy.*] This is the letter the *ali'i* and Faipule sent to His Excellency the Administrator with regard to the appointment of Tupuola ?—Yes. [Letter put in : Exhibit No. 49.]

TAUGATAU sworn and examined.

*Mr. Slipper.*] What is the name of your Faipule?—Tuisalega. I reside at Samata, Savai'i.

Was he appointed during the time of the present Administrator or before that?—He was appointed by Colonel Logan.

Do you know whether there was any *fono* to select him before he was appointed?—No.

Do you know if there was a *fono* or do you say there was no *fono*?—There was no *fono*.

Has there been any *fono* from that time to this to see whether he should still keep the position of Faipule?—There was no *fono* by the people, but they are dissatisfied with him.

What have you to say about village and district meetings?—They have been held up by the Faipule.

What have you to say about these meetings?—That is a very important matter in these Islands of Samoa, and he has stopped it.

Who has stopped it?—The Faipule.

Have you anything else to say concerning the Faipule?—He is a leader of troubles in our district.

What trouble? Can you give us any definite troubles?—He used bad language when we were out fishing [Here followed an explanation of the Samoan custom of bonito-fishing]. Tuisalega dropped his fish and everybody used bad language to him, as they had a perfect right to do in such circumstances. He stood up and said he would like to know who used that bad language and he would fight them. That is not the Samoan custom. It nearly created bloodshed out there. The people were going to kill him, but I stopped that.

Were the people so angry that they wanted to kill him: do you really mean that?—It was true.

Who presides over that Court in your district?—The Faipule presides.

Do you know whether he has any right to preside or not?—That was what he said.

When talking about the Court, have you a Fa'amasino there?—There is a Fa'amasino.

Does the Faipule have anything to do with that Court?—The Faipule held the trial of the Mormon pastor in Samata.

And what was the result of that trial?—The Mormon pastor was fined £1 12s. and the Faipule has used the £1 for his own purposes.

Is there any grievance about the Komisi [*i.e.*, member of Lands and Titles Commission] being appointed?—Yes.

Who appointed them?—The Faipule appointed them.

Whom did he appoint?—Afualoete, one of his family; and he has also appointed Matau-filo, his own brother.

Do you agree with those appointments?—No.

Were you or the people of your place consulted about them?—No.

*Mr. McCarthy.*] The Komisi do not get paid, do they?—I do not know.

This £1 you say the Faipule got from the Mormon pastor: did he not take that to the District Council?—He gave it to the District Council, and then he divided it up and he gave half to the *fono* and the other half he gave to his wife.

MONDAY, 10TH OCTOBER, 1927.

*Mr. Baxter:* It has been brought to my notice, your Honours, that I have not led any evidence on the numbers of the Mau; and, although the evidence is led purely on the Faipule question, I thought that if I asked one or two of these following witnesses about the subject it would save calling additional evidence.

*The Chairman:* Yes, I think so.

*Judge MacCormick:* Providing that they are leaders of the movement and not just of the rank and file.

*Mr. Baxter:* Yes, sir. I will see about the rank of the man.

*Judge MacCormick:* We are not so much concerned with the rank of the man as with his prominence in the movement.

POLO'A'ALII sworn and examined.

*Mr. Baxter.*] Where do you live?—In Lalomanu, Aleipata.

You are a member of the Mau: do you belong to any of the committees?—Yes.

Which committee do you belong to?—The General Committee.

Can you tell us how many people there are in the Mau, or not?—I do not know.

I know that you cannot tell me the numbers, but can you give us some idea of the number there is in Aleipata, in your district?—The whole of Aleipata is in the Mau.

Are there any Government people there at all?—The officials are not members of the Mau—they are supporters of the Government.

Do you know anything about any other district?—No, I only know of my own district.

Quite so. What is the name of the Faipule in your district?—Mata'afa.

Who appointed him Faipule?—The Administrator—he was not nominated.

Which Administrator would that be—would it be Colonel Tate or General Richardson?—It was not by the present Administrator, but by one of the past Administrators.

At any time has the feeling of the district been sought as to whether they wanted Mata'afa or not?—No.

Is there any complaint which you wish to make regarding the Faipule?—Yes. Mata'afa gave out in the district of Aleipata that the Aleipata people would make a Government road from Falevao to Aleipata, and that they would receive £88 per mile. The district agreed to do the work and commenced making the road.

Did they do any of the work?—We made two miles and a half of the road.

Well, how long ago was that?—About two years ago.

Well, what is the complaint?—The Faipule said that when the work was finished the Aleipata people would get paid, but up to the present we have not seen a shilling of it.

Did you ask for payment?—We notified the Faipule that the work was completed and asked for payment.

Why did you not do the rest of the road?—We did not undertake to make the whole road.

Did you do all that you had undertaken to do?—Yes.

Did you speak to anybody else about it?—No.

There was an exhibition at Aleipata: did you want to tell us anything about that?—Yes.

Very well, what about it?—It was arranged by the Faipule and members of the District Committee that they would take a subscription from the people of the district of 1s. per head from the grown-ups down to the children. This subscription was collected just about the time the Administrator was due to arrive in Aleipata, though I do not know whether it was last year or the year before. The Administrator and Mr. Griffin and Mr. Ritchie attended the exhibition, and the Faipule of the district selected Mr. Ritchie to be the judge of the exhibits.

We do not want to hear about the exhibits: come to the complaint?—After the prizes were paid out, £29 1s. was returned to Mata'afa.

Yes, and what happened to that money?—Up to the present we do not know what has happened to that money.

Did you speak to the Secretary for Native Affairs, or to the Administrator, or anybody like that about it?—It was mentioned to His Excellency the Administrator at Mulinu'u.

And what did His Excellency do?—The Administrator said that Mata'afa had done wrong in using the district money himself.

You told us that none of it has been refended yet: is that right?—Yes.

There was something about remodelling of villages, was there not?—Yes.

Very well, what is it?—The Administrator has stated that no person will have a claim to his own individual land in the village—that it will be all taken over by the Administration.

We know all about that: is there anything special you wish to mention?—We commenced to remodel the village, when somebody objected to the Faipule, and the Faipule upheld the objection about the removal of the village, and it was he who had made the announcement that the village was to be remodelled.

Was there anything further?—By stopping the work it caused a considerable waste of material for building houses. Some houses were in the course of construction and they had to be abandoned and allowed to rot, and the Faipule will not be able to repay the people who built the houses.

Is there anything further about the Faipule?—There was a quarrel between Amoa and Fuimaono. A chief named Tavai endeavoured to pacify the two, but Mata'afa had Tavai's title taken away from him for interfering.

Is that all?—Yes.

*Mr. McCarthy.*] When did you join the General Committee?—About nine months ago.

Have you been in Apia all the time?—Yes, I have been in Apia during those nine months.

Have you made visits back to your district?—No. I have remained in Apia all the time: my family have visited me in Apia.

Have you paid your taxes?—No.

Why not?—I am not satisfied with the laws.

Was that a general instruction of the committee?—No; it is my own idea.

*The Chairman.*] Do you know whether a large number of people are doing the same thing?—I do not know.

*Mr. McCarthy.*] Do you deny that a large number of the Mau people in your district are not paying their taxes?—We are not all of the same mind.

You have a gun, have you?—No.

No dog?—No.

How many would you say had not paid their taxes?—The whole district.

Is it nine months ago that you joined the Mau as well as joining the General Committee of the Mau?—I was appointed at once to the committee.

Whose place did you take on the General Committee?—I was appointed by my district, and on being appointed I came straight to Apia to join the Mau.

You say that the whole of the district has not paid its taxes: are they all members of the Mau?—Yes, all Aleipata is in the Mau.

And do the Mau members in Aleipata search for the beetles?—Yes.

They do not deliver them to the *pulemu'u*?—No; a committee is set up to receive the beetles.

What man do they deliver the beetles to?—Each village has a Beetle Committee consisting of about two members.

Who are the two members in your village?—Amituana'i and Lutau.

And these two men receive the beetles collected by members of the Mau?—Yes.

You know that is against the law, is it not?—Yes, but it is being done because of the dissatisfaction amongst the Samoans.

But that law is a perfectly good law, that beetle law; also the gun- and dog-tax law—there is nothing wrong with them, is there?—That is the reason why the Samoans are continuing to search for beetles, because they wish to preserve their own plantations that do not belong to New Zealand.

If a man does not bring the required quota of beetles, does the committee fine him?—He is fined in cash, and it is put in the district funds.

How much is the fine?—Four shillings.

*Judge MacCormick.*] You mean the District Mau Fund, I suppose?—It is paid over to the Native Fa'amasino—that is, the Native Judge.

What is his name?—That money is used for the people: it is used to purchase food to supply to the beetle-searchers.

Yes; but the Fa'amasino you spoke of?—I answered too quickly. It was in former times that the fine-money was paid over to the Fa'amasino, but not nowadays.

Who gets the money now?—The beetle-searching committee.

*Judge MacCormick.*] That is to say it does not go to any official at all.

*Mr. McCarthy.*] Well, are they still fining the members of the Mau for default in searching for beetles?—Yes.

Do you not know that those charges you refer to against Mata'afa have all been inquired into?—The matter regarding the money was investigated at Mulinu'u. The Administrator then gave out that Mata'afa had done wrong in helping himself to the money. He did not exactly put it in those words, but that is what he meant.

Is this not what His Excellency said [reading from file N.D. 1/692]: “His Excellency explained to *ali'i* and Faipule that he had had the charges against Mata'afa investigated, and that although there appeared a shortage of money, it was clear that there had been no intention on Mata'afa's part to defraud the district, and he had, moreover, paid in out of his own money a sum sufficient to cover the deficit. The inquiry had failed to establish a case of fraud or theft against Mata'afa. He then called on Mata'afa to speak . . . Fuataga and Saumalu both spoke and expressed regret at recent troubles, and asked that the whole trouble be wiped out” ?—That is not so.

Is not Tafua your Faipule, and not Mata'afa?—Yes; Tafua has recently been appointed Faipule during the time of the Mau.

You told us that Mata'afa was your Faipule?—Mata'afa was our Faipule until recently, when Tafua was appointed. Tafua's appointment was only since the commencement of the Mau.

On the 7th December, 1926, when His Excellency the Administrator and Secretary for Native Affairs made this announcement about Mata'afa and the moneys, were you not present?—Yes, I was present at Mulinu'u.

SA'U sworn and examined.

*Mr. Slipper.*] You belong to Apolima?—Yes.

And you are a chief there?—Yes.

About how many people do you think live in Apolima?—Over two hundred. [Official census for 1926 shows Apolima with a population of 144, out of which there are fifteen *matais* and sixteen *taulelea*.]

Can you tell us how many of these you think are in the Mau?—The whole of Apolima is in the Mau, except two *matais*, and the officials.

How many officials?—One.

You had Afamasaga and Faumuina on your island, as banished chiefs, did you not?—Yes.

Have you anything to say about that?—Faumuina and Afamasaga worked hard to stop the Apolima people from joining the Mau—that is, when they heard that the whole of the people were going to join the Mau—for this reason: that their going to the Mau might be blamed to them.

Who is your Faipule?—Tuilaepa.

Do you know if anything was said to your Faipule about these banished chiefs being on your island?—The Faipule said that we must take good care of the banished chiefs and see that they did not journey to Savai'i nor to Upolu.

Did you people of Apolima say anything to the Faipule about the chiefs on your island?—No.

Well, have you any other complaint against your Faipule?—Yes.

Tell us what it is?—I am not pleased with the Faipule because he was not appointed by the district.

Was there no *fono* held at all?—No.

Well, anything else against him?—We applied to him for a Native nurse for our island, and also for some medicine to be kept on our island, because when the weather is bad it is very hard to bring anybody to the shore, and if we do not help them with Native medicines then there is no other help at all. The Faipule said that he would go and see the Governor about it, and then we would get some medicine for our island, but up to the present time we have received no medicine on the island.

How long ago is that?—Three years ago.

Do you know whether the Faipule brought that question forward, or is it that nothing has happened since and you do not know whose fault it is?—We do not know.

Is there any further grievance you have against your Faipule?—We appealed to the Faipule for a school-teacher for the second-grade school to be established in Apolima, as it is very difficult to send our children to Manono. There are many difficulties, such as keeping them in Manono, &c. He said that he had seen the Governor and the Governor said that we could not get a school-teacher established in Apolima, so at the present time none of the children go to school.

The Faipule did his work all right that time?—Yes.

Is there any other trouble you have with your Faipule?—That is all. I have also some matters in which I am not satisfied with the Governor. I am not satisfied with the Governor because of his unfulfilled promises to our place.

Tell us what they are?—He promised the people of Apolima that we would get a piece of land from the Government on the mainland of Mulifanua. Up to the present time we have not received that land.

How long ago is that?—About three years and a half now.

Have you paid any money on account of the land?—We have paid £1 10s. towards the lease of that piece of property.

Has there been any survey made?—It has been surveyed.

Have you paid the survey fee?—No, we have not paid the survey fee.

Is there any other promise that has not been fulfilled?—He promised to give us some cement for our waterhole in our place, and the arrangement was that the cement would be sent to Mulifanua, and in a week's time from the day we got the promise we were to call there and receive the cement. We went there and did not find the cement. He also promised that he would fix a bridge up in our place, and also a buoy for boats in front of our place, and none of these promises have been fulfilled, and up to the time we joined the Mau none of them had been fulfilled.

They have not been fulfilled since you joined the Mau?—Up to the present time they have not been fulfilled. Another thing, the Governor was very unkind in sending the banished chiefs to our island when he knows that our island has very little food.

Were you ever short of food on the island while they were there?—The Governor promised us that he would make us a present because we had used up a good deal of our food—pigs, fowls, and other food—for the keep of these chiefs, and he promised that he would give us a present, but up to the present time we have not received the present.

*Mr. McCarthy.*] How old are you?—Twenty-three.

That means that you would be about fourteen or fifteen years of age when Tuilaepa was appointed?—I think so.

*Judge MacCormick:* We do not know when he was appointed at present.

*Mr. McCarthy:* He was appointed in 1919, sir, just after the epidemic.

You would not remember very much about the circumstances of his appointment?—No, I do not remember.

You have told us that Faumuina and Lago Lago advised you not to join the Mau: are there any other reasons they put forward besides that one which you have already given us?—No, there was no other reason.

For how long have you been a member of the Mau?—We joined the Mau in August.

That was after the arrival of Lago Lago and Faumuina on Apolima?—Yes.

Before that time you were supporters of the Government?—Yes.

Did all the other people of Apolima join the Mau?—Yes.

At the same time as you did?—We all came together.

You have mentioned the land which the Governor promised you: is it not a fact that he offered you land at Mulifanua and that he actually handed it over to you?—The Governor said that piece of land was his present to us, and then following on that he ordered us to pay £40.

Why did you not tell us that before?—He offered you the land and you refused it: is not that so?—We accepted it with thanks according to the question that the land was a present.

And you refused it?—We did not reject it, we accepted it: but according to the Samoan custom, if one makes a present he does not expect any payment for it.

I do not think that you are very clear about what happened, are you?—I was present when this was done.

*Judge MacCormick:* I gather that the people thought that the land was being given to them and then they were asked for £40.

*Mr. McCarthy:* We will establish it, sir, later.

*Judge MacCormick:* Why cannot it be cleared up right away? Was he asked to pay £40.

*Mr. McCarthy:* Not for that particular piece, sir, but there was another piece of land on the Mulifanua Plantation; and the Apolima people were to have a share in it, but it is part of Mulifanua, and has been set aside for the Natives, and they pay a certain rental.

You have mentioned about the Governor's promise of a contribution on account of the banished chiefs: do you not know that that promise still stands?—I did not know that.

(*Mr. Baxter* at this stage informed their Honours that the population of Aleipata, according to the 1926 census, is 1,978 people.)

#### MAUI'A SWORN AND EXAMINED.

*Mr. Baxter.*] What village do you come from?—Salea'aumua.

And what district is that in?—Aleipata.

Are you a member of the Mau Committee?—I am a member of the General Committee.

Is that the Committee which was in Apia, or the Committee which was sitting in Aleipata?—The Committee in Apia.

Can you give us any idea of how many people belong to the Mau, so far as the Aleipata people are concerned?—The majority of the people of that district are in the Mau.

Now, I want you to tell me only about the Faipule and about nothing else. What is the name of your Faipule?—Mata'afa. I am not speaking about Tafua, because he was only recently appointed. He was appointed in about May last.

*The Chairman:* But was Tafua assigned to this district.

*Mr. Baxter:* Yes, sir, they put another Faipule in.

*The Chairman:* Was the new Faipule assigned to this territory of Salea'aumua?—The district has been divided into two. Mata'afa is the Faipule for one section.

Which part?—Mata'afa is the Faipule for two villages only Samusu and Amaile.

*Judge MacCormick.*] Very well; he is no longer the Faipule for your district of Salea'aumua?—No, Tafua is our Faipule.

*Mr. Baxter.*] When was Tafua appointed?—He was sworn in in May last.

*The Chairman.*: Witness says that he has no complaints against him.

*Interpreter.*: The witness says, your Honours, that the present Faipule has not done much yet.

*Mr. Baxter.*] Well, have you any special complaint against the Faipule you did have?—I wish to speak about some of the grievances of the Aleipata people against Mata'afa.

Well, tell us one of these grievances?—He has usurped the powers of the Native Judge. He has tried cases and inflicted fines.

Give us some instance where he has interfered with the Native Judge and tried cases?—There was a case between the girls of our village, one of which was a member of my family. Mata'afa tried that case at Amaile.

Why was it not tried before the Fa'amasino?—I do not know why Mata'afa interfered.

Was it going to be tried before the Fa'amasino or not?—Every one in the district knows that there is a Fa'amasino in the district for that purpose, but the complainants went to Mata'afa, and instead of his referring the matter to the Fa'amasino he tried the case himself.

*The Chairman.*] What was the case about, I wonder?—There was an allegation made by one girl against another, about her wanting a certain man for a husband; the girl against whom the allegation was made complained.

*Mr. Baxter.*] Was there any fine inflicted, or did the Faipule fix it up?—The girl who made the allegation was fined £2, £1 of which was to go to the injured one, and £1 the Faipule was to keep.

*The Chairman.*] Well, your relative won?—Yes, my family got £1.

*Judge MacCormick.*] Well, what are you complaining of?—Because the procedure is not proper.

*Mr. Baxter.*] Is there any other complaint you wish to make?—Three young men of my village caught a pig up in the Native plantations. It is another instance of the Faipule trying a case. A civil claim for the value of the pig was filed against the three who got the pig, and in giving judgment for the plaintiff the Faipule included the other five who got a portion of the pig in the judgment. This is another instance of the Faipule taking the powers of the Fa'amasino upon himself.

When did that happen?—About two years ago. I think it has been recently brought before the Secretary for Native Affairs, Mulinu'u, because the boys were dissatisfied with the judgment.

You have given us two examples of the Faipule interfering with the Fa'amasino: is there any other example?—Another complaint against the Faipule is that he drove away a woman and her child from his village because she had turned to the L.M.S. Church.

*Mr. Baxter.*: That is a family matter.

*Judge MacCormick.*: He did that as the head of the family, I suppose.

*Mr. Baxter.*: The only things I want you to tell us about is some malpractice in his office, if there is any. You told us about the interference with the Fa'amasino: is there anything else?—I am going to speak about two amounts which are missing through the Faipule. The amount of £133 and another of £120.

When did these amounts first become missing?—On the 15th March, 1923.

Was any complaint made?—I would like to explain the position about the money.

You answer my question first?—A complaint was made to the Secretary for Native Affairs. It was in connection with a builder who belonged to our village and who went to Tutuila.

And what did the Secretary for Native Affairs say?—That he could do nothing in the matter.

*Judge MacCormick.*: What has the Faipule to do with it?

*Mr. Baxter.*: He said that the money was missing through the Faipule.

*The Interpreter.*: I missed out the fact that the witness said that the grievance was against the Governor on account of this money.

*Mr. McCarthy.*] When did your district join the Mau?—At the commencement of the Mau movement.

Do you remember the month?—I do not remember, and I might make a mistake.

You might tell us the circumstances under which your committee or your district came to join the Mau?—When we heard that the people were ventilating their grievances against the Administration we decided to join the movement, in order to bring forward our grievances. We also had grievances.

From whom did you hear?—We heard it round about Apia.

Were you in your district when the decision was made?—Yes.

Well, who brought the news to Aleipata?—There was no one person. *Malaga* parties from Aleipata visited Apia, and each time they came back they brought the news to Aleipata.

How did these *malaga* parties come to go to Apia?—Some came in connection with the Government business, others came in to make up a crew for the *malaga* party of Faipules, and others came to do business generally.

Do you know that your people are not delivering beetles to the Government *pulenu'u*?—I speak about our village only; I cannot speak about the rest of the district in this case. Our village, at my exhortation, searches for beetles and hands them to the *pulenu'u*. I spoke to the searchers and told them to continue searching for beetles and hand them to the *pulenu'u*, and not to mind about the Mau, as that was a different matter.

Who is the *pulenu'u* in your village?—Leifi.

These moneys—£133 and £120—were not those moneys in connection with the building of a church by a man named Ripley?—Yes.

And that some of the money had to be paid in advance to Ripley?—The amount of £133 is in dollars and not in pounds—that is, 133 dollars, and it cost this for the village to bring the builder and his workmen from Pago Pago, and the £120 was lost through Ripley being sent away again. That was money which was being used for machinery and materials.

The transaction was solely arranged between your people and Ripley?—Yes.

And when you wanted your money back, you saw the Native Office?—Yes.

And saw the Government?—Yes.

And they helped you to get some of your money back?—Yes.

AMOÄ sworn and examined.

*Mr. Slipper.*] You come from?—Samusu in Aleipata.

Your title has been taken away from you?—Yes, by the Administrator.

And this was because you did not appear before the Administrator upon his *malaga*?—Yes.

And you appeared before Mr. Lewis, did you not?—I was summoned by Mr. Lewis, and I appeared before him.

Were you told then that your title would be taken away from you?—Mr. Lewis did not at that time tell me that my title would be taken away.

Have you ever been given any reason why your title has been taken away?—No.

Had there been any inquiry into your conduct before your title was taken away?—No.

You have been a Government official?—Yes.

For how long?—I was a Government official for twenty-four years.

Who is your Faipule?—Mata'afa.

Has he ever done anything with regard to people's positions in the Government?—He took my job from me.

What job was that?—Land and Titles Commission job.

*The Chairman.*] Were you paid for that position?—Yes, sir—for the session only.

*Mr. Slipper.*] Is your Faipule Mata'afa.—Yes.

Has he interfered with any Government positions and tried to get people dismissed, or got them dismissed from Government positions?—When he is displeased with any official he endeavours to get him dismissed.

Very well, give us one official, then?—Myself only.

In what way did he interfere with you yourself?—He took my Commissioner's job away from me.

Is that all there is about it?—I became dissatisfied over that and did not go to the Administrator's reception.

Has he interfered with any other Government servant?—I do not know.

LOFIPO sworn and examined.

*Mr. Slipper.*] You were at one time a Faipule?—Yes.

You were dismissed from that position on account of political troubles, were you not?—It was a district matter.

Did the people of your district have any say in your dismissal from the office of Faipule?—My district was not agreeable to my dismissal.

After that you were made a *pulenu'u*, were you not?—I was re-elected and made a *pulenu'u*.

What do you mean by that?—I was reappointed in the Government service in the position of *pulenu'u*.

You joined the Mau in June of this year, did you not?—I came to the Mau in the month of July.

Have you been dismissed from the office of *pulenu'u*?—When I returned from here to Savai'i, after the King's Birthday, the Faipule of my district had appointed another *tulafale* in my place.

Were you given any reasons for that?—(No answer.)

*Judge MacCormack.*] That is a different thing?—The Faipule had taken my position away and gave it to another man.

*Mr. Slipper.*] Were you told why he had done that?—No.

Are there any complaints which you wish to make against your Faipule?—Yes, there are things that I am not pleased with.

What are they?—There are too many fines inflicted on the people of our district by the Faipule.

Did he hold any Court or meetings about it?—The district would come together and he would make the punishments.

Is there a Fa'amasino in your district?—Yes.

Was he working with the Faipule?—Yes, the Fa'amasino and the Faipule stood together in these matters.

What is your Faipule's name?—Suisila.

What did the Faipule say to the Administrator about animals running around?—The Faipule allows his pigs to wander at large. There is a law forbidding pigs to be allowed to wander around, but he does not obey that law.

What did the Faipule say to the Administrator about it?—The Governor asked the Faipule the reason for the pigs to be allowed to run about the town, and he replied, "They are just pigs brought here to be shown in the exhibition."

Was it or was it not true?—He made a false statement to the Governor.

*Mr. McCarthy.*] You were appointed a Faipule in the German time, were you not?—I was a *pulenu'u* during the German time.

And a Faipule also?—No.

You were dismissed as a Faipule in Colonel Tate's time?—Yes.

Because of political troubles at that time?—Yes.

There were serious political troubles were there not?—Yes, there was serious trouble according to the Samoan custom.

And you have been dismissed from the position of *pulemu'u* because you told the people that the Mau would not search for beetles, would not attend the Council meetings, and would refuse to pay taxes?—No.

Did you not say that the Mau people would not pay taxes or search for beetles?—That was my work when I was *pulemu'u*—all the taxes have been paid.

That is not an answer to my question. Did you not say that the Mau people would not pay taxes?—I believe that the people of my district who have joined the Mau will not pay taxes this year.

*The Chairman.*] Or collect beetles?—Yes.

*Mr. McCarthy.*] Were you a member of the Mau at that time?—I was a member of the Mau.

*Mr. Slipper.*] Can you give us any idea of what proportion of people there are in your district who belong to the Mau?—I cannot give the number, and I do not know whether the majority is in the Mau, because they are always going backwards and forwards. When they hear reports from here that people have been handcuffed here, then they run to the Government side; and when they hear that the Government is losing, then they run over to the Mau side.

LELEUA sworn and examined.

*Mr. Slipper.*] You reside where?—Faleata.

Can you give the Commission any idea of the number of people in the Mau in your district?—The majority are in the Mau, and there are very few in the Government.

You are still a Fa'amasino?—Up to date I am a Fa'amasino.

You want to make some complaint about the Faipule?—I have a complaint against the Faipule, against the Governor, and a complaint against the Minister.

What is your complaint about the Faipule?—There was a quarrel between Mataia Siu and a young man named Pepe.

What about it?—He put the matter before the Faipule, and then the Faipule put it before the District Council of Faleata. The Faipule made known this matter to the District Council and I stopped him. I told him that this matter concerned my duties and not his. He was angry with me. I put the matter before the Secretary for Native Affairs, Mr. Griffin, and he said that the Faipule was wrong and that I was right.

What was the outcome of it?—The Faipule and the District Council punished the boy. Why I make that known is because the Faipule is ignorant and had no right to interfere, because Mr. Griffin sided with me.

Is there any other complaint against the Faipule?—A doctor came to make injections for yaws and to give hookworm medicine. Nearly one hundred people of Vaiusu ran away because they were afraid as a consequence of what happened on a previous occasion—namely, when medicine was given to a boy for hookworm he was afterwards taken to the hospital and died there.

Where does the complaint come in about the Faipule?—When the people of Vaiusu refused to drink the hookworm medicine the Faipule appealed to me to fine all these people the sum of 4s. each who had refused.

Did you do anything about it?—I knew there was no law for that, and so I went to Mr. Griffin and had a talk to him. Mr. Griffin said that the Government had no law to make them drink the hookworm medicine. I returned and told the Faipule to leave that matter alone because it was wrong. That is the reason I am complaining, and I want to make it known that they have appointed an ignorant man to the position of Faipule.

Is there any other complaint that you want to make?—I have finished with the Faipule, and I now want to make a complaint against the Governor and the Minister.

The complaints against the Governor and the Minister have already been made in Wellington?—I have certain matters that caused these complaints.

*Mr. McCarthy.*] When did you join the Mau?—In August, 1927.

You attended a meeting of Native officials in Mulinu'u in February, 1927?—No, I did not attend that meeting.

Did you not make a speech at Mulinu'u when there was a number of Native officials present?—On previous occasions before that, but not the last one.

And you made that speech for the Governor and against the Mau and the Europeans in the Mau?—Yes.

Have you got land belonging to Faumuina that you occupy or use?—Faumuina is my son. He is not different to me; we are both the same, and I do not have to ask him for anything. What I mean is that Faumuina is a younger relative of mine.

That is not an answer to my question?—I am in the village of Faumuina.

*The Chairman.*: Please answer "Yes" or "No" to the question asked by Mr. McCarthy: do you answer "Yes" to the question?—

*Mr. McCarthy.*] You sought permission from the Native Office to visit Faumuina at Apolima?—It was true.

It was about this land?—Yes, about this land.

Will you tell me what month it was that you went to Apolima?—It is in the Governor's records, because I told the Governor.

It was after that that you joined the Mau, was it not?—I was in the Mau all the time, and I still held my title of Fa'amasino. I did this before Mr. Nelson went away from here.

## ASI-VATAU sworn and examined.

*Mr. Slipper.*] Where do you live?—In Matafagatele, in the district of Vaimauga.

What is the name of your Faipule?—Asi-mama.

Was he appointed a Faipule in the present Administrator's term or before that?—He was appointed by the present Administrator.

Was there any *fono* at which you people had a chance to say anything before he was appointed?—No.

What complaints have you against him?—We are dissatisfied at the Faipule being appointed without the district being consulted. He intimidated the people of Magiagi when they failed to attend the district meeting.

In what way did he intimidate them?—They were told——

*Mr. McCarthy.* : I do not know how this man knows this.

*The Chairman.*] Do you know this of your own knowledge—were you present?—I was there and heard him.

*Mr. Slipper.*] What was it that you heard?—I heard him tell the people that if they failed to attend such meetings in future they would lose their titles and be driven from Magiagi. He also intimidated our part of the village, and said to me, "If you or any others of your part of the village join the Mau you will have your titles taken from you." He also said that if we insisted on joining the Mau there would be serious trouble. Through that intimidation another chief refrained from joining the Mau; but as soon as he found that there was nothing in what the Faipule said he joined the Mau.

Is there any other grievance against the Faipule?—There are other grievances, but I take it that Almighty God knows them. That is enough to bring before the Commission.

## LAU IFATA sworn and examined.

*Mr. Baxter.* : Where do you live?—Niusuatia, in Safata.

What is the name of your Faipule?—Ama.

When was he appointed?—In 1919.

Since the beginning of the year 1925 has there been any *fono* or have other steps been taken to ascertain the wishes of the people as regards who should be the Faipule?—No *fono* has been held.

Have you or have you not any complaints against the Faipule?—I was selected to speak on another subject, but not on the subject of the Faipule.

I have asked you a question respecting the Faipule: will you please answer me Yes or No?—The Faipule reported me to the Administrator and the Fono of Faipules for having violated the "fine mats" law, and this resulted in my being dismissed from my position in the Government which I held. I went on a *malaga* of "fine mats."

What was the purpose of the "fine mat" *malaga*?—For a repayment of debt.

Is there any further complaint?—The people of the district sent a letter to be brought before the Administrator, but the Faipule withheld the letter.

When was this?—The district hold two meetings per year, and at these meetings this has been done, but on each occasion the Faipule has not forwarded them on.

*The Chairman.*] Mr. Baxter asked you what year was this?—I cannot say which year, because meetings of this nature are held each year.

*Mr. McCarthy.*] Ama is the highest chief in the district, is he not?—Yes.

These [produced] are the minutes of your District Council?—Yes.

Can you tell the Commission of any matter that Ama has not brought forward?—The question of the law regarding "fine mats." The people of the district do not agree with that law.

*Mr. Baxter.*] What proportion in your district belong to the Mau?—The great majority of the people in that district belong to the Mau.

## LEOTA SEIULI sworn and examined.

*Mr. Slipper.*] Where do you live?—Solo Solo, on the eastern coast of Upolu.

What proportion of the people in your district belong to the Mau?—There are two thousand in that district who have joined the Mau. There is only the Faipule and about two other persons who have not become members of the Mau.

What is the name of your Faipule?—Sagapolutele.

And you have been eighteen years in the position of *pulenu'u*?—Yes.

Have you had any notice that you have been dismissed from that position?—No.

Has your salary been paid to you?—I did not receive my quarterly salary for the last quarter.

What did your Faipule tell you about the making of public roads?—It had been decided at the Faipule meeting that each village had to make their own roads—that is, to make the roads through their own village.

Was there anything said about pay for it?—Each person working on the road would receive 6s. per day.

Did your people get that work as was promised?—No. While we were waiting to commence work we found that a road foreman and workmen, who were strangers, came to fix up the road.

What about the bonus for copra?—It was circulated in the district by the Faipule that each Samoan was to know the number of pounds of copra sold, and that they were to get the difference paid by the Administration.

What do you mean by that?—The extra profit they should receive from the copra when it was exported, and that was the difference between the local price and the market price.

Was any list kept and was the money paid?—They have not received any money. This is not a matter concerning the Faipule alone, but it is a matter concerning the Administrator and the Fono of Faipules.

What is the position with respect to the Tuufa-atasi company?—The Government sent out notice to the shareholders in that company in July, 1926, informing the shareholders to bring their receipts for the shares to the Mulinu'u office, when they would receive the money.

Was the Government buying out the company?—It was the subscribed capital that was held in trust by the Administration.

You remember, do you not, a famine taking place in your village: what date was it?—It was the year before last.

You asked, did you not, for some relief in connection with this matter?—We asked the Government to grant us permission to contract debts with the store in order that we might get supplies from the store.

Did you speak about it, or did somebody else in your village speak about it?—I asked Mr. Griffin.

Was any relief given to you?—No, the Administrator refused this help.

Did you try to borrow any money for food?—No, there was a loan of some cash from Burns Philp for us to pay our taxes with.

Is it correct that you did not borrow or that you did not try to borrow any money for food?—No.

But you did borrow money for the taxes?—Yes.

*Mr. McCarthy.*] You said that the number of people in the Mau is two thousand?—It is only an estimate—I have no record.

It is a bad estimate, because the detailed population of that district as shown by the census is 1,182?—I expect that would be correct.

That includes children, too, does it not?—Yes.

Did you say that the famine was caused by the Government?—No, it was the blow.

It was in 1926, was it not?—Perhaps that was the year. I cannot remember exactly—there were two blows, one in January and one in March.

After the blow did not the Government Inspector go down and inspect your district?—Yes.

*The Chairman.*] When you were *pulenu'u* you took charge of the collection of beetles that was performed by the people, did you not?—Yes.

Who is doing that work now?—The beetles are handed to me still.

As *pulenu'u* or as a member of the Mau?—I have continued to receive beetles up to the present, and since joining the Mau there is a committee of the Mau formed to receive them.

Have the people of the Mau in your district paid their taxes yet?—Some are paid and other taxes are not paid.

Is it not a fact that the majority of the members of the Mau have refused to pay their taxes which have become due?—That is so.

Is it not a fact that the committee of the Mau has taken over the government of the village?—Yes.

*Mr. Slipper.*] You are a *pulenu'u* yet?—Yes.

Were you appointed by writing?—(No answer.)

*The Chairman:* The witness said that he had not been paid his salary for the last quarter.

*Mr. McCarthy:* He has not called for his money.

*Mr. Slipper.*] Have you a certificate?—Yes.

And you have not had any notice cancelling that?—No.

#### FIU TUIPALA sworn and examined.

*Mr. Baxter.*] Where do you come from?—Sili, of the district of Palauli.

Can you tell the Commission what portion of the people of your district are members of the Mau?—The whole of Palauli district have joined the Mau except the Faipule alone.

What about the other Government officials?—They have all joined the Mau.

What is the name of your Faipule?—Malupo.

Have you any complaints which you wish to tell the Commission as regards Malupo?—Yes. There are matters in connection with the schoolhouse at Vaipouli. Malupo gave notice to the whole of Palauli to subscribe 4s. by each *matai*.

What for?—To pay the builders of the schoolhouse at Vaipouli.

Where is that?—In Matautu.

Was this subscribed?—Yes.

What is the complaint about this?—The complaint is that the builders of the schoolhouse have complained that each of them has only received a very small amount in payment, and that the rest of the money that was subscribed and given to the Faipule has not been accounted for.

*The Chairman:* The witness does not know anything about it. He said that it was a complaint of the builders: that is all he knows about the matter. What the builders complain of may be true or it may be untrue.

*Mr. Baxter:* The witness is alleging malpractice on the part of the Faipule.

*The Chairman:* That is all the more reason why it should be regarded as hearsay evidence.

*Mr. Baxter:* I quite appreciate that, sir. (To witness:) Is there anything else of importance that you wish to bring up?—Yes, I wish to refer to Samoan mats—that is, mats for the floor. The Faipule gave notice to the people of Vaipouli to supply mats for the Fono House at Mulinu'u. We supplied these mats under a great strain—it not being the usual way to supply these mats. We have not heard from the Faipule with respect to the payment of these mats, because we have not received any money.

Did you make any complaint to any one about the matter?—This matter has been known now. How long ago is it since this happened?—It was before the Mau. It is since the Museum and the rest-house have been erected at Mulinu'u.

That is 1925. Is there any other complaint?—Punishment of our *pulenu'us* by the Faipule.

In what way?—Because the *pulenu'us* did not come with their donations to the Museum when it was erected.

What were they fined?—10s. each.

Is there any other complaint?—I complain about other matters, because I have been a Commissioner on the Land Title Commission.

What is your complaint in respect to that?—We have not been paid at all for our work. The work is not going on any more, and we do not get paid quarterly as they did before. The Faipule has taken that in hand, and the Commissioners have been put aside.

Is there anything else that you wish to bring forward?—I have finished.

*Mr. McCarthy.*] When did your people join the Mau?—I think, in November, 1926.

When did your people start to subscribe funds towards the Mau?—From May and June of this year.

How much did they subscribe?—I did not ask the secretary of the Mau—I do not know the amount.

Did they collect money from the *matais* and other people?—10s. for the *matais* and 5s. for the *taulelea*.

That money would be paid to the secretary?—It was paid to the secretary of the Mau here.

Who would that be?—Matau.

In your district it would be paid over to somebody to send over to Matau?—Every place brought its portion along.

The question is, to whom was this money paid in your district?—I am speaking for our village. We paid our money to Matau.

Have you any idea where that money has gone to?—It has gone to the Mau.

Do you know what the Mau has done with it?—I do not know what the Mau has done with it, but there is an indication of money in the Mau.

You told us that your district paid subscriptions to the Mau in May and June: are they paying subscriptions to the Mau to-day?—They are not doing it at the present time.

Did they pay after June?—Only that one lot.

And when was that one lot brought over—what time in June?—In June, the day of our *fono* at Tuafu, near the King's birthday.

Before or after the King's birthday?—Before.

Where did the money go to—where was it placed when it was brought to Apia?—It was given over to Sam Meredith and Matau.

Can you say if the Mau members of your district are paying dog-taxes and gun licenses?—No.

They are not paying?—No.

*The Chairman.*] Is Palauli a fairly populous district in Savai'i?—Yes.

And you have told us that the whole of the people with the exception of the Faipule have joined the Mau?—Yes.

*Mr. McCarthy.*] Has the Mau appointed a committee for the district?—Yes.

And does that committee supervise the collection of beetles?—The committee has searched for the beetles.

And the committee have collected them?—Yes.

Have all the members of the Mau agreed not to pay their taxes for the present?—Yes.

Is, then, the Mau committee exercising the power of the Government?—No.

In the district of Palauli you told us that the Matais were expected to contribute 10s. towards the Mau, and the young men 5s.: was that an understood thing?—Yes.

*The Chairman.*] How long was the subscription to last for—six months, a year, or how long?—When they had all paid up their donation they would start again on another.

Have the members of the Mau agreed not to attend official *malagas* of the Administrator?—

Who is going to notify them, because all have joined the Mau?

*Mr. Baxter:* May I crave the indulgence of an adjournment to enable me to meet my clients in this case.

*The Chairman:* Very well; the Commission will adjourn now until 8.15 a.m. to-morrow morning.

TUESDAY, 11TH OCTOBER, 1927.

OLAF FREDERICK NELSON sworn and examined.

*Mr. Baxter.*] You are a company director resident in Apia?—Yes, that is right.

You are the head of the trading company if O. F. Nelson, and I believe that that company is the biggest copra-buying concern in Samoa?—Yes.

How many outside stations have you?—Forty, I think.

Have you got any idea of how many other copra-buying points you have apart from stations?—We have, including the copra-sheds attached to the stations, about one hundred.

We have heard, Mr. Nelson, about a scheme on the part of the Government for the purpose of advancing cash against copra to the Natives. The Administration, through the New Zealand Repatriation Estates, are paying 3½ cents at Mulifanua, 3¾ cents at Apia, 3½ cents at Vaitele, 3½ cents at Vailele, and 3¼ cents at Fagamalo: these are the figures supplied us by the Administration. With

your experience in the copra trade, do you consider that copra can be even purchased at that rate and pay on the London market?—That is not possible, if all the expenses attached to the purchase of that copra were to be charged up to the copra.

Do you know what prices your company is paying in the various parts of Samoa?—We are paying 12s. for freshly-dried copra in Apia and the immediate vicinity, 11s. in some parts of "A" district, and 10s. in others. Then we are paying 9s. per 100 lb. in the "B" districts, and 8s. in the "C" and "D" districts. I might mention here that when I gave my figures in Wellington I was not sure, and I gave the figures at 1s. per 100 lb. more than I find out is being paid here. [Schedule put in: Exhibit No. 50.]

These charges down to this £14 5s. 7d.—what charges are they?—That would be the cost landed in Apia from the stations.

And that next lot of costs down to £18 11s. 7d.?—Of the Apia column?

Yes?—That would be the costs f.o.b. steamer.

And the next page of costs?—That would be the cost landed in the London market.

The varying prices paid under this heading—what is the reason for the variation in prices?—On account of the varying amount of expenses. The farther away the copra station is, the higher the expenses are to land it in Apia, and, furthermore, the more difficult it is for transportation to Apia, and the higher is the shrinkage.

On what principle do you work in fixing the prices to be paid in each of your districts?—On the market price at the market we are selling to. If we are selling in London, well we base it on the ruling price in London.

And work back?—And work back. There can be no other way.

Well, there are variations in profits here?—We cannot work it out that it comes exactly the same to a penny, and, after all, these are only costings. Each one of these items can easily be more. So if the market is higher, which it has not been the last few years, there has to be a slight reduction in trader's salary. For instance, if a trader to-day buys 10 tons a month in the outlying stations he would be doing very well indeed. In fact, very few of them are doing it. If a trader gets £10 a month for buying copra and selling goods, half of that salary should be charged up to the copra-buying portion. Therefore 10s. per ton is a conservative estimate at present; but, as I said before, if he buys more than 10 tons there would be a slight reduction of that, and if he buys only 6 tons then 10s. is an underestimate.

Well, how do the stations themselves do, Mr. Nelson?—Our profits?

Yes?—For the year 1926 some of our stations showed a profit and some showed a loss. Of our forty-odd stations, after taking the losses made in some of the stations, we netted £727 9s. 8d. That would be our net profit on the year for the forty-odd stations, where we have a capital of about £50,000 to £60,000 involved. That is for 1926.

That is including the copra business?—Yes, including the copra business at the stations after taking all expenses and allowing for all profits and other sources of income.

Now, regarding the shrinkage question, Mr. Nelson?—The shrinkage is a matter which is very difficult to estimate. We set a rule that the maximum shrinkage should be 10 per cent., except in "C" and "D" stations, where we allow up to 12½ per cent. We have never considered anything as excess shrinkage except such as is in excess of 12½ per cent. Our shrinkages for 1926 range from 6½ per cent. to 32 per cent. in one station. I might say regarding the 32 per cent. shrinkage that much excessive shrinkage is brought about by the negligence of the trader in probably buying unripe copra, or perhaps recording purchases which did not come about. More than half of our stations run to 13 per cent. upwards to 17 per cent.

How do you charge up your sacks and twine on this main sheet?—Well, that is a fluctuating charge according to the market price for sacks. There will be times when it costs us about 1s. 6d. a sack. At present I think that it costs about 1s. or so—a little above 1s.—but last year we paid 1s. 4d. and 1s. 5d. a sack. The charge here is put in at the present rate or cost of sacks.

The question arises, Mr. Nelson, about the bringing of the copra in on the launches. The launches are your own property, are they not?—Some of them. We hire or charter outside launches where we can or where we need them.

Do you credit your own launches with the same freight as you charter at?—Yes. The charter rate is fixed by the owner of the boat, but sometimes there is a little difference. Some owners will not send their boats to certain places even when they get a higher rate, because they think that the risk is too high. It leaves us always that to the worst places we must send our own launches, for other owners are not satisfied to send their launches there, and on many occasions our launches go to these places and come back without a load of copra, and that trip is ineffective inasmuch as the copra does not pay for it and it shows a loss at the end of the year.

You have a sheet there showing working accounts for your motor-vessels?—Our losses on our motor-vessels carrying our copra for the year 1926, after having been fully credited with all the work they did, including passage-money from passengers travelling to and from Apia, show a total loss of £1,913 5s. 9d. Our books will show that. I might add, sir, that the first loss shown on that page is what we lost on the "Siliafai," not counting the £1,200 self-insurance which we credited to that ship on the loss. We allowed the "Siliafai" from our insurance fund about £1,800 altogether last year, or she had two mishaps, and after allowing that as a dead loss, on top of that we lost £147 7s. 1d. I might explain here that when I say "Losses on coastal craft and station boats," it will be seen that nothing has been or is charged up in the costing-sheet for Apia—2s. in the "A" district, 10s. in the "B" district, and 15s. in the "C" and "D" districts. That can only be an estimate; but the losses that are made on the boats—that is, the station boats—and we lose a boat or two every year— they happen in "C" and "D" districts; and the losses on our coastal craft are also brought about

through the uncertainty of shipping in these districts. Therefore, I think that the higher charge of 15s. in the "C" and "D" districts is quite warranted, and I think is more than conservative, because it cannot possibly meet the losses on the boats.

Is there any other item?—I do not know whether there is any more just now.

There is one more question: can you tell us what your profit was last year—1926?—On copra?

Yes, your profit per ton?—For last year our net profit handling on the net weights of 4,778 tons was £2,414 3s. 11d. In 1925 we had net weights of 5,145 tons and made a net profit of £9,355 12s. 3d. I might add here that in this copra account none of our head office expenses has been allowed for or deducted, and a large percentage of our head office expenses must be chargeable to copra. At that rate the 1925 net profits would be much reduced and our copra business for 1926 would show a loss.

What is the fully-paid-up capital?—£150,000 plus about £15,000 reserve.

A paid-up capital of £150,000 and you have about £15,000 reserve?—No, £14,000 reserve.

*The Chairman.*] The reserves are invested in the business?—Yes, but covered by investments.

*Mr. Baxter.*] Now, Mr. Nelson, before we move on to Mau matters I want to deal with the Legislative Council. You are a member of the Legislative Council, are you not?—Yes.

When were you elected to the Legislative Council?—Early in 1924. I think that it was in February.

Anyway, you have been on the Council ever since it has had elected members on it?—Yes.

In the working of the Legislative Council we know that there are six official members and three non-official members: have you found the arrangement satisfactory?—No.

Why?—Because the Government majority is too effective inasmuch as they are not allowed to vote according to their own conscience.

What do you mean—what restrictions are placed on them?—In some matters their views outside the Council have been different from those they voted for in the Council.

Has any remark been made by any responsible person that would justify your coming to that opinion?

*The Chairman.* What does that evidence mean?

*Mr. Baxter.* I have it in mind that a speech had been made in the Legislative Council.

*The Chairman.* There is no objection to that. That is quite relevant.

*Mr. Baxter.*] Is that so?—Yes, a speech in the Legislative Council, and remarks made to us by official members of the Legislative Council after the meeting.

Who made the speech in the Legislative Council—can you call that to mind?—Well, there was a speech made in the Legislative Council by Mr. McCarthy about prohibition, for instance. That was altogether contrary to the views which he expressed outside the Legislative Council.

*The Chairman.* It must be quite obvious that that is not relevant, Mr. Baxter.

*Mr. Baxter.* I did not expect that answer, sir. Regarding the manner in which the Council functions, is there a strict mode of procedure, or is it more like an ordinary committee meeting where everybody discusses things freely?—Oh, no—you have got to stand by the Standing Orders. You are hauled up with a round turn there.

Well, is it the result or is it not the result of the Standing Orders that there is, in effect, two separate parties?—The Standing Orders show the members what they should do and how they should conduct themselves in the Council in respect of Bills and one thing and another.

Well, now, is there any other reason for you to express dissatisfaction with the Legislative Council—constitution, membership, &c.?—Yes. For instance, before the Samoan Council Elected Membership Act was passed provision was made in Fiji for elected Native members on the Council.

Before the 1923 Amendment?—Yes; I made inquiries from elected members in Fiji and I was told—

*The Chairman.* All that is contained in the official documents. The Constitution and procedure of the Council in Fiji is obtainable from official documents. We do not want any explanation—he who runs may read.

*Mr. Baxter.*] Just tell us why you yourself are dissatisfied, Mr. Nelson. You need not bring up the Fiji side of the question?—Well, I think that in matters where the elected members are unanimous in their opposition to the Government members, whether it is for or against a Bill or other resolution before the Council, this matter should not be decided here by the Council, but it should be referred to some higher authority for consideration.

What higher authority would you suggest?—Well, in this case the Minister of External Affairs; and, furthermore, I think that the Natives should be represented in the Legislative Council.

What is your reason for thinking that the Natives should be represented in the Council?—Because, officially, the matters which are discussed at the Fono of Faipule and passed by them require to go through the Legislative Council before they can become law. Further, Natives should be represented; and besides that, if the mandate—or rather, the terms of the mandate—to educate the Samoans towards self-government is to be applied, then I do not see that this is being carried out without the Samoans being represented in the Legislative Council.

Very well; how would you arrange your Council of officials—elected Europeans and Samoans?—I should not like to give a definite undertaking of what should be done. I should say that that ought to be by arrangement; but at least the elected Europeans and Samoan members should be, in aggregate number, the same as the total of the official members.

Is that inclusive or exclusive of the Administrator?—Exclusive of the Administrator.

Would you have the Samoans elected or nominated?—Not nominated, but to be selected or elected in some way suitable to the Samoans, that they may feel satisfied that their representatives in the Legislative Council are representative of them and not of the Administrator or the Administration. Furthermore, I might say that my suggestion now in respect to the membership of the Legislative Council is what I consider to be the right thing to-day. What developments or progress the country

may make ten years hence may require a different thing altogether ; but I do not want ten years hence, if I live, to have it said that I said it would be satisfactory for all time.

Is there anything you wish to add on that point of the Legislative Council?—I do not remember anything at the moment.

I believe, Mr. Nelson, that you returned to Samoa in September, 1926. While you were away you had had an interview with the Prime Minister and the Minister of External Affairs and the Minister in Charge of the Cook Islands?—Yes, that was towards the 1st September, 1926—either that day or the end of August. By the beginning of September I had the interview in Wellington.

What impression did you gather from that interview?—I gathered that the Prime Minister and the Minister of External Affairs were impressed with the information that I gave them regarding conditions in Samoa, and that they thought it was necessary to have an early investigation.

By whom?—By the Minister of External Affairs, Mr. Nosworthy.

You returned to Apia in September, and we know that you met the other two elected members of the Legislative Council, and, according to their evidence, as a result of that meeting a public meeting was called on the 15th October?—That is right.

At some time prior to this meeting on the 15th October there was, according to the evidence of Tofaeono and somebody else, a meeting at Mr. Meredith's house at which you and the other two elected members were present : Mr. S. H. Meredith, Tuimaleali'ifano, Malietoa, Tofaeono, Faumuina, and Lago Lago. Do you remember that?—I do now. I might mention that when I was giving my evidence in Wellington that meeting had completely escaped my memory, and when the matter was brought up here by other witnesses it took me a little time even then to recall it. It must have happened immediately after my return. In calling it to my memory I remember that I was told that two high chiefs wanted to see me.

Which were they—Tuimaleali'ifano and Malietoa?—Yes. And I knew that there were other receptions being prepared at that time. I was told that they would be at Mr. Meredith's house at a certain time if I would call, and I did call in there, and even now consider that that meeting was more part of the social receptions to me than of the public meetings which followed.

Do you remember whether or not the expected Minister's visit was discussed at that meeting in Mr. Meredith's house?—Oh, yes. The chiefs asked me what I had done in Wellington, as they had evidently heard of this interview. I told them just what happened as near as I could remember it, and they asked whether it would be an opportunity for them to bring up grievances or make representations. I told them it was their chance to tell the Minister anything they had to say.

You decided to hold this public meeting, and we have it in evidence that it was advertised, or that a notice of the meeting was advertised in English in the *Samoa Times*, and that it was advertised on Mr. Meredith's picture-screen. Were any other steps taken that you know of?—After the elected members had agreed to convene a public meeting, they conferred with some of their fellow-citizens so as to get an idea—

*Mr. Meredith.*] Were you present?—Yes. I was present on every occasion of the preliminary meetings. We than conferred with others to get an idea of public needs, and it was the result of those preliminary meetings that the public meeting was called. They were all Europeans in those preliminary meetings.

*Mr. Baxter.*] Very well ; the first meeting was held, and we know that there was a number of Samoans present. Do you know how they came to be present—was there any special request or special suggestion made that they should be, to your knowledge?—The rumour had got about, and Samoans asked me about those meetings : “ Is it so, that there is to be a meeting on the 15th October ? ” I said “ Yes ” to those who asked me. “ May we come and listen ? ” I also said “ Yes,” and that is all.

Have you the minutes of that first meeting?—I do not think that those minutes were ever quite completed. What has been taken down and typed is here, I am sure, but Mr. Pleasants still has the balance of the shorthand notes ; but things went so fast then, one thing on top of another, that they have not been properly completed, I think.

*Mr. Baxter* (to Chairman) : The first minutes are not completed. We will look up the balance of them in the lunch-hour. (To witness :) Can you do so?—I cannot get them during the lunch-hour, as they are still in Mr. Pleasants' note-book.

*The Chairman.*] These notes contain a report of your speech as chairman, and are more than minutes, are they not?—Yes.

It purports to be the substance of the meeting and not a verbatim report. You will, of course, put them in?—Yes.

*Mr. Baxter.*] We need not go into the details of that meeting, Mr. Nelson. We know that committees were elected, and we need not worry you on that point at all?—The minutes of the first meeting, I fear, would need to be completed so as to get to where the election of the citizens took place. If anybody has them, Mr. Pleasants would have them.

There was a second meeting on the 12th November : have you the minutes for that meeting?—Those were taken by Mr. Tanu Allen. Mr. Pleasants took them too, and between them we got these minutes. They took them independently of one another and checked each other off.

Between the first meeting and the second meeting did anything of importance happen that you wish to mention? We know of the retirement of Messrs. Cobcroft and Meyer.—Well, the committee met and carried out the resolutions of the first public meeting by communicating with the Minister through His Excellency the Administrator, and they also prepared reports for presentation to the Minister upon his arrival, but they were also to be referred to another public meeting.

That was after the first meeting?—Between the first and second meeting.

Just leaving that and going back to the first meeting again : you evidently had grievances, Mr. Nelson, that actuated you in calling a public meeting?

*The Chairman :* He has not said so yet.

*Mr. Baxter :* I have just brought it up as evidence, sir. It depends upon whether the grievances were personal. (To witness :) What were the grievances that actuated you in calling that meeting?—That meeting was not called for me to put any grievances at all; that meeting was called to prepare reports of anything that the people of Samoa wanted to report to the Minister upon his arrival. I myself was dissatisfied, like many others, with various phases and features of the Administration. The public meeting on the 15th was merely to get the people's views as to what representations should be made to the Minister and how they should be made. If a committee were necessary, then that meeting would elect that committee; if not, then it would not do it; but the whole matter was to be put to the public, and they should decide as to what representations should be made to the Minister on his arrival in Samoa, exactly as had been done in previous Ministers' visits and when the parliamentary party came or anybody else from New Zealand.

Did you have anything specific that made you think that representations should be made to the Minister—any views in your own mind?—I am dissatisfied with many things, and those things mainly I had placed before the Minister and the Prime Minister in Wellington. If you like, I will try to give you in brief the matters with which I am dissatisfied.

*The Chairman.]* I suggest that Mr. Nelson might tell us now, giving us categorically the headings of his grievances at that time—never mind the Prime Minister?—I was dissatisfied (1) because the Administration permitted of absolute rule by a dictator, which in my opinion was the cause of the dissatisfaction, or part of the dissatisfaction then, and the more acute dissatisfaction of to-day. (2) I was dissatisfied with this absolute rule or dictatorship as it affected each Department of the Government and made them think, or made the heads of the Departments think, that they could carry out certain policies regardless of the feelings of the people in Samoa. (3) My third point was that for serious offences some citizens have been made scapegoats and Government officials have been allowed to go away from Samoa. (4) I consider that the Administration absorbs too large a percentage of the national resources of this country, judging by the total exports and the percentage of that it takes the Government to function. (5) The Medical Department costs far too much for the services it provides, and too high a salary is paid to the Chief Medical Officer for just statistical work which could be done by a junior clerk. (6) While making provision for elected membership in the Legislative Council, no real representation of the people's views and voice is allowed. The Government majority in that Council is too effective as compared with other territories of a similar nature or similar status. (7) Samoan affairs: The mandate calls for the education of the Samoans in the arts of government so that they may eventually learn to govern themselves. The present system cannot possibly admit of that, because it will take till doomsday for them to ever learn the least thing about the real art of government if they continue the way they have been. The first point regarding that Samoan question is the abolition of their good old customs, with nothing to take their place. Another point is that the selection of the Faipule by the Samoans in their own way has been replaced by the very undemocratic way of nomination by the Administrator. Another point in respect to the Samoan question is that even the banishment law of the Samoans formerly exercised by popular vote has now been vested in the Administrator alone. Then, the Faipule have been vested with powers which have tended to cause a breach of or a menace to the peace, order, or good government of the districts of Samoa. Then, I consider that the Administrator exceeded his duty in accepting from the Faipule such a speech or such a letter as conferred on New Zealand the emblems of sovereignty of this Territory. I have also said before in respect to the Samoan question that the Samoans should be represented in the Legislative Council. (8) The slogan "Samoa for the Samoans" is mischievous, and can only be meant to cause dissension between the Europeans and the Samoans. (9) The system of gradually transferring property which should belong to the Samoa Government to the New Zealand Reparation Estates is very, very unfair to the people of Samoa.

What property do you refer to, Mr. Nelson?—I refer to the Central Hotel, which was supposed to be Samoa Government property paid for by the Samoa Government: it is now the New Zealand Reparation Estates. The laundry, supposed to have been bought with Samoa Government money, is now said to be part of the New Zealand Reparation Estates. The "Alcazar"—

*The Chairman.]* What is the "Alcazar"?—That is where the Transport Department now is, sir. It used to be an entertainment house. The various things like that which are being transferred to the New Zealand Reparation Estates by the Samoa Government is unfortunate for the Samoan people. It is a bad policy—it is an unfair policy on the Samoans, because it means that New Zealand will own all these properties: shortly, probably, Government House will belong to the Reparation Estates. Where does the Samoa Government come in? I do not know whether I should mention the interference in the copra trade, because that did not come about at that time—it came about later as a reprisal to the merchants (that is how we take it), and it can only be a costly experiment, and meanwhile it has already done a lot of damage to the trade of this country.

*Mr. Baxter.]* Going back to these reports which you mention were prepared after the first meeting—between the first and the second meeting—we know quite well that your committee was divided up into sub-committees each dealing with some specific matter for the purpose of the report. Now, we have also been informed that these reports were discussed at a meeting held on the day of the second public meeting. Do you agree with that?—Yes. I think that it was the afternoon of the same day.

Now, these reports had been prepared by these separate gentlemen and brought forward: were they all discussed at length or not at that committee meeting?—The reports were very long, as you know, and we read them through as much as we could, and referred such matters to such people as we felt should know about the different points; but to say that they were exhaustively gone into would be wrong, because there was not the time.

Now, regarding the financial report: was that discussed at length or not?—Well, the financial report, to tell the truth, was not quite ready—in fact, it was just as much as the members could do to get that ready by the time that we had to send it in to the Administrator on the 4th or 5th; anyhow, we had to send it in a few days before the December Fono of Faipule.

Did you yourself go into that financial report?—I did not check the figures because I did not have the time—in fact, I told them that it was a little lengthy. What I did go into more was the other part of the report referring to the figures, and not into the figures themselves.

Very well; you have told us that these reports were handed to the Administrator, and I conclude that through him they went on to the Minister?—The reports were sent to the Administrator by request of the Minister; it was part of the condition under which the delegation to New Zealand would be received by the Minister.

Once they were forwarded to the Administrator, were they referred back to you at all?—No, they were not referred back to us. They were sent on by the Administrator, and any mistakes that were found out in them we could not rectify because the originals had been sent to the Administrator for the Fono of Faipule, according to the request of the Minister.

You forwarded them with a covering letter, I believe, requesting that they should be forwarded or placed before the Minister?—Yes; that is in A.—4B.

We have had evidence, Mr Nelson, in your own evidence in State papers, that for various reasons the Minister did not come down. We have also had it in evidence (there is no need for us to pursue it further) that a delegation was to have gone up and that for various reasons it did not go. There was a Samoan petition put in which subsequently came before the House: when was that petition put in, do you remember?—That petition was sent to New Zealand to Mr. Vallance for him to put to Parliament through a member, as we learned that it had to go in through a member of the House. It was sent, I think, in March. It was prepared in January or February, and sent in March, I think.

It was sent in March?—Yes, signed in March and then sent away.

Do you know why it was put in?—That arose through the Administrator interfering with the *malaga* of the Samoan section of the committee.

*Mr. Meredith.*] Were you at the conference when this was decided?—Oh, yes. I cannot quite remember when it was or where it was.

Were you present at the discussions?—Yes, at some of the discussions. It was discussed more than once in conferences or meetings where I was present.

*Mr. Baxter.*] What we want to get at, Mr. Nelson, is for you to tell us what you know of your own knowledge. We do not want the discussions in detail?—The discussion followed along these lines: that if the Minister is not to come, and if the Samoans are not allowed to go to New Zealand, there is only one course to pursue, and that is to petition Parliament and let the case come before the House of Parliament or House of Representatives in Wellington. At that time there was a lot of talk that was brought into these meetings by members of the Mau to say that the people outside the Mau has said that when the Minister came he would not meet the Mau, but would only see the Faipule, and that prompted them to go direct to the House, because it was said that when the Minister comes here he will not see the Citizens Committee, but will only see the Faipule and the Government, and it made the Natives feel that they had to go to some sort of a tribunal.

Who prepared this petition, Mr. Nelson?—The original draft was prepared by the Samoan section of the executive—that is, the first six—I do not know exactly which of those. I think that it was Faumuina or Afamasaga (Lago Lago) or Alipia. Anyhow, it was one of those six.

Those are the six who were on the Citizens Committee?—Yes. It was submitted by them to the full meeting of the Citizens Committee, and we read it through, approved of it, and after making some erasures because I thought there was some reference to things which happened long ago which we thought should be cut out, and then the petition was typed, read out to the Natives by myself at the request of the Citizens Committee, and signed, and most of the signatures were signed in the presence of the Citizens Committee.

There are a number of signatures to the petition, Mr. Nelson: how did they come to be signed, can you say?—They were there and they heard it, and it was then resolved that only two or three from each district should sign and not more. But when they started signing there was some dispute because some of the districts had about five or eight, and before we could check them they had already signed. Then, after the first signatures were taken, the petition was sent down to Matau's office (he is the secretary for the Mau) to take any other signatures of such representatives of the Districts as had not been present on that day.

We know what resulted from that petition. Between the second meeting and the Minister's visit we know pretty well what happened, from the evidence of others; but before the Minister's visit, Mr. Nelson, there was all that time a sort of sub-committee, as we know from evidence: how did that arise?—That arose through the Natives coming in and expressing their wish to participate in the representations of the Citizens Committee. They wanted to leave a committeeman. Every district that came in wanted to leave a delegate here to represent them, so I was asked to appoint several others members to the original committee. I told them that I could not do it and I would not do it. The first committee was elected by the people at a public meeting, and I would not add to that committee except at another public meeting. The Samoan section of the Citizens Committee thought or said that to make it representative of all the districts to their satisfaction the Citizens Committee might perhaps consider a scheme where a large sub-committee could be formed in addition to the executive. This just grew up, each district sending a man to Apia with credentials to say that he was their representative. This statement was made over the signatures of the *matat*, and thus this committee to which the Samoans gave the special name "Committee Fa'atou," which means the supporting committee, grew up; and now they are all mixing it up and considering every man that belongs to the Mau as a committeeman.

This Samoan committee was operating by the time that the Minister arrived?—Yes.

Well, now, when the Minister arrived, the supporters of the Mau wore purple badges?—Yes.

What was the purpose of their wearing this badge?—Before the Minister arrived the suggestion was made by this big sub-committee to the executive committee that the people of the Mau should not in any way go together with the people who were not in the Mau, or associate with them in sports or anything. Well, the Citizens Committee did not agree with this, and said that would not be allowed. They asked how were they to be distinguished, and how was the Minister to be impressed, considering that he had been told that this Mau was only a handful of insignificant people. They said, "We have got to prove that we are not a handful of insignificant people such as official statements show," and after discussion it was agreed that to satisfy the Samoans they could wear a distinct badge, so that the Minister could see the incorrectness of the statements that had been made to him about this insignificant number of disgruntled people.

Well, the Minister was here on the King's Birthday; there were sports held at Lepea. In the first place, who started those sports?—The Mau committee—that is, the general or big committee.

Is that the Citizens Committee or the Native Committee?—The Native Committee. They asked for that, but in the first instance we recommended against it; but when they put it to us that if all the Mau people were allowed to be in town there might be too big a number and it might cause some confusion, and also to let the overflow, as it were, have some means of enjoying themselves, it was agreed upon. All the Mau boats were allowed to run, and the Mau people participated in the sports at Apia but what they considered was the overflow, for which there was no room, went to Lepea, and those who came to town could wear that badge to distinguish themselves.

We need not worry about the interview with the Minister, Mr. Nelson, because that is all in the State papers. The State papers also refer to other matters. Now, some time after the Minister left you received a letter as chairman of the committee telling you to have nothing further to do with the Samoans?—Yes.

Did you or did you not carry out the orders that were contained in that letter?—We called a meeting and told the Samoans we had to sever connection with them because we were threatened with deportation if we did not strive along the lines of the recommendation of the Minister to undo what we had done.

After that did you or your committee have anything to do with the continued running of the Native side of the Mau?—I left shortly after that, but, so far as I know, up to the time I left we ceased. There were one or two little matters to be considered, such as finance—they wanted to know one or two little things, and even in the face of the Minister's letter we could not cease to notify them where their cash was, &c.; but as to actual activities, such as to what they should or should not do, we refrained from actual activities in that respect.

Have you the Minister's letters here?—Yes. [Copies put in: Exhibit No. 51.]

Very well, then. Later on you went to New Zealand: what was your reason for going to New Zealand?—I went to New Zealand because I felt that the matter could not stand as it was. The Minister had stated that he had given us his last word. I felt confident that if the New Zealand Parliament or the New Zealand people could really understand the true state of affairs in Samoa these conditions would not be allowed to remain, and that the stage that had been reached at that time could not go on without trouble of some sort unless some redress was brought about.

*The Chairman.*] We have not got the date of your departure?—I left on or about the 1st July. When did you return?—On the 1st October.

*Mr. Baxter.*] What was the state of the community when you decided to go away?—The Samoans were in a very distressed state of mind. I do not know quite what to call it—unsettled, dissatisfied with conditions, more particularly by the handling of these matters by the Minister—or mishandling of them by the Minister.

What reasons would you give for the Samoans being in such an unsettled state—just the attitude of the Minister, or is there anything else?—Well, the unsettled state of the Samoans at that time grew out of the things that were happening: the intimidation and coercion exercised upon them—barring them from doing this, that, and the other, and from making their constitutional representations, having anything to do with Europeans, &c.; and all this tended to disturb the Native mind and make the Natives join the Mau; and then they were told that the Minister was not to see them. No attempt was made by the Administration to pacify them and tell them that the Minister did come to Samoa on their behalf as well as on anybody else's. When the Minister did see them it was only on a few days' notice, and but a day or two before he left. The whole of these conditions and these things made them more disturbed than ever, and dissatisfied and disappointed with the whole business.

Before you left I believe you received from Sir George Richardson a letter, which is printed at page 40 of the Joint Samoan Committee [Put in: Exhibit No. 51A]?—Yes, telling me that I would be deported, most likely, on my return.

Yes?—That is right.

Did you reply to that letter?—I did.

Have you got it? Your reply is not here: what was the gist of it?—I protested against the allegations that he made against me there.

*Mr. Baxter.*] Was there any correspondence between the committee and His Excellency as regards this question of sedition and disloyalty?—We replied protesting against this. Every accusation and allegation from him we have contested and protested against in writing.

There is a big batch of correspondence, but I do not wish to burden the Commission by reading it out—I think if I hand it over to my friend it would be the best thing to do. [Put in: see Exhibit No. 51.] It is all with reference to the members of the committee being charged generally with

sedition and disloyalty. That is so, Mr. Nelson?—Yes. The correspondence with the Minister was taken up by the Administrator after the Minister left, so we just carried on.

These are the minutes of the second meeting [book produced]?—Yes. [Minutes of the first and second meeting put in: Exhibit No. 52.]

You need not tell us about your visit to New Zealand because we know all about that. I believe you wrote up the report on Native affairs for the European side of the committee?—Yes, I wrote the report on Native affairs for the European side of the committee.

In regard to Native custom, or as to the Native social system, there is just one point that I wish to clear up in connection with the evidence given by Mr. Gurr, and it is this: when did the present system of government arise of having the Fono of Faipules for the whole of Samoa? The evidence is that Steinberger set it up in 1874: do you know if it has been carried on continuously since then?—There has always been a Fono of Faipules ever since there has been a Government. It may have been 1874. Whether it was for the district, or for the whole of the island, or the two islands, there was always a Fono of Faipules representing the different districts.

[Judge MacCormick.] Is that prior to the days when the Europeans were here?—Yes. Sometimes there might have been two or three different kings in the islands, but there has always been a Fono of Faipules.

That is a part of the matter which Mr. Gurr did not mention. What does the word "Faipule" mean in Samoan—that is to say, the particular Faipule that you are speaking about, the Faipule *fa'a-Samoa*?—He would be called a Faipule of the district.

What does it mean exactly?—The word "Faipule" means "authority," and "fai" is to make laws.

[Mr. Baxter.] The term in Samoan "*ali'i*" and "*Faipule*," what exactly does that mean?—It means a more respectful way of calling *tulafales* in that respect. There are two kinds of *matai* in the village, and they may be the *ali'i* and then there is the *tulafale*; but the *ali'i* and *tulafales* are all of the same rank.

[The Chairman.] Mr. McFarland tells us that a Faipule was synonymous to *tulafale* as an orator and a ruler?—It means chiefs and orators, and when you say *ali'i* and Faipule for the district, then the Faipule assumes really a higher meaning.

[Mr. Baxter:] The Administrator's report of the 12th July you need not make any reference to because it was dealt with at length in your evidence at Wellington, and it is before the Commission?

[The Chairman:] That is not before the Commission.

[Mr. Baxter:] It is a State document.

[The Chairman:] Let me inform you what took place in regard to the report in question, or the account of the proceedings of the Joint Committee. The first I heard of the matter was a letter received from Sir James Allen, the Chairman of the Committee, informing me that he had authority or had been given authority to say that the Commission would be at liberty to use the report for any confidential purpose. I at once replied that the Commission could not accept any confidential information of any sort or kind, and if the report was to be used it must be available to all the parties to this inquiry. The result was that I ultimately received a letter from Sir James Allen informing me that the report was available as suggested. Indeed, I received a cable just before arriving in Apia informing me to this effect. As you are aware, a printed copy of the report was handed to Mr. Baxter, but the Commission does not intend to allow that report to be included in the evidence, and the reason for this is that it consists of a mass of hearsay evidence. We are not concerned with anybody, and we have to conduct this inquiry as we think right, and we think it would be improper if we were to admit that evidence, or the report of the evidence which was taken before the Joint Committee.

[Mr. Baxter:] I quite appreciate that.

[The Chairman:] That part of the evidence of Mr. Nelson dealing with the report of the Administrator dated the 12th November is different. There is no objection to both the report and the reply being taken out and included. That would shorten the proceedings. There is no objection to that course provided Mr. Meredith agrees to it.

[Mr. Meredith:] We could give the pages and numbers of the paragraphs.

[The Chairman:] Is that suitable to you?

[Mr. Meredith:] Yes. (Put in Exhibit No. 52A).

[Mr. Meredith (to witness).] You were born in Samoa, were you not?—Yes.

And I think your mother was a Samoan?—Yes.

And your father was what?—A Swede.

And a European?—Yes.

I think you became a naturalized British subject, when?—I think in 1924.

And you have been trading in Samoa all your life—that is, carrying on your father's business after his death?—Yes.

He was a trader before you, was he not?—Yes, that is right.

I understand that your trading-stations are scattered all over Upolu and Savai'i?—Yes.

How many employees have you got in those various stations?—There would be just the trader and his assistant.

If there are two hundred stations would there not be two hundred employees?—There are only forty stations, and there are two in each station.

How many employees would you have in your various stations?—Including the assistants, I should think there would be about one hundred.

Would they be Natives, half-castes, or Europeans?—What would be the proportion of half-castes and Natives?—In that one hundred would they be mostly half-castes and Natives?—I think so—that is, mostly half-castes and local people.

You are the largest trader in Samoa, are you not?—I suppose I am. I do not know the figures of the other people, but I think I am.

You are generally recognized to be. You have always taken a prominent lead in Samoan affairs?—Wherever I have been asked I have attended, and I think I have the confidence of the people, and I have done whatever I could to express what they wanted me to do, and I have tried to do what I have been told to do to achieve the purpose of the Citizens Committee.

Both your firm and yourself hold the largest shares in the *Samoa Guardian*?—I have 500 shares out of 2,500. My firm took over a certain number of the shares and held them for disposal to anybody or to any local person requiring them.

How many shares are there?—What there are to-day I cannot say, but the total shares are 2,500. What my company holds to-day I do not know. As a matter of fact I have not had time to do anything in that direction since my return. However, I could find out, if necessary.

Did you see this article written by Mr. Gurr with reference to your arrival last Saturday [put in: Exhibit No. 57]?—Yes.

It practically stated that you were the recognized leader of at least a certain section of the community—that was the purport of it?—You are asking me about something which you might know more about than I do. He did not consult me about the article.

I did not suggest that you wrote it, or that you were a party to the writing of it: I suggest that you agree it is a fairly correct statement of the position which you occupy in the community?—That means that I must confirm that I am a jolly good fellow.

And that you have qualities of leadership, remarkable qualities of leadership, which are recognized by your being the acknowledged leader in the affairs of Samoa?—Well, Mr. Gurr (the editor) evidently thinks that I have. I did not say that others have gone to the same extent as he has done, but wherever I have been, either at public meetings or elsewhere, I have been shown the confidence of the public by their election of me to the chair.

And they put you in the position of controlling the meetings by electing you to the chair on all occasions?—I suppose you can put it that way.

You were absent from Samoa for some months prior to the first meeting held in the Market Hall, were you not?—I was away from Samoa for about eight months.

I think that prior to your leaving you were on the greatest terms of friendship with the Administrator?—Well, we were socially friendly. We did not agree about many political matters, and I did not refrain from telling him about these.

Your personal relations were excellent, were they not?—Absolutely.

And you were prepared to help and assist him in every way you could?—Yes.

While you were absent from Samoa I think you corresponded with him, did you not?—Yes.

And I think the letters that you received from him indicated friendship on his part towards you personally?—Yes.

I think he arranged for letters of introduction for you to meet the Ministers on your return to New Zealand?—He sent me some letters to see his friends.

At any rate, he was doing all he could to make your trip enjoyable, was he not?—Yes.

Did you write to him during that period in reply to his letters?—Yes.

I suppose your letters were couched in the same terms of friendship?—On social matters; but there was a matter where I had to tell him where I differed from him in certain respects.

What matter was that?—There was more than one matter.

What were they?—We disagreed with one another about the question of the American naval visit to Samoa, which was brought up.

That was a matter with Mr. Williams?—Yes.

That was purely a personal matter with Mr. Williams?—I did not take it that way.

It was not a matter that touched the politics of Samoa?—Well, there was some concern and disappointment expressed by the people at that time.

You told him about that?—I think the letters are in my evidence if I am not mistaken. However, he wrote to me saying—

Your letter is not in the evidence—that is, the letter that you wrote is not in?—I thought it was in the evidence.

While you were away you received letters from Mr. Williams and Mr. Westbrook, did you not?—Yes.

Did they give you news of what was happening in Apia?—Mr. Williams wrote to me and sent me the debates in the Legislative Council.

Have you got any letters that were sent to you by Mr. Williams, Mr. Westbrook, or Mr. Gurr?—I do not think that Mr. Gurr wrote to me.

Have you the letters that Mr. Williams and Mr. Westbrook wrote to you?—I cannot say. I do not think that I have any of Westbrook's letters. He writes sheets, and if I attempted to file them it would have taken a special file.

You have not got them: have you any of Mr. Williams's letters?—I might have.

Will you produce them?—If I can find them I will produce them.

Was there anything in those letters in regard to the present trouble?—In the letter from Mr. Williams he mentioned the naval incident.

*The Chairman*: You have to remember that this report will be before the League of Nations, and if you desire to show what kind of matter Mr. Williams's episode was you will have to obtain it very briefly from the witness. If you refer to Mr. Williams's matter no one will know what you are referring to.

*Mr. Meredith* : I will put in details of that in later. (To witness) Did Mr. Williams in his letters give you any details of these matters with respect to Samoa that are now being discussed by this Commission?—I think so. I will look up the letters.

Can you not remember, Mr. Nelson, whether there was any matter of this kind in those letters?—Oh, yes. He wrote to me to the effect that the Administrator was going on in the same way as before in respect to his Native policy. I knew before I went away that these conditions existed.

So you did not take much notice of what Mr. Williams told you in those letters—it did not disturb you?—He wrote to me in one letter that Mr. Westbrook had just arrived, and that it would be better for me to visit Wellington and lay the condition of things as I knew them before the Prime Minister.

Did Mr. Williams ask you to do that?—I think he did.

It could not have been anybody else but Mr. Williams?—Mr. Westbrook wrote to me and informed me that things were very bad here, and that there were thousands of coconut-trees being cut down over one thing and another.

I am only referring to matters which you brought before the Minister?—I have it in some of the letters of Mr. Westbrook and Mr. Williams that I should return to Samoa via Wellington.

And they suggested that you should see the Minister and make complaints to him?—Yes, I think, both of them.

Did you communicate with the Administrator over these matters and inform him that, as a serious position had arisen, you had been asked to see the Minister on your arrival in Wellington?—No.

Do you not think it would have been fair to him, considering the friendly correspondence that passed between you both, to have let him know?—Well, I had to consider the interests of the Territory. As a matter of fact, I had no time to do this, as I only made up my mind to go to New Zealand a short time before I went over.

So you launched this attack on the Administrator and the Administration in Wellington without any previous indication to the Administrator that you were going to do so?—There was hardly a point that I raised in Wellington that I had not previously spoken to the Administrator about.

Did you intimate to him that you were going to bring up these matters before the Minister in Wellington?—No.

You had decided to take that course as a result of the correspondence which you had received from Mr. Williams and Westbrook?—Yes.

Do you know that Mr. Williams said that he did not ask you to go to Wellington, as he did not know that you were going there?—I did not know that he said that.

He has said it, and apparently you did not get that from Mr. Williams?—Quite possibly.

If you did not get it from Mr. Williams you did not get it from Mr. Westbrook?—It could not have been from him.

You said that Mr. Westbrook's letters were of such a nature that they were not worth keeping?—I would not say that they were not worth keeping, but that they were too bulky to keep.

He was very profuse in his writings?—Yes.

And as admitted by him here, he has got a perfect disease for writing, has he not?—I did not hear him admit that.

He admitted that he has been writing to the newspapers for the last twenty years—you know the reputation he has got in that respect?—He writes a wee bit too much.

Would you be justified on the one hand in keeping on friendly relations with the Administrator while you were away and then launching an attack on him, without any notice being given to him, as a consequence of correspondence received from the gentleman who you say is prone to writing a wee bit too much—was that a fair thing?—On the Administrator?

Yes?—I do not consider that it was unfair. He is a public man, and surely he must be subjected to criticism. When I was in Wellington I told the Minister the position as I found it, and I did not consider that I had to consult the Administrator as to what plans I had to carry out, or whether our personal relations should not be sacrificed when it was a question of the interests of the Territory that had to be taken into consideration.

Did you not take a serious view of the position on the writings of Westbrook?—No, I knew the position before I went away.

Did you have the data at your finger-ends when you saw the Minister?—I did.

When you returned to Samoa you had a meeting with those three gentlemen, had you not?—Yes.

And the matter was discussed?—Yes.

*The Chairman* : Do you propose to put in those letters, Mr. Meredith?

*Mr. Meredith* : Which letters are you referring to, sir?

*The Chairman* : The friendly letters which passed between the Administrator and Mr. Nelson. Your examination would be incomplete without them.

*Mr. Meredith* : I quite recognize that. The Administrator's letters appear in the report of the Joint Parliamentary Committee. [Put in : Exhibit No. 53.]

*The Chairman* ] (To witness): Do you propose putting in your letters?—My letters to the Administrator were also handed in by Mr. Hoggard before the Joint Committee in Wellington. I do not know why they do not appear.

I would like to see them?—They were put in, so far as I am aware.

There is reference in the report to it. You promised to hand them to Mr. Hoggard, but evidently he did not put them in?—Mr. Hoggard promised to hand them in, but evidently he overlooked doing so.

*Mr. Meredith.*] Those letters [extracts from letters read out] are the letters which you received?—Yes.

You left Samoa on the 3rd February, 1926, and returned to Samoa on the 24th September, 1926?—Yes.

There is no trace in any of the letters referred to in the report written by Sir George Richardson and yourself which shows any disagreement between you on important matters of administration?—I spoke to him about banishments; but on every occasion when I had spoken to him about matters that he did not agree with he led me to believe and understand that he did not want to discuss them with me.

I am putting this question to you, Mr. Nelson, in fairness to yourself. I assume that the Administrator will be called—I do not know what the Administrator is going to say—and I put it to you, so far as these letters are concerned, that there is no trace of any disagreement between the Administrator and yourself on important matters of administration?—No. Where the Administrator raised the question of the Williams incident my letter will serve to show that I differed from him, and told him so.

But the Williams incident is a social matter?—He even talks of international complications as a result of that.

*The Chairman.*] A social matter may be the cause of international complications—the disregard of the courtesy which one country owes to another frequently causes international complications?—That is so, sir. I wrote to the Administrator about the shipping matter, and I gave him my views on that subject, as will be seen by my letters which I handed to Mr. Hoggard, and I thought they would be put in.

That could not have been the subject of friction—that is, the question of the shipping matter between you and the Administrator?—No; but what I am trying to show, sir, is that where I had cause to disagree with the Administrator I have not refrained from telling him when I had the opportunity, or had been given the opportunity, but it has not always been the case that I have had the opportunity of telling him.

*Mr. Meredith.*] The three letters which have been referred to are correct copies of the letters that you received from Sir George Richardson while you were away, are they not?—I should say they are, because the original of these copies were made from the originals.

Did you take copies of your replies when you replied to the Administrator?—Yes.

Have you got copies of your replies?—I handed the whole correspondence to Mr. Hoggard.

Have you got them here?—I must have them in Apia along with the other papers that I brought back with me.

Could you let the Commission have copies of the replies to those letters?—Yes, if they are in the office.

*The Chairman.*] You understand, Mr. Nelson, that I should hesitate to ask you to disclose your private correspondence, but these letters—that is, personal letters from Sir George Richardson to yourself—were put in by your counsel, were they not?—Yes.

And that opens up the matter?—Exactly; I quite understand, sir.

*Mr. Meredith.*] You will let us have those copies as soon as you can?—Yes, if I can find them, and, if so, I will bring them along with me this afternoon. [Put in: Exhibit No. 53.]

When you returned to Samoa you had a meeting with the three gentlemen previously referred to?—Three of us all told.

I understand there was a reception given to you on your return to Samoa?—That is right.

And amongst others who spoke on that occasion I think the Administrator did?—He gave the official address of welcome on behalf of the citizens.

And, briefly put, he expressed great personal friendship towards yourself?—Yes.

And indicated at that time that he looked on you—

*The Chairman:* It is printed here.

*Mr. Meredith:* It is in print, and we could put it in if the Commission desires.

*The Chairman:* At what page does it appear?

*Mr. Meredith:* Page 32. (To witness:) Will you please read the speech made by Sir George Richardson at page 32 of the Joint Committee's report and see if it is a correct speech. [Put in: Exhibit No. 54.]?—I believe it is. I think it is.

You think that is a substantially correct report of what was said?—Yes.

*The Chairman.*] In his speech the Administrator says, "Mr. Nelson as a colleague has my whole-hearted sympathy and friendship, and I hope that I shall always be able to retain that friendship long after I have left Samoa." The Administrator goes on to say, "I am only captain of your ship for a short period, and my duty is to command that ship and keep it on the course that has been set for me. It is my ambition to be able to say in after-life that while I commanded this ship it made good progress along a true course, the engines were in good running-order, and the crew were a loyal and efficient crew who did their best to help their captain. Mr. Nelson will, however, be with you always, and I wish him long life, happiness, and may his prosperity increase." What was the date of that?—28th September.

*Mr. Meredith.*] When was the advertisement calling this meeting published in the newspaper?—I think it would be the first two weeks in October. The date is about 8th October.

You replied at that meeting?—Yes.

And here is a report of your speech dated 15th October, 1926. Apparently this was reported in the *Samoa Times* of 15th October, 1926?—Yes.

You might glance over your remarks there and see if they are substantially correct; I take it that that would be correctly reported [copy of speech handed to witness]?—I think that is about right.

In your reply I think you expressed feelings and sentiments towards the Administrator equal to those which he had expressed in his speech towards you?—Yes.

Amongst other things, you said in your speech, “The spirit in which you have come here to-night with your worthy consort to honour a private citizen and a Native of Samoa shows your sense of fair play and good British sport. Your kindly letters to me while away from my home, your very thoughtful telegram of welcome on the day before my arrival, and your wonderful speech to-night all go to prove your tactfulness and kindness of heart. One cannot help feeling more confident than ever that a representative of the people may represent public opinion before you and the community without inciting personal animosity. I thank you again, and ask you to accept my sincerest good will and respect in your social and official life in Samoa. For Lady Richardson I pray that God may grant her health and strength to long remain here to comfort and encourage you in your official duties, as well as take the lead in our social life.” Those were the words you used?—Yes.

Had you told the Administrator at that time that you had laid charges against the Administration before the Prime Minister and the Minister of External Affairs?—No.

And the charges that you made before them were that the Administration had been unfair in their treatment of the Samoans, were they not?—Yes, that is right.

How long was it before you made that statement that you made those charges to the Prime Minister and the Minister of External Affairs?—The difference between the 1st and the 28th.

That is, within a month?—Yes.

Did you tell the Administrator that you were going to call a public meeting before you actually called it?—No; but it was advertised in the paper.

Yes, the public meeting was advertised in the paper, but did you tell the Administrator that you were going to call a meeting, as well as the object of the meeting?—No, but I think the objects of the meeting were published in the paper.

Had you mentioned one word to the Administrator about the matter?—No.

This was the public notice, was it not: “The elected representatives of the Legislative Council of Western Samoa have formed themselves into a provisional committee to convene a public meeting for Friday, October 15th, at 8 p.m., in the Market Hall, to consider representations to be made to the Hon. W. Nosworthy, Minister of External Affairs for New Zealand, on his forthcoming visit. All are invited to attend.” That was the notice, was it not?—Yes.

And you have told the Commission that you had not mentioned one word to the Administrator before that notice was published?—No.

Before the meeting was held did you mention to the Administrator what was the object of the meeting, or did you leave it to himself to see it in the newspaper?—I did not speak to him, and he should have seen it in the newspaper.

And you left it at that?—Yes.

And you left it at that after accepting his kindly words at your reception, and after your remarks wishing him every success in his social and administrative duties in Samoa?—Yes.

As a fair man, Mr. Nelson, do you think it was right, after accepting those remarks from him at your reception, that you should not have told him what you were doing? I ask this question from you as a fair man, Mr. Nelson?—The matter was decided by the public meeting.

Did you not owe a duty of friendship to the Administrator?—I did not have to consider the friendship of the Administrator when the public meeting decided on it, and it was not necessary to get his confirmation or criticism about it. He did not tell me when he ruled against me.

That is your view?—Nor does he show me his official correspondence about the matter.

Did you know the night of your reception that you were going to hold this meeting?—No.

When did you have the meeting in Sam Meredith’s house?—I think it was between my coming and the night of the reception—I am not sure. However, I think it was within six days.

That was before the Administrator made this speech at your reception, was it not?—Yes.

You knew this meeting was to be held?

*The Chairman:* He did not say so—he said that he did not know. Toefaeono said that it was decided to hold the meeting. Mr. Nelson has said in his evidence in chief that he took that to be a mere courtesy visit. Is that not your recollection, Mr. Baxter?

*Mr. Baxter:* That is the answer I received, sir.

*Mr. Meredith.]* The meeting at Meredith’s house was before the night of your reception—that is clear?—I think so, but I cannot exactly say. It could not be far away—it would be about that time.

I am going to put it to you that it was before: will you agree with that?—Yes.

At that meeting there were present yourself, Mr. Meredith, Mr. Williams, Mr. Westbrook, Faumuina, Malietoa, Lago Lago, and Tuimaleali’ifano?—Yes.

Was Mr. Westbrook there?—Yes, I think so.

He was there when you got there?—I cannot say.

Some of the Natives were not there, were they?—I really cannot say. Candidly, I do not know that he was there. It took me a little while to recollect the whole incident, because there were several receptions at that time.

Malietoa and Toefaeono were sent for from Meredith’s house, were they not?—I cannot recollect that.

Perhaps I might remind you that Toefaeono has said that a car was sent for him and Malietoa, and that when they got there you were there?—That is quite possible.

You will not deny that?—No.

And that Tuimaleali’ifano was there before they got there: would that be correct?—I am prepared to accept that.

And that Faumuina came later?—Yes. I am not saying that I can recollect that it was just like that.

But you will not deny it?—No.

Malietoa and Tuimaleali'ifano are the two *fautuas*, are they not?—Yes, that is right.

Now, Lago Lago has sworn that at that meeting it was decided to hold a public meeting in the Market Hall: will you contradict him?—Yes, I can safely say that the meeting at the Market Hall on the 15th October was not the outcome of any decision that was arrived at at that meeting.

And Toefaeono has said the same thing: will you contradict those two witnesses on oath?—That it was arranged to do what?

It was arranged to call a public meeting, and that both sides were to be represented?—I would not say that it was like that.

Are you prepared to deny what those two men have said as true?—I would not like to deny that they said it, and understood at that meeting that a public meeting was to be called. They may have been under that impression quite correctly. On the other hand, the public meeting was called after a preliminary meeting had been held with Europeans and they agreed to it.

Did not Tuimaleali'ifano and Malietoa decline to come in?—They did not do anything of the sort.

Did they not tell you at that meeting at Meredith's house that they would not have anything to do with it?—I did not hear them say that.

Now, you will agree that they did not come in to any further discussion in connection with these reports or meetings?—No, not at the open meetings; but I know that they sent letters and messages and other communications to say that they were heart and soul with the Mau.

Can you produce one communication from Malietoa?—No, I do not think that I have one here; they were just little slips sent along.

But you cannot produce one?—No, but evidence can be brought to this Commission if necessary.

I am asking you if you can produce such evidence?—Yes, by people who have come to me from Malietoa.

We do not want that. You made an allegation that you had correspondence from him, and I want you to produce it?—I had one letter sent to me, and there was one sent to Mr. Meredith one morning.

But you cannot produce anything in the way of correspondence?—It was only slips of paper. I might have one in my possession, and I will produce it if I can find it.

Please see if you can find one. I will go on with Lago Lago's evidence. He says that it was decided to advertise the meeting in the *Samoa Times* and to screen it at the picture-show: do you contradict that that was arranged that night?—Yes; I do not think it was arranged that night. The screening at the picture-show was just before the meeting.

Will you contradict Lago Lago on that point?—Yes.

You intended that Natives should be there?—Yes, I intended that if the Natives came in I would not debar them.

Was it not arranged that they should be there?—How arranged that they should be there?

You desired them to be there?—I would not put it that way. Faumuina or whoever was at that meeting said that they would like the Natives to be at any meeting to be held, and I said, "I do not see any reason why they should not be."

You mean at Meredith's house?—Yes, at Meredith's house.

Then the holding of the meeting, and the Natives and Europeans being there, were discussed at Meredith's house?—They asked me in Meredith's house what had happened, and I told them that I had interviewed the Prime Minister and the Minister of External Affairs; that the Minister of External Affairs was coming to Samoa, and that we would have an opportunity of presenting any grievances or other representations that we wished to make, and the form in which they were to be presented; but there was nothing settled at that meeting. Suggestions might have been made that public meetings were to be called, but I cannot definitely say or admit that that public meeting was the outcome of the talk at Meredith's house.

How could Faumuina and Lago Lago have discussed with you about their being present at the meeting if you were not discussing the holding of the meeting at that time?—We were discussing that a meeting would be held some time or other.

A public meeting?—Yes; and after a public meeting was to be held they asked whether there would be any reason why they should not come in. I said that I did not see that there was any reason to stop them. However, nothing was arranged that night.

*The Chairman.*] Did you contemplate joint action by yourselves and the Natives in making representations to the Minister: you understand what I mean—that is, joint action by the *papalagi* and the Samoans?—I had contemplated joint action being taken if the Samoans decided to join.

That is exactly the same thing: you did contemplate that there should be joint action?—Yes, and I for one would not disagree with it.

Would you pardon me asking you this question: would not such joint action be an isolated event in the history of Samoa?—In this particular part of politics I suppose it would be the first.

Never mind particular parts?—We have had joint action.

In connection with political matters?—As I mentioned in my evidence, we discussed all matters that could be called political matters and copra matters.

That is a different matter—that is a trade concern?—Confidential matters in politics were allowed to be discussed.

I only want to understand the position, and I really want to get the facts. Do you say, then, that it has happened before that controversial political questions have been the subject of joint action by the Europeans and Natives?—Not in a voluntary form, that I know of, in my time.

*Mr. Meredith.*] There have been previous petitions presented before in which you have been concerned?—Yes.

There was a petition signed and sent to the German Government, in 1910 I think it was?—Yes. You were a signatory to that petition?—Yes.

That, of course, was purely a petition by Europeans?—Yes.

And I think there was another petition signed by the Natives—Faipules, I think, in 1921: do you know of that, asking that the Government administration should be removed?—I heard about it.

That was purely a Native petition, and you had nothing to do with that?—No.

Then there was a third petition, the Native petition that was sent some time in March of this year, which was signed by the Natives; and then, of course, there were the activities of the European committee?—Yes.

They were almost coincident?—Yes.

So the position is this: we have three petitions that we know of, one to the German Government, to which you were a party; the Faipules' petition, to which you were not a party; and the third one that has arisen just recently, in which you are an indirect party?—Yes.

And you have said that this last occasion is the first occasion on which Europeans and Natives have joined forces in connection with a political movement?—Yes.

I just want you to go back for a moment to the Native petition in 1921: that was signed, I think, by the Faipules on that date?—I think so.

When did you hear of it—was it after it was forwarded?—What date was it?

About the 15th July, 1921.—I cannot exactly remember. I remember that a copy of it was shown to me.

That was after it was signed?—I do not know whether it was signed or not, but a copy was shown to me, and I only made one remark to the person who showed it to me, and it was something to this effect: "You are entitled to make any representations you like or any objections you like; but there is one part in here which I regret is included." He said, "What is it?" I said, "It refers to America." I said to him, "I am not going to advise you, but if I was going to advise you I would confine it to Samoan matters—that is, matters between yourselves and the British mandate, but I would cut out any other outside business."

Did you not have a meeting with the Faipules in your office before that petition was signed? please answer the question Yes or No?—No.

If I were to produce several Faipules before this Commission who said that you did, will you contradict them?—I will. I had a meeting with the Faipules when I returned in 1921, and that was over a different matter altogether.

You know Afamasaga well, do you not?—Yes.

At that time he was a Faipule, was he not?—Yes.

Did you not arrange with him to ask the Faipules to come to your office to see you before this petition was forwarded? Let us have no mistake about this matter?—No.

At that time your home was above your store, was it not?—Yes.

And the Faipules came at your request, and by a message, to see you at the store?—Not with respect to that petition.

Anyway, you will swear definitely that you did not discuss that petition with them before they signed it?—Yes.

That will be an issue between you and the Faipules?—That is all right.

*The Chairman.*] That is put a little bit too widely. What Mr. Nelson has said is that he did not discuss the petition at any meeting in his office—he has only said that there was some casual reference to the petition?—The only time I say the petition was discussed was when it was shown to me, and that it referred to America in one part.

*Mr. Meredith.*] Was there not in that petition a similar application about prohibition that was asked for in the European Committee's report? Did not that petition contain a clause asking for the restriction of prohibition affecting Europeans being lifted? Was not that also in the Native petition?—I believe it was, but I cannot vouch for it. I can say this: that if any of the Faipules say that I had influenced them in any way I would deny that statement.

I did not say that you drafted it. I am going to put it to you that Afamasaga drafted it and that you knew he had drafted it?—He did not come to me with it. It was shown to me, and I was told that Afamasaga had drafted it.

Was it told to you that it was Afamasaga who did that?—Somebody showed it to me, and I thought I knew his style.

Where was it that you saw the petition?—In the upstairs veranda.

And two of you were by yourselves when you were shown the petition?—I believe we were. I will not swear that nobody else was there.

There can be no confusion or mistake about this: the incident I am referring to in your office is when there were at least half a dozen Faipules there?—There might have been half a dozen Faipules, but never have they come there by my invitation to sign this petition or any other petition. There might have been more than six Faipules in my office at different times, but not at my invitation. They might have come there to get my advice on this petition, but I cannot recollect that they ever came to my house "Tuaefu" in 1922.

I am going to put it to you that the two *faiva*s were also there on that occasion?—By my invitation?

Will you deny that they were there?—

*The Chairman.*: That question is not complete—it is not fair: you must complete the question. They may have been there on many occasions, but you have to give a specific time.

*Mr. Meredith.]* Was not Malietoa and Tuimaleali'ifano in your office on an occasion when the subject of this petition was discussed—Yes or No?—I do not remember that they were there at any time when this matter was discussed. I do not remember that any of the Faipules came to my office at any time. If they had been there for any other reason I cannot say that they have not. I am sure that I had never called a meeting.

Leaving out the question of the Natives with respect to their troubles, Mr. Nelson, what are your particular grievances against the Administration?—I have stated them.

Could I take prohibition?—Yes, that is one.

Legislative Council is another?—Yes.

And copra?—Copra is only lately. Another complaint by the merchants is in regard to advances made by the Government in regard to copra, and this was only two or three months ago. I certainly complain about the copra to-day, and I say the present system is a costly experiment.

Do you agree with what has been stated by other witnesses, that the Natives are suspicious in their character or prone to suspicion?—Yes.

And when that suspicion is aroused it is difficult to allay it?—Yes.

You will remember the Lauati incident, do you not?—Yes, I do.

There was nearly serious trouble in Samoa over that incident, was there not?—Yes.

You know I'iga?—Yes.

He is the only survivor in Samoa of the deportees of that incident, is he not?—I think so.

You know the whole story, do you not?—Yes, as well as most people.

Was not the trouble caused by the Natives being informed that the Germans were hiding their money?—I understood that what they asked for at first was some statement as to the finances of the country.

As a result of that information being spread amongst the Natives serious unrest was caused?—The unrest was caused because the statement on finances was not produced, and this made them suspicious.

And it resulted in the necessity for warships being brought here and several men being deported?—Yes.

Knowing the character of the Natives, and knowing what had happened in the past, I suggest to you that the bringing-in of Natives and making complaints on their behalf was a matter that should have been approached with caution?—Yes. Are you suggesting that I did that?

I am putting an abstract question to you at the present moment?—You are not suggesting that I am making complaints, are you?

Not in the meantime. Did you consider the possibility of causing unrest amongst the Natives when you decided to bring them into your public meeting?—I cannot see that there was any cause of unrest amongst the Natives, because the sole object of allowing them in and of holding a public meeting was to consider how representations may be made to the Minister, and nothing more.

At the first meeting you took the chair?—I was appointed to the chair.

That is a position that naturally falls to you, as you have told us, on every occasion?—Perhaps you might put it that way.

And you addressed the meeting at some length?—Yes.

And I take it that what was said in the copy of the minutes that was put in by Mr. Baxter is substantially a correct report of what you said?—Yes.

At that meeting I think you said a committee was set up of six Europeans and six Samoans?—Yes.

And a subsequent meeting of this committee was held, I think, in your house shortly afterwards?—Yes, several meetings.

I am referring to the first one?—A meeting was held next day, to send a telegram, if I am not mistaken.

When were the sub-committees set up to make out the various reports?—I think it was the first or second committee meeting after it was elected.

Mr. Cobcroft was a member of that committee, was he not?—Yes, he was.

Do you remember a conversation between Mr. Cobcroft and yourself at one of those early committee meetings about bringing in the question of Native affairs?—Do you mean at a committee meeting after the committee was formed?

At the first or second committee meeting after the public meeting.—I cannot recall the incident. We did discuss it at length afterwards. Do you mean before he resigned?

Yes, and when he said to you that it was an improper thing to bring the Natives into it, and that he and the planters would have nothing to do with it if you did. I put that to you because he is going to swear to this. Did you discuss this with him?—I might have, but I do not remember. We did discuss the matter, and he did say it ultimately after he resigned.

After the second meeting he resigned publicly. There was a discussion, and Mr. Williams has told us there was?—I am prepared to accept that there was.

Are you prepared to accept that Mr. Cobcroft did say to you that it was improper to bring the Natives in?—I do not remember a statement like that from Mr. Cobcroft until afterwards.

I am speaking of the time when you said to him, "If the Government uses the Natives to get prohibition on to us, then why not use them as a lever now?" Did you say that?—No, neither then or at any time.

There is no mistake about that on your part?—I certainly made reference to the matter, but not in that way about prohibition. As I say, I made reference about prohibition, but not in that way.

How do you suggest that you said it?—I do not claim that it was before his resignation, although we might have discussed it before that. When he did raise the question as to the advisability and wisdom of our having Natives together with us I said to him, "Well, do you not know that we have

made representations before about what you require, and we are always blocked by the remark that is made to us, 'We are here for the Natives only.' They only want to hear the Natives—they are here to take care of the Natives. If, therefore, the Natives make any representations, well, we have to consider the whites."

I understand that that is a general conversation you had with Cobcroft. Do you suggest that you said nothing like what Mr. Cobcroft says you did say?—What did he say?

You said that the Government used the Natives to get prohibition on to us, and it is a fair thing to use them to get it on to them?—I did not make such a statement as that, to use the Natives in that way. That may be in his mind.

You will deny it?—Certainly; it never occurred to me to do it.

*Mr. Baxter*: There is just one matter that I wish to mention, sir, and it is that during the cross-examination of Mr. Nelson this morning there was a reference made to the German Administration and the money matters of the German Administration. They were not made by my client, and my client did not answer them, and he wishes to make it perfectly clear that he did not express any opinion on them.

*The Chairman*: Very well. Do you regard your statement as sufficient?

*Mr. Baxter*: That is sufficient.

*Mr. Meredith*.] Just before the luncheon adjournment we were referring to the conversation between Mr. Cobcroft and yourself, Mr. Nelson. There was a second meeting on the 12th November, was there not?—Yes.

And in the afternoon, before that meeting, we have been told that the sub-committees brought their reports forward for consideration?—Yes.

And you in common with other members said that there was very little time to go through them?—Yes.

So that they were not really considered?—They were considered as much as we possibly could. The shorter reports were considered, but so far as the longer reports were concerned we could not consider them.

You mean that you could not properly consider them?—That is right.

But they were produced to the meeting in the afternoon?—Yes.

At the commencement of that meeting a letter was read by Mr. McCarthy?—Yes, a letter was handed to me first from the Administrator asking me to allow a message from him to be read.

Which you did?—Yes.

And Mr. McCarthy read it?—Yes.

A copy of that letter is set out at page 20 of the Joint Committee report, is it not?—It is also contained in the proceedings of the second meeting (see Exhibit No. 52), and a copy of this has been filed this morning.

Do you disagree with the position as it is laid down there, that it is unwise to bring Natives into these disputes?—I do.

You could foresee no trouble arising through bringing them in?—There would have been no trouble if the matter for which they were brought in had been carried out.

Following the reading of that letter you made a speech to the meeting?—Yes, and leaving it to the meeting to decide as to whether it was right for us to continue or whether we should not.

And the report of your speech contained at page 22 and part of page 23 of the Joint Committee report is a correct report of what you said [see Exhibit No. 52]?—My speech is also recorded. I read the proceedings of the second meeting very closely, and I think it is correctly stated there.

I put it to you that in the position you occupied you could have swayed that meeting just where you thought fit, could you not?—I do not think so.

Amongst other things in your report you say, "Indeed, as to the politics belonging to the Europeans and those which belong to the Samoans, I say, which belong to which?—Whose interests are finances? Do they belong to the Europeans? I say, no. The Samoans are the largest taxpayers. When we talk of the Legislative Council, who deliberate and legislate on the Territory's finances, should they have the power to legislate for the Samoans, who have 95 per cent. of the population? I say, no. Everywhere we move the two interests mingle; yet I say that His Excellency has adopted the policy of causing dissension between Samoan and European, and has tried to discredit the trader in the eyes of the Native. Have we not been told from the house-tops that all laws are made for the future welfare and development of the Samoans? In what way can they be led to advancement and self-help? By intimidation? I say, no. Is not His Excellency open to criticism? As the Administrator and His Majesty's representative I say, no; as Prime Minister, I say that he is open to criticism, and the Samoans have a right to criticize. Are we going to submit to intimidation? The British flag was not made for that. The Samoans have always been a free people, and a free people they shall remain." Later on, at page 23, you say, "As far as I am concerned, this meeting may proceed, but not without the consent of the rest of the meeting." Now, Mr. Nelson, I put it to you that you were making statements reflecting on the fair dealing of the Administrator?—I do not agree that he had any right to interfere with the meeting, which was held for the main reason of preparing reports to be presented to the Minister of External Affairs on his visit.

And you put to the meeting that in your opinion it should continue?—They were my sentiments and you expressed them?—Yes, I did.

And the meeting was continued?—After many speeches had been delivered and a vote was taken

I take it, Mr. Nelson, that, as you had no opportunity of going through those reports at that time, you took the first opportunity of going through them?—No, I must admit that I did not go carefully through them. There were too many things happening one after the other at that time which were never meant to have taken place when the meetings were first convened.

You surely knew the probable effect on the Native minds as a consequence of those reports?—Yes.  
 You knew the confidence that they had in you and the European Committee, did you not?—Yes.  
 You knew that they would take what you said and would accept what you told them as being true, did you not?—Only after they examined us and found us to be worthy of their confidence.

Had they not examined you before and found you worthy of their confidence?—Yes.

So that when you put forward those reports you had their confidence?—Yes.

And you knew that they would rely on you?—Yes.

Was there not one of you who had taken the trouble to examine those reports to see if they were correct?—I did not. I left it to the sub-committee that was in charge of the different reports. The report that I made I can vouch for, and I agree still with many sections of the reports that were made by the others.

I take it you read the reports?—Yes.

And even though you did not check the figures you saw the reasoning based on them in the reports?—Yes.

And you adopted the reports?—Yes.

And put your name to them?—Yes.

I take it Mr. Nelson, that you claim to have the interest of the Natives at heart?—I do, and I say it now.

And you are interested and keen to see that suffering and disease are kept from them?—Yes.

That would be a serious matter for you to consider?—Yes.

And it would cause you much trouble if there was any risk of that not being carried out?—Yes, that is right.

You know, do you not, the value of preventive medicine?—Yes.

And you know it as it particularly applies to the tropics?—Yes.

And you also know that to get effective results there must be co-operation between the Natives and the Medical Officers administering public health?—Yes; but co-operation must come from both sides, and not intimidation from one side and submission from the other.

I quite agree with that, and to disturb that is likely to upset any good work that may have gone on?—Yes, if the confidence was there.

The question of combating tropical diseases is a matter of science, is it not?—Yes.

And it is a matter of scientific research and of great knowledge on the part of the persons carrying the work on, is it not?—In the institution of treatment there is science, but in the administration of such treatment it does not necessarily require a certificated doctor to do it, because Native practitioners could do it in their place.

Do you suggest seriously that the average Native is able to value research work?—Perhaps not.

Did you before adopting the medical report take any steps to study the vital statistics of Samoa?—I have.

And did you not find that the results were very gratifying?—As compared with what?

As compared with past years?—In comparing the years '18-19 with the previous years it was very unsatisfactory.

Have you got the figures?—I have seen them.

You are aware that in that year there was an epidemic here?—Yes.

Do you consider that by taking that year when there was an epidemic in existence here that that is a fair comparison?—The other portion of American Samoa was able to prevent it.

Do you suggest that an epidemic is always a matter that is capable of prevention?—Prevention might have been effectively used, but it was not.

I will come back to that in a moment. Yaws has to a great extent been eliminated?—Yes, a campaign for yaws started before the war.

And has been brought to an almost satisfactory conclusion?—Yes, and this would have been done no matter what Administration was here.

And hookworm has been successfully prevented?—Yes; it is a new development. We did not know anything about it before.

Do you claim to be an expert in medical matters?—No, I do not.

I take it that you will not contest the standing of Messrs. Buxton and Hopkins in the medical world?—No.

I take it that you have seen their report?—I have seen some of them.

In their book entitled "Researches in Polynesia and Melanesia" the following occurs: "The whole Department of Health was with us, Europeans and Samoans alike, and in particular Dr. T. Russell Ritchie, the Chief Medical Officer, and Dr. J. S. Armstrong, in charge of the Apia Hospital. It is perhaps not impertinent to state that New Zealand provides a Public Health Service which might serve as a model to any small tropical country, and that the administration of that Department seemed to be characterized by vision and forethought." Did you see that when you made that report?—I do not know that I had seen that when I made the report.

When you accepted that report you had not seen that?—Is that referring to New Zealand's administration of Samoa?

That is a report on Samoa?—New Zealand provides in Samoa public-health services.

It says in that report: "The whole Department of Health was with us, Europeans and Samoans alike, and, in particular, Dr. T. Russell Ritchie, the chief medical officer and Dr. J. S. Armstrong, in charge of the Apia Hospital"?—Dr. Ritchie only keeps statistics.

That is what you say. I do not think that that remark is of much credit to your intelligence, Mr. Nelson. Do you not know that Dr. Ritchie not only holds his medical qualifications, but the special qualifications of the diploma of Public Health—do you know that?—I do not know.

And you did not find out before you made a statement like you did?—A man who stands by and sees a woman die is not the man for the work.

Do you know that Dr. Ritchie holds a special qualification for preventive diseases? Do you stand there and seriously suggest that a man who is qualified in preventing diseases is of no value to Samoa?—A man qualified to prevent diseases would be of value if he did what they profess to do. He has done very little for Samoa.

That is your view?—He has not the confidence of the people of Samoa.

That may not be Dr. Ritchie's fault?—Probably not.

There may be some people who cannot appreciate good work when it is done, Mr. Nelson?—The people know when an epidemic is coped with properly.

I wish to read to you an extract from a report entitled "Health Survey of the New Hebrides, with special Reference to Hookworm Disease," by S. M. Lambert, M.D., of the International Health Board of the Rockefeller Foundation. I wish to read this to you to see just how far you are conversant with the report of Dr. Lambert. The portion of the report which I wish to bring under your notice reads: "The vital question as to whether the decline of native Pacific races can be checked and their numbers brought back has been answered brilliantly by the New-Zealanders in Samoa by intensive efforts against hookworm disease and yaws, especially with good hospitalization and the establishment of confidence in their Government in the Samoan mind. In a period of less than three years a birth and death rate practically equal has been changed to a birth-rate of 55 and a death-rate of 22, with an infant-mortality rate that many civilized countries might envy. Samoa lays emphasis on her yaws and hookworm campaigns as the important features of this racial recovery." Are you prepared to put your view against the considered written report of this eminent man?—My views are couched of the lack of respect of the people when they refuse to stop from going to Pago Pago instead of to this efficient Medical Department here. The lack of ability displayed by Dr. Ritchie is undoubtedly responsible to a large extent for the lack of confidence in the Medical Department.

Dr. Ritchie is the head of the Medical Department in Samoa, is he not?—Yes.

Do you suggest that the Medical Department, notwithstanding the report from the very eminent man I have just referred to, is not entitled to take the credit—I am referring to the man at the head of the Department?—Men like that do not live here. We have to live here, and we have to view the things as they are.

These men came here specially to investigate tropical diseases, did they not?—Yes.

With expert knowledge behind them?—Yes.

To which you do not claim?—No. I claim, however, to know the knowledge of the people who go away because they have no confidence in the Medical Department.

Who is responsible for that?—You cannot blame me for that.

But I am going to blame you. In the medical report that you sent out you used these words: "We want a Medical Department that commands respect and confidence, not one which creates more or less ridicule." Those are the words which you brought under the notice of the people of Samoa, are they not?—Yes.

Were those words calculated to inspire confidence or otherwise in the mind of the Natives?—Those words were for the Minister.

Please answer my question, Yes or No?—There was no confidence, and you cannot lose any confidence if there is none.

Well, if there was a lack of confidence, you did nothing to bring it back by using those words?—We wanted the Minister to remedy the trouble.

Would those words that you used do anything to bring back the confidence of the people?—We wanted to remedy that lack of confidence.

I am asking you the question, and I am going to make you answer it. Would those words help to inspire confidence?—No. We wanted to remedy the lack of confidence, and not have confidence where it was not justified.

Did you examine any figures in that report before it was made public—that is, in regard to the European figures?—I examined as much as I had time to do.

How much time did you spend in considering that report before you let it out?—A few hours.

So that these reports attacking the Administration you were prepared to give a few hours' consideration to?—I still agree with that passage, and—

And take full responsibility for it?—Yes.

Because you recognize your responsibility in allowing this stuff to go out with your name behind it?—Yes.

You know the influence you have over the Samoans?—My influence did not send the people to Pago Pago, which holds this Department up to ridicule.

How many people went there?—You can prove that here.

I want to know how many?—I did not go into figures.

But you are making this assertion, and I want to know how many people went there?—Quite enough; and there should not be any going there, especially when it is recognized that there is an expensive Department here.

How many?—There were several that I know of within the last few months.

Would there be six in all?—Even so, there should not be one leaving Samoa when there is an expensive Department that we have to pay for.

Have you not heard of people having a fancy for one particular surgeon?—They do not know the surgeons over there.

You have travelled a good deal, have you not?—Yes.

Do you not know that it is a common thing for persons to go to a surgeon who has been recommended to them notwithstanding the fact that there are good surgeons in their own towns?—You cannot suggest that I recommended it.

Do you not know that such a practice as I have just stated often happens?—It did not happen here before.

What is the period when those people you have in mind went to Pago Pago?—During the last few months.

Could you give me the names and dates?—I could not give you the names and dates, but I am sure of my statement.

Do you make that statement seriously?—Yes, I do, because the Department is costing a lot of money to this country. We have to consider the Territory according to its national resources.

Mr. Williams drew that report?—Yes.

He admitted that he did not investigate the position?—Yes, he might have.

And when I showed him those reports he was big enough to apologize to Dr. Ritchie: Are you?—There is no bigness in that.

You will not do it?—I do not see any necessity for it. I do not agree with every statement. I agree with the statement of asking the Minister to remedy the defect.

You have made the statement that his Department creates more or less ridicule?—The statement was made with the object of asking the Minister to remedy the defect.

You still wish to say that it is true?—I still want to say that it is true. I do not wish to cast any reflection on the surgeons who have come here, but Dr. McKnight's work is appreciated. The work of the other medical practitioners here is appreciated.

You are a man of big affairs?—Well, it depends on what you call big affairs.

Are you running a very big business?—Yes, for Samoa.

And a big business for anywhere?—Well, all right.

And in the habit of dealing with figures and finance?—Yes.

And I think you may have a justifiable pride in your ability in financial matters?—Perhaps.

If we extend that to you you will not disagree with it?—I do the best for my business.

And you are also a member of the Legislative Council?—Yes, by the election of the people.

And as you are the trusted elected member you will keep yourself closely in touch with matters that come before you in the Legislative Council?—As much as it is in my power to do.

And as such naturally it would be an important factor to keep in touch with financial matters?—Yes.

And make yourself familiar with them?—As much as I can.

You go to a fair amount of trouble to make sure that you are?—Yes.

And have done so, I take it?—Yes.

You saw of course, this composite report by Messrs. Gurr and Smyth?—Yes.

And read it?—Yes.

Considered it?—Yes.

For how long?—Not very long.

How long would it be—a quarter of an hour?—About an hour it was left for me—it was not fully prepared then.

Yet it was brought before that meeting, was it not?—At that meeting it was.

At the second meeting?—It was fully prepared.

Was it read to the meeting?—Most of the reports were read to the meetings.

Do you know whether it was put to the meeting or not?—The minutes would show that. I read most of them—they were handed to me, but whether I read them from the report or not I do not know. I do not think it was so, because it was not quite ready.

When do you consider that it was finally ready?—Well, when it was brought in to be sent to the Administrator for the Fono of Faipules.

It was finally ready then?—I had to accept it as such.

Had you gone through it?—No.

*The Chairman.*] Mr. Gurr prepared the report and he did not say that he had not supplied all the figures at the second meeting, nor did Mr. Smyth say anything about it. Mr. Smyth said he sent it before the meeting. Mr. Nelson only has an impression? The figures were there, I admit that.

*Judge McCormick.*] Mr. Gurr and Mr. Smyth said that it was signed on the morning of the 12th and produced at the committee meeting in the afternoon?—It was in a rough form.

*The Chairman:* Yes—it was typewritten. The material was all there, and that is what we are concerned with.

*Mr. Baxter:* It is clear in the minutes of the meeting, which says, "Financial report, with statistics and comparisons between Samoa, Fiji, and Tonga, read by Mr. E. W. Gurr, after which meeting to be closed."

*Judge McCormick:* Mr. Smyth said it was typed when he signed it.

*Mr. Meredith.*] What I wish to get from you is this: did you after the second occasion, before the figures were sent to the Minister, give them any further consideration?—No.

Or after they were sent to the Administrator did you give them any further consideration?—No.

I am telling you that the figures are incorrect, and this has been admitted by Mr. Gurr and Mr. Smyth, and therefore we are not going into that aspect of the matter with you. I want to call your attention to the reference to the Public Works Department, where it is stated in the report, "From this it appears that a Maintenance and Improvement Account of £9,398 (estimated) requires an expenditure in salaries for the administration of the Public Works Department of £4,962, or approximately about half the estimated sum of maintenance and improvements. The Engineer in charge of

the Public Works Department receives also the sum of £220 per annum as Chief Surveyor and Commissioner of Lands in the Lands and Survey Department. The cost of this Department to the administration of the mandate is £2,400. The Committee believe this to be a necessary expenditure in the islands." You heard that read?—Yes.

You knew as a Legislative Councillor that there were many more public works done by the Department than is stated in the above-mentioned paragraph, did you not?—Yes.

I put it to you that there is no reference to the Department executing any other works but that mentioned in the report?—That is right.

And it is also right that you should know that that Department would carry on those additional works?—Yes, I should have known.

Did anything strike you about that when it was read to you?—May I explain the reason why I did not give probably due consideration to this?

I am going to ask you first, did anything strike you at the time?—At the time it was given to me I had not time to consider the other figures as to show "public works extraordinary," but the figures were given as dealing with the public works, and at that time I thought that the cost of overhead was excessively high, and at that time I did not consider the "public works extraordinary," as they could be called.

Have you not perused that report at any later date?—I have not been given the opportunity, as a consequence of this business.

Whose business was it to see that these reports were correct?—A sub-committee who was entrusted with them; and it had the confidence of the rest of the committee, and we did not question it.

You had the confidence in the sub-committees for doing these things, and the Samoans and the committee had confidence in you?—Perhaps that would be right.

*The Chairman.*] The point I understood Mr. Meredith to make was this: he is desirous of making the statement that the works to the amount of £9,398 comes to a shade over 50 per cent. in salaries alone, and this might be expected to strike any acute mind?—It struck me as a heavy item at the time, and I did not think that it included public works extraordinary.

*The Chairman.* It is not public works extraordinary—it is expenditure that was voted for public works. Now, you cannot get further than that. Mr. Nelson says that he noticed it but he passed it over.

*Mr. Meredith.* I am satisfied with that.

*Judge MacCormick.* We have the true figures in the evidence already—it amounted to much more than £9,000.

*Mr. Meredith.*] Did you notice in this report that the cost of auditing was not known?—I admitted that I did not go into details.

Those audit figures are in the estimates which you would see in the Legislative Council?—Yes. In reference to the £100,000 loan—is your recollection fresh as to what is said in the report?—Yes. That, I think, you will agree is a fairly serious allegation?—Yes.

And you would know that it was so at the time it was made?—I agreed with it.

*The Chairman.*] It is the middle paragraph that is under discussion?—I want to qualify my statement when I said that I agreed with that, because I can distinctly remember reading in *Hansard* or some of the New Zealand papers that Mr. Massey or some other Minister, in asking the New Zealand Parliament to approve of this loan, made the statement that there was nothing to fear because the Crown Estates in Samoa were ample security. That is the reason why, with that knowledge, or, when the fact was clear in my mind after having read it somewhere, I thought this was justified.

*Mr. Meredith.*] You considered that paragraph?—Yes. I did not think that it would have been put that way, but the sub-committee put it that way, and it reminded me of the statement that we were all under the impression we had seen made by a responsible Minister in the House, and I thought it would be quite justifiable to put it in that way.

You took no steps yourself to ascertain the correct position from any Administration officer?—No.

*The Chairman.*] The gravamen is that the mortgage had been foreclosed, and there was no foundation for the suggestion that the New Zealand Government had foreclosed on the Reparations Estate and were still demanding instalments of interest and sinking fund in respect of the loan?—We are told here that the New Zealand Reparations Estate has nothing to do with the Samoans at all.

*The Chairman.* That is not the point, and you should have understood it as a Legislative Councillor.

*Judge MacCormick.*] There is no suggestion that the New Zealand Government as mortgagee had taken security and still demanded payment of the loan?—Perhaps it was only a politician's way of putting it—that is, they were lending to the Samoan Government £100,000 and they were accepting as security something that did not belong to the Samoan Government. That may have been the cause of our being misled. The fact remains that I remember having read a statement to that effect, and that when the matter was placed before Parliament in New Zealand the Prime Minister or some other Minister made the statement that the security would be the Crown Estates.

*The Chairman.*] You have your own statute, and you will find the security for the loan is stated therein. You have not got to go outside Samoa to ascertain that?—That is my mistake.

*The Chairman.* The gravamen of the charge is that this was put into a document which was read out to a mixed meeting of Europeans and Samoans.

*Mr. Meredith.*] Before it came before the meeting it came before the committee, which comprised six Natives?—Yes.

Faumuina and others?—Yes.

I suppose that Faumuina and AINU'U are representative types of the best intelligent Samoans?—Yes.

Do you remember at the meeting with the Hon. Mr. Nosworthy that Faumuina's complaint was to know what was becoming of their money: do you remember him making that complaint to the Hon. Mr. Nosworthy?—Yes.

Do you know that Faumuina, AINU'U, and others were under the impression that if this money was not repaid to New Zealand that New Zealand would take Samoa?—Yes.

You know that that is the impression that has got into the minds of the Samoans?—Yes; but that has nothing to do with the security: that did not impress them at all.

You know that they had that impression?—The impression is that as the loan has been made the security might mean the whole Territory, which comprises such things as the Crown Estates, and that would have impressed them.

You made a statement this morning that the Central Hotel building had passed to the New Zealand Government?—To the New Zealand Reparations Estate—so we understand.

Do you know that that is Samoan property and has never been anything else?—I do not know that.

Why did you make the statement this morning without being sure of what you are talking about?—Well, I understood from the statement made by His Excellency the Administrator that all those things that did not pay would be taken over by the New Zealand Reparations Estates, and I was much concerned about this method of taking over property and premises, which should be in the name of the Samoan Government instead of being called the New Zealand Reparations Estates, which was simply New Zealand property.

Do you know that the laundry is the property of the Samoan Government?—I understand it is run by the New Zealand Reparations Estates.

Have you made any inquiries at all about these properties?—I have been led to believe that the Reparations Estates have taken them over.

Do I understand that you make statements that you do not verify, but you accept what you are told?—This is a very serious matter, to my mind.

Is it not more serious to make statements of that kind to the Samoans, whom you admit are suspicious people?—I have not made any such statement to the Samoans. The first statement I made is the statement I made here this morning about the policy of taking over Samoan Government property and transferring it to the New Zealand Reparations Estates. I made no such statement until to-day.

Have you read the Minister's reply to these various allegations, Mr. Nelson?—Yes.

Has he not called your attention to the various erroneous statements that you have been issuing?—If you read them out I will know what you refer to.

There is a reference in the Minister's letter contained at page 47 of A.—4B, in regard to trading concerns, &c., and it says: "Trading concerns (Central Hotel, £540; laundry, £360): The former was purchased for the benefit of the travelling public in order to provide the accommodation which private enterprise refused to do." All these various matters are dealt with there?—What is the point, Mr. Meredith?

It discusses Samoan expenditure in there, and you will notice in the case where reparations-money has been used it is specifically stated in the report?—I do not quite follow you.

If you look at the Samoan investments there you will notice in the case where reparations-money is used it is specifically set out in the report?—It says, "The laundry was built to meet the needs of the public at a time when all costs were very high. It does not pay, owing to lack of support by the public." How did the Minister ascertain the truthfulness of that statement? Do you want me to accept the statement made by the Minister as altogether correct?

No; I am asking you why it is, if you perused the reply of the Minister, that you still insist on making statements which are not correct?—The Minister does not say that it is not correct.

This is dealing with various items of Samoan property, and anything which is not Samoan property is specifically stated—you will see that if you look at paragraphs 6 and 7 on page 37?—I do think that such a serious position should not be allowed to arise. If it has not arisen I am very pleased, but if it has arisen it should be immediately adjusted—that is, property which should belong to the Samoans in the name of the Samoan Government should not at any time be transferred, except with due compensation, to the New Zealand Reparation Estates.

What I am saying to you is that this is not so, and has never been done, and you have no justification for saying it. Can you produce any justification for saying it—do you suggest you can?—I do not; but I am prepared to look into the matter. There has been so much confusion, and we have not always had the opportunity to know which is which.

Have you taken much time to investigate anything before making statements?—I have taken as much time as I could to investigate and attend to the requirements and the needs of the people who have asked me to put them forward.

You know the position about the "Alcazar"?—I understood it was purchased.

*The Chairman.*] I am bound to call your attention to these statements which you made voluntarily this morning?—Exactly, sir.

And you finished up by saying that Government House would soon belong to the New Zealand Reparation Estates, did you not?—Yes, that is right.

You have not only made incorrect premises, but you proceed to draw a prediction from these premises?—Well, sir, according to the feeling of many of the citizens who have discussed this matter, the things that have been run by the Samoan Government have been taken over by the New Zealand Reparations Estates with the object of showing whatever loss there might be against the latter

instead of against the Samoan Government. On the other hand, it was the thought of such transfer of properties which should belong to the Samoan Government which caused myself and others deep concern.

I have always understood that a public man, particularly a man who places himself in the forefront as a reformer, should exercise great care to see that his facts are correct: that is the first duty he owes to himself and to his country, is it not?—Yes.

You seem to have been singularly wanting in that respect. I can understand mistakes being made quite well, and I can understand one or two mistakes; but you seem to have admitted more than one?—We have not always had the opportunity of knowing which is which.

*Mr. Meredith.*] Passing from that for one moment: you remember a petition signed by the Natives in March?—March of this year, yes.

That was drawn up by Lago Lago?—By the Samoan Committee—I mean members of the executive.

Lago Lago was the actual man who drew it up?—Well, I suspect that from the phraseology.

He generally drew up these petitions for the Natives?—I do not know that.

You read the petition over to them?—Yes.

And saw most of them sign it?—Yes, that is correct.

I will call your attention to the last paragraph of it, contained at page 3 of the Joint Samoan report (see Appendix I). It says, “We wish to express our full confidence in all the work of the Citizens Committee of Samoans and Europeans, especially the reports which they handed to the Administrator by the wish of the Minister. We are satisfied, and have proof, that this is the wish of the large majority of the Samoan people. We also wish to declare that all those who have signed this petition are the properly appointed representatives of the villages and districts they represent in this matter.” This petition was signed by the Natives. You read that to them, and you knew that that paragraph was in it?—Yes.

Do you consider, as a man on whom the Natives rely, that you were justified in getting their signatures with that paragraph contained therein without having taken any steps to verify the truth of the reports: what do you say?—I felt confident that the reports were correct at the time.

The Natives apparently understood that was in the report when they signed it?—Yes, they knew the gist of the reports.

And again at the meeting before the Minister I think you read a speech, did you not?—Yes.

At page 25 of A-4B the following occurs: “Sir, the representations of the Citizens Committee, as contained in the reports now before you, have been prepared by the wish of the people of Samoa; they have been approved by them; they were submitted to the Administrator last December with their knowledge and consent, and they are now handed to you on their behalf.”?—That is correct.

On page 26 you say, “The people have passed through a very trying time since the committee’s reports were prepared. It has been a terrible ordeal, but the reports remain as they stand, and they are now submitted to you in their original form, just as they were handed to the Administrator last December. They emanate from the very hearts of the people, and were only put into legible form by the Citizens Committee whom they elected for the purpose.” That is a statement verifying those reports that was made in June of this year?—Yes.

And on the 7th December, in forwarding the reports to the Administrator, I think you said, “Some of the reports are addressed to the committee by the sub-committees, but at a committee meeting held yesterday the whole of the reports were accepted by the committee to be presented to the Minister with the exception of the report on labour and agriculture, to which the following reservation was made: ‘The report comes from the Planters’ Association and must be taken as such. The committee as a whole cannot endorse in full the report, but it is forwarded for the information of the Hon. Minister of External Affairs by request.’” So apparently they were again before the committee on the 6th December?—Yes; that was prior to the meeting of the Minister. The speech of the Minister was about seven months later.

When you assured him that the reports still stood—I wish to put this to you in order to summarize the position: They were brought before the public in November; they were sent forward to the Administrator on the 7th December, telling him that they had been adopted by the committee on the 6th; on the 5th March the petition was signed by the Natives in front of your office, and the Natives said they were relying on them; and you assured the Minister in June that the Samoan people had adopted them and approved of them, and that they came from the hearts of those people, and that they stood now as they were originally?—Yes.

Without demur from any one of your members of the European Committee?—Yes; we had not detected any mistakes.

As a matter of fact, at that meeting with the Minister no mention was made to him of the fact that a Native petition was already on its way to New Zealand?—No.

That it was not sent through the Administrator, but sent direct to New Zealand?—Direct through our solicitor in Auckland.

Why was no mention made to the Minister of that fact?—I really do not know.

It was a matter concerning Native grievances, was it not?—Exactly.

Which you were discussing with him on that day?—Yes.

And which he had come from New Zealand to discuss?—Yes.

Was it not an obvious thing and a proper thing to tell him that that petition had already gone forward, so that he might have had an opportunity of looking at it and possibly dealing with it?—To tell you the truth, it did not occur to me or to any other members of the committee. As a matter of fact, he did not deal with the matters that he had in hand.

Do you suggest that you had forgotten that this Native petition had gone forward to New Zealand?—I did not forget.

Then do I understand that you deliberately did not mention it?—I do not exactly remember what was arranged, but we did not mention it. However, it was a different proposition in that the petition had to go through a member of the House, and it was sent to Mr. Vallance, a solicitor of Auckland. We were not advised by Mr. Vallance or anybody else to mention this in our negotiations with the Minister at the time he arrived.

Did you discuss the matter with the Committee or not?—We might have discussed it. It must have been agreed that we should not mention it. To tell you the truth—and I can guarantee this—it was not a weighty matter in our minds whether it should have been mentioned or not, because we considered that if we did not get redress here we would get it there.

Was it not your idea that it was a second string to your bow?—Yes, it might have been.

And that you were to keep this one up your sleeve?—All we had in mind was to get redress. We felt that we were justified in making these complaints. We wanted redress for our grievances, and if we could not get it from the Minister or from Parliament we would try some other source. As I say, we felt that we were justified in seeking redress.

Do I understand that the Mau people were looking to two remedies—first the interview with the Minister, and second the Native petition to the House?—Yes.

The Minister of External Affairs would be affected by both petitions, would he not?—Yes.

Why did you not tell him, as the Minister in charge, that the Native petition had been launched? He had to deal with it: what was the object in keeping it from him?—There could have been no object, because we knew he had to know it sooner or later. It was not that we were trying to keep it from him; we knew that he was a member of Parliament, apart from being a Minister, and this petition would be made known to him.

You cannot tell the Commission why it was it was kept back?—I cannot tell you unless any member of the Citizens Committee can remind me.

You are the man we look to for information?—There was no reason to keep it back from him, because we knew the Minister had to know it eventually.

You drew the Legislative Council report, did you not?—The European report?

Yes?—I did that.

I suppose this is one thing that you will be satisfied is correct?—I ought to be.

At page 5, A-4B, you say that in Fiji there are ten unofficial members and ten official members in the Legislative Council?—Yes.

You are aware, Mr. Nelson, that there are twenty-one members of the Legislative Council in Fiji?—I have still the Fijian paper, and it was about a month old then where this was taken from. I think I still have it here. There were ten official members and ten unofficial members. That is exactly as I got it, and took it from the *Suva Times*.

May I show you the Fijian blue-book where they are set out [blue-book handed to witness]. You will see that there are twelve official members, seven elected members, and two Native officials?—Well, I think I can find that paper.

Are you satisfied that your data is wrong?—This must be correct.

*The Chairman.*] One does not pin one's faith on the newspapers?—I had nothing else before me at the time.

This particular blue-book was in Apia at the time: in fact, Mr. Gurr had one, and Mr. Smyth referred to it?—That was later.

When they prepared the financial report?—That may be. Perhaps I was wrong in relying on the newspaper in question. However, I think I can find the paper from which I obtained those particulars.

*Mr. Meredith.*] You are satisfied that you are wrong?—That must be correct, and I must be wrong.

So that even the Legislative Council report is not correct?—According to that, that is so.

Have you seen "Letters Patent" in connection with the Fiji Legislative Council—have you seen that?—No.

I would like to read to you the following, which is contained in "Letters Patent": "25. When a Bill passed by the Legislative Council is presented to the Governor for his assent he shall, according to his discretion, but subject to the provisions contained in these our Letters Patent, and to any Instructions addressed to him under the Royal Sign Manual and Signet, or through a Secretary of State, declare that he assents thereto, or refuses his assent to the same, or that he reserves the same for the signification of our pleasure"?—I learnt that from Hedstrom and Mr. Scott.

I refer you to No. 32. at page 9, which reads: "All questions arising at meetings of the Legislative Council shall be determined by a majority of the votes of all the members present, except the Governor or other presiding member, and in case of an equality of votes the question shall be determined by the casting-vote of the Governor or other presiding member: Provided that the Governor may disallow any vote or resolution of the Council, and any vote or resolution so disallowed shall have no force or effect." What do you say to that?—That must be right.

It is entirely different from what you said in your report?—The practice need not be always following that.

You have not stated anything about practice in your report?—I relied on their statements.

You put it down as a straight statement: are you sure you understood that right?—I understood it to mean that.

You have suggested, have you not, that there should be an equivalent number of nominated members to elective members?—Yes.

Did you come to that conclusion from what you heard or understood about Fiji?—Yes, and I thought it was naturally a fair thing.

Now that you know it does not exist in Fiji do you withdraw the suggestion?—No, I still think that it can be done.

Have you considered the position and what would happen if the Samoan and European elected members formed an opposition to the nominated members?—Yes.

Do I understand you to say that the matter in every such case should be referred to a higher authority?—Yes.

What higher authority do you refer to?—I have already said, the Minister of External Affairs, or whoever is in charge.

So that if the elected members combined with the Samoans I put it to you that the Legislature in Samoa could not function?—I do not see why it could not.

Under your proposition would not every matter have to be referred to New Zealand?—No. If the whole of the non-official members voted in opposition to the official nominated members, then the matter should be referred to New Zealand.

If the non-official members decided to block the nominated members, would not the Legislature here practically cease to function?—The official members should consider the wishes of the people.

It would be possible for the non-official members to completely stop the functioning of the Legislature if they chose to do it—surely that is so?—I think it is the other way about. If the Administrator or the official members chose to get up against the wishes of the people at all times, then the deadlock would come about; but if proper consideration and regard for the wishes of the people through their elected members came about, then an opposition would never come about.

*The Chairman.*] I am bound to say that that is not an answer. The question put by Mr. Meredith was a simple one: if all the elected members of the Legislative Council adopted one view, which was a view opposite to that of the official members, under your scheme would not that result in the holding-up of the whole function of Government?—Yes; but the way Mr. Meredith put it was that it would always be the elected members who would be responsible.

You cannot tell who is responsible?—If that is so it would be held up until the Minister of External Affairs could decide the matter.

*Mr. Meredith.*] Do you suggest that that is a practical method under which any Administrator with respect to himself could operate?—I think a reasonable Administrator would be able to carry on under those conditions.

Do you say that that is your serious opinion?—Yes. The elected members are not of the one class, and it is not easy to bring them together.

Do you suggest that the Samoans are sufficiently advanced in knowledge of affairs to be capable legislators in an Assembly such as you indicate?—I think they should be, or, at least, they should have a start now. If they do not have a start now they never will.

Do you suggest at present that they are sufficiently advanced to be capable of legislating in a Legislative Council such as you suggest?—I think they are sufficiently capable to make a start along those lines.

They would not be the equal of the European members in ability to legislate at present?—Not on non-Native affairs.

I put it to you that they could not understand the intricacies of, say, finance?—Not the whole of the Native population. They might find amongst them some educated Samoans who would be able to do it.

I put it to you that it would be a rare incident?—I do not know. There are quite a number of Samoans who are well up in figures, and I contend that they would make very much more progress if they were shown. They will make no headway if they are treated as a backward race.

You think that they should be given the opportunity to take responsibility in the matter of legislation?—I think so. I understand the mandate calls for it.

I suggest to you that they are given that opportunity in the Fono of Faipules, are they not?—No.

Do you not know that they consider remits from the District Councils?—I do not know.

You know who the Faipules are, do you not?—Yes.

And you know the various matters that come before them in the Fono, do you not?—Yes.

And the various recommendations from that Fono have been brought to the Legislative Council?—Yes.

And do you not therefore know that they have discussed those matters in their Fono and come to decisions on them?—Yes.

Do you still say you do not know that the matters which they have discussed have come originally from their District Councils and have been referred to them?—Not necessarily—it might be a matter from the Administrator.

But there are many matters which have come from their District Councils?—Not that I know of that have come before the Legislative Council.

*The Chairman:* I do not see why you want to discuss this matter with Mr. Nelson—after all, it is a conclusion which we have to arrive at.

*Judge MacCormick:* On the evidence.

*Mr. Meredith:* I am only discussing it on the grounds of the lack of Legislative Council training so far as the Samoans are concerned.

*The Chairman:* We are surely able to make up our minds on that matter.

*Mr. Meredith:* It was only to obtain Mr. Nelson's view on the matter that I asked him the question.

*The Chairman:* That is quite right. The point I wish to make is this: once you allow hearsay evidence to be admitted then there will be a mass of evidence to be heard.

*Mr. Meredith.*] You mentioned the emblems of sovereignty?—Yes.

You as an educated man know that it is merely a matter of courtesy extended to the Governor-General, do you not?—But Parliament did not take it that way, according to *Hansard* reports.

*The Chairman.*] You had better leave the Parliament of New Zealand out of the question—you do not want to hear that at all?—That is where the trouble arises.

*Mr. Meredith.*] You know that the matter of Samoa and New Zealand is a question of mandate?—Yes.

You know that there is no question of the mandate being departed from?—I know that a circular was presented handing over the emblems of sovereignty.

As an educated man, Mr. Nelson, are you going to suggest that any speech or act could cede Samoa to New Zealand—do you say that seriously?—It could be in years to come—in generations to come.

*The Chairman.* : We know that it is absolute sheer nonsense?—Exactly, sir.

*The Chairman.* : And the use you are making of it is equally unreasonable.

*Mr. Meredith.* : That is the point I was coming to.

*The Chairman.* : I am surprised to hear a man of your capacity, Mr. Nelson, suggest that there is any significance to be attached to the alleged ceremony which Toelupe was concerned in.

*Mr. Meredith.* : After these meetings at the Mau, Matau was appointed secretary?—At one of the Native meetings.

He was appointed secretary of the Mau?—Yes. When papers, letters, and funds were coming in I asked that a secretary should be appointed. He was the only paid man.

Where was his office located?—Within my premises.

How long was he there—that is, how many months was he there, or is he there now?—He is not there now. He was there until after the Minister went away. I do not think he was there for more than three or four months.

*Judge MacCormick.*] It is in evidence that he was appointed in February and was banished in July.

*Mr. Meredith.*] He told the Commission that during that time he was in constant communication with you in connection with Mau matters?—That is so. That was what he was there for.

Funds were being collected from various parts of Samoa?—Yes.

And your traders were assisting in the collection of those funds, were they not?—They were not assisting in the collection.

Mr. Kruse was one of your traders, was he not?—Yes.

And he is a relative of yours, is he not?—Yes, a nephew of mine.

He has told us that he was collecting and sending the money over to your office?—If he was collecting it was on his own initiative. What my traders were asked to do was this: if they received any moneys for the Mau they could accept the money and be given a draft order on the head office.

I think your boats were running the Mau people to Apia at half-price?—For the Minister's visit and for the King's Birthday. That, of course, was the same thing; the Minister was here during that time. I approached some of the other firms and asked them to do the same.

That was for the Mau people?—For everybody.

Did you send Mau literature out to your stations for distribution?—There were no other means.

Which allegedly set out the details of the two meetings?—The details of the first two public meetings.

How many stations did you send them out to?—I really do not know; but I should say, about five or six. I did not send them out where I thought the traders were not in sympathy with the Mau.

In those cases where you knew the traders were sympathetic you sent out the literature by them; Kruse was one of them?—Yes.

And they were to distribute the literature amongst the Natives adjacent to your stations?—Yes.

You approved of the form of that document before it went out?—Yes.

Lago Lago prepared it: as a matter of fact he has said that he prepared it and submitted it to you, and that you edited it before it went out?—Yes.

So you take full responsibility for that circular?—Yes, as coming from the Samoan section of the Committee. I did not order it to be done.

We will leave it at that. After the Minister's visit you addressed many meetings of the Mau people?—After the Minister's visit?

Yes?—No, no. Two meetings: on the day that we met the Minister we met the Mau people in Lepea; and the second meeting was on the following Monday, I think, when we received the letter from the Minister telling us to cease activities. He asked us to forthwith cease activities, and at the same time undo some of the alleged wrong that we had done. We felt that it was impossible to follow all these orders at once. If we ceased activities we could not have told the Natives anything, so we met the Samoans that afternoon and told them of the letter that we had received, and informed them that we could do no more for the time being, and that we would have to wait further developments from New Zealand, where the Minister stated he would send us the result of his deliberations on the matter after he had submitted them to Parliament.

Is that the only occasion on which you addressed the Natives?—Those were the only two occasions when I addressed the Samoans.

When did those addresses take place?—On the day of the Minister's visit and two days after it. Where?—Lepea.

And you addressed both of them?—Yes.

Have you not addressed the Natives at Tuafu?—After the Minister's visit I had special meetings there—in fact, quite a number.

Do you approve of the Mau people not obeying the village *pulenu'us*?—No.

You think they should collect beetles and hand them over to the *pulenu'u*?—Yes, I think so.

Do you approve of them not paying their taxes?—That is so.

You think they should pay them?—Yes.

Do you know that in various districts they are disputing the *pulenu'us*?—I have been told that.

And in various places they are not paying taxes?—I do not know whether there are any taxes to pay.

Are not the dog-tax and the gun-tax due?—I do not know that?

Have you taken any steps recently to tell them to obey their *pulenu'us*?—No. I have only met them in connection with social functions since I came back, and in connection with this case.

You have addressed various meetings since you have been back?—Only social meetings where there have been receptions.

You spoke at those receptions did you not?—I have spoken to them and informed them that we have now to go on with the Royal Commission because I was told that there was some sort of dissatisfaction, and I informed them that they had to bring all their grievances to the Royal Commission.

I suggest to you as a public man that it was your duty to have told them to discontinue these practices: what do you say as to that?—I had no time to tell them.

Do you want to suggest that you have not told them to desist from these practices because you have not had time?—There has been no occasion for me to hold meetings for that purpose. When I returned this Commission was sitting.

Would you give me definitely what is your explanation for not having used your influence with them: is it because you have not had time or that you did not wish to?—The Minister undertook to take the thing on his own shoulders when he ordered us to cease activities with the Natives, but that is the last I heard of them until now. Their grievances were to be put before the Royal Commission, and whatever the finding of the Commission was we had to abide by it.

In the meantime you will not lift your hand to stop these practices going on?—I will do my best to help things along so long as I am not stopped by the Minister in my activities with the Natives, and told to do such things as suit them and not to do such things as suit me but do not suit them.

Do I understand that because of a feeling of resentment you have not used and do not intend to use your influence with the Natives to get them to obey the village officials?—I have had no time to do it since I came back because the Commission was sitting. I have had nothing definite from the Mau that they have refused to obey the officials. Before I went away I told them to obey all the laws and keep the peace. I have done nothing but that.

With respect to copra, do you know how much copra the Government has made advances against?—No.

I take it you do not suggest that the Natives are not entitled to get as much for their copra as they can?—I should like the Natives to get as much as they can for their copra.

If the Government places at the disposal of the Natives the machinery of the Reparation Estates, that is really no concern of yours?—No.

That is entirely the New Zealand Government's business, is it not?—Yes, except that if the New Zealand Government's promise, which I understand is still good, that whatever profits there are accruing from the Crown Estates should go to the Samoan Treasury, then I consider that the taxpayers of Samoa are interested.

Where did you get it that the New Zealand Government is going to hand the profits of the Reparation Estates over to Samoa?—That is the understanding.

Where did you get that understanding from?—Well, supposing it is not, as I answered you before, I do not think there is any reason why anybody should object, but if such an understanding is there, naturally then I should say that the people would be interested. If that is not the case, then it is no business of mine or of any other person.

And the only possible effect it could have on you is that there might be less copra for you to buy?—Yes.

But that is an ordinary trading risk to which you can take no exception?—No, except that if the New Zealand Reparation Estates are going to be a commercial concern they should be made to pay taxes and go through all the other regulations and restrictions which the ordinary copra trader has to go through.

Do you not know that they do pay taxes?—I do not know that.

WEDNESDAY, 13TH OCTOBER, 1927.

OLAF FREDERICK NELSON further examined.

*Mr. Meredith.*] While you were in Auckland, Mr. Nelson, you received a radio on, or somewhere about, the 4th August, which you handed to the *Sun* newspaper: is that a copy of the contents of that radio?—That is.

The radio reads as follows: "Police pickets stationed at Afega, Vailima, and the Iron Gate at Letogo, with the object of stopping all Mau supporters from passing to Apia bringing food to committee. Additional European police being signed on. Malietoa and Tuimaleli'ifano definitely against Administrator. Their resignations tendered, but not accepted till next week. Position very serious if Administrator not removed." From whom did you get that radio?—I received it from the Citizens Committee here.

Who signed it?—It was not signed. It is not unusual for business telegrams not to be signed when it is distinctly understood who the sender is.

*The Chairman.*] What was the date?—Somewhere about the 4th August, 1927.

*Mr. Meredith.*] On what date did you receive it?—It would be on the that date, I think, because when I received telegrams in the morning copies were made and handed to the *Star* and the *Sun* newspapers, and if it was not too late to be published it appeared on that day, otherwise on the following day.

It would be either on that day (the 4th) or the 3rd?—Yes.

You handed it straight to the press?—I did.

*The Chairman.*] Was it on your arrival at Auckland that you got this radio?—I arrived in Auckland on the 11th July.

After you had been to Wellington?—Yes.

*Judge MacCormick:* The dates of these messages will be given in the Joint Committee report. This, I presume, refers to one of those messages.

*Mr. Meredith.*] Mr. Nelson, who was the chairman of the Citizens Committee during your absence?—Mr. Williams.

Would you mind giving me an order for the production of the original radio as put in here?—That is not my business. Probably it is the business of the sender.

As far as you are concerned, you would be agreeable to that being produced?—As far as I am concerned, I would be willing to, subject to the advice of my counsel.

*Mr. Meredith:* Mr. Baxter has agreed to produce the original.

*Mr. Baxter.*] In Mr. Meredith's cross-examination reference was made to the control of the Mau: who actually did control the Mau?—The Mau matters are controlled by the Citizens Committee, because the Mau grew within the supporters of the Citizens Committee. I was unable, and did not attempt, to do anything of any importance at all without it had been passed by the Citizens Committee, who were elected for that purpose by the people.

Then the question arose of your going to Wellington, Mr. Nelson. It was not made quite clear why you went to Wellington last year, and finally had an interview with the Prime Minister?—I have already stated that, in addition to the grievances of which I already know, I was informed of further developments in Samoa. It was either by letter or cable that I heard from Mr. Westbrook of the wanton destruction of coconut-trees, and he asked me to go; but what really was the turning-point in my mind which made me go to Wellington was, I think, a letter from Mr. Williams wherein he mentioned to me that the Administrator, through the Secretary for Native Affairs, was ordering Natives to leave Apia and return to what the Secretary for Native Affairs termed was their home. Then I received a letter also from one of my employees to inform me that two or three Samoan labourers who, although on daily wages were practically permanent employees, had been ordered to return to what were called their homes, but were imprisoned because they did not obey this order. I have a copy of that letter here that I found in my office. I thought that it was a little too much.

*The Chairman.*] I do not quite understand where you were when you got this letter?—I was in Sydney at the time. [Letter put in: Exhibit No. 55.]

*Mr. Baxter.*] You say that was what decided you to go: had you any doubts in your own mind up to then as to whether you would go or not?—I was not quite sure if I could go, because I had been quite a long time in Sydney, and it would have taken much less time to return direct.

You pointed out that you were on friendly terms with the Administrator at the same time that you had other old grievances to bring up: are these the grievances that you mentioned to Mr. Meredith that you had told the Administrator before you went away?—Whenever I have had occasion to mention any grievances to the Administrator I have done so. It was not always possible, because I have practically been led to understand by remarks from the Administrator at times when I have made certain representations to him that he did not want to hear them.

What would some of these matters be?—I made a special call on him in his office regarding the banishment of certain Samoan chiefs of Safune—Tu'u, So'oalo and So'oala T., and Pepe. I called on him upstairs in that particular case and begged him to give the matter more serious consideration before adopting this course of banishing chiefs. I also informed him that where he might be advised by his present Faipule, it was not possible for him to know of the old feuds, and old scores, and old rivalries between the Native chiefs which might have prompted the present Faipule to advise him to get rid of certain chiefs who have been his rivals for generations. He told me that Captain Bell was in town and that he would look into the matter, because none of these things was done without every consideration being given to all these matters.

Were there any other matters which you had mentioned to the Administrator?—I also mentioned to the Administrator the dissatisfaction of certain districts on the north Coast of Savai'i regarding their Native medical practitioner and the treatment received from the hospital doctors. I think that this matter was referred to the hospital, and that the Administrator sent me either the original or a copy of the report from the hospital on this matter. I cannot recall all the special instances when I have called on him, but I have also advised him openly in the Legislative Council, in speeches from the public platform, and even in speeches at Vailima—I have referred to certain things where we differed in politics. I have also taken every opportunity to be open with the Administrator in my advice in matters whereon we differed.

Therefore, before you made this trip to Sydney you were differing from the Administrator in politics, although you were personal friends?—I considered we were personal friends, and the letters we wrote should bear this out; but there was no doubt in his or my mind that we differed on many subjects, but I did not think that this should interfere with any personal friendship there might be.

Politics seem to have got to be a personal matter in Samoa now: can you give me the reason for this?

*The Chairman:* We have not got to deal with that matter, surely?

*Mr. Baxter:* Well, I refer to it, sir, because the matter came up in the cross-examination.

*The Chairman:* But it only deals with the personal attitude of Mr. Nelson towards the Administrator.

*Mr. Baxter.]* Have you got any personal feelings toward the Administrator over the present matters?—There was no personal feeling against the Administrator at the time the meeting was held, or even at the time when I interviewed the Prime Minister in Wellington last year. But the first intimation that I had that personal feelings entered into the controversy was after these public meetings, and I noticed a change of attitude towards me in the Administrator.

Now I want to come to this meeting in Mr. Meredith's house. Who invited you to go there, Mr. Nelson?—I am not too sure whether it was Faumuina or Lago Lago and Mr. Meredith between them. I was told that the two Fautuas wanted to meet me, and I said that I would be prepared to meet them at any time that they arranged the meeting, but they knew I was very busy. It was just after I had arrived, and then I think it was Laga Lago who said the Fautuas will be ready on a certain night: what about Mr. Meredith's place? I said that would do. I considered it a purely social function, and at that social function politics were discussed.

Was the question of a public meeting brought up and decided at that meeting or not?—It was not decided, to my knowledge, at that meeting, but it might have been brought up. But I know the question of whether the Samoans might avail themselves of the Minister's visit to present their grievances—that was brought up, and I replied, "Certainly, Samoans and Europeans alike may bring up grievances or make any representations they choose to the Minister," but the form they were to take was not decided.

When was it decided, and by whom, that a public meeting should be called?—After the matter was discussed by the two other elected members and myself we called a few other citizens to ascertain their wishes and to enable us to gauge the public mind, and we held a few preliminary meetings. The first was held at my house (Tuaefu). There were the three elected members, Mr. Meredith, Mr. Smyth, and Mr. Meyer, I think, also; and it was decided that we should call a public meeting. The next meeting was held in Mr. Williams's house. It was then decided during these meetings—there were two or three—it was then decided that a public meeting be called to find out what the people wanted, and that we should follow the instructions received at that public meeting as to what course to take.

You have told us who the Europeans present were: were there any Samoans present or not at those preliminary meetings?—No.

It has been suggested, Mr. Nelson, that you should have mentioned to the Administrator all about these political matters that you proposed to bring up. Since you have been in the Legislative Council have you been in the habit of mentioning to the Administrator about the matters you have proposed to bring up?—No; I did not think it right to mention anything to the Administrator except by their express wish.

It has also been suggested, Mr. Nelson, that the Natives were disturbed out of a state of contentment by your representations. In the first place, do you know of your own knowledge whether they were in a state of discontent or not?—The Natives were disturbed already. They were distressed.

Mr. Cobcroft, we know, was elected at the first meeting: had the question of Native policy been brought up then or not—the including of Native policy?—The discussion on Native affairs and the policy had been decided upon before the election of the committee. Mr. Cobcroft was fully aware of the scope of that committee before he accepted membership, and he knew that within that scope one of the important matters was Native affairs and the Native policy of the Administration.

Regarding these reports, how was it that you allowed them to pass without full consideration on your part, particularly finance?—I had my hands full of other things. I had my own report to consider, and I had full confidence in the sub-committees who were appointed to deal with different subjects.

Regarding these reports, they were forwarded to the Administrator some time in December, so that they could be considered by the Fono?—Yes.

Were they ever returned to you, or was it pointed out to you that serious mistakes had been made?—No.

Was there any mention of it made at the interview with the Minister?—No.

It has also been suggested that at that interview you should have advised the Minister of this Samoan petition that had gone forward: was there any opportunity given or not for such intimation?—At the interview with the Minister no opportunity was given us to tell him other than what was decided upon to discuss. We had not sat down more than a minute when he started off on his long address, that long judgment on us, before he had heard our address. That called for a speech from us, and so it went on to the end, and he closed the interview before we knew where we were, and no opportunity was given to us to refer to that, even if we had wanted to.

Is the Samoan League the same as the Mau?—The League and the Mau are one and the same thing.

Were the objects of the League set out?—

*The Chairman.]* What do you mean by that? What organization are you referring to?—The Samoan League and the Mau are one and the same thing, and the objects of the Mau were sent in English and Samoan to His Excellency as soon as they were passed by a meeting. [Put in: Exhibit No. 56.]

*Mr. Baxter.]* And the above is a copy of the covering letter that you sent. Do you know of your own knowledge or not whether the New Zealand Reparations Estates pay turnover-tax?—It

cannot, because it has no turnover. Turnover-tax is paid on the turnover of the sale of goods, and a minimum of £15 is charged for a trading license. It varies, and is based on the sale or turnover of goods.

*Mr. Meredith.*] In the letter [see Exhibit No. 55] which you put in this morning could you give me the names of the two men who were discharged?—Leagai and Lia. I have only just been told by the writer of that letter that only one was put in gaol.

*The Chairman.*] Mr. Nelson, while you were a member of the Legislative Council did you move any resolution in favour of economy in the expenditure of the Administration?—Yes.

You did?—Yes, in various parts of the expenditure.

Did you move a resolution in favour of general economy?—I have on more than one occasion sent in motions for retrenchment, but I have had to accept what was allowed. Very often we sent in eight or nine items and have been told that this is not allowed and that is not allowed. We have had to accept what the Clerk told us.

Did you move for an inquiry into the necessity for any expenditure?—In the Legislative Council?

Yes?—I think I did.

It will be contained in the minutes. Did you move at any time for an inquiry into the adequacy and efficiency of the medical administration, or any member of the Medical Department?—We used to split it up, and Mr. Williams dealt with medical.—

Well, did Mr. Williams move for an inquiry into the adequacy or efficiency of the Medical Department or staff?—I cannot say definitely that the proposition was put forward in that way, but it was towards retrenchment and some form of inquiry into the conduct of the Medical Department.

The elected members of the Legislative Council were in a position to move and put on record any resolution that they thought proper?—No.

Why not?—We were often told that we could not do this or that.—

That is not an answer to my question. Do you say that you understood that it was incompetent for any elected member of the Legislative Council to move resolutions dealing with any aspect of the administration of Samoa?—We were not always able to do it. Our notices sent in were not always allowed. We were told it was not right to do this or that.

You say that you endeavoured to do so, but your attempt was frustrated by the Standing Orders?—We were frustrated by the Standing Orders.

I have perused the Standing Orders, and they seem to me quite reasonable. I cannot see anything wrong with them?—I do not know why, but we had to cut out this and that. We had to accept the ruling of the Clerk.

You do not seem to me to be the sort of man who is likely to be afraid of the Clerk?—We had to rely on the Clerk.

If he laid down a procedure that you thought was wrong, would you not protest against it?—We have.

What did the Administrator do?—He said we would have to keep within the confines of our duty. He was always quoting laws of some sort.

Is it not a fact that you have said that 90 per cent. of the Samoans are members of the Mau organization?—Yes.

Have you stated that the indications were that all the officials of the Administration would become members of the Mau—the Samoan officials?—Yes.

We have arrived at the fact that the organization of the Mau started in March, 1927?—The objects were defined then.

And, I suppose, it was constituted then?—Yes.

As I understand it, it has been suggested by the examinations that the Mau is regarded by a majority of its members as being in direct opposition to the existing Government, and that a portion of its activities are directed to impeding the Administration in its functions. If these statements are true, what do you say as to the character of the organization of the Mau? I want you to assume for the moment that they are true. Is it innocuous or noxious to the public interest?—It would be noxious.

And, I suppose, if these were the real purposes of the Mau, it would be objectionable to any form of stable government under the existing conditions?—It would be, but they were brought about by the actions of the Government itself.

That is not what I am asking you. But, nevertheless, you say that it would be objectionable to any form of stable government, but these conditions have been brought about by the conduct of the Administrator?—Yes.

Do you not think that if these were in fact proved to be the purposes of the Mau, that what has happened should have been anticipated by the experienced settlers who were at the head of the movement—those experienced settlers of Samoa who were guiding the Mau movement?—To have anticipated that, your Honour, would mean that we would have had to anticipate the continued opposition of the Administrator towards constitutional representations.

According to your view, that proves to be the factor—namely, the resistance by the Administration towards all constitutional reforms for months and months?—Yes.

Did you, Mr. Nelson, ever raise your voice against the continuance of the Mau organization, or did you continue to aid in its operations?—I left shortly after the Minister was here, and I informed the people of the wishes of the Minister, and that later on they would get the views of the Minister in reply to their representations, and that they should keep the peace and obey all the laws.

I have noticed that all the meetings, whether they were meetings of the Samoans or whether they were meetings addressed by the elected members of the Legislative Council, there was always advice given about the peace, order, and good government of Samoa?—There was always that, yes.

Is that not suggestive that the organization was an incendiary organization?—I should not say that. That exhortation was considered necessary on account of the harsh treatments that were meted out to some members of the Mau and outside of the Mau. While Mau meetings were being held here pamphlets were issued by the Government—

What pamphlets do you refer to?—The *Savali*.

Where are they? If a point is to be made of them we had better have them in?—It was these things and a fresh crop of banishments that prompted us to urge the people to keep the peace and only to move along constitutional lines. We felt that it was necessary not on account of the Mau being dissatisfied, but on account of the things the Mau had to counter.

Mr. Nelson, you have lived practically all your life in Samoa?—Practically.

And you know the Samoan character?—Yes.

Are you surprised that a large number of the members of the Mau have thought that the organization was directed to securing self-government of Samoa by the Samoans? Are you surprised that this notion should have existed in their minds?—No.

Then it was probable that it would exist in their minds?—Nobody foresaw that these conditions would be allowed to go on for so long. We could not anticipate that the Minister would allow them to go without investigation. We could not foresee—

You mean that the Mau should not have been necessary?—Should not have been necessary.

But, as it exists, it should either have been satisfied or put an end to, I suppose?—Those were the only alternatives.

I am asking you, if the organization of the Mau ought to have been put a stop to, there were only two ways of doing it: one was to give them what they asked for; the second was to stop the organization in some way?—Yes; what they asked for was that they wanted redress and their grievances looked into.

That is a colloquial way of saying the same thing, is it not? You say that you are surprised at the Mau organization being allowed to exist?—I did not say that, sir.

I understood that. Tell me again what you said?—I say nobody could have forecasted the present position of the Mau.

That is not what you said. That is not an answer to my question. You have told us that you were not surprised that many members of the Mau should regard the organization of the Mau as being directed to the purpose of obtaining self-government of Samoa by the Samoans?—That is right.

Do you think it was right to permit such an organization to function for many months?—That was not considered as an object of the Mau.

It is what you would expect would be raised by the organization in the minds of the Samoans, is it not?—I must insist on saying that at the present juncture the Samoans feel that, but I do not say that it would develop into that.

No one was asking you what were the original objectives of the Mau; the question put to you was whether members of the Mau thought the organization was directed to securing self-government of Samoa?—I say that at the present juncture—

Pardon me, Mr. Nelson, when did you arrive at that opinion—that many of the Samoans might think that the organization was to secure self-government for them?—I think I first noticed it—

Would you tell me, roughly speaking—I do not want to know the month, but at what epoch? Was it before you went to New Zealand?—The idea was developing in my mind before I went away.

Before you went to New Zealand last time, I suppose?—After the Minister's visit.

Did you inform the members of the Legislative Council that there was a possibility of such a danger?—We might have discussed it.

I am asking you a plain question. Did you in your evidence say one word to intimate to the members of the Legislative Council in Wellington that there was a possibility of such a danger?—No; that is a question which never arose. It was never put to me in that way.

Are not there many expressions in your speech which might be read as favouring the notion that the Samoans were entitled to self-government?—I could not say that my speech could be construed to mean that.

Did you read Mr. Meredith's pamphlet?—Yes.

Does that not advocate self-government for the Samoans?—I suppose it does.

He said he was of the opinion that they were quite competent to do it?—Yes.

Do you know that many Natives regard you as the leader of the Mau organization?—Yes; but the election was by their own appointment.

It is not too much to say that you have very great influence over the minds of the Samoans?—Perhaps not.

You received upon your return here at least two enthusiastic and populous receptions by the Samoans?—Yes.

I only wish to put one further question. I think it ought to be on record. We have been told that the price of copra paid by the traders was fixed each year by the traders in conference: is that correct or not?—Not each year. Whenever occasion arose to fix the price the traders met accordingly.

From time to time, then?—Yes.

Will you tell me how many years that system has gone on?—When I was away last year there were no arrangements.

Ever since you were a trader, then?—No; I broke the arrangements myself before I went away.

But up to that time it was the custom?—There were probably two or three years without a breach of the agreement.

That is not an answer ?—It was not a continuous thing.

For how long has it been the practice of traders to meet for the purpose of fixing a common price for copra ?—There has always been an arrangement of some sort.

We all know those arrangements are frequently broken ?—Yes.

Whenever there was a common price fixed, that represented the price payable for copra delivered in Apia ?—There were different prices fixed.

I am asking you whether that was not the standard price ?—That is the price delivered in Apia by the traders. That is based on the price fixed to be paid at the trading-stations.

That is not an answer to my question. We have been told by some that the practice was to fix the price for copra at a sum for copra delivered at Apia, and to reduce that price according to the cost of transportation from places outside Apia : Is that right or not ?—Yes, that is right. I would like to explain that there are two different kinds of copra—copra from the traders delivered at Apia is store copra, and is different from village-dried copra. One is from the producer—

Is it not correct that the price for Native copra was fixed independent of quality ?—Because we should only pay for one quality, according to the law.

The fact is the price was fixed independent of quality ?—There should be only one quality ; the law calls for only one.

I understand it has got to pass an Inspector ?—Yes.

The fact is there is only one price for all qualities of copra ?—Yes.

And that is the quality which would pass the Inspector on exportation ?—Yes.

Outside of that there is no difference of price for quality ?—Yes.

The Apia price was reduced according to a fair estimation of the cost of transportation from the outside districts ?—And other considerations.

So that we may take it that in the price which was paid for outside copra a deduction was made for the estimated cost of the extra transport and shrinkage ?—Yes.

I notice in yours and other figures you seem to make that deduction twice. It is the heading " Estimated market cost of copra per ton." Look at the heading " Freight to Apia " : Nil in Apia, £1 2s. 5d. in " A " district, £1 13s. 7d. in " B " district, and £2 4s. 10d. for " C " district. Now, " A " district : that would mean that you estimate the cost of transport as £1 2s. 5d., plus £2 4s.—that is, the £1 2s. 5d. you deduct for freight and the difference between the cost at the station and the price paid in Apia—that is, £2 4s. Is that correct ?—No ; that £1 2s. 5d. goes on to the price paid at the station to make up the cost of the copra at Apia.

The price paid is £11 4s. ?—Yes.

In your estimation of the profit, you charge £1 2s. 5d. ; but you have already allowed yourself £2 4s., because otherwise you ought to have paid them £13 8s. 10d. per ton ?—There is shrinkage at the stations.

But that is also allowed for, as you say. That only goes to increase the strength of my observations. That does not go to make your profit less ?—That goes to make it higher in " A " district.

The object of this statement is to show what profit you are making. I want to point out to you that in the price of £11 4s. you told us you have taken an allowance for freight to Apia and extra shrinkage between the place of sale and Apia ?—This price, £11 4s., is what was actually paid, because we also have to pay freight and shrinkage, which makes it up to the price £13 8s. 10d.

My learned colleague points out that apparently your explanation is the correct one ?—If you add the freight and shrinkage on to the purchase price you get £13 8s. 10d.

*Judge MacCormick.*] According to this statement, copra priced at £11 4s. in " A " district costs £16 2s. 11d. in Apia, whereas copra in Apia itself is £14 5s. ?—Yes.

*The Chairman :* That completely explains it. There is no doubt whatever in my mind now.

*Judge MacCormick.*] You know, Mr. Nelson, that a very large number of people remained in Apia after you left for New Zealand ?—Yes ; they were going away. I might mention that I diverted some of my boats to get them out of it.

*Judge MacCormick :* We have been told that by either Lago Lago or Faumuina.

*Mr. Baxter :* It is in the Committee report.

*Judge MacCormick :* But that is not before us.

*Mr. Baxter :* I think that is where Your Honour got it from.

*Judge MacCormick.*] I am putting it to you, Mr. Nelson, that there were a large number here. What were they stopping for ?—A great many could not get away.

You know that a great many of them refused to go ?—A large number who were in Apia were here because they could not get away. I was doing my best.

Why could they not get away : I do not mean in a week ; I mean in a reasonable time ?—Perhaps it might be difficult to understand. Some of these people came from Falealupo and Sataua. If a boat went there it would only carry a limited number, and if there was no copra there may be no call to go there for some time.

I am not talking about that ; I am talking about the people who refused to go ?—The larger number were here because they could not get away.

I am talking about the number—given to us at seventy—who definitely refused to go. They were told to go home and refused to go. What object do you suggest they wished to serve by remaining in Apia ?

*Mr. Baxter :* All these troubles occurred after Mr. Nelson left.

*The Chairman.*] But, Mr. Nelson, you can answer the general question ?—I can only account for it that those who delayed going did not want to go, and were waiting to demonstrate to the Administrator that they had not had a fair hearing from the Administrator and would wait until they did get a hearing. They felt that they had a little more confidence in New Zealand than that.

*Judge MacCormick.*] It was a downright defiance of the Administrator?—It was to demonstrate their dissatisfaction with the way the whole thing was handled.

*The Chairman.*] It is not an answer?—I can only give my opinion.

*Judge MacCormick.*] I am not asking you about the people who could not get away; I am asking you about those people who would not get away?—Another feature is that they could not see why they should be ordered about like children.

*The Chairman.* That is a very wrong way to talk in connection with this matter, and is rather typical of some of your observations in the presence of the Samoans. It is a very wrong way to talk. It is an incendiary way of talking. I am not asking you to agree with me; I am telling you my views. I do not care a bit whether you agree with me or not on that point.

*Judge MacCormick.*] Did I understand you to say that there was now an efficient surgeon in Apia?—Yes.

Who appoints the leading officials of the Medical Department; do you know?—I do not know.

Do you know that there is a considerable difference between a physician and a surgeon?—Yes.

And each may be a capable man in his own line?—Yes.

And it is not always necessary for the head of a Medical Department to be a surgeon or a physician, provided he is a capable administrator. I do not mean that he should be destitute of medical knowledge, but he may be either physician or surgeon and yet be a suitable head?—Yes. What I pointed out was the present head has not displayed knowledge sufficient to get the confidence of the people.

Then, it is merely a personal complaint against Dr. Ritchie?—Yes.

There seems to be a good deal of dissatisfaction about the conduct of the New Zealand Reparation Estates?—Yes.

Does it concern Samoa generally how those estates are conducted or managed?—There is dissatisfaction in various quarters. In one respect there is dissatisfaction expressed by artisans and mechanics on account of one department of the Reparation Estates taking over a monopoly of certain Government work.

That is an Administration matter, not New Zealand Reparation Estates, is it not? What you mean is that the Administration has seen fit to use persons employed in the New Zealand Reparation Estates for general purposes?—No; I think it is the transport and engineering department of the New Zealand Reparation Estates, or something like that, that has a monopoly of Government work. I know that is one of the causes of dissatisfaction.

That is a complaint against the Administration. The New Zealand Reparation Estates cannot do that unless the Administration direct them to do it?—Exactly. The Reparation Estates is conducted, I suppose, by the Administration.

New Zealand pays a subsidy to Samoa every year?—Yes, I understand so; it is in the estimates.

*The Chairman.* You are a member of the Legislative Council.

*Judge MacCormick.*] £20,000, or thereabouts?—Different sums.

*Mr. Baxter.* It was £21,400 last year.

*Judge MacCormick.*] Largely the profits of the New Zealand Reparation Estates?—Yes.

Well, that is a gift, is it not?—Yes.

That is not an ungenerous act on the part of New Zealand, is it?—No; but representations have been made that if the Government were more economical we would not want it, or we would get extra work done for that money.

Then, it would still be a gift. Supposing that some of these matters which you have asked to be done are to be done, how do you consider they will be effectively carried out: give me your ideas?—Much of what is now asked is only a restoration of former usages and customs.

How is it to be done: there must be some machinery by which to bring about these changes?—Do you mean New Zealand?—

No. I am assuming that some of these requests have been considered proper to be granted: how are they to be done? Have you ever considered how this is to be done?—Do you mean by Ordinance or Order?—

Is it to be done by legislation in New Zealand or in Samoa, or by change of officials, or how is it to be done?—There would need to be a very big change of officials, and under our present status I suppose legislation in New Zealand or Order in Council would be necessary. How to get that would be a matter for the authorities. If an Ordinance passed in Samoa would be effective, that would be all right; but, if not, there should be no difficulty for the authorities to find the means to bring about such reforms as were considered proper.

You are not prepared to give any more definite indication than that?—I cannot think just now.

You have not thought it necessary to consider that?—I do not think there will be any difficulty?—

I am not suggesting that. I am only trying to get your idea as to the manner in which it is to be brought about?—I still think there should not be any difficulty for New Zealand to make such changes as are considered necessary.

*Mr. Slipper.* May it please your Honours, I ask leave to report that on Monday last a large *fono* was held in Tauese. With the assistance of Mr. Nelson, Chief Afamasaga—or perhaps I should use the name Lago Lago—and Faumuina, the assembled people decided to curtail the questions of their general grievances to thirty-three representatives. Yesterday those thirty-three met with me and decided that one man be appointed by them, and with the assistance of Lago Lago he could put forward all their general grievances, and that they would bring forward to me what particular grievances they had for me to sort them out to the best of my ability. I have not yet gone through their particular grievances, but I am in a position to ask these chiefs to stand forward and state their general grievances; and when they have completed that, as far as I am aware, that will be a complete statement of their grievances. The spokesman appointed is Namulau'ulu.

## NAMULAU'ULU further examined.

*Mr. Slipper* : I omitted to add, sir, that it is my suggestion that the other thirty-three should be present in Court to hear what is said. Therefore I ask that room may be made for them to come in and hear what is said. (To witness :) Where do you come from?—Safotulafai, Savai'i.

And the thirty-three representatives have appointed you to give evidence as to general complaints to-day?—Yes. They have all said "Yes" to that.

The first matter is the matter of a famine?—I am going to make a report regarding the famine. A word like that in the Bible means—

What year was that famine in?—1925.

Some people went to the officials and asked to be allowed to get credit in the stores?—There were districts of Western Samoa who announced their appeal to the Governor for food to help them in the famine, such as sugar, biscuits, rice, flour, &c. The Governor replied that he could not do it.

Were any Natives given the right to incur credit?—They were allowed to incur debts for taxes, but not for what they appealed for for the famine.

Did any of them incur debts for taxes?—Yes.

What, and from whom?—The district of Anoamaa.

Whom did they get the money from?—They got it from Nelson's store, because he loved the Samoans.

What were they able to get?—£60.

£60 was borrowed by that village from Mr. Nelson's store; was that so?—Yes.

And that was for taxes?—Yes.

And that was permitted by the Administration?—Yes.

*The Chairman* : He says that this £60 was advanced from Nelson's to pay their taxes only.

*Mr. Slipper* : Yes. (To witness :) What have you to say about the statement of the Government finance?—The dissatisfaction of Samoa has increased because no statement of finance is published in the Samoan newspaper, like it is done in American Samoa.

Can you tell us how often an official statement comes out in American Samoa?—Every month.

*The Chairman*.] What paper in American Samoa?—The *Fa'a-tonu*.

Is it a newspaper or a Government paper?—A Government paper.

*Mr. Slipper*.] And what do you think it should be published in here?—In the *Savali*.

The next thing is about "O le Fetu"?—The Samoans are distressed by the Fetu.

Is it a Scout movement, with drill?—The Natives have been drilled, which is not in accordance with the mandate.

Is there any other objection to it, other than that it is not in accordance with the mandate?—The Samoans have suffered in contracting debts for their uniforms, and all of the Samoans have groaned because it is a waste of time which should have been used for their work. And this also: the Samoans have taken pity on those who are in the Fetu suffering from fits of the sun while they are drilling.

Why did they go on with it if they did not like it?—We could not stop it, because the Governor gave his orders to the Faipule and to those who conducted the Fetu.

What have you to say about the punishments of Europeans and punishments of Samoans?—The dissatisfaction of the Samoans has grown because the punishment of the white man is not the same as the punishment of the Samoan.

What have you to say about the model villages?—The Samoans are not satisfied with the model villages, because the white man is taking away the villages that the Samoans are accustomed to.

What is the difference between the ones they are making and those they are accustomed to?—The model village at the present time as ordered is all clustered together on one piece of land.

What sort of land does the Samoan like to place his house on?—On the land that has been used from the very beginning and on which his ancestors and parents are buried.

You say you do not like them all together: what is your objection to that?—The village being made close together means the cutting-down of trees that are used to feed the people.

And shade?—Yes, and the cool shade.

Any other objections to the model villages as they stand?—The model villages are becoming the cause of troubles between the people in them.

Why?—The owner of the land is not satisfied that another one will not come and live on the same land with him.

What have you to say about the "Lady Roberts"?—The "Lady Roberts" was announced by the Governor to the Samoans to be a help to the Samoans between Western Samoa and Tutuila, and between Upolu and Savai'i.

What do you mean by "being a help": Do you refer to the fares?—Yes. That is the real meaning—that the fares should be lowered, and not increased.

What is the fare from here to Pago Pago now on the "Lady Roberts"?—It is £1 10s.

What was it before?—In former times, during the German régime, the fare was only 12s.

*Judge MacCormick*.] Before the war?—Yes.

*Mr. Slipper*.] Does that boat run regularly from here to Savai'i?—Not regularly; and that is the wish of the whole of Samoa—that it should run regularly.

Does she go often to Savai'i, or only rarely?—Only when the Governor wants to make a *malaga*, or some other Government officials, but not for the Samoans.

Concerning the ambulance-wagon?—The ambulance was a present from Mr. Nelson. It was made known that it was to help the Samoans when they were sick, to carry them to and from the hospital.

Was anything made known about payment for the use of it?—Since that announcement, when a Samoan is sick and wants to use the ambulance he cannot get it unless he pays for it.

What have you to say about Samoan representatives on the Legislative Council?—What has been said first is very good.

By other witnesses?—Yes, and said by the Legislative Councillors regarding the representation of Samoans by Samoans; but I do not want that matter to be closed yet, until the Samoans are quite satisfied and have decided later.

Is there anything further about it that you want to bring forward now?—That matter has already been made known—that representation by the Samoans should be given on the Legislative Council, and I am satisfied with that.

The Samoans have not settled any scheme about it yet?—No.

And they want time to think about it?—Yes.

*The Chairman.*] Do you regard the proposal for representation by the Samoans on the Legislative Council as merely an instalment of reform, with more to come?—What we mean is that we will decide more about it in the future.

*Mr. Slipper.*] What have you to say about salutes? [Extract from “Samoan Law Book” read to witness]

*The Chairman.*] That does not apply to high chiefs?—There are many things we would like to say regarding this law. We would like to know how to salute—how it is to be done. There are many salutes—with guns, with the hands: what is it they want to be done?

*Mr. Slipper.*] I have read out the order that all young men must salute officials of the Administration, and chiefs and Councillors by raising up the right hand: Is there anything about that?—It is a cause of discontent among the Samoans, because it is going to change the customs of the Samoans. This is a white man’s custom, to salute with the hand.

Have you anything to say about the number of officials in the Administration?—That is another thing that has caused discontent. The duty has been made heavier on account of the number of officials in the Administration.

Do you think there are too many officials here, or do you think there are not too many?—The light that I have at the present time is that the white officials have increased more than in former days, during the German government. That is the cause of the groaning of the Samoans in respect of the Customs duty.

Is that one of the causes, or is it the only cause?—One of the causes.

You have heard the evidence that has been given to the effect that the Faipules are not elected by the people of their district?—They are not selected by their districts.

Have you heard what the other witnesses have said about that?—Yes.

And do you agree that they are right in what they said?—Yes.

Have you heard what has been said about “fine mats” and other old Samoan customs?—I agree with all that has been said.

Have you heard what witnesses have said in objection to the medical tax, and do you agree with that?—I agree that it should not be done.

Do you agree that when Samoans are ill they should personally pay for their own medical attention, instead of having to pay a medical tax?—A sick person should pay for his own treatment.

Have you heard what has been said about dividing up the Samoan lands?—Yes.

Do you agree with that or not?—I agree that it should not be divided.

And that the *matai* should still hold the land on behalf of the family?—Yes.

And that a division of the lands would tend to break up the family?—Yes.

*Mr. McCarthy.*] When you mentioned the famine, did you not mean a shortage of food?—The meaning of “famine” in Samoa is that there is no food.

Only some districts were affected?—All those that suffered the most are the districts that cried for help; but those who did not suffer did not cry for help.

Did that happen just after the big storm?—Yes.

That was in the year 1926?—1925–26.

Do you not know that all districts that were affected were inspected?—Perhaps they were inspected.

And Mr. Griffin, Secretary for Native Affairs, recommended that those districts that had suffered badly should get help, and they did get it?—I did not get any help.

You will not deny that other people got help, will you?—I am speaking concerning the districts that appealed and did not get any help.

But there were some districts that got help?—Well, if others got help, then I express thanks.

Do you not know with regard to finance that the whole matter was explained by the Governor in the Fono of Faipules?—I do not know.

You have mentioned the Fetu movement?—Yes.

Do you know what the word “character” means?—Yes.

You know what it is to have a good name?—Yes.

And is not that the greatest thing that Samoa can earn?—If it is a matter that is valuable and useful to Samoa, then it is of great importance.

I will read out to you the objects of the Fetu movement as follows:—

#### 1. *The Fetu of Samoa.*

The object of the Fetu of Samoa is to help the young men and boys of Samoa to become true and good Samoans—good in mind, in body and in character. Every boy knows that some men are more successful in life than others. One man may have a lot of land or money and not be a success; he may not be loved by his fellow-men because he has some faults in his character.

Some men may be big and strong and yet not be loved by others because they may be ignorant or weak-minded, or have some bad faults which cause others to dislike them.

To be a truly good Samoan a man must have many good qualities; then he will succeed in life. He will make himself and his family better and happier; and if every young man and boy will become a true and good Samoan, every family, every village, and all Samoa will be better and happier.

Therefore every boy and young man should belong to the Fetu o Samoa because this organization has been established not only to make every Fetu wiser and better, but to promote the interests of Samoa.

Every Fetu must promise to—(1) Be true to his God; (2) be loyal to his King and Government; (3) love his country and try to make it better; (4) to be kind and good to others; (5) to learn all he can so as to improve his knowledge and wisdom as well as to take care of his body and improve his health.

There is nothing wrong with that, is there?—I am not satisfied with that.

Was it not started and is it not confined purely to the schools?—No; it has spread to the districts.

Whose fault was that, that it has spread to the districts?—The first thing, it is the Governor's fault.

Is it not true that the Governor launched this movement purely for the schoolboys?—If it was confined only to the school-children, then they are not satisfied with it, because it is not right, the Samoans do not agree to it.

Are you made to join the Fetu movement?—The Faipule forces us to join.

Do the Samoans not know that this Fetu movement has been asked for in Fiji and Africa?—If they cry for it, let them cry for it. It is not proper for the Samoans.

You do not know that this system which has been adopted in Samoa is being copied in other countries of the world. You have mentioned the "Lady Roberts": do the Samoans not know that the "Lady Roberts" was given free to Samoa by the New Zealand Government?—That has never been announced like that by the Governor.

Is it not a fact that she has been used between here and Savai'i for the benefit of the Samoans?—The "Lady Roberts" has been making trips; but the Samoans are not satisfied, because they have not fulfilled the first promise that the "Lady Roberts" would be a help.

Is it not a fact that the fare on the "Lady Roberts" is cheaper than on the "Moata" or the "Ajax"?—I do not know; that has not been made known to the Samoans through the *Savali*.

Can you give me one instance where a Faipule appointment has been objected to by the people before October of last year?—Many Faipules have been made known to the Governor as unsatisfactory to the districts, but still the Governor has taken no notice.

Name one district where a Faipule's name has been sent in?—Safotulafai.

What is the name of the Faipule?—Leilua.

*Mr. Slipper.*] How was that objection made: was it in writing or verbally?—They were not satisfied, and sat still and did not do anything.

Was their objection made by word of mouth or in writing?—By word of mouth.

*The Chairman:* He has already answered that question. He said they made no objection.

*Mr. Slipper.*] Who was the man who made that objection, and whom did he make it to?—It was made in our *fono*.

To whom?—When they made this discussion in the *fono*, objecting to the Faipule, they decided to make it known, but they did not make it known to the Governor—not even to the Secretary for Native Affairs; but the Faipule knew this discussion was made. This was the cause of the taking-away of the titles, and we were afraid to make any announcement. From that time we were not satisfied.

Was the Faipule present at that *fono*?—He was sick that day; he did not attend.

Can you tell us whether anybody informed the Faipule about the *fono* and what you had discussed at it?—No.

*The Chairman:* When was Leilua appointed?

*Mr. McCarthy:* The 1st October, 1919.

*The Chairman:* Then, that was before the present Administrator. Whose time would that be in?

*Mr. McCarthy:* During military occupation.

*Mr. Slipper.*] Do you know of any other case where an objection has been raised to the Administrator against the appointment of the Faipule without the election of the people?—If you would like to have a proof of that question, I am representing thirty-three districts, I will attend to it.

You have not got an example ready now?—No.

Are you in the Fetu?—We have no Fetu in our place. We did not allow it.

Are there any others than schoolboys in the Fetu?—Plenty.

You have been asked if you love your country.

*The Chairman:* There is no need to ask that, *Mr. Slipper*; of course he loves his country.

*Mr. Slipper* (to the thirty-three witnesses in attendance): Have you heard what that last witness said. Put up your hands anybody that is not satisfied with what was said?—We are all satisfied.

#### LEAIPAI SWORN and examined.

*Mr. Slipper.*] What is your name?—Leapai, of Malie, in Upolu.

And you are an orator?—Yes.

That is Toelupe's village, is it not?—Yes.

Tell us about Muagutu?—Toelupe took his name away from him without cause.

You mean his title?—Yes.

Did Toelupe order that?—No. There was a meeting of the chiefs in Malie and when *kava* was being served out Muagutu's cup was called. Toelupe stopped the cup being issued to the person called, and objected to the title being used by Muagutu.

Do you know of any reason for this?—It was after the *kava* ceremony that the Faipule explained why he had objected.

What was the objection?—He stated that there was an inspection by the women's committee of such things as knives, forks, and spoons, and that Muagutu refused to comply with the inspection. Muagutu was having a house built, and when it was completed Muagutu supplied food for the chiefs and orators of the village. The Faipule would not allow that, stating that the builders should have been given the food. As it happened, the builder was Muagutu's brother.

*The Chairman.*] Was any written order given by Toelupe taking away his title?—No.

He was only refused the proper place at the *kava* ceremony?—He stopped the *kava* being given to the person of that title, and said that he was not to use the title, and to go to Savai'i.

*Mr. Slipper.*] Did he go to Savai'i?—He did not go to Savai'i, but left Malie and came to Faleata, where he remained.

Was Toelupe speaking just as Toelupe or as a Faipule?—As a Faipule.

This was in 1925?—Yes.

And there is a chief named Auimatagi: what did Toelupe do about him?—The Faipule said that he was to drop his title and to wander on the road and to go home to Aleipata.

Was any reason given for doing this?—No, just his wish.

Some land has been cut up to individualize it at Malie, has it not?—There was some dispute about Auimatagi's land at Malie. It was brought before the Native Department, where it was decided that the land was not to be divided into two. Auimatagi went to Savai'i, and while he was away the Faipule directed the *pulenu'u* and a member of the committee to divide the land.

Was that division carried out?—Yes.

And was anybody associated with Toelupe in that decision, or was it Toelupe's decision?—Only Toelupe himself.

Who got any advantage out of the division of this land?—A person named Tinei.

Did he get part of the land?—Yes.

Had he any right to it?—Yes.

He had a claim to it?—Yes. It was a daughter of the predecessor of this Auimatagi.

This Tinei had a claim to the land?—Yes.

Did this matter go before the land and titles Commission?—No.

Is this Tinei any friend of Toelupe?—Tinei is a woman, and they treat one another as relations.

Auimatagi—is he a friend or not of Toelupe?—On the surface only.

Tell us about the road overseer getting away with money, and about Moala and Tafau?—Moala is known as the son of Toelupe. Saena, at my suggestion, was appointed to be foreman of the gang working on the road.

What did Toelupe tell him about his pay?—Nothing was said by Toelupe about wages, and from the commencement of the work to the present time Saena has received no pay for the work.

Who has been getting the pay: do you know?—Moala Tafau, son of Toelupe.

Has he been doing the work?—No.

Did you people select Toelupe as a Faipule?—No.

Was there any *fono* about it at all?—No.

Has there been any *fono* since then?—No.

Can you tell us whether any objections have been made to Toelupe's appointment?

*The Chairman:* You know that Toelupe was appointed in German times, Mr. Slipper.

*Mr. McCarthy.*] Is it not true that the trouble that you mention regarding Auimatagi and Tinei was settled at a family *fono*?—That was the decision of the Faipule. The Secretary for Native Affairs said that there was only one controller of that land, and that was Auimatagi.

Is this other one correct [minutes 3 and 4 from the minute-book of the Sagaga District Council read out]?—That is correct.

Is that a family decision, or a decision of the Faipule or the District Council?—A reconciliation took place with the assistance of the District Committee and the Faipule with his whole family present.

Regarding the road overseer Saena, do you know that Saena has been paid?—Moala Tafau came and drew the money.

#### AFAMASAGA-MAEA sworn and examined.

*Mr. Slipper.*] Where do you live?—Fasitootai.

Your village had some cattle which got into the Magia Plantation?—Yes.

And that is a Government plantation?—Yes.

Some of your village boys tried to get the cattle back?—Yes.

Who was the manager of that plantation?—Mr. Patterson.

And there was some question of a fine, was there not?—Mr. Patterson ordered us to pay £1.

Was there any trial before any judge?—No.

What was the £1 paid for?—To have the cattle returned to our own paddock.

Did you get your cattle returned?—No.

The Governor paid a visit to your district after that?—Yes.

How long after?—Three or four months afterwards.

Did you speak to him about the matter?—Yes. I myself spoke to the Administrator about this matter.

And what did the Administrator say?—The Administrator said that we were to appoint a committee of two members from each of the four villages in our district and to have that committee called the Land Committee. He said that the Secretary for Native Affairs would send for that committee and discuss the matter of the cattle and come to a decision.

What year was this in?—October, 1925.

Mr. Griffin was then Secretary for Native Affairs?—Yes.

Have you heard anything further about the matter to this day?—No; up to the present that has not been done, and that is how our village has been deceived.

We come on to the question of Galo: what happened to him?—The District Fa'amasino tried this man Galo for an offence and did not decide the case, but referred it to the Faipule for decision.

What was the result?—It resulted in the boy being banished to Siumu.

From where?—From Fasitootai.

Did he actually go away like that?—There were a few days allowed him in which to prepare to leave. He did not go straight to Siumu, but came to Mulinu'u.

Did he receive any order from the Administrator?—I would like to explain the applications that were made in this case.

We will hear that in a minute. Did the boy actually go away, as he was told to do?—He came to Mulinu'u.

Was that in obedience to the order of the Faipule?—He came to make inquiries as to the Faipule's right to banish him.

What is the name of the Faipule?—Salanoa.

For how long was he sent away?—I do not know, except there was trouble for over fifteen months.

He called then at the Native Affairs Department and saw Mr. Griffin?—I think so, but I do not know for certain.

And what was Mr. Griffin's attitude in the matter?—Mr. Griffin stated that the Faipule was wrong.

Did not Mr. Griffin say that there should have been the Governor's signature about the matter?—Yes; he said that the matter should have been referred to the Administrator for the Administrator to decide whether it was right to banish the man or not.

And Mr. Griffin made a decision of his own: what was it?—Mr. Griffin said, "I will uphold the decision of the Faipule and have that boy removed from Fasitootai, but, instead of to Siumu, it will be to Fasitoota."

For how long?—For six months.

And were you present there when Mr. Griffin said that?—Yes.

Were you present before the Faipule when the Faipule dealt with the matter?—Yes.

Was any charge laid against this boy Galo?—No.

Were there any witnesses brought against him?—It was a defendant party and witnesses.

Were there any witnesses against this boy Galo?—No.

Were there any witnesses in his favour?—No.

*Judge MacCormick*: I understand him to say there was no charge.

*Mr. Slipper*: No charge and no witnesses, but witnesses may have come in in some loose sort of way without any charge having been laid against him. (To witness:) Who was the person who complained against Galo?—

*Judge MacCormick*: Would it not be simpler to ask him what he was sent away for?

*Mr. Slipper*: Yes, sir. (To witness:) Why was the boy sent away?—The boy was banished for using insulting words regarding his father and Afamasaga Lago Lago, the father of Lago Lago.

But you are a younger man yourself than Afamasaga Lago Lago, are you not?—Yes, but I am a chief commonly known in Samoa as the father of Lago Lago. I am not the natural father, but I am known in Samoa as a father whom the younger chief consults.

*Judge MacCormick*: Anyhow, he was charged with insulting language to somebody else as well as to his own father?

*Mr. Slipper*: Yes. (To witness:) The point is that there is a charge of using insulting language and a banishment followed: is that the position?—Yes.

*The Chairman*: He has not given us the date yet.

*Mr. Slipper*:] What is the date?—1924-25.

Did the boy have a chance to ask questions?—There was only a petition made up by Lago Lago and the boy himself.

Was that a written petition or a spoken one?—A spoken petition, in the presence of the Faipule.

*The Chairman*: There appears to have been some form of hearing.

*Mr. Slipper*: Excepting, sir, that there were no witnesses called against him.

*The Chairman*: These procedures are not strictly according to the formula or formulæ of a Court of law. No one expects them to be.

*Mr. Slipper*: No, sir. (To witness:) Now about Tito.

*The Chairman*: Another case?

*Mr. Slipper*: Yes, sir.

*The Chairman*: How does this man come to be interested in these boys?

*Mr. Slipper*: It arises out of the principle that we have endeavoured to work on that the Natives would prefer to condense their evidence on the basis of representatives.

*The Chairman*: You told us that you had done with that.

*Mr. Slipper*: That was on general questions, sir, not on particular questions.

*The Chairman*: I certainly understood that you were not going to introduce a whole heap of hearsay evidence in individual cases.

*Mr. Slipper*: My great difficulty in the matter is to reduce the number of witnesses, and this man, for example, comes into the box and speaks of things that are obviously hearsay. I do not suggest that they are not. I have already spoken to my friends on the opposite side

about the matter. If I am to call these various people who know these things directly, I am sure I shall have such an enormous number of witnesses that neither the Commission nor anybody else will have anything to say at all.

*The Chairman:* You will have to call them; I will not have this class of evidence. It ought to be mentioned that this kind of thing cannot go on. I do not say that it was done wilfully by you. The fact, nevertheless, is that we thought that the representative men were to record the important matters, and you were going to call evidence on special grievances. I am not going to depart from our rule that we will not hear hearsay evidence. It is absolutely valueless.

*Mr. Slipper:* I will call your Honour's attention to the fact that in the first case this witness has mentioned he was present himself.

*Mr. Chairman:* That is admissible.

*Mr. Slipper.]* Were you present at any of the proceedings concerning Tito?—Yes.

Tell us what you know about it, from what you have heard yourself and from what you saw.—Ta'a complained against Mau'u, the father of Tito, because Tito had threatened Ta'a with a knife. The inquiry was held by the Faipule and the District Committee. It was decided that the boy should be banished from Fasitootai to Malie or to Faleasiu.

*The Chairman:* He was present?

*Mr. Slipper:* So he says. Yes?—Mau'u explained to the Faipule that that was the only boy to help him. The Faipule would not recognize that application. The jury adjourned about this time in the afternoon, and Mau'u and Ta'a commenced to prepare some food to present to the Faipule. When it came night-time, they sent these foodstuffs to the Faipule, and the punishment was remitted.

By the Faipule?—Yes.

*The Chairman.]* What year was this in?—About 1926.

And the name of the Faipule?—Salanoa.

*Mr. Slipper.]* Concerning the man at Satapuala: were you present when the matter was put to His Excellency the Administrator?—No; I had been selected as the representative of the four villages in our district to speak about this matter before this Commission.

Well, you are not permitted to say it. This question of the *pulenu'u* at Faleatiu: were you present and heard these things yourself?—Yes.

Tell us about them?—The position of *pulenu'u* of that village has been abolished since 1925, because the one who was holding the position of *pulenu'u* at that time had drunk a bottle of beer on New Year's Eve.

Can you tell us anything about this question of Mr. Southern, the Beetle Inspector—can you tell us anything about it yourself?—Mr. Southern said that the Government would not recognize Faleatiu as a village, and that they were to go under the authority of the *pulenu'u* of Vailuutai.

And later the Governor was at Magia and spoke to you about this matter?—Yes.

Were you present and did you hear what he said?—Yes.

Well, what did he say about that?—The Administrator asked the people of Faleatiu if they wanted to have a *pulenu'u* for their village. They replied "Yes, because we have no *pulenu'u*." The Administrator said, "Very well, you shall have a *pulenu'u* appointed."

When was this?—1925-26.

Has anything been done about it since?—No, nothing has been done.

Anything else?—No.

Now another complaint—Lio Peapea: do you remember that matter?—Yes.

Can you tell us anything about it from what you heard yourself and saw yourself: there must be no hearsay?—When the Administrator arrived in our district the Faipule Salanoa sent for Lio Peapea to attend the reception to the Administrator, whereas Lio Peapea has been banished. That banishment order was signed by the Deputy Administrator, then Acting-Administrator.

Do you know whether any order was signed to cancel the banishment?—No.

Have you any other matters to bring forward?—No. There are a lot of other things, but I cannot remember them.

*Mr. McCarthy.]* You were a complainant against Lio Peapea, were you not—concerning his banishment, that is?—Lio Peapea complained against me.

This is what you said [reading]: "The *tulafale* is not truthful. I should like to make a statement. Samoans are accustomed to show respect. Lio is not a member of the Fasito'o village. He is living in Nofoa'lii and visits Fasitootai and causes trouble. I am a slave under the slavery imposed on me by Lio." Is not that correct?—That was in answer to the complaint of Lio against me.

Very well. You led the complaint against the boy Galo, did you not?—No.

Did the Fasitoo people not know that Mr. Patterson has leased the Magia Plantation?—No.

NIU ALI'I sworn and examined.

*Mr. Slipper.]* Where do you live?—Faleula.

You have some grievances against Toelupe?—Yes.

Anything about cement?—Yes.

What are they?—There were eight barrels of cement left over from our waterworks, which the Faipule has used for himself without our knowledge. We had to pay for that material.

It would not have been used without your knowledge if you are now telling me this: do you mean without your consent?—He used the cement in the construction of his own house without our consent.

For the construction of his own house?—Yes.

There were statements made by Tupai against other people: is that so?—Yes.

Well, what was done?—Tupai used insulting words about other chiefs.

And what did you ask to be done about it?—I asked the Faipule, Toelupe, to request His Excellency the Administrator to have this man removed, as he had spoken insulting words calculated to break the peace of the village.

*The Chairman.*] By “removal,” do you mean banishment?—Yes.

*Mr. Slipper.*] And what was Toelupe’s attitude?—This was at the commencement of the Mau movement, and Tupai was then a member of the Mau. Toelupe said that he would do something in the matter, but Tupai left the Mau and supported the Government again. Since then nothing has been done. The insulted chiefs are still feeling very angry about what has been done.

You said something about the imprisonment of Tamasese. That question cannot be gone into now. Did you say anything to Toelupe about the expenditure of the Government?—Yes.

What did you say about it?—Long before the Mau movement commenced we asked the Faipule Toelupe to request the Administrator to advise us of the expenditure of the Government and how all the money is expended. That was myself and the members of my district.

And what was Toelupe’s attitude in the matter?—He did not do anything in the matter. He ridiculed us Faleula people, saying, “Better let the Faleula knowledge run the Government.”

Concerning schools?—Toelupe being a member of the Education Committee, we asked him to inquire into what was being taught at the schools to advance the education of the Samoans. That was before the Mau movement commenced.

What was Toelupe’s attitude to that?—Toelupe said we had better leave our knowledge until later on. It was I who spoke to him about these matters.

Did you get any satisfaction from Toelupe?—No.

With regard to the appointment of officers to official positions in and about Toelupe’s district: what have you to say about that?—There are so many Government officials outside nowadays that very often punishments overlap. A person is punished by three different officers for the one offence.

Can you give us an instance?—In my own case, for instance, I was punished by the women’s committee and I was also punished by the men’s committee, of which the *pulenu’u* is chairman.

For what offence was that?—Having rubbish near the house—not a very serious offence.

Who punished you first?—The women’s Village Committee.

And what was the punishment?—It was 4s. fine.

Who punished you next?—The men’s Village Committee, of which the *pulenu’u* is the chairman.

Was that the same offence or some other offence on the same day?—On two separate days. The same rubbish was near the house on the two days. There was one inspection, say, to-day and one yesterday.

Did nobody else have a pot at you over this offence?—No; and I do not wish to speak about anything else like that. I am only speaking for myself and my own case.

You were punished by two different tribunals for two different offences; is that correct?—Only one offence, since it was the same rubbish for which I was fined twice.

Now, with regard to the hospital, what about this man with a needle in his leg?—Yes.

Were you there and did you see this yourself?—I myself had the needle in my leg. The doctor inserted a needle in my leg and then left me for three days without extracting it.

Can you name the doctor?—No.

How did it come to be extracted in the end?—I asked Malietoa and Toelupe to do something to get the doctor to come and take the needle out, and if they could not do so then they were to send me to Tutuila, where the doctors could fix it.

What was the result of that?—The following morning the doctor came and attended to me.

In regard to a gate or fence across the road: what have you to say about that?—There was an epidemic in Apia, and Toelupe said that we people should do something to prevent the spread of that epidemic to our district, and we put obstacles in the road to prevent the people from passing into our district.

What happened then?—The Europeans complained to the Government in Apia and orders were sent out to remove the obstacles, but we obeyed the Faipule’s instructions, thinking that he would back us up later. Mr. Griffin himself came down and told us to remove the obstacles to let the Europeans pass through, but to stop the Samoans travelling.

Regarding a gate across the road at Afega recently?—Yes, that was an obstacle put there by the Faipule to prevent the people bringing food to us while we were gathered in Apia.

Did you see the gate yourself?—Yes.

Were the police there?—I mean by “obstacles” the police; the police were stationed there.

You said that there was a gate across the road: was there a gate or was there not?—There was no gate.

*Judge MacCormick:* We have had all this from Inspector Braisby.

*Mr. Slipper:* That was at another place, called Letogo. Inspector Braisby said that he did not see and did not know anything about the second gate. (To witness:) How do you know that they stopped the people from bringing food? How did you know that that was the reason: did anybody tell you?—The people of our village who were coming in with foodstuffs for us—they informed me.

You did not hear this yourself?—I was not there when the people were sent back, but they did not come in.

I will read this: “The time that the people of Samoa were distressed, we asked to use the money of the village fund in the Savings-bank to buy food.” Do you know anything about that?—Yes, there was a shortage of food.

What was your trouble: did you ask for any help?—We asked the Government to help us over that period, and they would not help us.

Were you the man who asked or who took any part in it?—I was one of the *pulenu'us*, and all the chiefs—

*The Chairman*: Mr. Slipper, surely we have heard that Inspectors were sent round to ascertain according to their own judgment which districts required help and which did not, and I have no doubt that the Administrator acted upon their reports. I think it my duty to say that the class of complaint which is now being given in evidence is unworthy of consideration by this tribunal.

*The Interpreter*: I might mention that I was not given an opportunity of interpreting the important part of this witness's statement.

*The Chairman*: We will have it in a moment.

[Mr. Slipper called in Mr. Baxter to discuss the position which had arisen.]

*The Chairman*: We had better have the whole answer now.

*Witness* (continuing): We asked that the Administration should help us through this time of trouble and they refused to do so: and then we asked to withdraw our own village moneys which were being held by the Administration. We were refused that also.

*Mr. McCarthy*: Those moneys were in the Savings-bank—the Post Office Savings-bank—I believe?—I believe so.

Who could stop you from drawing those moneys?—The Acting-Administrator, Colonel Hutchen.

Did you make a speech to the people of Falefa in July of this year?—No.

Did you not say to the people assembled, "We are not going to carry out or obey any further orders of the Government"?—No.

*Mr. Baxter*: May I crave two or three minutes indulgence, sir. Mr. Slipper informs me that there is some question about the class of evidence which is being given.

*The Chairman*: Yes.

[Mr. Baxter and Mr. Slipper then withdrew from the Court.]

*Mr. Baxter*: If it will please your Honours, it seems that the same question has cropped up that arose before. I should prefer to mention it in Chambers if your Honours are agreeable.

At this stage the Court adjourned at 3.40 p.m. in order that the matter might be discussed in Chambers.

The Court resumed sitting at 3.55 p.m.

*The Chairman*: I have already said that in our opinion the class of evidence that is now being called cannot be of the least assistance to the Commission in determining matters which are submitted to them. This evidence consists very largely of complaints between villages or between individuals, and it could never have been intended that this Commission should investigate a very great number of individual complaints. I have discussed the matter with counsel, and what I suggest to them is that in addition to their right to cross-examine whatever Faipule are tendered in evidence—and I believe it has been announced to be the intention of the advisers of the Administration to call every Faipule against whom a personal complaint or charge has been made—I suggest that it would be ample for their purpose if any other Faipule whom they may desire to examine as to any personal grievance should be open to cross-examination by them. If that course is adopted, then I will direct that any Faipule to be named by either Mr. Baxter or Mr. Slipper shall attend the Commission at a suitable date to be examined as to any such grievance or complaint against them. I understand that counsel desire an opportunity of considering the matter, and so I propose to adjourn. I may add that we have had, in addition to a vast amount of other evidence, representatives from thirty-three districts called as to personal complaints against a large number of Faipule. The Commission will adjourn now till 8.15 a.m. to-morrow to enable counsel to consider the position.

#### THURSDAY, 13TH OCTOBER, 1927.

The Commission resumed at 8.15 a.m., when Mr. Baxter intimated that, with the exception of any evidence he might call on the proposed *malaga* and any which he might be entitled to call in rebuttal, his case was closed.

IULI sworn and examined.

[There were present in the Court thirty-two other *pulenu'us*.]

*Mr. Meredith*: You are a *pulenu'u* at Falefa?—Yes.

Are you a chief, or what is your rank?—I am an orator, a *tulafale*.

Are there any members of the Mau at Falefa?—They are all in the Mau.

Are they collecting the beetles and bringing them to you?—No.

Since when have they ceased doing that?—Since the 12th June of this year.

Are the taxes being paid to you?—Last year the medical tax was paid by some and others did not pay. This year they have not paid the dog-tax, and they have not paid their gun licenses.

When should those have been paid?—The second quarter of this year.

In June, July, or August?—In August.

Do you know Fuaava?—Yes.

And Taofiloa?—Yes.

Do they belong to your district?—Yes.

Are they chiefs?—*Tulafales*.

Do they belong to the Mau?—Taofiloa was selected by the committee to be the leader, the conductor, and he was appointed *pulenu'u* by the Mau Committee.

Did Fuaava or Taofiloa tell you what the Mau people were going to do about beetles and taxes?—Yes.

What did they tell you?—The orders from Mr. Nelson were that they must not obey the law.

Did they say anything about what they were going to do with any Government instructions?—He told them that they must not pay gun licenses and dog-taxes, and they said to me, "That is the order from Mr. Nelson, not to do anything more and not to pay taxes."

Are they obeying the other regulations, about cleaning the villages and repairing fences?—They do not do anything.

*Mr. Barter.*] Who appointed you as *pulenu'u*?—I was selected by the people of Falefa.

When was that?—In 1923.

Having been selected, there was not any need for any other selection being made, was there?—No, no further selection.

How were you selected to be the *pulenu'u* of Falefa?—The district village first received a letter from the office of the Secretary for Native Affairs instructing them to select a *pulenu'u*.

What happened when they got this letter instructing them to select a *pulenu'u*?—When they receive a letter the Natives make a selection, and when they have picked on a man they notify the Secretary for Native Affairs that they have found a man and mention his name.

Who does the selecting: is it the Village Committee?—The Village Committee.

And who composes the Village Committee?—The whole lot—the chiefs and orators.

That is, the *matais* of the village are members of the Village Committee?—Yes.

Are you talking about your own village only or all the villages that you know of?—There are two *pulenu'u* in Falefa. I was selected by the village under my control.

At the present time if they want to select a *pulenu'u* do all the *matais* in the village have a say in the selection?—Yes.

That is because they are all on the Village Committee?—Yes.

Has the Governor published in the *Savali* or sent a message through the Secretary for Native Affairs or the Faipules stating how many people are to be on the Village Committees?—It has been stated in the *Savali* that all the *matais* of the village are to be on this committee.

You are in charge of the village, are you not?—Yes.

And I suppose that when any Faipule receives any instructions he sends them to you and you see that the village obeys them?—I get a letter from the Faipule when he receives orders telling us all to come to the *fono* of the district, and when all gather, then the Faipule makes known to the head of the committee and the rest of the committee what the orders are. Some of these orders are only just put on trial in the district, but are not passed as laws.

When it is on trial, how do you get along? If a man disobeys it does he get punished?—He is exhorted.

Is it this way: those who want to obey do so, and those who do not want to obey, do not do so?—It acts that way.

They just do what they like?—We urge always that they should do it.

What laws are you talking about, the laws made by the District Council or the Fono of Faipule?—The matters decided by the District Council.

When one of the District Council laws has been on trial, and you are satisfied that it is a good law, do you make it a law to carry on with?—These matters when decided on are sent to the Fono of Faipule, and from the Faipule Fono they are brought before the Legislative Council and forwarded to the Parliament in New Zealand.

So that the Faipule Fono has not any powers to make laws at all?—I am not a Faipule and I do not want to be mixed up with it.

You have seen these books that you can buy down at the Native Office for 6d.—the Faipule laws?—I know.

Who made those resolutions, the Fono of Faipule or somebody else; and when they make these resolutions do the people have to carry them out?—Yes; I will see that they are carried out, and I urge them to be carried out.

When these District Councils are called together for a meeting, who brings the matters before the District Council for discussion?—We put the matters forward—the *pulenu'u* or any other person appointed by the District Council.

You say "any other person appointed by the District Council"?—Yes.

Who are on the District Council?—The whole district.

When you say the "whole district," who do you mean: all the *matais*?—The *matais* and *taulelea*.

Are you talking about the *fa'a-Samoa* Council or the proper District Council?—The recent District Council.

All the *taulelea* and *matais* are on it, are they?—Yes.

What is the name of your district?—Lufilufi.

How many villages are there in that district: eight or nine, are there not?—Yes.

Of these eight or nine villages, all the *matais* and *taulelea* are on the District Council?—On some occasions some *matais* are absent and some are appointed to take their places. The *taulelea* on some occasions come and on some occasions they do not come.

What about the women: are they on the Council?—No.

I do not think that you have told me the truth when you say the *taulelea* are on that Council?—I am telling the truth, because I have seen the *taulelea* at the District Council meetings, but they have nothing to say.

What about the *matais*: have they all got a say, or have they nothing to say?—Yes, the *matais* can always say something.

You told us of the *matais* that they could go : did they go only because they were entitled to ?—The *pulenu'u* tells them, because the Faipule of the district orders the *pulenu'u* to assemble the District Council.

But the *pulenu'u* has to get the permission of the Faipule as regards the number ?—Then the *pulenu'u* and the committee of my village will make the arrangements.

Does the Faipule say to the *pulenu'u*, “ you can instruct three chiefs, four chiefs, a dozen chiefs to come ” ?—No ; he does not give the number to be assembled.

When this Council first started did the Faipule tell them ?—No.

You are quite sure of that ?—I am quite sure of it.

What is the name of your Faipule ?—Tainau.

You told Mr. Meredith that the people had not been collecting beetles since the 12th June : perhaps they are collecting them and giving them to some one else ?—I do not know if they are or not.

You mentioned about another *pulenu'u* : do you know whether there is another *pulenu'u* or not ?—I do not know.

You say that last year some paid and some did not pay the medical tax, and this year some did not : of the some that paid, were some in the Mau at that time or not ?—They are in the Mau.

Were they in the Mau then ?—They were in the Mau when they paid the medical tax of last year.

Who collects the medical tax : do you collect it ?—I do.

You have not collected any this year at all ?—No.

*The Chairman* : I fancy that it is not payable yet.

*Mr. Baxter*.] When is it payable ?—In November of this year.

You said that the Mau people in your village—and all are in the Mau—had appointed a *pulenu'u*. What do you mean : do you mean that they have appointed some one to look after the committee ?—Yes.

You say that these two men that you mentioned had told you that they had received instructions from Mr. Nelson not to pay any more taxes : when was it that you were told this ?—On the 13th June, 1927.

Did they tell you where they got that information from or not ?—They said that they received it from Apia.

They received it, I suppose, from some of the delegates ?—I did not inquire.

In fact, you did not bother about it ?—I took no notice of it.

But this was a very important thing, and you made no inquiry of any sort ?—No, I made no investigations.

And you believed it ?—I accepted what they said.

You did not bother to make any inquiries about it ?—I only took note of it, and I did not go any further.

You did not bother to report it to the Secretary for Native Affairs ?—I reported these two men.

Although you reported it, you made no inquiries as to whether it was true or a pack of lies ?—I made no investigations, but I applied to them three times about the taxes, and every time they told me what I have said.

It was quite probable that they did not want to pay their taxes ?—(No answer.)

*Mr. Meredith*.] Does every one come to listen to the District Council ?—Yes.

Every one who wishes to come to the District Council to listen can do so ?—Yes.

Who are entitled to speak at the District Councils ?—Nobody is held up ; any *matai* can speak.

Can *taulelea* speak at the District Council ?—No ; they can only come and do the work and serve food.

What rank has a man to be before he is allowed to speak ?—Chiefs and orators.

Do you remember a further time being given for the payment of medical taxes last year ?—I have forgotten.

Do you remember whether the time for payment of last year's medical tax was extended to March ?—Yes.

*The Chairman*.] You have told us that there are three bodies—the Village Committee, the District Council, and the Fono of Faipule ?—Yes.

The Fono of Faipule is a sort of Samoan Parliament ?—Yes.

Do they consider remits from the District Council ?—Yes.

Does the Fono of Faipule pass laws or recommend to the Administrator laws to be passed ?—They recommend what would be for the prosperity of Samoa.

They do not pass laws themselves ?—No.

With regard to the District Councils, do the District Councils make recommendations to the Fono ?—Yes.

Do the District Councils also make regulations relating to local matters and what I might call local controls ?—Yes, the District Councils make regulations to put the district in order.

Do the District Councils, in fact, make any general laws binding Samoans ?—No.

Those general laws have to be passed either by the Legislative Council or by Order in Council in New Zealand ?—Yes.

Would you just tell me shortly what sort of subjects the District Council deal with by regulation ?—They have a fund which they lodge in the Post Office Savings-bank for water-supplies, electric lighting, and other things.

Do they regulate in any other way : give me a further illustration ?—They must put the village in order.

*The Chairman*.] I come now to the Village Committees : do the Village Committees make regulations for the control of the village affairs ?—The *pulenu'u* and the committee do things for the good of the village.

## AULAVEMAI sworn and examined.

*Mr. Meredith.*] What is your name?—Aulavemai, *pulenu'u* of Vaimoso, in the District of Faleata.

What is your rank?—I am an orator.

Are there many Mau people in Vaimoso?—Most of the chiefs and orators are in the Mau; there are very few supporters of the Government and myself.

Are the Mau people in your village bringing in beetles to you?—That is not the practice now.

Since when have they ceased to bring them?—Commencing from the 4th July of this year.

Do you know Leleua-Moe?—I know him.

Does he belong to Vaimoso, and what is his rank?—He is a *tulafale* of Vaimoso.

Do you remember a meeting that he addressed at Vaimoso?—One night, the 29th June, 1927, I was asked to attend a meeting of the chiefs and orators of Vaimoso. I attended that meeting, and Leleua-Moe addressed the meeting and he said that he was pleased to see the *pulenu'u* and the other people supporting the Government there. He said that he wished to state that we were to part. I am leaving out the unimportant parts of the speech. One of the important parts was that they would not bring the beetles to me any more. He said that they would not pay taxes to the Government—that is, the medical tax and the poll-tax. He said that they would not recognize the inspection of the Plantation Inspectors, together with the inspection of pig-fences and villages and other Government regulations, and would not abide by them.

Did any other orators speak on the same lines?—Others spoke, including one Une. The speech meant the same thing.

Was the Mau committee mentioned?—He said, “We cannot help ourselves. We are afraid to bring beetles to you and obey the Government regulations, as the general committee has given instructions that we are not to obey any more laws or search for beetles.”

What committee do you refer to when you speak of a general committee?—There are two committees in the Mau, the European and the Samoan. I do not know which particular committee they referred to. I included both.

Did the Mau people in Vaimoso appoint a man to act as *pulenu'u*?—It was stated that night that they would appoint a committee to handle matters. Leleua-Moe was appointed to the committee for that purpose, to whom beetles would be handed.

Anybody else beside Leleua-Moe?—Since the 4th of July several meetings have been held, so that I do not know whether there is anybody else. This appointment was made at the meeting.

How far is Vaimoso from Apia?—I am not quite sure whether it is one mile and a quarter or one mile and a half.

*Mr. Slipper.*] Do you keep a diary of the various things that you attend to officially as *pulenu'u*?—I record them in a paper supplied by the Government for the purpose.

Have you got that paper here now?—No.

When did you last look up the paper about that meeting held on the 29th June?—I looked at it last night, I have a paper here.

What is it about?—I made a note on that paper the night of the meeting.

The very night of the meeting?—The main points are recorded on that paper.

And did you write down the name of Une on that paper?—No; I stated that I wrote some proceedings of the meeting, but not all.

But you noted down that Leleua-Moe was saying these bad things, and you did not note down that Une was doing the same thing: why was that?—I did not note Une's speech because Leleua-Moe was the first and Une's speech was very similar.

Why did you not note Une's name down, so that you would not forget it?—I knew that I would not forget Une's name.

Have you forgotten the names of the others?—No.

You did not mention them?—It was unnecessary to mention the whole lot, because Mr. Meredith did not ask for the lot.

Can you remember the names of some of them now?—Yes.

What are they?—Lealofi Tamasese, Leleua. The Fa'amasino also spoke on his and my behaviour when standing together supporting the Government.

Can you remember any more people of the Mau who spoke these bad things?—I can only remember these three speaking.

Was it not your difficulty that Leleua might have taken your position as *pulenu'u*?—I said at the meeting that if they did not want me to be *pulenu'u* then they could remove me from that position and appoint another one.

They have not appointed another *pulenu'u*, have they?—They said that they were quite satisfied with me in that position, but it is the Government regulations that they opposed.

Have the Mau people of your village appointed a *pulenu'u*?—In that speech it was mentioned that they would appoint some one to perform the duties of *pulenu'u*. They called it a committee.

How many people is that committee composed of: do you know?—Leleua was the one and only one appointed to be the committee.

For what purpose?—To receive the beetles. The other work, such as cleaning the villages and other things, was to be left in abeyance.

Has that work been left in abeyance?—Yes, up till to-day.

Do you mean that some of these duties have been in abeyance, or that the village has been neglected, and that sort of thing?—I know that they are not obeying the regulations, because they do not recognize them.

Are they neglecting their villages?—Yes; they are neglecting the pig-fences as well in the villages.

Who asked you to attend that meeting on the 29th July?—The chiefs and orators asked one, Tuae'i, to go and ask me to attend the meeting.

Do you understand how many *fonos* there are at which the Natives may attend in connection with the Government?—I can remember three *fonos*.

The highest one is?—The Fono of Faipule with the Administrator.

Do you know of anything to show that the Mau have in any way interfered with that Fono?—I cannot say anything about the Fono of Faipule. I am only concerned with my work as a *pulenu'u*.

What is the next *fono*?—It is the District Committee, with the Faipule as chairman.

Can you tell me what sort of people go on that District Council?—The Faipule is the chairman, and when he calls a meeting he writes to the *pulenu'u* of the village. He will write and say that he wants two other members of the Village Committee to attend at that meeting.

The Faipule decides how many chiefs will sit at that Council meeting?—He advises the number. Sometimes he gives the names of those so appointed, and he might call more or less than two members. Sometimes he leaves it to me to appoint who is to go with me.

#### MOENOA sworn and examined.

*Mr. Meredith.*] What is your name?—Moenoa, *pulenu'u* of Saleimoa, in the district of Sagaga North.

Have you some Mau people in your district?—There is a division of the Mau in my district.

What is your rank?—*Tulafale*.

What attitude are the Mau people taking in regard to beetles and taxes in your district?—They have rejected my work regarding the dog-tax.

What do you mean by that: have they refused to pay the dog-tax?—Yes.

What are they doing in regard to bringing the beetles to you?—They do not bring them.

Did any one tell you why they were not doing this?—Because of the announcement of the Mau committee.

Who told you that?—Lotuanuu-Faalii.

Is that one name or two?—That is one name.

Is he a member of the Mau?—Yes.

Do you know whether another *pulenu'u* has been appointed by the Mau?—I know who is taking the records of the beetles and who has become a *pulenu'u*.

Who is that?—He is Tau Lauilo.

Do you know whether they are taking beetles to Tau Lauilo or not?—I have not seen them taking beetles, but I have been informed by others belonging to the Government that they have been seen beetle collecting.

*The Chairman.*: We cannot have that.

*Mr. Meredith.*] Did any of the Mau people tell you that they had appointed Tau Lauilo?—No.

*Mr. Baxter.*] When were you appointed a *pulenu'u*?—In 1919.

And you have been a *pulenu'u* of the village ever since?—Yes.

I suppose no question has arisen as to whether anybody else should be a *pulenu'u* other than yourself?—No others.

And how did you come to be appointed a *pulenu'u* in the first place?—The Faipule requested me to work as a *pulenu'u* on my side of the village and Lotunu'u would work as a *pulenu'u* on his side of the village.

There is a Village Committee that looks after village affairs?—Yes.

Besides being a *pulenu'u* you are also on the District Council?—Yes.

All the other Native officials of that district and the Land Komisi—are they on the District Council?—There are no other officials but the *pulenu'u* on the District Council.

I am talking about the District Council?—Occasionally the Fa'amasino attends.

He can be there if he wants to?—Yes.

What about the others, the *pulefa'atoagas*: have they never been on the Council?—No, because we have no *pulefa'atoaga*.

Have you any Land Komisi, and do they ever attend?—We have Land Komisi. It is optional for them to attend.

Are those the only people on the Council, or are there others, too?—The whole district attends the *fono*.

The whole district?—Yes. If there is a meeting of any importance, then the Faipule orders the *pulenu'u* to assemble the whole place, and sometimes he only orders them to bring two.

When you say "bring two," does he name the two?—He leaves it to the Village Committee to select the two.

Who is the Faipule of your district?—Toelupe.

When you have one of these meetings of the District Councils you make laws sometimes, do you not?—They do not make any laws, but only according to the matter that has been put forward by the Village Committee and the *pulenu'u*.

The *pulenu'u* and the Village Committee remit something to the District Council, and the District Council consider it and perhaps they will make a law out of it?—They make a trial law.

When you say "a trial law," what do you mean?—A trial to see if they can carry it out.

Is the trial for one or two months, or for how long?—There is no limit. When they make another Council, then the President asks, "How about the matter we discussed at a previous meeting?"

And while this matter is on trial have the people got to obey it, and are they punished if they do not obey it, or do they please themselves?—No one at all.

They need take no notice of it if they do not like it?—When any one is not carrying it out they put it forward again to the committee and the District Council.

When they make it a trial law perhaps some people do not obey it: are those people punished?—Not at all.

So they need not worry about it if they do not want to have anything to do with it?—There is no need to worry about it. They leave it to the Village Committee again to discuss the matter and put it to the District Council.

That is not what I am talking about. I am talking about this: they make a trial law and a man does not do what that trial law says he should do—is he punished?—No.

After it has been on trial and there is nothing the matter with it you put it before the Council, and perhaps you make a proper law: is that so?—They will discuss it again.

And if they think it is a right thing to do they will make a proper law?—If the majority agree that it is good, then they will make a law.

From the time that it is made like that in the Fono or District Council every one has got to obey it or be punished?—They will leave it to the Fa'amasiino.

Well, say you hold the Fono this morning and make a law: does that become law right away?—That would be a District Council law.

Nothing more has got to be done with it once the District Council has passed it?—It will be a District Council law.

Are you sure of that?—Yes; that will be the end of it.

Has your District Council made laws like that?—Yes.

Do you not know that no laws passed by a Council can become laws until passed by the Administrator?—I know that.

I suppose the Faipule go to this Fono and meet the Governor there, and come back and tell the people what has been decided by the Fono of Faipule?—Yes.

That, I suppose, is the first you know of what they have been talking about at the Fono, unless you hear it talked about in Apia?—We do not listen to reports from outside; we wait for the report from the Faipule.

And you do not know that the matter has been before the Fono until the Faipule comes back and tells you?—Yes.

You know these books, I suppose [Samoan Book of Laws shown to witness]?—I know.

It contains the workings of the Fono of Faipule?—Yes.

Has all that is in those books got to be carried out by the people or not?—They should obey anything there that they can carry out, but they cannot say anything towards any matter that cannot be carried out.

Is it your point to say that those things are carried out in your village?—When we want to carry out anything I discuss the matter with the committee.

#### MANO'O SWORN and examined.

*Mr. Meredith.*] What is your rank?—*Tulafale*.

What is your village?—*Samatau*.

Are you the *pulenu'u*?—Yes.

What district do you belong to?—*A'ana West*, a sub-district of *Falelatai*.

Have you got members of the *Mau* living in your village?—Yes.

Are they refusing to search for beetles?—Yes.

Are they paying taxes or are they refusing?—They have not paid the dog-tax.

Did any of the *Mau* people tell you why they were not going to search for beetles and were not going to pay taxes?—The people of the *Mau* gathered at my house, and they stated that they wished to mention that they had severed their connection with me and the Government, and that they would not receive instructions. They had received instructions from the committee in Apia not to obey any more Government regulations.

Can you remember when that was?—Monday, the 13th June, 1927.

And since then they have refused to carry out your instructions?—They have neglected everything and have not carried out any instructions.

Do you know whether they have a *pulenu'u* of their own in the village?—I asked if they had appointed a *pulenu'u* and they said "No." I asked again who was attending to beetle-searching, and they said, "Everybody does that."

*Mr. Slipper.*] Did the *Mau* people have a committee in the village?—I do not know.

It is customary to do everything by committee in Samoa, is it not?—Yes.

Are the beetles being collected?—I do not know, since they do not hand me the beetles.

Did you make any note of the 13th June of this year?—No.

When were you first spoken to about it since then?—Not at any time.

Did you inform the authorities about this meeting; did you report it?—No.

Did you know about *Tamaseu* case?—No.

You never heard that he was punished in this Court for doing the same sort of thing as you say this man was doing?—I do not know.

You did not report it because you did not look upon the matter as being very important?—I reported to the Government that there were very few beetle-searchers. Most of the people turned over to the Mau.

Did you tell him about these people not paying taxes?—I reported to the Faipule that they had come and severed connection with me as *pulenu'u* in quite a friendly way.

Have you ever been present at a District Council when it has been in meeting?—Yes.

For how many years have you been in a habit of attending these meetings?—Two years.

Have any laws been made while you have been there?—They were made, after discussion, concerning the district.

Were there any by-laws made?—Yes.

Can you tell me what one law was about?—They made a law that nobody was allowed to stay out of the District Council, and that was to include *taulelea*.

Who brought that question up?—It was suggested by the Faipule who convened the meeting.

Was that his own idea or did he get it from some one else?—The Faipule's own opinion.

Have you read these duties of the District Council [book shown]?—Yes.

When they make a law does it become a law at once?—No.

What happens?—The matter is discussed to consider whether it is proper to bring it before the Fono of Faipules, through the Faipule, to be passed as a law.

Have you ever been at a Fono of Faipule?—No.

Does your District Council ever make any laws at all?—It cannot do so.

Can it make a law relating to the modelling or remodelling of existing villages, for example?—We have regulations of that kind, but there is no penalty for any breach.

And when you have made regulations like that, is that the end of it: is it necessary for anything more to be done with it before it is put into force?—The District Council is largely concerned with the prosperity of the district. Matters in connection with taro and banana plantations, and that sort of thing.

*The Chairman.*] You told us that you were asked to act as *pulenu'u* by the Faipule?—No.

By whom were you asked to act?—By the instructions of the Administrator, issued through the Secretary for Native Affairs, the village elected me to be appointed as their *pulenu'u*.

*Judge MacCormick.*] Do you know that the by-laws of the District Council have to be approved by the Administration before they can be put into force?—Yes.

#### MOENOA further examined.

*The Chairman.*] Can you give me any idea of the proportion of the Mau members in your village?—Over forty.

Out of how many?—Out of 336.

When you were appointed *pulenu'u* was your village in any way consulted about your appointment?—Yes.

*Mr. Baxter.*] Was the *fono* when you were appointed a full *fono* or just some of the people?—The whole gathering.

*Mr. Meredith* (through the Interpreter to the assembled *pulenu'us*): Have you heard the evidence of these four, and are the same conditions with regard to the Mau not searching for beetles and refusing to pay taxes also existing in your villages?—All agreed.

*The Chairman.*: When you were appointed *pulenu'us* were your villages in any way consulted?—Yes.

[List of names of *pulenu'us* and villages called out as follows (total number, thirty-five, of whom two were sick and one absent.)]

1. Salapo, P.N. . . . .	..	..	Laulii.	18. Mata'afa, P.N. . . . .	..	..	Afega.
2. Tuli'a, P.N. . . . .	..	..	Letogo.	19. Tupa'i, P.N. . . . .	..	..	Tuana'i.
3. Tupuana'i, P.N. . . . .	..	..	Vailele.	20. Sala, P.N. . . . .	..	..	Leauva'a.
4. Safai, P.N. . . . .	..	..	Fagalii.	21. Timu, P.N. . . . .	..	..	Levi.
5. Tamapua, P.N. . . . .	..	..	Moata'a.	22. Moenoa, P.N. . . . .	..	..	Saleimoa.
6. Fanua, P.N. . . . .	..	..	Vaiala.	23. A'iono, P.N. . . . .	..	..	Fasitoota.
7. Puleiata, P.N. . . . .	..	..	Magiagi.	24. Otemai, P.N. . . . .	..	..	Nofoolii.
8. Tupuola, P.N. . . . .	..	..	Tanugamanono.	25. Liufau, P.N. . . . .	..	..	Leulumoega.
9. Tuisaula, P.N. (attending Church meeting) . . . . .	..	..	Matautu.	26. Valu, P.N. . . . .	..	..	Fasitootai.
10. Leta'a Sui, P.N. . . . .	..	..	Apia.	27. Tuigamala, P.N. . . . .	..	..	Vailu'utai.
11. Aulavemai, P.N. . . . .	..	..	Vaimoso.	28. Letele, P.N. . . . .	..	..	Satuimalulufi.
12. One, P.N. . . . .	..	..	Lepea.	29. Taefu, P.N. . . . .	..	..	Si'ufaga.
13. Taimalelagi, P.N. . . . .	..	..	Vaiusu.	30. Salu, P.N. . . . .	..	..	Falelatai.
14. Tupu, P.N. (sick) . . . . .	..	..	Saina.	31. Mano'o, P.N. . . . .	..	..	Samatau.
15. Ale, P.N. (sick) . . . . .	..	..	Toamua.	32. Multalo, P.N. . . . .	..	..	Anoama'a.
16. Leatufale, P.N. . . . .	..	..	Faleula.	33. Satiu, P.N. . . . .	..	..	Musumusu.
17. Mauala, P.N. . . . .	..	..	Malie.	34. Togia, P.N. . . . .	..	..	Maasina.
				35. Laumea, P.N. . . . .	..	..	Loua.

#### PUNI sworn and examined.

[Present in Court members of the District Councils who are not also officials.]

*Mr. Meredith.*] What is your rank?—*Tulafale*.

And your village?—*Samatau*.

And your district?—*Falelatai*, a sub-district of the district of Aana.

And you are a member of that District Council?—Yes.

By what right are you a member? How did you become a member?—By nomination by my village.

When was the last District Council meeting?—The 30th June of this year.

Did you attend it?—Yes.

Were any members of the District Council who used to attend regularly not attending on that occasion?—Yes.

Who were those who did not attend on this occasion?—Those people who have changed over to the Mau.

Had they always attended before?—Yes.

Did any of them tell you why they did not attend?—Some members of the Council who changed over to the Mau informed me that they would not attend the meeting.

*Mr. Baxter.*] When were you appointed on this District Council?—In 1925.

Who was it brought your name before the District Council as a suitable man for the committee?—The *pulenu'u* and the chiefs and orators of my own village.

Was your appointment confirmed by the Faipule?—Yes.

Would it have mattered whether or not the Faipule did approve of your appointment?—If I was rejected by the Council and the chairman, who was the Faipule, I would retire from the meeting.

Did the Faipule let the *pulenu'u* know how many were to represent your village besides the *pulenu'u*?—Yes.

You have the same number of representatives from your village at each meeting of the Council?—The same number at each meeting.

What is the name of your Faipule?—Nanai.

You have a *fono* in the District Council and you discuss matters that are sent up to you from the Village Committees, and you make a law if you think it is right to do that?—That is the practice.

Does the *Fono* of Faipules also make laws that are carried out in the district?—The law cannot be passed by any other body except the *Fono* of Faipules, and if the District Council wants a law passed they have to refer it to the *Fono* of Faipules for them to consider.

The District Council sends a remit up to the *Fono* of Faipules?—That is the practice.

Then when the *Fono* of Faipules makes these laws they have to be carried out, I suppose?—They are referred to the Chief Judge.

You have told us the *Fono* of Faipules makes laws: Then, I suppose, when they are made laws the people have got to obey them?—They have to pass through the Chief Judge to go to the New Zealand Parliament, where they are made law.

You have seen these books before [*Samoan Book of Laws*] ?—Yes.

Have all the things that are set out here got to be obeyed by the people?—They are obeyed.

Because they are laws: is that what you mean?—Yes.

*Judge MacCormick.*] What is the proper name of your District Council—the District Council of which you are a member?—*Falelatai*, which is a sub-district of *Aana Saute*.

The Order in Council prescribes that the District Council is to meet twice yearly?—Yes.

At other times if the Administrator directs?—Yes.

#### SEINAFO sworn and examined.

*Mr. Meredith.*] What is your rank?—Chief.

What is your village?—*Musumusu*.

And what district?—*Va'a-o-Fonoti*.

And are you a member of that District Council?—Yes.

Whom were you chosen by to be a member of the District Council?—My own village.

What was the date of the last meeting of the District Council which you attended?—The 26th August this year.

What was the meeting before that?—I forget.

Did the Mau members of the District Council attend at that last meeting?—One village did not attend.

Did any of those members tell you why they would not attend?—They wrote. They sent a letter to the District Council.

What did the letter say?—We have departed from the District Council. I have the letter, as follows: "To the Faipule.—We are not attending. It is not because we oppose your order and the District Council, but we are not satisfied with the announcement by the leader of the Fetu, and also there have been too many orders from yourself. Therefore we notify hereby that we will not attend. We will not abide by any more orders or any instructions from the District Council.—Signed by the Ali'i and Faipule of *Saletele*." Letter dated 24th April, 1927.

*Mr. Meredith.*] Do you know whether those Ali'i and Faipule are members of the Mau?—They are at present in the Mau.

#### TULIAU S. sworn and examined.

*Mr. Meredith.*] What is your rank?—Chief.

Your village?—*Letogo*.

And what district is that in?—*Vaimauga, Tuamasaga North*.

You are a member of the District Council?—I am.

How did you become a member?—There was an order given by His Excellency that the committee from each village shall be selected.

And who were you selected by?—The whole village.

What was the date of the last District Council meeting?—The 13th June this year.

Did some members who used to attend not attend at that meeting?—That refers to *Apia*, this village here. When they held the meeting that day they said that they were departing from the District Council.

At the last meeting did several men who used to attend before not attend?—Those that joined the Mau did not attend.

Did any of the Mau members tell you the reason for not attending?—Because they were turning to the Mau.

INU sworn and examined.

*Mr. Meredith.*] Your name is Inu?—Yes.

And your rank?—*Tulafale*.

Of what village?—*Lufilufi*.

And what district is that in?—*Anoamaa*.

You are a member of the District Council?—Yes.

And you were chosen to be a member by your village?—Yes.

The last meeting of the District Council was in July, was it not?—Yes.

Did the members of the Mau who were also members of the District Council stay away from the district meeting?—They did not attend.

*Mr. Meredith* (through the Interpreter, to the assembled witnesses): Are you all members of the District Councils, and do you agree that at the last meetings of the Councils the Mau members stayed away?—We are all members of the District Councils. The members of the Mau did not attend the last District Council meetings of our District.

[List of thirty-one witnesses called out as follows, of whom all were present except one, sick.]

District Council.	District.	District Council.	District.
1. Sila .. ..	A'ana South.	17. Vaaulu .. ..	Faleata, Tuamasaga Matu.
2. Puni .. ..	"	18. Ulugia (sick) .. ..	"
3. Tuionoula .. ..	A'ana North.	19. Inu .. ..	Anoama'a "
4. Toleafoa .. ..	"	20. Falealo .. ..	"
5. Tofae .. ..	Sagaga, Tuamasaga Matu.	21. Leota .. ..	"
6. Sanui .. ..	"	22. Seinafo .. ..	Vaa-o-Fonoti.
7. Lotuanuu .. ..	"	23. Fuamatu, L. .. ..	Vaimauga.
8. Fata S. .. ..	"	24. Tuala, F. .. ..	Anoama'a.
9. Pula .. ..	"	25. Samoa .. ..	Vaimauga.
10. Saena .. ..	"	26. Pilimai .. ..	"
11. Tuimaseve .. ..	"	27. Fata-Faitele .. ..	Tuamasaga Matu.
12. Toa .. ..	"	28. Leu .. ..	"
13. Atoa .. ..	Vaimauga, Tuamasaga Matu.	29. Tautolo .. ..	Aleipata.
14. Maposua .. ..	"	30. Papalii, F. .. ..	Vaimauga.
15. Patu Togi .. ..	"	31. Taupau .. ..	Aiga-i-le-tai.
16. Lelena .. ..	Faleata, Tuamasaga Matu.		

LEIATAUA-MANA sworn and examined.

*Mr. Meredith.*] What is your name?—*Leiatua-Mana*.

You are a *pulefatoaga*?—Yes.

What are your districts?—*Aiga-i-le-tai*, sub-district *Manono*.

Is that the district you inspect?—Yes, the whole of *Aiga-i-le-tai*.

Are they Mau people in your district, or Government people?—A very small section of *Apolima* joined the Mau. The majority of people in my district are still supporting the Government.

Are you having any trouble about the Samoans obeying your instructions in regard to the plantations?—I have had no trouble in connection with my work.

SAIPAIA sworn and examined.

*Mr. Meredith.*] What is your name?—*Saipai*.

What village do you belong to?—The village of *Satapuala*, in the District of *A'ana-matu*.

Are you an Agricultural Inspector?—Yes.

Have you been inspecting the plantations in your district lately?—I gave instructions on the 9th July.

Instructions to what village?—To the Village of *Faleasiu*.

What others?—On the 11th July at *Fasitoo*. They opposed me and did not accept or obey my instructions.

What about *Nofaalii*?—*Nofaalii* on the 12th.

Did you issue instructions to them, too?—Yes.

And to *Leulumoega*?—Yes, to *Leulumoega* on the 13th.

What were the instructions you issued to these people?—To plant bananas and coconuts, and to clean plantations.

What was said to you by these people?—The *pulenu'u* of *Faleasiu* replied to me, saying, "We do not agree with your instructions, because *Faleasiu* have all joined the Mau."

Was the man who spoke to you a member of the Mau?—He is at present in the Mau.

What about the other villages?—*Fasitoo* is divided in two.

Did they tell you that they would not obey your instructions?—Yes. I was well received by the Government people, but the division of the Mau rejected me and would not obey my instructions.

What about the other two villages, *Nofaalii* and *Leulumoega*?—They gave the same reply—that they did not wish to obey my instructions.

Do you know *Sauvao-taufoe*?—He was the *pulenu'u* in *Faleasiu*.

Is he a *pulenu'u* now?—He is the one I mentioned a little while ago who has joined the Mau.

Have the people of Faleasiu given you any records of beetles caught?—Sauvao told me that two *pulenu'us* have been appointed by the Mau to attend the searching of beetles.

*Mr. Baxter*: That is rather hearsay evidence.

*Mr. Meredith*: Yes. (To witness:) Have you inspected and seen the conditions of the Mau plantations?—Yes, I have inspected them.

And what is the condition of them?—Some are good and some are bad.

Where are most of the bad plantations: are they Mau people or are they Government people?—Mau plantations.

*Mr. Baxter*.] These plantations which you have been telling us about—for how long have they been neglected?—From the beginning of the Mau; when they started the Mau they neglected their plantations.

You mean right back after the first meeting in October of last year—they have neglected them from then?—I do not know when the Mau started.

But right from the very beginning?—I do not know about any Mau meetings.

You said “since the Mau started”: what do you mean?—I only know that when I gave the instructions in July they were rejected, and they took no notice of my instructions.

Was that the first time you had noticed anything wrong, or that your instructions had not been carried out?—That was the first time.

That is, from the 9th to the 13th of July this year?—Yes.

Then you instructed them to plant bananas, I think, and coconuts. Had you ever given such instructions as that before?—Yes.

When was that?—I inspect every quarter, and I give the same instructions every January, February, and March—that is, the first quarter.

They obeyed instructions that time, did they?—They obeyed them the first quarter.

And the same with the coconuts: they obeyed that order, no doubt?—Everything I instructed them to do.

Who told you to give these instructions about planting coconuts and bananas?—Our leader, Mr. Ritchie, the Director of Agriculture.

Then, you said that their plantations were neglected. I conclude that they were not entirely neglected: perhaps they had not done as much work on them?—“Neglect” means that they have thrown away most of their plantations: they are overgrown with weeds and they are not weeding them at all.

Does that include their foodstuffs as well?—The taro and food plantations are being attended to.

But the other plantations, you say, they have neglected?—Yes.

Did you prosecute them for not carrying out your instructions?—I prosecuted no one, because no one came to me. I could not punish any one, because no one came to me.

You did not pick out anybody to whom you had given your instructions—like this *puluni'u*, for instance. Why did you not prosecute him?—His plantations are all right.

Oh, then, they were not all neglected?—The foodstuffs are all right, but the bananas and coconuts are not all right.

But the *pulenu'us* bananas and coconuts; what about them?—Very good.

Is that the *pulenu'u* who said, “We do not agree to these instructions, because we are in the Mau”?—Yes, that is Sauvao.

His plantations are all right?—Yes.

Well, then, they were not all neglected. You told us that all the plantations were neglected; now, here is a man who is in the Mau and his plantations are not neglected. Are there any more like that?—There are plantations of the Mau that have been attended to and cleaned.

There were some that have been attended to and cleaned?—Yes.

*Mr. Meredith*.] Where were most of the bad plantations?—At A'ana-matu—that is, North A'ana.

You have told us that some of the plantations are all right?—Well, those are the plantations of the people in the Government.

How long had this *pulenu'u* Sauvao you spoke about left the Government and joined the Mau?—I do not know.

In your district can you say what proportion there is of Mau plantations to Government plantations?—Since they rejected me, that is the only time I have inspected the Mau plantations. I do not know much about the Mau plantations now. I have inspected only the Government plantations since I was rejected by the Mau.

You know how many Malo (Government) plantations there are? Can you say whether there is a large number of Mau plantations in your district? You know how many plantations there are in the district, and you know how many Government plantations there are: are there many left or are there but few?—Mainly with the Mau, because they have mostly joined the Mau. There are more of the plantations with the Mau.

*Judge MacCormick*.] This *pulenu'u* of whom you spoke, is he still in office?—He had just left and joined the Mau.

*Judge MacCormick*: Some of them have joined the Mau and they are still Government officers.

*Mr. Meredith*: I do not think so, sir.

*Judge MacCormick*: I was speaking of one man only just now.

*Mr. Meredith*: I understand from the departmental officer, sir, that they have not had time to go into every case. The particular *pulenu'u* in this case has been dismissed.

## LETA'A SWORN and examined.

*Mr. Meredith.*] What village do you belong to?—Apia.

Are you the *pulefa'atoaga*?—Yes.

What are the boundaries of your district?—From Tufulele to Lau'i'i.

That will include Apia and also the villages of Levi, Lepea, and Leauva'a?—Yes.

In regard to your instructions, how are the members of the Mau treating you?—I have nothing to do with the people of the Mau. When I go on my inspections I do my business with the *pulenu'u*.

Are your instructions being carried out by the Mau people?—On my last inspection I found that they had not been obeying my instructions at all.

What had you told them to do and what had they not done?—From one end of my district to the other I gave orders that each person was to plant twenty-five yams. All the supporters of the Mau did not obey that order.

Did you give any orders about bananas, or coconuts, or anything?—Each person was to plant one hundred bananas and ten coconuts. In some villages they have been ordered to plant cotton and to clean all plantations.

That is, to clean the weeds?—Yes.

And had any of these instructions been carried out by the Mau?—On my last inspection the *pulenu'u* of villages where there were members of the Mau stated that the people of the Mau would not do as I had instructed.

And did you have a look at the plantations yourself?—Yes.

And when you got there could you see that your instructions had not been obeyed?—Yes, and I felt very sorry to see the neglect.

In your district are there many villages which are nearly all Mau?—May I make an explanation?

What we want to know is are there more Mau plantations in your district than Government plantations; and, if so, how many more?—The proportion that eight is to twelve—eight representing Government plantations and twelve representing the Mau plantations.

*Mr. Slipper.*] Are you in the Mau?—No.

Do you want to be in the Mau?—No.

Did you ever want to be in the Mau?—No.

Did you not attend the first public meeting, on 15th October, in the Market Hall?—Yes, I was there.

And did you not hand in a written statement of grievances of the Samoans against the Faipules and the Administrator?—No.

You swear that you did not hand in that statement?—Yes.

Did you not make a speech, speaking strongly on these questions of grievances against the Faipule and the Administrator?—I did not speak about any subject.

Did you speak at all?—Yes, I spoke, but I did not speak strongly of anything.

Do you remember what you did say?—No; perhaps you can refresh my memory.

I will refresh your memory to this extent—say this Yes or No: did you or did you not bring forward grievances of the Samoans against the Faipule and against the Administrator—any grievances at all?—No.

You did not?—No.

Consequently, then, you did not beg that these grievances would be embodied in the committee's reports?—No.

Will you deny that when Mr. Nelson returned from abroad last year that you called at Tuaefu with other chiefs last year?—I admit that I went with other chiefs.

And that this was primarily a social call of the chiefs on the chief Taisi?—Yes.

And you made a speech condemning the Government?—No.

And that you asked Mr. Nelson if there was any news which you and others should not divulge?—It is probably true that I asked if he had brought any fresh news, but nothing in connection with the Mau.

Well, what is the fresh news you would expect him to bring?—Any news from outside. It is the usual custom when anybody returns home from another place to ask if there is any fresh news.

From what place did he return?—European countries; I do not exactly know what countries.

Did Mr. Nelson not tell you that he had no private information for anybody, and no private information at all?—I do not remember words to that effect.

And that if he (Mr. Nelson) had anything to tell he could tell it openly for anybody to hear?—I do not remember that.

Did you contribute to the first lot of donations to the Citizens Committee?—No.

When you inspected these plantations you say that you went to have a look at them yourself; that is, of course, what inspecting means. Is that correct, that you went and had a look yourself?—Yes.

And did you go through them and about them sufficiently to be able to see the condition of each plantation?—Yes.

Can you tell us the name of any one of the Native Mau plantation-owners of those plantations which you inspected?—Yes.

Give us one?—One is Lotuanu'u.

Have you any written record that you wrote at the time?—Yes, I recorded the names; but I did not think that I would be questioned on that point, and I did not bring my book.

Well, take this person Lotuanu'u?—Yes.

How did you know?—Because when I went on my inspection he did not attend, as is customary and the *pulenu'u* informed me that he had joined the Mau.

So that was clear blank hearsay on your part?—I do not know personally; it was information from the *pulenu'u*.

Is this not the position: that you conclude that every one who did not meet you was in the Mau?—Before the Mau movement was commenced it was customary for the chiefs and orators to attend when I went to their village on inspection. Since the Mau movement has commenced only those supporting the Government attended; those who had turned to the Mau did not attend.

But you do not know whether they are in the Mau or not, do you?—I also saw the beetle-searching records of the *pulenu'u*. I asked the *pulenu'u* to produce his beetle-searching record, and found those names missing, as not having searched for beetles.

Are you prepared to give, to-morrow morning, to Mr. Meredith a list of all those you say were inattentive to your instructions, and to give evidence to show why you say they are in the Mau?—I can give the names of all those who failed to obey my instructions, but I cannot see how I can prove that they all belong to the Mau?

From whom did you get your instructions to plant yams, and bananas, and coconuts?—The Administrator to Mr. Ritchie, and Mr. Ritchie to us.

Have you seen the instructions from the Administrator to Mr. Ritchie?—That is from information received from Mr. Ritchie. I have not seen the instructions. Mr. Ritchie, in giving instructions, says that those instructions are from the Administrator—that this should be done and that should be done.

Do you know if there is any law providing that these things should be done?—I have not seen any law, but I have always asked advice from Mr. Ritchie.

And, lastly, are you in a position to prove that the *pulenu'u* notified these alleged Mau planters who did not attend you for the purpose of inspection?—As regards recently, I do not know. I cannot prove if the *pulenu'u* has conveyed my instructions.

*The Chairman*: Mr. Interpreter, please tell the witness from me that he is under no obligations to prove it.

PALELEI sworn and examined.

*Mr. Meredith*.] And to what village do you belong?—Samamea.

And you are a *pulefaatoaga*?—Yes.

And what district are you Inspector of?—The Vaa-o-Fonoti District.

And that district is Faleapuna East to Uafato?—Yes.

What is the proportion of Malo (Government) people and Mau people in your district?—The majority are with the Government.

You have an actual list, have you not?—The total number of the people who have joined the Mau amounts to 341, and the Government people are 596.

Do these figures refer just to grown-up people?—That includes males, females, and children.

That is the number of the respective families, then?—Yes.

Have you given orders to the people in your district in regard to planting new stuff and clearing weeds out of the plantations?—Yes.

Do you know whether those instructions have been disobeyed in any parts?—It is difficult for me to reply to the question, because of this: I was rejected in Faleapuna on my inspection.

Well, how were you rejected: what happened?—When I arrived in Faleapuna I met the Tulafale, Pasui, who belongs to Faleapuna. He said to me that he was a member of the committee of the Mau.

What else did he tell you?—I told him that this was an inspection. The reply that he made to me was to the effect that no inspection would be made in that place. I asked, "Why not," and he replied, "It is the decision of the committee of the Mau in their *fono*," and they were "not to agree with any more things from the Government."

Did you go and look at those plantations?—No.

Did they refuse to let you see any of the Mau plantations in any other parts of the district?—Yes, in Sauago and Saletele.

What did they tell you there?—That they would not receive any inspection, as they were afraid of the decision made by the *fono* of the Mau.

*Mr. Baxter*.] What committee is this to which you refer—this *fono* of the Mau: Are you talking about the Vaa-o-Fonoti *fono*?—I was pointing to the committee here in Apia.

Was the man who told you that?—Yes, he pointed to the committee in Apia.

How did you work out those figures for Vaa-o-Fonoti?—I have been in the custom of taking records of everybody under my control in my district since I have been appointed to this position.

If you thought that a person was Malo (Government) you put him down as Malo, and if you thought that he was Mau you put him down as Mau?—There are places which are quite distinct in my district that have gone to the Mau and those that have not gone to the Mau.

Did you put down just the grown-up men, or have you got the women too?—The women and children as well.

FRANK GEORGE LEWIS further examined.

*Mr. Meredith* made a statement to their Honours that the evidence of Mr. Lewis had been typed in six copies, and that it was proposed that Mr. Lewis should read out this statement to the Court; also, that counsel for the other side should be given time in which to peruse and examine the statement, Mr. Lewis to be cross-examined at a later date.

*The Chairman*: You will be allowed ample time, Mr. Baxter, in which to consider it.

*Mr. Baxter*: The course proposed will assist me.

*Mr. Meredith.*] What is your name?—Frank George Lewis, clergyman, and at present occupying the position of Secretary for Native Affairs in Samoa.

And you produce the attached statement, which, to the best of your knowledge and belief, is true?—Yes, I was for a continuous period of five years, 1920-25, a missionary of the Methodist Church among the Natives of Savai'i and Upolu. In the year 1925 I was appointed Inspector of Intermediate Native Schools; in February, 1926, I was appointed Assistant Secretary for Native Affairs; from May, 1927, to the present time Secretary for Native Affairs. I submit the following reports: (1) Fono of Faipules; (2) District Councils; (3) "Fine mats." (4) Banishments.

#### THE FONONO OF FAIPULES.

The Fono of Faipules is a present-day constituted body of ruling chiefs which can be traced back to an Assembly that was in existence in the Consular period of Samoa. It has passed through various changes since its inception in the attempt to establish a suitable representative Assembly in the self-governing system of this country.

In 1899 there was a body of Faipule signing themselves "The Thirteen"—Toelupe, Lauati, Moefaaou, Laufa, Fu'e, Matau, Asiata, Tufuga, Leiataua, Molio'o, Suatele, Autagavaia, Lemana. This body was in existence in Mulinu'u at the advent of German Administration.

1905.—A definite step was made by Governor Solf in 1905 by appointing twenty-seven Faipule to live in their districts and assemble twice a year in Mulinu'u. The *Savali*, issue No. 1, September, 1905, publishes the names and districts, and states that these chiefs were appointed by the Governor for life, unless guilty of conduct unworthy of office. I produce the following:—

*Extract from Address by Dr. Schultz, Governor, at Government Fono, June, 1913, and Published in Savali, July, 1913.*

"In the days whilst Dr. Solf was Governor it was done this way: The Faipule Kaisalike is to join in the deliberation for the appointments of Faipule, Komisi, Fa'amasino, and Pulefa'atoaga. Now I shall follow the same way. When you bring your considerations to me and, if I find them suitable, then I will yield to them; but if they do not suit, then I will declare my choice. Now you shall choose successors to these members: (1) Ama, Lotofaga, Faipule; (2) Posala, Samauga, Faipule; (3) Magele, Iva, Faipule; (4) Maiava, Sato'alepai, Fa'amasino; (5) Tuala, Lealatele, Fa'amasino; (6) Faamo'e, Matautu, Komisi."

Reforms.—From time to time reforms have been made concerning this Fono—reforms effected by the Governor and the members in consideration of the interests of the country, e.g.:—

- (a) 1923—The Fono was given statutory recognition in the Constitution by the Samoa Amendment Act 1923.
- (b) District boundaries have been altered, resulting in a gradual increase in the number of seats in the Fono till it has reached thirty-four.
- (c) For several years appointments have been made for three years on trial, and only when proved are Faipules themselves kept in office.
- (d) Latterly the district chiefs have been asked to nominate in writing their choice for Faipule elect.

#### *The Present Personnel, and Method of Their Appointments.*

Aiono and Toelupe: These are the only two Faipule now living who were appointed under the German régime and by the method indicated above as used by Governor Solf. Toelupe was one of the original thirteen, and has been the Faipule of his district for more than twenty-eight years, through changing systems and changes of Governments.

Tainau and Malupo: Under British military occupation the same method was continued, the Administrator accepting two lines of advice—(1) The highest suitable chief available in the district; (2) the promotion of officials already serving the Government—Malupo, appointed 1916; Tainau, 1918. Malupo was *puleni'u* from 1905, Tainau from 1917.

The epidemic of 1918 carried away all Faipules except the above-mentioned four.

1919 and 1920.—The Administrator appointed a great number of Faipules on the recommendation of the Secretary for Native Affairs, who had been in conference with his Native advisers. Of the present Fono the following were thus appointed: Sagapolutele, Tuatagaloa, Salanoa, Malaitai, Unasa, Fonoti, Ama, Logo, Va'ai, Mataaafa, Manai, Sciuli, Tuisalega, Seinafo, Tuilaepa, Tapusoa, Leilua—seventeen in all. There was complete satisfaction with these appointments, no complaint being heard of prior to the 15th October, 1927.

1923-1927 (the present Administrator's régime).—Ten appointments have been made, some being to fill vacancies and others additional appointments, the appointments being by the Administrator with the approval of Ali'i and Faipule of the districts concerned.

Pei and Suisala, 1923; Asi Mama and Sua Latu, 1924; Sui Mui, 1925; Fuamatu and Seumanutafa, 1926; Tafua, Tupuola, and Sua Soloi, 1927: In the case of Tafua and Tupuola the approval is certified by signatures of the Ali'i and Faipule. Sua Soloi had been Acting-Faipule for about two years during the illness of the late Faipule Lemalu. Two months after his permanent appointment the Lefaga District expressed to the Administrator, when on *malaga*, their satisfaction at the appointment.

Pei, Suisala, Sua Latu, Sua Mui, Seumanutafa: These five Faipules from Savai'i were appointed to fill vacancies caused by death or dismissal, and were chosen for their high titles and previous service. After consultations of the Resident Commissioner of Savai'i with the Ali'i and Faipule of the districts concerned he recommended the appointments, and the Administrator approved. In no case has there been any complaint by the people over the appointments till now.

The duties of Faipules are set out in a booklet on "Duties of Officials" [put in: Exhibit No. 57A], a copy of which is supplied to all Government officials, and from which it will be seen the Faipules have no power of punishment. This is done by District Judges.

#### SAMOAN DISTRICT COUNCILS.

District Councils were constituted by Order in Council (the Native Regulations (Samoa) Order, 1925), and since their establishment have played a successful part in the teaching of self-government to the Samoan people. There is a distinct resemblance between the District Councils and those outlined in the published laws of Malietoa, 1891, as follows:—

"For the Control of District Matters.—Fono will be held in each district on the first Tuesday in each month, to be called the District Council (Fono Itamalo). There will assemble the leading official of the district, all Native Judges, together with the leading and responsible chiefs of the district in accordance with Samoa custom. The *fono* may discuss all matters for the good of the district. Discussion should be held and decisions made concerning cleanliness of villages, keeping roads in good order, protection of water, planting useful trees, feed, and care of various animals. District *fono* is not competent to make any resolution out of harmony with the laws of the Government. The leading official of the district may call together a district *fono* on any day he wishes or on a day so directed by the King. Immediately after the conclusion of the *fono* a complete report of all proceedings shall be forwarded to the King."

*Present Organization based on Samoan Custom.*—It is to be noted that there is no waiving of the custom of chief control, for the District Council comprises in some cases fifty, in some cases eighty chiefs, all who have any say in the district affairs. The Faipule is the chairman

Specimen business-paper is as follows. The business of the District Council assembled proceeds by method of the following questions: (1) Who are present? (2) What are the minutes of previous *fono*? (3) Is there any business arising out of the minutes? (4) What is the state of the villages in this district? (5) What are the by-laws of this District Council as already submitted to be approved by His Excellency the Administrator? (6) Are there any cases of default of by-laws to be reported to the Fa'amasino by this Council? (7) What further recommendations do we decide to forward to the Administrator? (8) What matters do we decide to submit to the ensuing Fono of Faipules?

Minutes are properly recorded, and any decisions are unanimous, as per *fa'u-Samoa* custom. Such resolutions are forwarded by the Secretary of the District Council to the Secretary for Native Affairs, and where they are remits for Fono of Faipules are all placed on the agenda paper and dealt with by representatives from District Councils of all Samoa—that is, the Fono of Faipules—under the chairmanship of the Administrator. The decision of the Faipule Fono is then conveyed back by the separate Faipules to their own districts, and is also published in the *Savali*, with the record of the proceedings of the Faipule Fono.

The members of District Councils are not "elected"; they are admitted because of their *fa'u-Samoa* rank, and no chief of any standing is excluded. This is acceptable to both the chiefs and the people, as it respects their dignity.

A specimen of District Council remit for consideration of Fono of Faipule, December, 1926, is appended, together with list of subjects submitted by other districts.

## [TRANSLATION.]

To His Excellency the Administrator.

WITH the greatest respect I put forward the following matters from my district for discussion at the Fono of Faipule:—

- (1) The District Council of Amoa have decided that each *matai* when he dies shall leave a will *re* his title.
- (2) The District Council of Amoa have agreed to the division of land for the advancement of Samoa.
- (3) A road should be made from Pu'apu'a to Lealatele.

SUA MUI, F.P.

The resolutions of the Fono on the matters referred to in the specimen mentioned above (as well as on other remits) is appended:—

*Subjects from District Councils for Fono Faipule, December, 1926.*

## SAVA'I.

1. Gagaemauga.
2. Amoa—(1) Decision to divide up lands as per forward policy. (2) The right to will titles. (3) Construct the road between Puapua and Lealatele.
3. Faga.
4. Safotulafai—(1) Express gratitude and satisfaction. No further requests.
5. Iva.
6. Palauli.
7. Satupaitea.
8. Salailua.
9. Salega—(1) *Re* the lease in our district on which much Government money was spent. (2) Make a passage in the reef for boats. (3) Station the Samoan nurse at Faiaai.
10. Neiafu.
11. Falealupo—(1) Establish a wireless at Falealupo. (2) *Re* wills.
12. Vaisigano—(1) That this district be under the care of doctor and hospital at Safotu. (2) Tools required for road-making. (3) Savai'i Savings-bank, &c.
13. Gagaifomauga—(1) Residency to remain at Fagamalo. (2) Medical levy to be inquired into. (2) Wish explanation *re* portion of money (grant) for Savai'i roads and also Upolu roads. (4) Standard of education in schools: Is it true that His Excellency has expressed the wish to keep the standard of education down—not to give much education lest the Samoans become unmanageable, or wanderers, or haughty?

## UPOLU.

1. Aleipata.—(1) The right of *matai* to will a successor to his title. (2) Plea for additional F.M.P. (3) *Ie Toga* (4) Special awards or "decorations" for specially loyal servants of Government.
2. Vaa-o-Fonoti.
3. Lufilufi.
4. Saluafata.
5. Vaimauga.
6. Faleata.—(1) Government fix the price for *popo* (copra). (2) Making of wills.
7. Sagaga.—(1) Government to take delivering of *popo*. (2) F.M.P. Court costs to accrue to districts concerned. (3) *Re* paying for the ambulance. (4) European traders to have no controlling interests in Samoan affairs. (5) Heavy punishment for Samoans mixing up in European matters. (6) Land wanted for Faleula, Malie, Levi, Salepouao.
8. Leauvaa.—(1) Land for banana-planting. (2) *Re* willing of family titles. (3) Individual ownership of lands, not village ownership.
9. Fasitoouta.
10. Leulumoega.—(1) Why have Europeans stolen our lands Nofaalii? (2) *Re* payment of £20 deposit to Union Steamship Company. (3) Court cases: call the case at the hour stated on the summons. (4) Do not contract any further loan without consulting Faipule Fono.
11. Fasitootali.
12. Aiga i le tai.
13. Falelatai.—(1) Banana-growing approved gratefully. (2) Land required as per offer, 600 acres from Government land.
14. Lefaga.
15. Safata.—(1) *Re* Agriculture Inspector: too many orders all at one inspection; spread them out over the four quarters. (2) Explain, *re popo*, high price in Europeans but Samoan growers get so little. (3) Wish the banana-steamer to take their produce. (4) Transfer the Samoan nurse. (5) Model villages. (6) Second-grade school to be Government school.
16. Falealili.
17. Lotofaga.

The resolutions of the Fono on the matters referred to in the specimen mentioned above (as well as on other remits) is appended:—

*Faipule Fono Resolutions, 14th December, 1926. No. 12.*

(Published in pages 6 to 8 of *Savali*, January, 1927.)

*Re* Company Tuufaatasi: Let the money remain at present, but that an inquiry be held as to when the deficit was incurred and who is responsible for the losses. Decision: a Board of Inquiry of three white officials and four Faipules. Witnesses to be called—Lago Lago, Asiata, Malietoa, Tuimalealiifano; Mr. McCarthy, as a lawyer, to be on this; Mr. Allen, Native Department; Mr. Croudace, Public Trustee.

*Re Land and Title Commission* : His Excellency gave explanation as to why the Komisi were no longer on this pay-roll, and that the Komisi will be called as soon as the number of cases pending warrant a meeting.

*Arbor Day* : Next year tree-planting to be done between November and December. Faipule to select day for his district.

*Dispensary in Fasitootai* : Salenoa, F., and Logo, F., to arrange for house to be built at once for dispensary. The Government to supply locker for medicines.

*His Excellency's Malaga* : His Excellency announced that he would be going to New Hebrides for a few weeks to help difficulties that have arisen in that country.

*Land in Falelima* : European land near Falelima, 295 acres : Mr. Jensen wishes to sell for £1 per acre, to be paid off within three years. The Government will buy the land for the Samoans.

*Orator's Staff for Faipule* : Ordered from London. Will be distributed to Faipules when they arrive. Silver mounting, "Faipule, Western Samoa." To be used by Faipule when speaking officially.

*Taxes* : Resolution of Fono ; to be further discussed next Fono.

*Wills* : Reconsider.

*Debts* : *Tulafono* to stand no alteration.

*Copra-driers* : When satisfactory driers have been found each Faipule to be supplied with one.

*School Committee for Savai'i* : Leilua to take place of Taimalelagi (deceased), together with Tuisalega and Suisala.

*Shooting Season* : Discussion adjourned until next session.

*Titles* : This law to stand as it is.

*"Fine Mat" Regulations to stand* : Fono to definitely state in what ways the "fine mat" is forbidden and what is allowed.

*Re Loans* : No loans will be made affecting Samoa unless first discussed by Fono. Loan for specific purposes, such as hydro-electric scheme (and this applies to the new wharf) ; people who use it will pay for it.

*Road round Upolu* : This will be done gradually.

*Road, Saleaula to Patamea* : This will be arranged early in January.

*Money spent on Upolu and Savai'i roads* : The information as to proportion of money spent will be supplied. More money will naturally be spent on Upolu than Savai'i for some years to come. The population and number of plantations warrant this.

*Water-supply, Faasaleleaga* : Supply will be installed by gravitation, if possible, from new spring, and if spring impossible, then pumping-scheme could be put on. Scheme to be financed by Government as far as other schemes have been.

*Saliagua Water-supply* : Engineer will report whether possible to connect the Saliagua scheme with Salega.

*Falelatai Water-supply* : Extension scheme will be commenced early next year. Intake enlarged and other villages connected up.

*Vaimauga Water-supply* : Asi-Mama to bring this matter up again in three months' time. Probably new supply through Vaivase will be used.

*Roads, Lealatele, Falefa, Samusu, Safata* : To be gone on with.

*Water-supply* : Repairs to Lotofaga will be carried out.

*Road to Falelatai* : Matter to be reconsidered whether beach road or *ala sopo* to be made.

*Bridges for Falealili* : Four bridges to be built in Falealii this year.

*Road to Puapua* : Sua Mui wishes this road to be made. Fono of Sua Mui, Suisala, and Engineer and District Fono to be held on this road when Engineer visits Savai'i.

*Cement for Dispensary at Fusi, Lotofaga* : Cement will be supplied for this work.

*Water-supply at Saluaifata and Lufilufi* : Wish to be joined up with Solaua Plantation.

*Road, Lepa-Lotofaga* : To connect with new ala-faalava to Samusu will be undertaken by the Lepa-Lotofaga people.

*Re Officials taking active part against the Government* : The Fono unanimously agreed with His Excellency that Alipia, P.F., and Tofaeono, P.F., be dismissed from their Government appointments from the 15th instant.

*Land* : His Excellency will discuss matters of extra land required in Districts with the Faipules.

*P.F. for Alataua District* : Matter not dealt with at present.

*Depots for collecting bananas* : Definite instructions *re* these depots will be given by the Agricultural Department.

*Pulefaatoaga and District Inspector* : Time is not ripe for any alterations at present. The work of committees under the instructions and oversight of Faipule is showing good results.

*Communal Cleaning* : This is left to the committee as to how the cleaning is to be done. The committee may make by-laws to govern this matter.

*Cotton-seeds* : Are available now at the Agricultural Department. Faipules may obtain seeds as they require them.

*Copra* : Production this year is less than last year by about 1,700 tons. Some districts are not cutting all their copra ; urged to do so.

*Second-grade School, Safata* : His Excellency consents Safata Grade II school becoming a Government school.

*Government Land in Salega* : His Excellency will inquire into this and send a reply to Tuisalega, F.P.

*Re one more house at Aleipata Hospital* : His Excellency will see the Medical Department *re* this matter.

I also produce a copy of *Savali*, January, 1927, showing on pages 6-8 the publication in the Native language to the Samoans of these Fono decisions.

In addition to the remits from the districts themselves, matters are also submitted by the Administrator direct to the Fono of Faipules for consideration ; but in this latter case such matters are conveyed by the Faipule to the District Councils for expression of their opinion and brought up at a later Fono before a definite decision is arrived at.

The remits from the District Council originate in the Village Committee, the chain of procedure being Village Committee to District Council to Fono of Faipule, and thence to Legislative Council if to be an Ordinance, or to the Hon. the Minister of External Affairs if to be an Order in Council.

#### "FINE MATS."

The following is a record from German times, written at some time between 1905 and 1909, and is an extract from Faipule Fono minutes :—

"This subject was discussed before the Government in the last Fono held, but no decision was arrived at. The matter was deferred for further consideration, as there were these two opinions : (1) Fine-mat custom is good, and should be maintained according to custom ; (2) Fine-mat custom is not good, and should be discontinued.

"The Fine mat in itself is not sinful, but the conduct of men cause it to be bad. The person who has many mats holds firmly to the opinion that the custom is good, but he who has not many mats contends that mats are no good, and he belittles the custom. The Governor does not wish to prohibit fine mats, but wishes to straighten out the matter causing such contention in our country at the present time, because of these two opinions.

"(1) Fine mats are good.

"(a) It is the wealth or property of Samoa. If there are no mats, then Samoans will have no wealth.

"(b) Mats are a means of introduction, and conserving the right relationship between chiefs and orators, and are useful gifts between friends.

"(c) Used for the meeting of bride and bridegroom.

"(d) Bring dignity to chiefs and causes orators to show them due respect. If there are no fine mats, then orators will cease to respect chiefs, and good fellowship will be broken.

- “(e) Useful for exchange, for with the gift of a fine mat the giver obtains a recompense, except in cases where the mat is a straight-out donation.
- “(f) A help in time of trouble. Mats are taken and offered with an apology by persons who have committed serious offences.
- “(g) The mats are themselves beautiful, and more suitable for clothing of Samoans than European clothing.
- “Therefore the fine mat is good. But we know there are reasons for the opposite opinion :—
- “(2) Fine mats are not good.
- “(a) Misunderstandings and squabbles arise between chiefs and orators, and between families, because of the reward for the mat not being considered equal in value.
- “(b) Poverty is caused because of some trying to equal the number of mats given by others, or some trying to outdo others. On some *malagas* many mats are offered and a small amount of gifts given in return.
- “(c) Hardship is caused because it is a difficult work to make the mats, and many years are occupied in the making of specially valuable mats. If a chief gets only a few mats, then he has trouble, as he is not able to make an adequate distribution to his orators. Some chiefs, too, call orators and give them no reward.
- “Therefore it is not the fine mat that is sinful, but the crooked conduct of men causes the evil.
- “But there are no great quarrels that arise now. It was only in connection with the fine mats of kings that wars arose, and this will not further be a cause of trouble, because there are now to be no further kings of Samoa. The Kaiser himself has the sole control, with his Government. The names Tumua and Pule are also abolished.
- “There are quarrels, misunderstandings, and poverty and hardship caused over all things of worth in this world.”

Fine-mat ceremonies, *malagas*, and presentations are Samoan customs which have, unfortunately, been associated with quarrels and much difficulty. Much consideration and various regulations have been made at various times with a view to a satisfactory working.

1916.—The *Savali* dated the 1st September, 1916, outlines regulations newly framed for the fine mats, and states that such was the decision of the two Fautuas and Faipules, and approved by the Administrator (Colonel Logan). The following prelude appears (translated) :—

“The Government has considered this subject very carefully and with some anxiety in their desire to find a way whereby Samoa may be lifted into a position of light and understanding, as she is still struggling in a position of darkness and poverty owing to not desiring the light. This Assembly is certain that the reason why Samoa is held back and subdued by this custom of fine mats is as follows, and because of (1) falsehood, (2) selfish ambition, (3) arrogance, (4) avarice, (5) self-glorification, (6) underhand scheming, and other undesirable features. These subjects are found in the custom of fine-mat *malagas* in Samoa, and are responsible for the bad name given to the fine mats and also responsible for the transgression of the law by some. Fine mats in themselves are not responsible, but the hearts of the people give the custom a bad name.”

Then follow the details, set out in eight sections of a regulation. The chief features appear to be : (1) The appointment of a committee to work under the Faipule for the purpose of the costing and distribution of fine mats at any ceremony. (2) The values of various make of mats is set down. There was no restriction at this time upon the number of mats that may be presented, or upon fine-mat *malagas*. But troubles seem to have arisen previously over the costing and distributing of mats, and this regulation it was hoped would solve the difficulty.

January, 1917.—The above-mentioned regulation is repeated in the *Savali* of January, 1917, over the signature of Saga, and approved by Colonel Logan, Administrator. This system of committee control apparently worked satisfactorily in places. In the *Savali* of the 1st April, 1917, there appears a letter from a committee reporting on a fine-mat *malaga* to Fagaloa district. At the outset they were anxious as to the smooth running of the ceremony, owing to the usual accompanying troubles with such events, but the letter congratulates the Fautua and Faipule for setting up these committees of control, and states that all proceedings went well. It was, however, a wrench from the old style.

July, 1918.—The question was still causing agitation in the Native minds, and the regulation was further amended. A section of Samoa wished to let this custom go, and the appeal is made to them that the regulations may stand, with minor amendments. By this time, it was evidently discovered that the committee control was not working satisfactorily, and they were not further used. Mats were to be marked and costed, and these distinctive marks were to be permanent, doing away with the need of a committee, which apparently varied the costs according to their own calculations, not always acceptable.

October, 1918.—In the *Savali* of October, 1918, a clear instruction was issued as decided upon by a *fono* with the Governor, Fautua, and Faipule. This was to notify that all fine mats must be marked by the Government, any newly made or imported mats to be brought at once to the Native Offices to be marked before they could be used. Heavy penalties were to follow breaking of this regulation.

1923.—This custom was a matter for discussion at the Faipule *Fono* in June, 1923, and the following resolution passed, as appeared in the *Savali* of the 10th July, 1923 :—

“*Fine Mats*.—(1) Fine-mat *malaga* will be withheld for three years. (2) Any person who has a debt of fine mats will pay such debt, but a *malaga* for such purpose is prohibited. This only holds good until December, 1923. (3) *Malagas* for the purpose of presenting fine mats or goods in exchange therefor are prohibited. (4) This order to take effect from 1st July 1923.”

1924.—This subject was further discussed at the Faipule *Fono* in January, 1924, and the following resolution passed, and published in the *Savali*, 22nd February, 1924 :—

“A committee to be appointed to inquire into breaches of the regulation as to fine mats : four Faipule from Savai'i and four Faipule from Upolu. The regulation to be still in force, but it is allowed for any one to use fine mats for the [payment of] building of his house, or for anything that he wishes to purchase with a fine mat, such as boats and the like ; but a fine-mat *malaga* for such purpose is forbidden.”

1926.—After discussing all remits from District Councils on the subject, the following decision was registered by the *Fono*, 1926, as published in the *Savali*, July, 1926 :—

“It is the resolution of His Excellency the Administrator and the *Fono* of Faipules that the regulation concerning fine mats shall be continued as commenced in 1923 until the full term of experiment has expired. No change has been made in that regulation. *Malagas* for the exchange of fine mats and property, and also death feasts, are prohibited. But it is permitted to use fine mats for the following objects : (1) The building of houses ; (2) the building of boats or purchase of boats ; (3) presentation to parents in a weak state or about to die ; (4) interment and reburial (not more than two mats) ; (5) gift to widow just after her husband's death (not more than two mats) ; (6) for buying and selling ; (7) for the payment of work done.”

This is the regulation being experimented with at the present time before making it law by Order in Council, in the attempt to bring to a settlement a difficult subject for the Samoans.

#### BANISHMENTS.

The practice of expelling a man or family from a village or district is a very old one in Samoa. Even before the advent of European control or the establishment of a Samoan kingship, this was a Native custom. Under the kingship of Malietoa laws were proclaimed by him (1892) showing this form of punishment to be legalized. [Exhibit

No. 57b.] Under the German regime it was still continued, but controlled and certain features amended. I append the Proclamation of Governor Solf, 16th September, 1901, as follows :—

“ PROCLAMATION.

“ WHEREAS many reports have reached me saying that some of the Samoan people have been banished and forced away from their own homes and villages. It is also said that such is the Samoan custom.

“ I hereby make known to you all that such custom is a very bad one, and I have now decided that I cannot uphold such a bad custom. I do therefore declare that if any one, whether he may be a chief or *tulafale* or a common person, whether he be a Government official or not, again take the law into his own hands and remove a person away from his own house and family he will be severely punished with imprisonment not less than six months.

“ That is my word ; every one must obey it.

“ SOLF, Governor.

“ Apia, 16th September, 1901.”

Under the present British Administration the custom is further amended in the interests of humanity, and extreme hardships regulated or deleted. I append Proclamations of Colonel Logan, Administrator, 20th March, 1916, and 12th February, 1918, as follows, and also Samoan Offenders Ordinance, 1922 :—

“ PROCLAMATIONS TO ALL SAMOANS.

“ I HAVE received several reports to the effect that certain members of Samoan families have been driven out from their relations and families and from their own towns according, it is said, to the Samoan custom in such matters. This Samoan custom is a very bad one, and has been stopped by the former Government. To make the matter clear to all, I have decided to reissue the law in this Proclamation. I therefore make it known to all Native inhabitants of Samoa that this custom, being an exceedingly bad one, I have firmly decided that I will not support such an evil practice. And I hereby declare that if any person, whether he be indeed a chief, or an orator, or a Government official, or whether he be of common rank or otherwise, shall take the law into his own hands and expel any person from his house, from his relatives, or from his town, such wrongdoer shall be severely punished by me or by duly constituted Courts of Upolu, Apolima, Manono, and Savai'i, by imprisonment. If the *matai* of a family is satisfied that the conduct of any member of his family is very bad, and he also considers and believes that the peace of the family will be broken or ruined by the wickedness of such member, then he may apply to the Fa'amasino of his district for the removal or punishment of the wrongdoer, and on such application being made the Fa'amasino must bring the complaint to the Native Courts. In the case of Upolu, Apolima, and Manono the matter must be referred to the Native Court at Apia, and in Savai'i to the Native Court at Faganoalo, Matautu.

“ ROBERT LOGAN, Colonel, Administrator.

“ Dated at Apia, this 20th day of March, 1916.”

“ REGULATION.

“ CHAPTER No. 15 of the Faipules' proposals at the meeting held on the 20th December, 1917, and approved of by me, and to be now taken as a public order for all Natives within the British Occupied Territory :—

“ The Order of 16th September, 1901, by Dr. Solf, *re* the expelling or removing of people from their homes by town or by family authorities is still in force, and a fresh addition to the above shall read as follows : ‘ A mischief-maker whose actions have proved to be the cause of trouble or breach of peace in a family or village, no matter if he is holding the position as *matai* and head of the family on his father's or mother's side, or whether he lives there without a title, will have to be removed from his present home to another place.’

“ ROBERT LOGAN, Colonel, Administrator of Samoa.

“ Mulinu'u, 12th February, 1918.”

*Old Samoan Form.*

(1) As an example of the custom prior to 1889 : In Fagaloa a chief named Pulu killed another Native with an axe. The Ali'i and Faipule of the village chased Pulu and all his family away from the Village of Saletele, in Fagaloa—they to find any place they could to live in. Pulu went to Satapuata, about fifty miles away to the western end of Upolu, and never returned. Only since the days of German Government have some of the members of the family returned to Fagaloa.

(2) A wider-known example is that of a chief named Luafalemana, of the Village of Falefa. This chief refused to go on a special *malaga* to escort a *tulafale* named Tupuola to Leulumoega. The Ali'i and Faipule of the village decided to go to Leulumoega. When the *malaga* returned to Falefa they decided to chase away Luafalemana. He went to Falealili, on the opposite side of the Island of Upolu, and all his family. After many years the appeals of Falealili were heard by Falefa, and Luafalemana was escorted back by Falealili to his home in Falefa and the people reconciled.

Banishments were quite common in pre-Government days. In the war Mataafa *versus* Tamasese, about 1890, the people of the Village of Salefavale (Tiavea) were ordered away by Mataafa, and all left the place and never returned. This was a bad custom, and the Government control of the country has stopped it, whereby Samoa is much better off.

*Samoan Kingship, 1890-1900.*

The laws of Malietoa speak for themselves concerning this period—*e.g.*, Chapter IV, para. 4, of Malietoa's Laws, 1892, as follows :—

“ If the King is aware of any Samoan being disobedient to the Government or doing anything by which the peace and good order of the country is compromised, it is left to the discretion of the King to order him from his place to some other place in Samoa, and to determine one or several places with which he may have intercourse and boundaries which he shall not transgress ; also the number of years his banishment shall last, not exceeding ten years.”

*German Government Period, 1900-1914.*

Under the period of the German Government the Governor himself dealt with cases deserving of banishment, as per Proclamation, Dr. Solf, 16th September, 1901. The outstanding and well known cases are (1) Moefaauo, of the Village of Lufilufi, who was sent to the New Britain (Rabaul) with his wife and child ; (2) Lauati and other chiefs and their families were sent to Saipan (1909). In this latter instance it is clear that European influence was behind the Native unrest, as the following extract from an address delivered by an Admiral of the German fleet shows (*Savali*, July, 1909) :—

“ Samoa : If any high chief or orator persuades you with his sweet words, remember this present time and the Kaiser's love for you, and do not accept the misleading advice from such person. There is no doubt that there is a white man who wishes to turn your minds from the Governor. May the love of Almighty God, who is able to do all things, keep you from following the opinion of that white man and keep you distant from him. For you know well that he is not a German and he is not working with love for Samoa or the land of his birth. For you know that true Germans remain faithful and with one mind in time of war and of peace.”

There were fewer cases of banishment under this Government period than in former Samoan times, and the Native felt this benefit of Government control.

*British Administration, 1914-27 (the Present Time).*

Under the British military administration the former German Government procedure was continued: see Proclamations 20th March, 1916, and 12th February, 1918, by the Administrator, Colonel Logan. The Samoan Offenders Ordinance, 1922, passed since Civil administration commenced, requires the Administrator to satisfy himself that banishment or loss of title is a fitting punishment before putting the order into effect. The present practice, therefore, is that before any order is issued by the Administrator removing a Samoan from one village to another, or ordering a Samoan not to use a certain title or titles, an inquiry is held. Further, since 1925, when District Councils became properly constituted, requests for banishment made by families or chiefs are not entertained until the resolution of the local District Council is first obtained. By this means a great number of applications for expulsion are, on investigation, found to be capable of a reconciliation, and such has been effected and no such punishment has been given. The harsh measures that in the old Samoa custom accompanied expulsions are not now allowed—*i.e.*, the burning of a house or houses of the accused; (2) the uprooting and bringing of all his crops into the village compound; (3) destroying and devouring of all live-stock of the accused. There have been no deportations to places outside Samoa under British administration up to the present time.

## I'IGA sworn and examined.

*Mr. Meredith.*] Your name is I'iga?—I'iga Pisa.  
 You were banished to the Marianne Islands during the time of the German Government?—Yes.  
 Before you were banished you were living in Savai'i?—Yes.  
 Was Lauati living in Savai'i with you?—Yes.  
 Did Lauati come and tell you some story about the German Government?—I went to visit Lauati and he told me a story.  
 And what was the story that Lauati told you?—He explained about the Government finance or the Government moneys.  
 And what did he tell you about the Government moneys?—The German Government had concealed or failed to publish the particulars of the Samoan Government moneys.  
 Did you believe Lauati?—Yes, I believed him.  
 What, without anything further?—Yes, just from what Lauati told me alone.  
 Did you tell other people about it?—Lauati told me this after he had told quite a number of others.  
 Did you spread the news to others after Lauati had told you?—Yes.  
 Why did you do that?—Because I believed what Lauati said.  
 Did Lauati tell you where he had got his information from?—No.  
 Did you know where he got it from?—No.  
 What steps were taken by you to spread this complaint over the island?  
*The Chairman:* Need we go into that? I understand this is only being given as an incident of banishment.  
*Mr. Meredith:* That is one aspect of it, sir; but I also wish to put before the Commission an argument in support of the simplicity of belief of the Samoan, and the way in which he is willing to spread a story and the way in which it is accepted.  
*The Chairman:* Very well.  
*Mr. Meredith.*] What steps were taken by you to spread this complaint?—I was very annoyed when I heard Lauati's story, so I went and visited big chiefs in Savai'i and told them the story.  
 And did they believe the story when you told them?—Yes.  
 And did they get angry, too, and hold meetings?—Yes.  
 And eventually did a lot of Natives collect in Apia from Savai'i?—There was a big meeting held in the Fa'asaleleaga district before the Savai'i people came to Upolu, and they came to Vaiusu really and not Apia.  
 How many people came over from Savai'i?—All of Manono and the majority of Fa'asaleleaga—about two thousand in all.  
 Did Governor Solf go and tell them to go away?—Yes.  
 And did they finally go away?—Yes.  
 And, later, the German warships came and you and others were taken up to the Marianne Islands in the warships?—Yes.  
 You were up there and only came back to Samoa when the British troops had possession of Samoa?—In 1915 there were about sixty of the banished people returned to Samoa. I escaped and returned to Samoa in 1919.  
 How many were banished at the time?—There were ten chiefs, including myself, with their families.  
 You are the only one who remains of the chiefs?—I am the only one alive of the chiefs.  
 Are all the other chiefs dead?—All the other chiefs are dead, but some of the women and the young men are alive.  
*Mr. Baxter.*] What was the date of the Lauati trouble?—In 1908 it commenced.  
 When was it that you were sent away?—On the 19th April, 1909.  
 Did it commence at the end of 1908 or the beginning?—The last month of 1908.  
 So there was a comparatively short period between?—Yes.  
 I think that one of the duties you tried to perform was that of trying to collect arms, was it not?—It was alleged that I had gone to Tutuila to bring arms, but it was not so.  
 But you had gone to Tutuila?—Yes.  
 You are employed in the Government offices now, I think, are you not?—Yes.

## ASI-MAMA sworn and examined.

*Mr. McCarthy.*] Your name is Asi-Mama, and you are the Faipule for the Vaimauga district ?—Yes.

When were you appointed a Faipule ?—This is my fourth year.

By whom was your appointment signed ?—The present Administrator.

Before that appointment was signed, what took place in the district with regard to the appointment of Faipule : was there a meeting ?—Yes.

What happened at that meeting : did they agree or disagree ?—There was a disagreement : the part from Fagali'i as far as Lauli'i were dissatisfied.

Did they maintain their objection ?—No, they revealed their objection and they withdrew their objection.

Was that the only objection at the time ?—That was all.

So that your district sent in your name as a suitable person for the position of Faipule ?—Yes.

Are there any persons you can remember who could tell us about these things ?—Salapo, Tuliau, Setoa.

What part of your district do they belong to ?—To the part that objected to the appointment.

Tamaseu has given evidence in this Court, and he has made a complaint against you as Faipule, and has said that you have been guilty of oppressiveness and that you have an overbearing manner towards your people : what have you to say about that ?—I do not know what I have done to deserve the accusation that I have been oppressive and overbearing.

Do you understand what is the meaning of the word "overbearing" ?—I understand it.

Will you tell us how you have done your work as Faipule ?—The work that I have done was done to create peace and friendship in the district.

Anything else ?—And the mutual love of the people.

*The Chairman.* : There is a specific charge against this man. It is contained in Tamaseu's evidence, as follows : "During the time of my holding office of chief village *pulemu'u* there were certain village laws limiting the question of *lagi*, or funeral ceremonies, and the Faipule disregarded these regulations." Please ask witness if he knows anything about that.

*Mr. McCarthy.*] Do you know anything about your having disregarded the funeral laws ?—I do not know what laws I have disregarded, and I would like to be enlightened.

*The Chairman.* : We will pass on.

*Mr. McCarthy.*] Well, Papali'i-Ulu is another chief who has made a complaint against you. He says that you were not properly nominated, and that you have been overbearing in your manner ?—If he does not believe in my appointment, then it is true because he does not belong to here. He belongs to Savai'i. He is a chief of Savai'i.

He also complained that you have not brought matters to the Fono which you have been requested to bring before the Fono ?—There is not one matter since I have been a Faipule that I have held back.

Tofaeono, another chief, complained that you did not place the request with regard to "fine mats" and also to the medical tax before the Administrator ?—I handed all that in in the presence of Tofaeono and the whole district to Mr. Lewis, the Governor, and Tu'u'u down at Lauli'i.

Are there any Lauli'i people who can say that you did that ?—Yes, all the officials that were there, and also the non-officials, Ali'i, and Faipule ; also Mr. Lewis and the Governor himself.

Asi-Vatau complained that you tried to intimidate the people of Magiagi by threatening them with banishment if they did not attend the district meetings, and threatening them with having their titles taken away if they joined the Mau ?—I did not do anything like that ; I am very careful about frightening anybody.

Have you ever tried to take anybody's title away ?—No.

Were you one of the Faipule who sat on the Molio'o case ?—Yes.

What happened ?—We only investigated to find out the right matter.

And what did you do ?—When we found the right matter we put it before the Governor.

It has been said that some of the Faipule are under the thumb of the Administrator, and that they are frightened of him : can you say something of your relations between the Administrator and yourself ?—I am not afraid of doing the right thing.

Does the Administrator allow you freedom of speech : does he give you a chance to think for yourself ?—In any difficult matter the Governor has always given me a chance to think and decide : the same also in the Fono of Faipule.

If the Fono of Faipule cannot agree on a matter, what happens ?—If they cannot agree over anything, it cannot be recorded before the Governor and the Fono.

What procedure do they follow for a matter that is not quite settled ?—When the Faipule are divided, they discuss the matter further.

Is it settled at that Fono, or do they leave it for another Fono ?—They leave it till the next meeting, till they are decided about it.

Is it discussed then in your District Councils between times ?—Yes. When I go to the District Council I put the matter before them, and then I say that we shall discuss this over again.

Prior to the 15th October, 1926—that is, the date of the first political meeting—will you tell us what state the Samoans were in at that time : was there any unrest ?—The Samoans were at peace.

Did you know of any objections that were raised against your appointment as Faipule at the time of or after your appointment ?—I did not know of any.

FRIDAY, 14TH OCTOBER, 1927.

ASI-MAMA further examined.

*Mr. Baxter.*] There are one or two points, Asi-Mama, which I wish you to help me to clear up about these matters. Take the position of the Faipule in the district: I suppose that in the district, and particularly since 1925, the Faipule is nearly the most important man?—Yes.

And I suppose that it is his business to pass round to the rest of the district and to his committee the various orders of the Government?—Yes.

And I suppose that in his district all the other Government officials would be under his control?—Yes.

And consequently when the Governor wishes to appoint a *pulemu'u* or a *pulefa'atoaga*, or any of these people, he sees the Faipule about the right man to put in?—In the case of a *pulemu'u* I have nothing to do with that, that is the business of the village.

Does the Administrator ask you whether you approve of him or not, after the village has selected him?—Yes.

And I suppose it would be the same with the *pulefa'atoaga*, and the Fa'amasino, and all these other people?—I know nothing regarding the *pulefa'atoaga*.

He is appointed by Mr. Ritchie?—Yes.

If anybody in a district wishes to make a complaint, the Faipule would take that complaint, would he not?—If it is any one that is in distress or suffering, then he applies to me, the Faipule; I am their “door.”

The Faipule is the “door” between the people and the Government?—Yes.

About the Fono of Faipules; that meets once or twice a year?—Twice.

And at these meetings you discuss the recommendations from the District Councils and anything that His Excellency might bring forward?—Yes.

And anything that the Faipule bring forward—that is, apart from what they get from the District Councils—do they discuss that too?—If the Faipule has anything himself it can be discussed.

Then you discuss it, and if the Fono thinks it a good matter they make a law of it, do they?—No.

What do they do about it?—If the Fono agree that it is a good and proper thing, then it is sent to the Parliament in New Zealand.

Now, take these “fine mats”—this idea of preventing *malagas* for “fine mats.” I am not saying it is a good matter or a bad matter; we will leave that open. There is a resolution or a law about “fine mats”?—There is no law; it is only an order to try it for three years.

Was that order made by the Fono of Faipules for trial for three years and then to send it on to Parliament?—If it is tried and found all right it can be sent on to Parliament.

You make an order and then you try it for three years, and if you think that it is a good law you send it to New Zealand; is that right?—Yes.

For the three years it is really no law at all; is that right?—Yes.

So that in that case nobody need to obey it who does not want to?—It is no use, because we are only trying it.

People do not need to take any notice of it at all?—They cannot take any notice of it, because it is not law.

That is the same with all these orders and resolutions that have been passed by the Fono of Faipules and that have not yet gone to New Zealand to become an Order in Council?—Excepting only what has been sent back from New Zealand.

*Judge MacCormick:* There is one matter—death feasts are prohibited by law?—

*Mr. Baxter:* Yes, sir, I am going to deal with death feasts and the medical tax. (To witness:) Who prohibited the death feasts?—The Faipule.

Did that go to the Parliament in New Zealand?—I do not know. I have forgotten whether that matter of death feasts has been sent to New Zealand.

I would just like to know a little bit more about these laws when they are on trial. Take a couple of cases. The individualization of land: is that a law on trial or is it actual law?—That has not been made law.

I suppose that in your district, then, you have made no attempt at all to put it into force?—No, up to date I have not.

We have had some witnesses here who have told us about their Faipule, whom, they say, made them divide up their land. Now, those Faipule would be wrong in making them divide their land?—I am speaking for myself.

I want you to tell me. You are a Faipule, and I want you to let me know, if the Faipule comes back and tells his people that they have got to divide up their land, he would be wrong, would he not?—If he has forced that, and done it with a high estimation of himself and without the consent of the people, I will say that he has done the wrong thing.

Have you heard of Lauifata and Lutu, of Safata?—I know them.

Have they not been banished for making “fine mat” *malagas*?—I do not know.

Now, do you know Moananu, of Mulifanua?—I wish to state that the matters of Moananu were before I was appointed Faipule.

You can tell me if you know; and if you do not know, then say so?—If I do know of it I am not certain of it.

You have heard of it, but you are not certain of it; very well, that is quite all right. There has been a lot of trouble with the Mau, has there not?—Yes.

Did you ever think it necessary to declare war on the Mau?—I did not speak.

Are you sure that you did not attend a meeting at the house of Safai in Fagali'i?—I was not in the meeting, but I came there in the evening and all the other people had left. I found there only Safai and Tuliaupupu.

And was it you who went with another Samoan and asked the Administrator to let you have arms and ammunition? Did you not go with Auimatagi?—No.

You told us about your appointment, and I think that you said it was four years ago, and you said there was a meeting requesting your appointment?—Yes.

And that there was a disagreement, and that the people who had disagreed withdrew their objection?—Yes.

Were all the Ali'i and Faipule of Vaimauga present at both of these meetings?—They were all assembled; the whole of Vaimauga assembled, from Lauili'i as far as Alamagoto.

That is your district, is it?—Yes, the villages of the district of Vaimauga.

You do not remember the date of your appointment, do you?—The 1st February, 1924.

And, having been appointed, I suppose that you remain Faipule all the time, unless the Administrator wishes to dismiss you?—Yes, I have been a Faipule from the time of my appointment.

It is not necessary to have any further *fonos* about who should be Faipule for Vaimauga; that is all fixed up?—That was the cry of the Vaimauga people to me—that they wanted a Faipule for the other part.

Yes, they wanted a separate Faipule. That has been fixed up now, and they have had no further *fonos* since the Vaimauga people asked for you and got you?—Yes.

I just want to ask you about Tamaseu. There are two Tamaseu's; what are their names?—Tamaseu Fouvale and Tamaseu Taifau. Tamaseu Taifau is the one who is in gaol at the present time.

This bit of *fa'avelave* (trouble) over Tamaseu's house: that was Tamaseu Fouvale, was it?—Yes.

He was building it in the wrong place and they were trying to get him to shift it; was that it?—Yes. They wanted him to erect his house on the place agreed to by the village—that is, on the new model-village site.

And he would not do it?—He did not like it.

Regarding the medical tax—I am not saying whether it is a good or a bad tax. We have had a lot of Samoans coming along here and they have told us that they have never liked the medical tax. It may be silly of them, but they say that they do not like it. Do you know whether that is true?—That is not true.

I see. They have always liked it, have they?—The Samoans have been paying that tax from the beginning until the present time, and this is the first time we have heard of the objections to it.

All I want to know is whether they were opposed to it?—When?

Let us say, probably, 1924?—I heard it only by rumour, but nobody came direct to me and said that they were not satisfied with the medical tax.

And I think that quite recently the Fono of Faipule agreed with His Excellency that the medical tax should be done away with as a separate tax and made part of the personal tax?—Yes.

And I think that you did that because you thought that the Samoans would probably be more willing to pay one tax than the two taxes?—That has not been put into operation yet.

I know that it has not. I want to know why you wish to make one tax of it instead of two?—That is just to lighten the burden; because by paying one tax only, that lightens the burden. In former times, when the Samoans had to pay two taxes, there was the matter of the weather.

You look at it like this: they will be able to cut their copra and get it dry and pay both the taxes together?—Yes.

There is just one other question I wish to ask you, Asi, and that is this: In the banishments we have heard several times that the matters were inquired into by various Faipule, and generally your name has been mentioned?—Yes.

Was there a general committee to inquire into things like that?—Yes.

It was generally the same men every time?—In this committee they can change about.

They pick a number of Faipule and they always pick a committee out of that selection?—The committee is chosen from the Faipule.

Then, is there a small committee of Faipule to advise the Secretary for Native Affairs upon Samoan matters?—I do not know of any committee like that being appointed; but this is what I know: if there are any Faipule about here and there is anything at all to be put in order or to be advised to the Secretary of Native Affairs they go and confer with him.

They go themselves, or does the Secretary send for them?—If there is anything the Secretary of Native Affairs wishes to ask about.

He might send for two or three at the same time?—I do not know for certain that he has called only one.

But sometimes, perhaps, the Secretary of Native Affairs has an important matter to deal with that does not concern only one district—it might concern two or three districts—then does he get three or four Faipule to talk over what is best to do?—if you do not know, say so?—I do not wish to tell falsehoods.

I just want to find out; if you cannot remember any instances, say so?—I do not remember any.

*Mr. McCarthy.*] You have mentioned about the Faipule being the "door" through which complaints go to the Administrator. If there were any complaints regarding land and titles, who would the people go to with those in the first instance?—I have no recollection. I am not concerned in that.

Who is the one?—To the Secretary for Native Affairs, and he would pass it on to the Land and Titles Commission.

Where there are offences against the law, to whom would the complaint be made?—To the Chief Judge.

Similar matters in your own district would be referred to whom?—To the Samoan Fa'amasino.

And if the Samoan did not get satisfaction, to whom would he go?—It is open to him where to go. He may go to the Chief Judge or to the Secretary for Native Affairs.

With regard to this medical tax and the amalgamation of this medical tax with the personal tax, did your district agree to it or did your district oppose it at the Fono of Faipule?—There has been no *fono* about that, on account of the trouble in Samoa at the present time.

Did you in the Fono of Faipule oppose the two taxes being amalgamated?—No. I expressed my opinion. I would like to have the two taxes amalgamated; it is my own opinion.

When you said that they were to be amalgamated because they would lighten, was it not because the medical tax was collected in the rainy season?—Yes.

*The Chairman.*] The two taxes were originally collected at the different times?—Yes.

*Mr. McCarthy.*] But your district asked for a reduction in the medical tax?—Yes.

What is your rank?—I am a chief.

*Mr. Baxter:* I think I should mention that we have no objection to this man's rank. We think this man's rank is such that he is quite entitled to hold the position.

*The Chairman:* Some one said that this man was a very high chief.

*Mr. McCarthy:* According to *fa'a-Samoa* a man cannot praise himself, sir.

*Judge MacCormick:* I began with that impression, but I must say that numerous questions have been asked through your case as to the relative ranks of chiefs.

*Mr. McCarthy:* Yes, sir.

*Mr. Baxter:* I knew that this man was of good rank.

*The Chairman:* As far as I can judge it, "chief" is about as distinct in Samoa as "esquire" is distinct in European countries.

*Judge MacCormick:* I have been surprised at the questions that have been asked in view of what I was told about it.

#### TULIAU-SETOA sworn and examined.

*Mr. McCarthy.*] Your name is Tuliau, and you are a chief of Letogo?—Yes, Tuliau-Setoa of Letogo.

Who is the Faipule for your district?—There are two Faipules in our district now, but my particular Faipule is Fuamatu.

I do not want to ask you about Fuamatu; I want to ask you about the other Faipule?—Oh, Asi-Mama.

Did your district oppose the appointment of Asi-Mama or did they agree to it?—The people in the villages from Fagali'i to Lauli'i objected.

What happened after that?—Our district was called together again before the Secretary for Native Affairs and on reconsidering the matter our side, which had objected to the appointment, agreed to let the appointment stand.

Did that make the whole district in accord?—Yes, there was not a single person who objected further.

Are you satisfied or dissatisfied with the work of that Faipule Asi-Mama, you and your people?—When Asi-Mama was the Faipule for the whole of that district there was not a single complaint we had against him. We were in accord with all his instructions.

It has been said that he refused to put the matter regarding fine mats and medical tax before the Administrator: do you know anything about that?—Yes; the meeting which was held at Lauli'i at which the Administrator, Mr. Lewis, and the Interpreter were present, we brought this matter before His Excellency—about the fine mats. His Excellency said, in reply, "I wonder if you people would be satisfied if there was a big *malaga* party come to your villages with fine mats and consumed all your foodstuffs." Tofaeono was the one that spoke about the fine mats before the Administrator, and when the Administrator explained the faults of that custom we were all agreed that it was right that it was a bad custom.

What about Tofaeono?—He was the one who spoke about it, and we were all satisfied, including myself. This matter was placed before the Administrator at that very time by the Faipule.

The medical tax, too?—That was dealt with at the same time.

#### SALAPO sworn and examined.

*Mr. McCarthy.*] You are an orator, of Lauli'i?—Yes.

Do you know anything about the appointment of Asi-Mama as Faipule of Vaimauga?—Yes; there was an objection to the appointment.

By whom?—Fagali'i, Vailele, Letogo, and Lauli'i.

What happened to that objection?—It was withdrawn.

And that withdrawal left the whole district unanimous for the appointment?—Yes.

Can you tell us something of the manner in which Asi-Mama has carried out his duties as Faipule?—Yes. He is a Faipule who is very kind and considerate towards the people of his district.

*Mr. Baxter.*] When this objection was withdrawn by these villages, was that at a *fono* that they withdrew it?—At a meeting in the office of the Secretary for Native Affairs.

I see. How many people were there at this meeting in the office of the Secretary for Native Affairs?—Representatives of our part of the district—that is, the eastern part.

Were you the objecting people?—We in the eastern portion of the district were the objectors.

So how many would there be there?—There were representatives of each village, but I cannot remember how many.

And do you know how these representatives were selected to go to this meeting?—Selected by the people of the villages.

Each village selected representatives and then the representatives talked amongst themselves, did they?—Yes.

And when the representatives decided to withdraw the objection, did they go back and tell the villages or did they just decide the matter themselves?—Yes.

Do you remember a meeting at Safai's house when it was discussed whether war should be made on the Mau or not?—No, there was no meeting in Safai's house.

Asi-Mama says that he remembers one, but that he got along there after it had finished: does that help you to remember?—That was not Safai's house.

What house was it?—At our Faipule's house—that is, the house of Fuamatu.

Was that a meeting in which he talked about making a war?—There was nothing discussed about a war.

Did you not make a speech about it?—I spoke at the meeting, but I did not speak about war.

But the others spoke about it?—Not a single person.

#### MATA' AFA SWORN AND EXAMINED.

*Mr. McCarthy.*] You are a Faipule?—Yes, Faipule of Aleipata.

Appointed by whom?—Appointed by Colonel Tate in August—the 1st August, 1920.

Prior to that time, Mata'afa, what positions had you held in the Government?—I was first the travelling marshal to the Governor round Samoa. My title at that time was Judge. Furthermore, that is the time I was in Falefa when I was acting-*pulenu'u*.

What title were you known by at that time?—Salanoa.

Is there any other appointment?—I was appointed as Commissioner—a member of the Land and Titles Commission. That happened in 1919.

Later on, I believe that you succeeded to the title of Mata'afa?—In 1919 I succeeded to the title of Mata'afa, the latest king of Samoa.

And then I understand that you shifted to Aleipata?—Yes.

Will you tell us about your appointment as Faipule?—The Faipule had a meeting with the Governor.

At the *fono*?—Yes.

Whose place did you succeed?—A Faipule by the name of Saomalua.

What did the district have to say to that appointment?—They were quite satisfied when I came home with the appointment.

Was there any person or persons who objected in any way?—Nobody objected.

There has been a complaint made against you by one Poloa Ali'i in connection with the Aleipata-Falevao road. The complaint, briefly, is that the people have done a certain amount of work on that road for the Public Works Engineer and that they have not been paid for it. Will you tell us about that transaction?—There was a contract made by the Engineer with the district of Aleipata, and it was signed by myself with the consent of the people. This contract said that the road must be made about two and a half miles from the Mafa right up to the Vaipapa, and they must take right from the spot which the Surveyor had shown them, and if they did not do as the Engineer wished they would never get their money—unless the Engineer was satisfied.

What happened?—The work was not done as the Engineer wished, so the people came to me to go and get some money from the Engineer. I came there, and the Engineer told me that he was going to inspect it. The Engineer went over and inspected it, and he said that he could not pay them, as the work was not done properly and as written in the contract; so the Engineer would not pay.

Did they follow the survey-line?—No.

Well, what did you do for your people about it after that?—I told them to bring an orator of the village to come with me to Mr. Watson (Engineer in Charge, Public Works). We went to Mr. Watson, and Watson said to go back and do the work properly and he would raise a little more for the work.

Pay a little extra?—Yes.

Did you report the matter to the Native Office?—Yes; I wrote a letter to the Native Department and warned them that the people would like to get some money, and the Secretary for Native Affairs consulted with the Engineer, and the Engineer told us all about it; so he (the Secretary for Native Affairs) wrote me back that the people of Aleipata could not get any money unless the work was finished.

However, you did all you could?—I did all that I could.

Now I want to talk to you about the Exhibition in Aleipata. There is another complaint made by the same man (Poloa Ali'i) with regard to that Exhibition and money that was subscribed and paid to you, which, it is said, you have not accounted for. Do you remember?—I remember it.

Will you tell us about it?—The said money was given to me by one of the clerks of the Exhibition, and of this money I gave back to the district before I went to New Zealand £10. They said that there was £18 lost, and they came and complained to the Secretary for Native Affairs. We had a case over it, and the Administrator and the Secretary for Native Affairs found that I had not stolen the money, but that the money had gone in some foolish way, so I paid £29 1s., and the District Council was called by the Governor and the Secretary for Native Affairs to Mulinu'u; that was in 1926. The people came there; the District Council, and Fuataga was there, too. The Governor told them about it, and they said that they were not going to receive the money. They said, "We are satisfied with our Faipule, and he may keep the money" (£29 1s.), and the money was returned to me by Mr. Allen.

There is another matter that Poloa Ali'i has complained about—in connection with the building of a house. Some objection was made which you upheld. Do you remember that?—I do.

Will you tell us about that incident?—There was a district meeting. The district meeting was to remodel the Village of Lalomanu, and the District Council of Lalomanu agreed that I should go and make a line for their remodelled village. I went over—that was about 1925—and it was agreed by the whole of the village the places where the houses were to be built. Poloa Ali'i was pointed out a piece on which to put his house. Instead of putting his house in the place where the District Council had given him land on which to build his house, he went farther on and built his house outside the line.

Off the line?—Yes. The members of the District Council complained to me about it, and I went back and told Poloa to put his house back where the line was.

There was another matter—that of a quarrel between Amoa and Fuimaono: "A chief named Tavai endeavoured to pacify the two." Will you tell us about that, Mata'afa?—Well, if a man has done wrong and he wishes to be safe, according to the Samoan custom he runs to Amaile—Amaile is a king village; and if anybody has done wrong or made mischief for which he is supposed to be killed he simply runs to Amaile and he will be safe there; that is a refuge for him. Fuimaono lives in Amaile; he is a member of the village of Amaile, and it is forbidden in all Samoa for any man to do anything like that (assaulting a man) in Amaile. That is a Samoan custom. These men, Amoa and Tavai, had assaulted Fuimaono, although he is a member of the Amaile Village, which it is forbidden that any one shall do. Then, instead of using a Samoan rule to punish them according to Samoan custom, I referred the matter to the Chief Judge, and I said that if anybody had done wrong he should be put out from the village *fono*, or village meeting. I have forgotten whether the Judge was Wilson, Walker, or Woodward to whom I sent the letter. I warned the Judge that these people had done wrong—they had assaulted Fuimaono. Amoa had struck him with an iron, and Tavai had held him with his hands and let the *tavilealea* Gigo hit him with his fist in his face, and he (Fuimaono) was very, very bad. A summons was issued by the Chief Judge for Amoa and Tavai to appear before the Court. They came to me and apologized, and then I said, "All right, I will take your apology, and you make a reconciliation with Fuimaono," and they made a reconciliation and I wrote back to the Chief Judge saying that the matter was finished.

Did you take the title of Tavai away?—I did not.

There is another complaint, made by Maui'a. His complaint is that you have tried cases in the village and fined people and given judgment. The first case he mentioned was between two girls of the village. Do you remember that?—I remember that.

Did you try the case?—I tried the case.

Will you tell us how you came to do that?—I was appointed to take the Judge's place.

Do you mean that you were acting-Fa'amasino?—Yes, I was acting-Fa'amasino.

Where was the Fa-amasino?—He went to Savai'i.

He was absent?—Yes.

*The Chairman*: It was an extraordinary case, was it not? The girl was charged with wanting a certain man for her husband.

*Mr. McCarthy*: I do not propose to go into that matter, sir. (To witness:) It was also stated in regard to that case that the girl who made the allegation was fined £2, £1 of which was to go to the injured one and £1 of which the Faipule was to keep. Will you tell us the position and what happened?—This girl had a quarrel with the other girl because the girl had given her a bad name, that she had run away at night with a young man, so she complained of damage of character, and she claimed £1 from the other one; and this other girl was ordered—not punished, but ordered—by me to pay £1 which the other girl had asked for—only £1 for the girl; but the other £1, which he states I kept, there was no £1 at all. There was only £1, and it was given to the girl who had the damaged character.

There was another case—a civil claim with regard to the value of a pig: "Three young men of my village caught a pig up in the Native plantations. It is another instance of the Faipule trying a case. A civil claim for the value of the pig was filed against the three who got the pig, and in giving judgment for the plaintiff the Faipule included the other five, who got a portion of the pig, in judgment. This is another instance of the Faipule taking the powers of the Fa'amasino upon himself." You were acting-Fa'amasino then?—Yes.

Did you try the case or not?—I did not try the case. It was sent over to the Secretary for Native Affairs, and it is there now. It was tried at Mulinu'u.

You did not try that case?—No, I did not try it.

Then there is another complaint by Maui'a, and it is this: He said the Faipule "drove away a woman and her child from his village because she had turned to the L.M.S. Church"?—I have never driven any woman away from her village, except I told them to put their house away from where it stood—that is, put it on the line which was agreed on by the *fono* of the District Council.

*The Chairman*: He said that it was evidently done as the head of the family, and that it was a family matter.

*Judge MacCormack.*] To you it seems to be a very unimportant matter?—Yes.

*Mr. McCarthy.*] Did the woman suffer any hardship on account of the order?—No. She was warned to build a good house.

There is another matter which is complained about in the district—it is about the sum of 133 dollars paid in connection with the building of a church. Do you remember that transaction?—I remember it.

What happened over that?—I had nothing to do with it. I only wrote a letter to the Secretary for Native Affairs to help the people.

Who was the European concerned in that transaction: was not his name Ripley?—I am not sure.

Were you successful in helping the people: did the Governor help the people to get their money back?—Yes.

Now, there is also a complaint by a man named Amoa: do you know him?—Yes.

He complained that you took his job away from him?—How could I? I am not the Government. I cannot take any position from anybody. The Governor is the only person who could do that.

Did you have occasion to report this man in any way?—I reported him to Mr. Lewis on account of his disrespect.

What was the disrespect that you mentioned?—It was to the Governor on account of his late *malaga*. He was ordered to go and receive him, but he did not attend. Furthermore, at a *fono* of the District Council he made a speech that he was one of the Mau, and I reported the matter to Mr. Lewis.

You said that it was a disloyal speech?—Yes.

There is another complaint against you, and it is that if you are displeased with any official you endeavour to get him dismissed?—Nothing of the kind. There was the case of the *pulemi'u* of Samusu.

What was that case?—The *pulemi'u* used to gamble, and this was known. The outcome was that the Secretary for Native Affairs asked me for my opinion. I could not hide the fact, and I told him that this man was gambling although he was a *pulemi'u*. It is my duty to tell the Secretary for Native Affairs as to what is being done in my district. Furthermore, this *pulemi'u*, although he was married, got another wife and sent the first one away. It was my duty to tell the Secretary for Native Affairs.

It has been suggested here during the course of the evidence that the Fono of Faipules is intimidated by the Governor; can you say anything about the Fono being intimidated?—There is nothing at all in it.

And it has been said that you are under his thumb, and you have to do what the Governor wants you to do?—No; the Governor gives his points, and we give him our points, and then we discuss them. I am not afraid to tell him what I think is good for my district. I will give you an instance. The Governor wants to divide the land. I spoke to him about it, and said that the land was not fit to-day to be divided, and we had better leave it until some other time and we will see. The Governor agreed with me.

You considered that the division of the land was not justifiable, and that the time was not ripe for it to be gone on with?—That is so.

What is your idea of the fine mat *malaga*?—I was the last Faipule to agree to the trial, because I informed the Governor that this fine mat custom we had better go easier with—that is, it is a Samoan custom and we had better go easy with it. I was not afraid to tell him that. The Governor listens to what we say to him, and we listen to what he says to us. In the Fono there were only two of us—namely, Seinafo and myself—who thought that the fine mat custom should continue; but the Fono agreed to adopt the new idea and we had to fall in with the wishes of the Fono.

You gave way to the majority?—Yes.

What about the medical tax?—I was one who opposed the Government with respect to the medical levy. I had a *fono* with my district about the matter, and it was decided that I should tell the Government that the levy should be stopped.

You reported to the Governor what happened in your district?—Yes. When the Governor came round on his *malaga* in 1925 one of the orators, Fuataga, made a speech.

He is at present in gaol, is he not?—Yes. He made a speech to the Governor, and said, “Now we agree; will you please give us a hospital after all?” and that finished it. They were agreeable to have the medical tax, and I think that it is a very good thing for the Samoans.

Have you had any trouble in your district with regard to people and their taxes?—Yes; the Mau people will not pay their taxes—their dog-taxes and their gun licenses.

What about the beetles?—They will not search for beetles. In Samusu, Saua and Tufagaatu were appointed to be their *pulemi'us* and receive the beetles, instead of Vaigafa, the real *pulemi'u*, who was appointed by the Government.

Can you tell us, generally, the effect on your district since the Mau movement started?—I am very sorry to say that at this time Aleipata is awful. Aleipata used to be a very good district in former days, but to-day, when you see coconuts which the beetles are playing on, it is awfully bad. The Mau people do not attend to any of the Government work any more: they neglect to clean their plantations, they neglect to plant anything or to cultivate any food, and so forth. In former days we used to tell them to plant bananas, and taros, and all sorts of things, and cotton; but to-day they will not attempt anything at all except going backwards and forwards and having *fonos*.

Can you say, Mata'afa, whether the present system of Native administration conflicts with the old Samoan customs of government?—It compares favourably with the old ways.

You mean to say that it is more or less in accordance with the Samoan customs?—Yes.

What about the Legislative Council: should the Samoans have representation on the Legislative Council?—No. We think the Legislative Council should be for the white people only, and we Samoans will try to make our own. Let the white people do their part and let us do our own.

*Mr. Baxter.*] Colonel Tate appointed you in 1920?—Yes.

And you came up and saw him?—He sent for me when the Fono was sitting.

And he and the Fono agreed to your being Faipule?—Yes.

And you went and told the district?—Yes.

There has been no further question raised about your being Faipule?—No.

You control the District Council: you are the Chairman of it?—Yes.

And the District Council makes the laws for the District?—Yes.

Do you ever have any trouble with your District Council?—Everything goes on all right.

The Fono of Faipule—we know when it meets and that it discusses remits from the District Councils, and that if the majority think it is a good idea they make a resolution?—Yes.

What is done then with that resolution?—They let it stand until it is sent for to become finalized, and if it is agreed to by the parliamentary members in New Zealand it is sent back.

So that until these laws are passed by the Parliament of New Zealand they are not really laws at all—that is, they have got to be agreed to by the Parliament of New Zealand before they can become laws?—Yes.

That would apply to “fine mats”: this “fine mat” law is not really a law at all yet, is it?—It is a pending law.

But it is not really a law yet?—No..

Nobody has got to obey it?—People should obey it, because it has been discussed and decided by the Faipule and the Governor to use it as a trial.

But they need not obey it all the same. If they want to make a “fine mat” *malaga* they could go and do it?—They may have sent it to New Zealand, but I am not certain.

*Mr. Baxter:* They may have sent it to New Zealand, but there is no law out yet.

*Judge MacCormick:* What is the object of this cross-examination?

*Mr. Baxter:* The question is, sir, whether they can be treated as resolutions, or have they been enforced as laws.

*Judge MacCormick:* We have no instances of legal punishment under it.

*Mr. Baxter:* But there may be some yet.

*Judge MacCormick:* The position is that if a man is a Government official he has to obey instructions not because they are laws, but because he is a servant of the Government.

*Mr. Baxter:* It is a matter, sir, of tracing down which official is responsible. It is essential to get it down to bedrock to see who issued the instructions.

*Judge MacCormick:* I am not suggesting that you should not ask the question.

*Mr. Baxter.*] It is not yet a law, and people need not take any notice of it at present?—No; but if some of the officials are punished they ought to be, because they have to do as they are instructed.

Yes, the officials must be punished; I quite understand that. I do not quite understand this idea, Mata'afa, about the remodelling of villages: that was decided on by the District Councils of your district?—Yes.

Would they decide that just because the Council itself wanted to, or would the village ask the District Council whether they could do it?—Would it be suggested by the village or by the Council?—It is suggested by the village and the Council agrees.

Then, I suppose you yourself told somebody else to go along and fix a line?—I went myself.

I suppose that in fixing that line to get a nice village you have to make it that they put all their land together: you make a nice line and then you tell each man where to build?—Yes, but the village first of all must agree on a village-site.

If anybody disagrees with this scheme has he got to fall in with it, or can he do what he likes? There might be a man with a bit of land who says that he does not want to join in: well, does he have to join in?—He has to do what the majority says; and, furthermore, it is now a law that villages have got to be remodelled.

Is it a law that land has got to be divided up?—No.

Regarding this case of the two girls, you said that you were acting-Fa'amasino?—Yes.

Who appointed you?—I had the authority of the Fa'amasino.

Not from the Chief Judge?—The Fa'amasino asked me. He was leaving Aleipata for three or four months, and he just told me to act as Judge whilst he was away before the Secretary for Native Affairs, Mr. Griffin.

There is another point I wish to clear up, and that is beetles. You said that the Mau people had appointed two men as *pulenu'us*: you meant two men to collect beetles, did you not?—Yes.

You said that you do not think that Samoans should be on the Legislative Council: the Legislative Council should be for the white people and the Fono of Faipule for the Samoans?—Yes.

Now, do you think that the Fono of Faipule ought to be able to make laws themselves, or do you think that they ought to carry on like they do now and send the laws to New Zealand?—I think that it is good to send the laws to New Zealand now, and record them, until the Samoans are able to do it themselves.

You know Tupuola?—Yes.

He is a chief down Aleipata way, is he not?—Yes.

I think that at one time you got the Village of Amaile to sign a document with you requesting the Administrator to remove that title?—Yes.

And that the Administrator issued an order for its removal and then gave it back as soon as Mr. Connor (Agricultural Inspector) saw the Administrator. Tupuola had the title back again very soon after it was taken away?—Yes.

And you know why. The Government Inspector, Mr. Connor, came to Apia, and it was because he saw the Administrator that it was given back?—Yes. Tupuola himself sent a wireless in and appealed to the Governor.

And Mr. Connor came to Apia, too, did he not?—Yes.

As a matter of fact, you did not like that man having the name of Tupuola; you wanted to have it yourself, to get control of all those Tupuola lands?—Not at all.

Did you not want to give the Tupuola name to your sons?—Not a bit. There is another branch of the family who is supposed to have the name, but I myself gave it to the present Tupuola.

And you wanted to take it back?—Yes, because he was bad in the village.

You considered that he acted badly?—Yes.

Mr. Connor fixed it up very quickly, and he got it back again, did he not?—Yes.

*Mr. McCarthy.*] Is that Tupuola matter pending in any way?—Yes.

There is one other matter I would like to refer to and to which I did not refer previously, and that is the Native Petition of 1921.

*The Chairman.* : Very well; Mr. Baxter will be able to ask any question he likes.

*Mr. McCarthy.*] Do you know anything about the Native petition to King George?—Yes, I was there.

Will you tell us about it: what was the origin of it, and what was the procedure adopted?—Yes.

You signed the petition, did you not?—Yes, on the 16th July, 1921. We were in Mulinu'u and the Faipule were instructed by Afamasaga and Asiata to make a petition. Then when Mr. Nelson returned from his voyage round the world we went to see him in his office upstairs—five or six Upolu Faipule, with myself and some Savai'i Faipule. The two Fautuas were there, too; and we met Mr. Nelson upstairs and told him all about what had happened, and, of course, Toelupe made a speech of welcome to Mr. Nelson, and Mr. Nelson made an address in return to us, saying that we must be strong and hold on to get satisfaction for the country. We may find a good position in the future for Samoa. That meant to be strong with the petition.

What was the main object of the petition?—The main object was that we may get a written article of the Faipule in the final Act of Samoa (that the Fono of Faipule be recognized in the Samoan Act); and, furthermore, that we should get an Administrator from the Home Government and make Samoa a Crown province (colony).

That was, in effect, to get the control away from New Zealand?—Yes.

Do you know who drew that petition?—Yes, Lago Lago (Afamasaga) and Asiata.

Do you know who was the first mover or designer of the petition?—I am not really sure. I suspect only, and I do not wish to say anything.

*Mr. Baxter.*] Lago Lago and Asiata were, just at that time, on the Fono: did they have any districts?—They were members of the Fono, but they had no districts.

They had just been put on really by the Government: Mr. Macdonald was then Secretary for Native Affairs, and he put them on to have some representatives of the Government without any districts?—Yes.

You are quite sure that Toelupe made a speech of welcome to Mr. Nelson?—Yes, I am quite sure.

#### FONOTI sworn and examined.

*Mr. McCarthy.*] You are the Faipule for the district of Vaa-o-Fonoti?—Yes.

When were you appointed Faipule?—On the 1st September, 1919.

The Administrator at that time was?—Colonel Tate.

Prior to your appointment was there any district meeting to discuss the question of a Faipule?—No, there was no meeting.

Will you tell us how your appointment came about?—After the epidemic there was a discussion of the Fono of Faipule together with the Governor. Then I received the appointment; I was appointed as a Faipule. Other Faipule were appointed in the same manner, because they called on those officials who had been a long time in their positions carrying out their official duties and who understood their duties.

Had you held any other official positions?—During the German regime I was a soldier; and then I was a policeman, like the local policemen here, for four years in the German Government; and then I could not tell you how long I was a *pulemu'u* in my own village during the German Government.

Was it for years?—About seven or eight years. Then after that, and still during the German Government I became a Fa'amasino in my district of Vaa-o-Fonoti. I was appointed Fa'amasino—that is, Native Judge. I continued in that position as Judge until the arrival of the occupying force, and then right on to the epidemic, and then from that position I was made a Faipule.

Did you ever hear of any objection—either before or after that appointment—to your holding the position?—No.

Now, there is a complaint against you in the evidence of Savusa. It says "Can you remember shortly what the grievances were?—I cannot remember some of the grievances. Q. Can you remember some?—One was the dissatisfaction with our Faipule living so far away in Solaua; the other was that the Faipule Fonoti had used words that we had reason to complain about in conversation between himself and another Faipule, Tainau, in which Tainau asked why his (Fonoti's) village did not get any Government appointments. Fonoti, in reply, said, 'Who are they to deserve Government appointments when they are all bad people?'" Do you remember that?—I do not know of any conversation like that.

You remember Molio'o?—Yes.

Did you make a representation on behalf of your district to the Governor about Molio'o—this was after he was banished?—Yes.

There is a complaint that you did not request his return?—There was a petition from my district.

There is another complaint against you, by one Tialavea, in which you are accused of having made a threat to the people?—What is the threat?

“If they did not immediately apologize to His Excellency the Administrator and the Faipule Fonoti they would be severely punished”?—I do not know one thing about that.

There is another complaint by the same man that “the Faipule are exercising the powers of the Chief Judge.” Do you know anything about that?—In which way?

Adjudicating in cases and inflicting penalties?—I do not know.

Have you ever done such a thing?—No, I have not.

Then there is a further complaint by the same man that you “are overbearing in your manner towards your people”?—How overbearing: in which way?

He does not say, but only says that you are overbearing?—I do not know about that.

Do you know what the word “overbearing” means?—It is my real wish that my people should prosper and also to live in friendship, loving one another.

Tialavea says later on, in describing the overbearing manner of the Faipule, that “they drive people away from their homes, like they did to me”?—I have not driven any one away.

It has been said, Fonoti, that the Faipule are the puppets of the Administrator: will you tell us how you are allowed to act in the Fono of Faipule?—Thank you for bringing that matter up, as I should like to make a statement. We are not at all afraid of the Governor. Our hearts are put together for the prosperity of our country. We have faith in our Governor; we have faith in our country, but what is uppermost is that we wish for the prosperity of our country. Our desire is the prosperity of our country. At our discussions in the Fono we bring the matters from our District Councils together with the matters which we individually put forward. We put these matters before the Fono. If these matters are difficult, then we make it known to the Governor, to allow these matters to rest over; they can rest over for two or three years until the matter is settled, because we consider that matters done in a hurry are not important. We are pleased and we are satisfied because we know that we agree with our Governor.

I would like to ask you, Fonoti, about that petition of 1921?—Yes.

Were you a signatory to that?—Yes.

Will you tell us what you know of the origin of the petition and the procedure adopted?—Yes.

First of all, perhaps, you had better tell us what the petition was for?—That petition originated from the dissatisfaction of the Samoans and their chiefs, and, in addition to that, other matters which cropped up in Apia were put together with it, and that is the origin of that petition.

Who drafted it?—Afamasaga (Lago Lago) and Asiata.

Was there any other?—All the Faipule advised.

Can you tell us anything further about it?—We tried to agree respecting that petition, and then we signed all our names to it.

Where were you when you signed your names?—At Mulinu'u.

After the petition was signed, did you and Seiuli do anything about it?—What, for instance

And you see anybody in connection with it and ask anybody about it, either before or after?—There were many actions taken in those days and it would be hard for me to remember them all, but I remember one. One night we discussed the matter of the petition before we signed it, and then Aiono whispered to me, but not Seiuli. He whispered to me, saying, “Let us go, leaving Mulinu'u and come in the direction of Matafele (Apia centre).” Then Aiono said to me, “Let us go and interview Mr. Nelson.” Then we did so. When we arrived there we knocked at the door, expecting that they had gone to sleep.

*The Chairman:* I do not know what that has got to do with it.

*Witness (continuing):* Then Mr. Nelson came and talked with Aiono regarding the petition. Then Aiono told him that the Faipule were not united in this petition. Then Mr. Nelson said that we must have courage and be of great heart. Then we went back to Mulinu'u. Then, when we arrived in the Fono House, we signed the petition right away.

*Mr. Baxter.]* Since 1919 there has been no question of a *fono* to discuss whether your district should have another Faipule other than yourself?—No.

You have a plantation, I believe, in Solaua—part of the Government plantation?—Yes.

And I think that you get quite good rubber there, too?—Yes.

And, naturally, you have got to work pretty hard to look after that good rubber, and you have also got to work pretty hard to see that the boys look after it?—Yes.

And is it not one of the reasons that you are unpopular with people in your district, because you spend too much time on the plantation and not enough time in your district?—Perhaps that is the way others think. My opinion is that if they agree and work together with me it is a good education for them, because I myself worked and I learned from the labour. But that is no reason why they should murmur. I have also put aside time to meet them.

But your desire is all to have a prosperous district, and I conclude that these people do not see why you should press them to make them have as prosperous a district as you want?—That is why they are not pleased with me, because I tell them things and give them instructions; that is why they are not pleased with me. What they like is to sit down with their fly-flappers and drink *kava*.

And you are not, of course, approving of that, and pressing them to work is why they murmur against you?—That is just what the Mau appreciate—sitting down in Apia and assembling in Apia.

We have heard a lot about the Fono, and I do not wish to ask you a number of questions about that, but I have no doubt that the Governor himself brings up quite a lot of matters at the Fono for you Faipule to discuss and advise him on?—Yes.

And probably he brings up matters that you have not known were going to be brought up before you get into the Fono?—Yes.

And then you talk about it, and if you think it is a good idea you go back to your districts and tell them of the order from the Administrator?—Yes.

*Mr. McCarthy.*] You have mentioned the Mau, Fonoti: will you tell us briefly what has been the effect of the Mau in your district?—The majority of Faleapuna has joined the Mau, and the Village of Saletele has joined the Mau; also the Village of Sauago.

How do you find the people carrying out their duties now: do the Mau people pay taxes or search for beetles?—I got a letter from the *pulefa'atoaga* informing me that he had been rejected by the Mau people on his last inspection. I asked the *pulefa'atoaga* if he had examined the plantations of the Mau people, and they were in good order. This refers to Sauago and Saletele Villages. There is one thing which I wish to point out, and it is that I am very sorry for them because they do not attend, or did not attend, the last District Council. They have opposed the *fono* of the Village Council, and they do not wish to obey one thing; and they did not attend the *malaga* of His Excellency when he went round. After His Excellency left we held a *fono*, and they also did not attend. They have not helped in putting the school-children in order. They have also not helped in matters regarding a house for the nurse. These works were going on very well at first, but they are quite different at present. They were all united in the past, and suddenly they are now disunited. That is my report.

TUILAIPA sworn and examined.

*Mr. McCarthy.*] What is your name?—Tuilaipa, and I am Faipule for Aiga-i-le-tai.

Which includes the balance of Manono and Apolima?—Yes; Manono, Apolima, and Mulifanua.

Before you were Faipule did you ever hold any other Government appointment?—I was first of all clerk for the Fa'amasino of our district; then I was appointed *pulenu'u*. After that I was a Fa'amasino, and from that I went to Faipule.

Will you tell us the procedure of how you were appointed to the position of Faipule?—I was selected by the Fono of Faipule.

*Judge MacCormack.*] When were you appointed?—In Colonel Logan's time, just after the 1918 epidemic.

*Mr. McCarthy.*] Was there any objection laid before that Fono or after that Fono?—Not a single objection, and my district supported me.

Is your district a Mau district or not?—My district is supporting the Government.

Is there one section of it belonging to the Mau: what about Apolima?—There is a small section of the people at Apolima who have turned to the Mau.

Do you know when they turned to the Mau?—After Afamasaga and Faumuina's arrival there.

We have had a man, called Sau, from Apolima in the Court to give evidence, and he has made a number of complaints against you. His first complaint was with regard to your appointment, but we do not want you to answer that. This is what Sau says: "We applied to him (our Faipule) for a Native nurse for our island; and also for some medicine to be kept on our island, because when the weather is bad it is very hard to bring anybody to the shore, and if we do not help them with Native medicines, then there is no other help at all. The Faipule said that he would go and see the Governor about it, and then we would get some medicine for our island, but up to the present time we have received no medicine on the island"?—I have made application for a nurse for my district and it is being considered by the Chief Medical Officer, but up to the present time I have received no decision from him.

How do you arrange about a nurse or about medicine for Apolima in case it is required?—The Apolima people have never made application to me for a nurse or for medicines.

What about Manono: would there be a nurse there?—No. We have asked the Chief Medical Officer for a nurse for Manono.

There is one more complaint which he makes against you: "We applied to the Faipule for a school-teacher for the second-grade school to be established in Apolima, as it is very difficult to send our children to Manono. There are many difficulties, such as keeping them in Manono, &c. He said that he had seen the Governor and the Governor said that we could not get a school-teacher established in Apolima"? They did not make any application to that effect to me. They had the opportunity of making that application to the Superintendent of Schools when he was at Apolima.

Moanau also complained against you, Tuilaipa. He said that you tried cases which the Fa'amasino should try: is that so?—No.

Another complaint he makes against you is that you appointed the title of To'oa?—I am the controller of To'oa and I have appointed the holder of that title.

You mean that you control it personally, and not as a Faipule?—From my position as Tuilaipa.

And not as Faipule?—No.

He also said that you appointed another young man in Moanau's family to the title of Moanau, and that you had no right to do this and had no say in this title?—I am interested in that family and the title, but I deny having given the title to anybody.

He says, further, that you and the Administrator decided that Moanau would not be returned to that title?—The Administrator and I did not discuss that matter.

He also says that when he was Fa'amasino he issued three summonses against you and that you failed to appear in answer to them?—That is quite wrong.

He also says, further, that you tried cases yourself and then advised him (Moanau) not to interfere in his own job?—I know of no trial which I have held which should have been referred to the Fa'amasino.

*The Chairman.*] He (Moananu) said that you were reported verbally about one hundred times to Mr. Griffin: is that so?—From the time I was appointed *pulenu'u* right through the time I was Fa'amasino and through the time I have been Faipule there has been no complaint about any errors of mine by the Secretary for Native Affairs.

*Mr. McCarthy.*] Where does your title come from, Tuilaepa?—From Manono.

Moananu gave evidence that his title came from the Malietoa branch, and I wondered if you had any particular branch like that?—I think that we would be well advised to leave that alone: it is a very deep subject.

*Mr. Slipper.*] The Fono of Faipule, in a manner, is the House of Representatives, is it not—the House of Parliament?—Yes, representatives of the whole country.

And the representatives of the people?—Yes.

Was there any *fono* of your people when you were elected to that position?—After I was appointed Faipule there was a meeting of the people of my district.

Was it a full meeting—that is, a representative meeting?—It was a representative meeting—two representatives from each Village Committee.

What did they decide?—They discussed matters for the prosperity of the district.

What about your appointment?—That was mentioned, and they were very pleased that I was appointed Faipule.

How long was that after your appointment?—About three weeks afterwards.

Has there been any *fono* since as to whether you should keep the appointment?—Since my appointment there has been many meetings, and the chiefs at these meetings have expressed their pleasure at having me as their Faipule.

Is there any method of bringing forward an objection against a Faipule?—I do not know.

To whom should objection be laid, if one were laid?—It would be laid with the Administrator, through the Secretary for Native Affairs.

And do you know if any such objections ever have been laid against any Faipule?—I do not know.

You spoke of Apolima having turned to the Mau after the arrival of Faumuina and Afamasaga: was that not the very time when people all over Samoa were turning to the Mau?—That was the time when not a single person in my district had turned to the Mau.

That is not an answer to my question. Was that not the time when people all round Samoa were turning to the Mau?—No.

How long after this complaint regarding a nurse for Apolima was made to you was it that you carried the complaint to the Medical Department?—I have received no request from Apolima for a nurse.

Did, then, you receive a request from Apolima for medicine?—No; they have made no application to me. My district is in the habit of getting their medicines from Mulifanua.

Well, what was this report that you handed on to the Chief Medical Officer then?—That was a request by the whole district, including Apolima and Manono, asking for a nurse to be supplied with medicines, so that people could get their medicines from that nurse.

How long after you got that request was it that you handed it to the Medical Department?—When I received that request the doctor was at my house in Manono and he was informed at once.

Have you ever sat on a Board that deals with possible cases of banishment or loss of title?—Yes.

I notice from the records that it appears that in most cases the Board consists of Toeplue, Asi-Mama, Seiuli, and Aiono: can you tell us how it is that they appear so frequently to act upon this Board?—I do not know anything about those inquiries by those Faipules.

Do you know of any reason why they so frequently act: that is all I wish to know?—Because in a lot of cases the offenders are people of the districts of those Faipule.

Did you get a request from the Apolima people that some provision should be made for the maintenance of Faumuina and Afamasaga?—Yes.

Did you hand on that complaint or that request?—Yes.

To whom?—To Mr. Lewis, Secretary for Native Affairs.

Have you received any reply?—Up to the present time I have not received any reply.

TOELUPE sworn and examined.

*Mr. Meredith.*] To what village do you belong?—Malie.

And what is your tank?—A *tulafale*.

And you are also a Faipule?—Yes.

What district are you the Faipule of?—Sagaga.

How long have you been a Faipule?—I have been a Faipule during the old Samoan Governments. I was a Faipule in the first Malietoa Government.

Were you a Faipule during the German control?—After the Malietoa Government, then I was under the Government of the German Brandeis, and was a Faipule in that Government; I was adviser to Tamasese. After that I was a Faipule again in the succeeding Government—that was the Malietoa Government. I was also a Faipule under the Berlin Treaty. I was a Faipule in the Mataafa Government—that was after Malietoa died; and I was a Faipule under the German Government, and then under the New Zealand Government.

Have you heard of any objection being raised to your being a Faipule until the present time?—No.

Was there, in your opinion, any unrest in Samoa before October of last year?—No.

And you agree that there is unrest in Samoa now?—Yes.

On one occasion you had some trouble with Dr. Schultz?—Yes.

Will you tell the Commission shortly what was that?—That was a revolt by the Samoan boys against the German Government.

How do you suggest that you were implicated?—Dr. Schultz blamed me because the boys were found in the village. They were flying the British flag.

Did Dr. Schultz dismiss you as a Faipule because of that?—Yes.

When Colonel Logan came he was in charge during the military occupation by the British?—Yes.

And Colonel Logan asked you about this and you told him the facts?—Yes, I explained it to him.

After the matter was discussed by the Fono of Faipules Colonel Logan reappointed you?—Yes.

With the exception of that, you have been continuously a Faipule for a great number of years?—Yes, and my life has been given for the service to my country.

Do you know a man named Nu'u Iali'i?—Yes.

This man said that you got some cement from the Public Works Department and did not pay for it: what do you say as to that?—There were four barrels of cement left over from that work, and I applied to the man in charge to let me have the four barrels because my cement was late, and when I received my cement I would repay it. It was merely an exchange.

Did you get an account from the Public Works Department for that cement?—Yes.

*Judge MacCormick*: The charge made by the person in question was that the cement had been paid for by the village of the accuser, and they had lost the value of those four barrels of cement: is that not the position, Mr. Baxter?

*Mr. Baxter*: I am not quite clear on the point.

*Judge MacCormick*: If it had been Government cement we would not have listened to the statement.

*Mr. Baxter*: I understood it was that he took three bags of cement, and he (the witness) was accused of having it for his own use.

*Mr. Meredith*.] Was the cement bought from the Government, and were you not charged for it by the Government?—The cement I bought from the Government was charged to me by the Government.

Did you take away three bags that belonged to the village?—There was no cement belonging to our village which was taken. The cement that was taken belonged to the Government.

If it is said that you took any cement that belonged to the village, that is untrue?—It is not a true statement.

Do you know a man named Tupa'i?—I know him.

It is said that you banished him because of the insulting language he used to chiefs: what do you say about that?—I did not banish him.

Did the question of Tupa'i and his dispute come before the District Council?—It was put before the District Council.

Is this the minute of what happened before the District Council [minute-book produced and handed to witness for his perusal]?—Yes.

The matter came before the District Council and it was minuted in the book, and it reads, "Decision: Tevita to return to Tupa'i and reconcile. Tupa'i and Leuma should not chase away Tevita and family. If Tupa'i does not look after Tevita, then Tevita's wishes will be conceded to. Tupa'i is to give Tevita a separate house and land. Tevita is to undertake to the P.W. and committee Faleula that she will be of good behaviour and obey Tupa'i and keep the plantation in order." That was the dispute between Tupa'i and Leuma against Tevita?—Yes.

Tupa'i was not banished at all?—No.

And the parties were told to reconcile by the District Council?—Yes.

Ainu'u has complained about the cutting-down of trees on his land?—Yes.

Will you tell the Commission what is the position about Ainu'u and the land about which he complains?—It is Ainu'u's land.

Did the Village Committee decide to remodel the village?—Ainu'u gave it to one of my boys. My boy is a policeman, and Ainu'u gave him the land to take care of. This policeman gave it over to my brother, who is living in Malie, to look after this land and take care of it. Whenever an Inspector comes round and the land is found not to be in order my brother would pay the fine. I made it known to Ainu'u that it is a big piece of land and it is difficult to keep it in order, and would he consider putting a house on it. I was told that a white man was going to live there. I told him to lose no time over it and to do it quickly. Subsequently they had a discussion at a meeting at Malie with a view to establishing a new model village, and they were going to make a survey of this new village site. I told Ainu'u that his land was going to be included in this new village site, and informed him that the committee had made a survey of the land so taken in. Then Ainu'u said to me, "Take pity on me and be kind, and let that piece of land go through the Government so that I could get some money out of it." I said, "All right, I will see Mr. Griffin, Secretary, Native Affairs." I made it known to him, and he was agreeable, and he said, "Leave the matter to me and I will have a talk to Ainu'u about the matter." Subsequently I received a letter from Mr. Griffin to the effect that Malie Village was buying the land. I then came and told Mr. Griffin that it was a difficult matter for the Village of Malie to buy the piece of land. The right thing to do when it was made known who was going to live on that piece of land was to have the purchase price of the land paid by those who were going to live on the land. Then the Governor came to inspect the plantations, and I made

the position known to him. The Governor informed me that the Government would buy that piece of land and that I would have to pay back the Natives' money. That is the position that has arisen at the present time.

Can Ainu'u go and live on his land if he wants to, so far as you are concerned?—He can live on the land if he desires to do so.

In laying out the village, were not trees cut down on the land?—Yes, four coconut trees were in the way of the line made by the committee for the house.

Only four trees were cut down?—Yes, that was all.

There is a complaint against you by Nuiali'i that you refused to give any information about the Government expenditure: do you remember him ever asking you anything about that?—He never expressed any desire to me about the matter.

You do not ever remember him asking you?—I do not remember. My reply to the *pulemu'u* was this: "I am very thankful if you understand financial affairs, but I am quite ignorant about those matters. We will wait for the Governor to arrive here and we will raise that matter before him."

That was not to Nuiali'i, but to somebody else?—It was the *pulemu'u*.

How often does the Fono of Faipules meet?—We meet twice a year.

At those *fonos* do you discuss remits from the District Councils?—The position is that when the *fono* is due, then I get a notice from the Governor to announce to my district to send in matters to the District Council, so that we can discuss what matters we wish to send in to the Fono of Faipules. I then convene the meeting and we discuss those matters to be brought before the Fono of Faipules. These matters are then brought before the *fono* supporters and they are then sent to the Governor.

And are the matters that come up brought before the District Council by the Village Council?—Yes.

What does the Fono of Faipules do in connection with remits from the District Councils?—These matters from the District Councils are already in the hands of the Governor, so that when the Fono starts he mentions in his speech matters for discussion that are known to us, and we discuss his matters that are known to us, and one district is taken at a time. We start with one Faipule and we go right along, and after discussion, if the Fono agrees to any matter, then it is recorded; and if we do not agree, then the matter rests.

Where they do not all agree is the matter taken back again to the District Council or is it brought up again?—If it is a difficult matter that we cannot agree on it is taken back again to the District Council to discuss the matter over again there.

When the Fono is over, do the Faipules get copies of the decisions in writing?—Yes.

Do the Faipules take these decisions back to their people?—The results of matters discussed in the Fono are all taken back to their villages by the Faipules. The Faipules then speak about it and announce it to their districts; and not only that—the matter is also forwarded to the *Government Gazette*, where it is also published.

Was there any difficulty in your carrying out the duties of Faipule before the Mau started?—There was no difficulty and no trouble.

Is there trouble now, since the Mau started?—Huge difficulties.

Do you see the *pulemu'us* in your district and get reports from them?—I order the *pulemu'us* to assemble before me and ask them to explain to me their duties, and also ask them regarding the condition of the places under their control, and then I advise them to return to their villages in order to carry out their duties and look after the welfare of the Government.

Are the reports from the *pulemu'us* satisfactory now that the Mau has started?—I am satisfied with the reports they send me.

What are they telling you about the collecting of beetles, &c.?—They say to me that the Mau does not search for beetles, and they have made it known to me that the Mau has appointed *pulemu'us* to receive the beetles, but they are not searching for beetles. I say that the Mau has no love at all for Samoa, because the coconut-trees are in a very bad condition as a consequence of the damage done by the beetles. The damage is increased at present, and the beetles have also increased. I have appealed to them, and we had a meeting before I went to New Zealand, and the result of the *fono* was that no one should join the Mau. I have said to them that if there is any one in our district who wishes to join the Mau he had better come to me first and discuss the matter, and if he can show me the benefits that we are going to receive from the Mau we will all join.

Did you ask them to come to you and to the District Council?—Yes, and to the District Council.

Are the Mau people bringing their complaints before you and the District Councils?—No. As I have said, I have asked any one who wishes to join the Mau to come before the District Council and myself to explain to us the benefits that we are going to receive from it, and after they explain to me the benefits and I am convinced that it is going to benefit all Samoa, then I will go together with them to the Mau.

Have they accepted that invitation to go before you and the District Council?—No.

Are the Mau people attending the *malaga* of the Governor?—No. They do not appear with me and they do not ask me, and all they are doing to me now is that they are threatening or intimidating me. What they do is they come along in a motor-car or a motor-lorry in great numbers, and as soon as they get in front of my place they shout out and make a terrible row, and say, "Ha, Toelupe, the Mau stands now."

Did you try to get a meeting lately with the Ali'i and Faipule of your district?—I have tried when the Governor came through. I asked them to come and respect the Governor.

Would they attend his meeting?—No. They have never shown any respect to the Governor.

They are leaving their districts and their work on the plantations in order to come to Apia?—The young plantations are attended to no more now. I have tried to persuade the people who are in

the Government to come and work, and they said, "What is the good of us doing work; we will be licked by the Mau and they will make use of our labour."

All the work has stopped?—All work is stopped.

Do you remember the banishments in the old days?—I remember.

What is the *Fa'a-Samoa* custom about banishments, and what did they banish the people for in *fa'a-Samoa* days?—A very serious charge in Samoa is adultery.

Did they banish the people for that?—Yes.

What form did the banishment take?—Not only the offender was asked to leave the village, but his whole family was ordered to go too; and not only that, his house was burnt, his trees were cut down, and the plantations were cut up.

What were the other reasons for banishments?—Another reason was that when they were dissatisfied with the chief, in the first place, they praised him up and then they got a wife for him. According to Samoan custom, they praise him up to a district where there is a maid of the village who has plenty of "fine mats," or there is a likelihood of "fine mats" in plenty. If they succeed in getting a wife for this man the "fine mats" will be brought along, and if the *matais* or *taulelea* are not satisfied with the distribution of "fine mats," then the very man they have praised up will be told to get out of the place, and he is banished.

To sum up, if they were dissatisfied with the distribution of "fine mats" that would be a cause for banishment?—Yes.

Was there any other cause of banishment?—Yes.

What were those banishments?—It was a case of where certain individuals exchanged bad words between them and one was banished.

Because they quarrelled, one was banished from the village?—Yes.

Have you discussed at various times the "fine mat" *malaga*?—Yes.

Do you think this is a bad thing for Samoa—that is, a "fine mat" *malaga*?—Yes. There is no sin so far as a "fine mat" *malaga* is concerned, but it is the conduct of the Samoans that is the trouble.

What do you object to so far as a *malaga* is concerned?—When going on a "fine mat" *malaga* the whole place would go, and they would take 100 barrels of beef. They would spend many days, and would call in at many places on their way home and do a lot of damage as they go.

While they are away are their plantations being neglected?—The plantations would not be attended to.

Does it cause them to get into debt with the traders when they are travelling around?—Yes.

Do they eat the people whom they visit out of their food?—They become quite poor, and the result is poverty.

The Fono of Faipules has agreed to try the experiment of not having any *malagas* or three years, has it not?—Yes.

And the Faipules have agreed that it would be a good thing for Samoa to try it?—Yes.

And, in your opinion, does the result of that trial show that it is a good thing to do away with the *malagas*?—It is a good thing for Samoa. That matter was also taken to the District Councils for their discussion.

What decision did the District Councils come to?—The result was sent to the Fono of Faipules by the District Councils, and it was that it would be a good thing and to uphold it. There were very few exceptions. There were only two districts that failed to realize it.

That is to say, two districts out of thirty-four?—Yes.

Do you think that Samoans should be on the Legislative Council?—The wish of the Legislative Council was put by His Excellency to the Faipules and they discussed the matter. The result of the discussion was put to the Governor: "Let the Legislative Council discuss its own matters—that is, discuss its own European matters." The opinion of the Faipules was that the Samoans should not be appointed to the Legislative Council, because they did not understand it. They are clever people, and the Samoans do not understand the business. It was decided by the Faipules that the Samoan matters should be discussed in the Fono of Faipules by the Samoans, and that the Legislative Council should attend to matters concerning the Europeans only.

Do you think it would be possible to get proper representation of Samoans in that Council—that is, numerically?—I am of opinion that no Samoan is fit yet to be in the Legislative Council.

You mean by that that they are not sufficiently educated and wise enough?—Not clever enough. The way with the Samoans in the past is that they make their Governments and discuss matters, and after a while they break up again and separate. There is no one who can carry anything on. The stores and companies cannot do anything in business. They have tried to make companies and work up companies, but after a while they break up and fail.

They have not got the gift of management and organization: is that what you mean?—They cannot do it. They must be educated before they are able to carry on anything.

In your opinion, is the present position a better way of discussing their own affairs—that is, in the Fono of Faipules?—That is the only thing that is good for this generation. Later on, after the Samoans are educated and have got the necessary wisdom and become clever, I say let them administer their own government.

Are they allowed by the Administrator in their Fono to discuss things in their own way?—Yes.

It has been said that they are the puppets of the Administrator; what have you to say as to that?—There is no reason for it at all. The Governor likes the Faipules, and the Faipules are very fond of the Governor. There has been no disputes at all between the Governor and the Faipules—in fact, there has been no reason for having any disputes with the Governor. We have never fallen out with the Governor.

Did they express their own opinions?—If the Governor has anything to put before us he puts it. If we do not agree with him we send it back to him. If the Samoans put any matter to him, and we know that it is a matter that will not be good for the country and will not bring prosperity to the country, the matter will be discussed among the Faipules and afterwards we will put it to the Governor, and if the Governor does not accept it, then we inform those concerned that it is of no benefit to the country.

Have you put anything to the Governor that he has not agreed with? What is his attitude then?—He does not do that at all. He does not put anything at all to us if we consider it is no good.

Has the Governor put forward certain claims for discussion that you have not liked?—If we do not agree to any matter, then it is not done.

Does the Governor explain financial matters to the Faipules?—Yes.

And do the Faipules then explain them to their people?—We are expected to explain them to our districts, but the Faipules do not understand finance.

Do they explain matters as well as they can to the people?—Yes, we explain matters to the best of our knowledge. The Governor explained the position with respect to the debt, and that matter has not been brought up again.

Are you referring now to the £100,000 loan?—Yes. That matter has already been explained to us, and now it has been brought up again.

Did you discuss this matter with Colonel Tate before the loan was made?—We opposed it with Governor Tate. I told Colonel Tate that we did not agree to the debt. Colonel Tate said, "You do not agree to this debt? What are we going to do? How are we going to carry out public works when we have not the money here to carry the work on?" I said to him, "Never mind that debt; we do not want it. We might die and our children when they grow up will blame us for it, so we do not want the debt." Colonel Tate then said to us, "New Zealand will not lend money to Samoa to cause trouble, and if it did cause trouble New Zealand would cancel the loan." That matter has been fixed up, and we still have the love for New Zealand and New Zealand loves us. We know that our Government has advanced and progressed. We have seen many things done by our Governor which have been done through his love and his endeavours, as well as the New Zealand Government. Furthermore, there is the good health of all of the people of the country, and the children are all clean; the roads are in good order, and electric lighting has been established. We have also a telephone system and we have wireless, and we have schools to educate the children, and we also have a waterworks system. Not only that, the Governor has improved the condition of the islands, and the Samoan land that was in the hands of the Germans is now protected and it is not allowed to be sold, and any one who wants to take up a piece of land can get it. All these things we have seen done by the Governor for the good of our country.

And they are well satisfied with the Governor and the Government of New Zealand?—We are quite satisfied. It is many years since the traders and the Samoans came together, but the traders have done nothing at all to improve the Samoans. From the beginning the only thing was the cry for copra, which has been a burden to Samoa. When the Samoans ask for the price of copra to be raised the traders do not do it, and the Governor cannot order them to do it, because it is not his business. The Samoans have been crying for the price to be raised from the German time to the present.

I want to show you a copy of the *Samoa Guardian* of the 14th July, 1927. You have read that piece before, have you not—the piece about the *kava* title: What meaning would a Samoan take out of that?—Yes. If all the Samoans were to read it, then the Samoans would know that Mr. Nelson had taken the place of the Governor and the Governor has fallen, because that is the *kava* title given to the Governor and now it has been given to Mr. Nelson.

*The Chairman*: I do not think that this is quite fair. Mr. Nelson was in the box and he could have been examined.

*Mr. Meredith*: It was not written by Mr. Nelson and I asked Mr. Gurr—

*The Chairman*: It affects him, and, if you go on, Mr. Nelson must have the right—

*Mr. Meredith*: It is not written by Mr. Nelson. I asked Mr. Gurr if he took the responsibility of what is in this paper. There will be no suggestion that Mr. Nelson is responsible for it.

*Mr. Baxter*: If it is going in the notes, Mr. Nelson should have the right to refute it.

*The Chairman*: Mr. Meredith must confine it to my ruling on this evidence.

*Mr. Meredith*.] Do you know a person named Muagutu?—Yes.

And it is said that you have taken away his title?—He is still called Muagutu.

You have not taken away his title?—No.

Have you any power to take it away?—I have the power over that title.

But you have not taken it away?—I told him that if he did not obey the committee I would report him to Mr. Griffin, and Mr. Griffin will tell the Governor to deal with him. He said, "Do not take this matter to the Governor; I am satisfied now."

You know a man named Auimatagi?—I know him.

Did you take away his title?—No. I said that if you want to go to the Mau you should come to the District Council and tell them so, and if you can explain how you will get any benefit I will allow you to go. When I heard that Auimatagi had gone to the Mau I said that he must not return here.

Did you take his title away?—No.

*Mr. Baxter*.] You are the oldest of the Faipules, you have the longest service, and I think that you are generally Chairman of the Fono?—Yes.

And as such you often speak on behalf of the Fono of Faipule?—Yes.

And, in fact, you are really in the position of being the most important Native here; and you are the Chairman of the Faipule Fono and speak on behalf of the Fono, and as such have been sent on trips to New Zealand?—I do not want to reply to that, because I have not been appointed by the Samoans to go to New Zealand. If I am of any use to the Samoans I am happy.

You do not want to speak about that because you were not the selected representative of the Samoans in New Zealand?—Yes.

*Fa'a-Samoa*, you would have been selected?—Yes.

Do you know the reports that were sent to the Mandates Commission [Shown the report for 1926]?—It is read to the Faipules year by year.

What I want to know about the Fono of Faipules is this: when you come to a decision about the remits from the District Councils, do they become laws then?—After we have discussed them, then we give them to the Governor, who passes them on to New Zealand.

The division of Native lands into individual ownership: was that sent to New Zealand or not?—I do not know if it was sent to New Zealand.

Do you remember the 1926 report, on page 9, where it says that the Fono made regulations governing the division of Native lands?—Yes, I remember.

There was another regulation about wills?—Yes.

And another about marriages?—Yes.

I want you to clear up a few points on banishments. I notice that there seems to be a committee that always has the same Faipule on it, with yourself as one: is there a special committee to inquire into the question of banishments or not?—There is no special committee that is appointed to deal with banishments. It is a committee appointed by the Governor to investigate matters—any matters at all. He passes it over to Mr. Lewis and then the committee is called up.

Who is the committee made up of?—The nearest Faipule is called, and if there should be a Faipule from Savai'i here he is called.

You have been on a number of banishment inquiries. You make the inquiry, you hear what is said, and then you make a recommendation to His Excellency through the Secretary for Native Affairs?—Yes. They do not make any decision. They express the opinion of the committee to the Secretary for Native Affairs, who passes it on to the Governor, and then the Governor decides the matter.

Does the Governor always act in accordance with this recommendation?—If it suits him. If he searches this matter and finds that it does not suit him, then he does not do it.

Can you give me how many times he has refused your recommendations?—I do not remember.

I mean the recommendations of the committees that you have been on?—I do not remember.

Are the Faipule called in to discuss important matters with the Secretary for Native Affairs?—If it is a matter concerning the Samoans.

Have you ever been called in to assist in a Court case at Mulinu'u?—Yes.

Do you sit up at a table and help the Commission to come to a decision?—Yes, two or three Faipule.

That would not be a Land Commission case, would it?—No.

That would be a Court case, would it not?—My memory is not very good.

What was the last time that you were there?—I cannot remember.

Do you know whose case it was?—I will remember if any matter is put direct.

You cannot remember any particular case?—No.

Can you remember who the white Commissioner was: was it Mr. Lewis?—I have forgotten. If you mention the trial I will remember.

There has been a lot of talk about these emblems of authority: what was the idea when you handed these over to the Governor-General of New Zealand?—They were just presents given to show our respect to the Governor-General of New Zealand.

Just presents from yourselves or from the whole of Samoa?—Presents from the Faipule. They had been looking for these things to make a present.

Just the Faipule?—Just the Faipule; and if you want to change it and say the whole of Samoa—well, that is all right, because the Faipule are the representatives of the whole of Samoa.

Did the Faipule do it on their own, or did they consult the people of Samoa?—Just by the Faipule. There was no reason to discuss the matter with the whole of Samoa. It has been the custom of Samoa that when a high official comes, then they put together matters to make a present. It is not a remark that would be made by sensible people.

There was no particular significance?—No.

Regarding "fine mats": there was a resolution passed in the fono that "fine mat" *malagas* should be forbidden?—To hold it up.

Is that a law that has to be obeyed now or not?—It is proper to obey it, so as to give it a trial.

But if the people do not obey it?—If they do not obey it they should be punished.

Do you know of anybody that has been punished for disobeying the "fine mat" law?—Yes.

Tell us one?—The Safata officials were punished.

Any others?—I cannot remember any more.

Are there any persons who have been punished who are not officials?—I have forgotten.

You know that there has been, but you cannot remember?—I cannot recollect.

What do you call a *malaga* within the meaning of the "fine mat" law—one person or two persons or more? Do you mean a small or a big *malaga*?—There are big and small *malagas*. That refers to big *malagas*. It is quite understood that small *malagas* are quite harmless.

Do you remember the petition sent to the King in 1921 from the Faipule?—I remember.

Who drew that up for the Faipule: did they decide upon it themselves, or did some half-caste, or did they get their ideas from some half-caste?—Perhaps it was done that way; I have my own opinion in the matter, and others were out and searched the opinions of others.

Your opinion was that no other Europeans had anything to do with it at all—that they had nothing to do with drawing up the petition?—It is my opinion that the whites were interested in matters in that petition. Lago Lago drew up that petition.

In fact, you wrote a letter to the *Samoa Times* at the time: you said that the Europeans had nothing to do with it, and the Samoans were quite capable of looking after themselves?—Those were the days of the wrinkling-up of words; I cannot remember.

Solia translated it for you?—I do not remember who translated it.

Recently you made a speech saying that the present trouble was a very minor matter?—No. I have noticed it in the *Samoa Guardian*, and I have read words that I have never used in my speech. People have been in the habit of coming and watching the words that I say, and then they go and put them in the *Guardian* quite different to what I have said.

When do you think that the trouble started to get serious, before or after the Minister's visit?—It started before the Minister came.

When did it first become to get serious?—The time of the meeting in the Market Hall.

It started right away to get bad on the 15th October, 1926?—It started gradually from that time.

When was it that they ceased to look for beetles and look after their plantations, after the Minister left or before?—They ceased before he arrived.

Just before he arrived?—Before he arrived.

They have continued to neglect their plantations from that time have they—all of them?—Yes.

The Mau people and the Malo people too?—The Government people try to work.

You told us that the Government people had ceased to work because the Mau people would get the benefit of their work?—They cannot work any more.

Is your district worse than the district of anybody else?—I do not know about any other district.

When you made an important speech in the Fono, did you write it yourself or did you get a white official of the Government to do it?—I spoke the words that sprang up from my heart.

We know that Faipule can be dismissed by the Administrator, and we have been told that one or two Faipule are appointed for just three years: is that right?—Yes.

SATURDAY, 15TH OCTOBER, 1927.

TOELUPE further examined.

*Mr. Baxter.*] You said that you saw no unrest until October, 1926?—Yes.

But I think that there was some dissatisfaction, was there not, about the medical tax and about banishments—not big trouble like now, but still some dissatisfaction?—In some districts there was some slight dissatisfaction.

Was that about the medical tax?—Yes.

What about the banishments?—No, there was none.

And was there any dissatisfaction about the "fine mat" *malagas*?—No.

Regarding these barrels of cement which you mentioned—I want to locate them. Were those barrels what were left over from that water-supply scheme of the Public Works?—Yes, they were barrels left over from the village water-supply scheme.

And you say that the Public Works charged you up with them?—Yes.

This model-village scheme—whose suggestion was that?—I know that it was approved of by the Fono of Faipule, but who suggested it to them; also about the individualization of land?—The Governor.

*The Chairman.*: Do you distinguish between the division of land and the individualization of land?

*Mr. Baxter.*: The individualization of land, sir, is the scheme which was proposed *re* dividing it up.

*The Chairman.*: But that is not two things—it is the one thing, and that is the division of land?

*Mr. Baxter.*: Yes, sir, it is the one thing I am on the whole time, and that is the division of land. (To witness:) This loan of £100,000 was explained to the Faipule by Colonel Tate, so that the Faipule would know about it and could correct any mistaken ideas which the Samoans may have had over this loan?—Yes. Perhaps they were able to explain the position.

The reports of the Citizens Committee, handed to His Excellency the Administrator to forward to the Minister: were those reports read out to the Fono of Faipule?—I cannot remember.

Regarding *kava* titles: are these the three *kava* titles of His Excellency the Administrator, Mr. Nelson, and Mr. Westbrook [handing *Samoa Guardian*, of 28th July, 1927, to witness for his perusal]?—The first one, "Aumai Tafa Mamao, is the Governor's title.

What about the next one—is it Mr. Nelson's *kava* title [title reads "Aumai Malo a fua ae sau le sau o le Ola"]?—I do not know.

Do you know whether the third one is Mr. Westbrook's *kava* title [title reads "Aumai Tafa Mamao ae a'e ma se Malo"]?—I do not know.

Regarding AINU'u's land: you are just going ahead with that scheme of remodelling the village, and would have gone through with it if AINU'u had not objected?—Yes.

Now, you heard about it, and you had not consulted with him at all, and had not even spoken to him about it when he came and objected?—I spoke first to him before he made the objection.

Before you started the scheme at all you spoke to AINU'u?—Yes.

Now it is AINU'U'S land, and he could go and live on it if he wished to do so?—Yes.

He could go and live on it to-day if he wished to?—Yes.

One FAIPULE—I do not know which one—said that the Faipule was the “door” between the Governor and the Samoans to carry complaints?—That is true.

And I suppose that when the complaint comes to you you inquire into it first and see whether it is a matter that should be taken to the Governor?—Yes.

And I suppose that the Governor has to help this way too, by taking up the attitude that he will not listen to complaints unless they are brought before him by the Faipule of the district?—Yes.

*Judge MacCormick*: I do not see that this witness can speak for the Governor.

*Mr. Meredith*: We will answer that through the Governor himself, sir.

*Mr. Baxter.*] *Re the fa'a-Samoa banishments*: you told us yesterday they were by the Ali'i and Faipule who used to inquire into those complaints and see whether the people should be banished or not?—Not as a rule: when they hear that anything has happened and it is proved as true, they just banish them right away without any investigation.

Who would decide on the banishment?—The Ali'i and the Faipule.

Would you suggest that it would be a good idea for the Legislative Council to look after *papalagi* (white man) matters and the Fono of Faipules to look after Native matters?—Yes.

Well, in that arrangement we know that the Legislative Council can make laws: do you think that the Fono of Faipule should make laws or not?—Yes.

Is that in the present way or according to the way that as soon as they pass a resolution it becomes law?—They will put that on record, and then they will deliberate on the same matter at some future date.

You think that there should be two deliberations on the same topic?—

*Mr. Meredith*: The difficulty, I understand, is that the word *tulafono* expresses “laws,” “deliberations,” “regulations,” &c.

*The Chairman*: I think that you should get that from the interpreter, because I am pointing out over and over again that this evidence will be read by people who know Samoa as a name only.

*Mr. Baxter* (to interpreter): Perhaps you would be good enough to make a statement, stating if it is true that the word *tulafono* in Samoan means “laws,” “regulations,” and “resolutions.”

*The Chairman*: The statement need not be made just now: put your question to the witness again, Mr. Baxter.

*Mr. Baxter.*] Do you think that the Fono of Faipule should have any more power as regards making laws than they have at present—meaning the actual making of laws and not resolutions?—They have been given power or authority by the New Zealand Government to discuss or decide on any matters, and if they know that it is good they hand it over to the Governor to make it law.

And are you quite satisfied with that procedure?—Yes.

Now, Mr. Interpreter, perhaps you can tell the Commission what the word *tulafono* means?

*The Interpreter*: It means “law.”

*Mr. Baxter*: Does it mean anything other than “law”—would “resolutions” be *tulafono*?

*The Interpreter*: No.

*Judge MacCormick*: Perhaps you had better give us the Samoan word for “resolution.”

*The Interpreter*: It is generally given as *fa'aiuga*.

*Judge MacCormick*: What about the word “regulations”?

*The Interpreter*: *Tulafono* means “regulations,” too.

*The Chairman*: What we are concerned with is the colloquial meaning as taken by the Samoan out of the word *tulafono*.

*The Interpreter*: The Samoan understands the word *tulafono* to mean “regulation” and “laws.”

*Mr. Meredith.*] Did you discuss the 1921 petition, asking that Samoa be removed from the control of New Zealand, in Mr. Nelson's office with other Faipule?—I remember being there at Mr. Nelson's house with other Faipule, but I have forgotten what was said.

Are these words the *kava* title of the Resident Commissioner in Savai'i “Ae sau le sau o le Ola”?—Yes, that is the Resident Commissioner's *kava* title.

And the three words “Aumai Tafa Mamao”—they comprise the *kava* title of the Governor?—Yes.

Who has the bestowal or the *pule* for those titles?—It is the Tumua party that has the authority to bestow *kava* titles, also the King, according to Samoan custom.

Would Mata'afa be the man who had the actual right to bestow that title?—The late Mata'afa could do that.

*The Chairman*: The present Mata'afa has succeeded to the title of Mata'afa, but not to the power with the title?—Yes.

Your career in Samoa has covered the greater part of the modern history of Samoa?—Yes.

Since the control of Samoa by New Zealand, either as a military power or under the mandate, has the material prosperity, comfort, and health of the Samoans increased, or otherwise?—Samoa has progressed much more than in the past.

Did you know Mr. Griffin?—I knew him.

Before he died had Mr. Griffin been long resident in Samoa?—Yes.

Was Mr. Griffin well acquainted with the characteristics and customs of the Samoans?—Very well.

What was the general opinion among the Samoans of his attitude towards the Samoans?—That he was a very valuable man for the Samoans, and he stood with the Samoans as a Samoan—that is, as though he was a Samoan.

Is it your opinion that the prohibition against *malagas* for “fine mats” has affected the present discontent among the Samoans?—No.

Are Samoans, generally speaking, competent to understand the details of financial matters?—No Samoan is competent.

Are they competent to follow the annual or other periodical statement of the public accounts—revenue and expenditure?—No.

*Judge MacCormick.*] I do not think that this is controversial: there is a large section of the Samoan community which I understand to be called the *tagata nu'u*?—Yes.

They are the rank and file of the people as distinct from the chiefs?—Yes, they are distinct from the chiefs and orators.

Have they any means of expressing their wishes and desires?—No.

Only through the chiefs?—Yes.

The government, *fa'a-Samoa*, is vested entirely in the chiefs?—Yes.

These people are not the serfs—they are simply common people of the Samoans?—They have different duties to attend to, and they are not concerned at all in matters of government. But they elect their own *matai*.

Have they land of their own?—No.

Then upon whose land do they work?—That of the chiefs and orators and *matai*.

What is the *ma'ai* that these people—the *tagata nu'u*—elect: you said that they elected their own *matai*?—Every family elects their own *matai*. Although they are *tagata nu'us*, they are members of a family, and they elect their own family titles.

Yes, but they have no land?—No, the land is under the control of the *matai*.

*The Chairman:* I have always understood that all land, with rare exceptions, is controlled by the *matai* and is worked by the family, and the aggregate produce is distributed in some way by the *matai* amongst his family.

*Judge MacCormick.*] Does his family include the *tagata nu'us*?—When all the high chiefs are together, that is the only time that those outside the chiefs are called the *tagata nu'u*, but with the *matai* the people of his family are not called *tagata nu'us*. The *tagata nu'us* have nothing to say on political matters.

That is the position, I understand, with the *taulelea*: they are young men who have not attained the dignity of *matais*, but who may attain to it at any time. Can the *tagata nu'us* become *matais*?—Oh, yes.

*Mr. Baxter:* May I suggest, sir, that no *matai* refers to his own *taulelea* as *tagata nu'us*, but when there is a big meeting of the chiefs and *tulafales* all those masses are referred to as the *tagata nu'us*.

*Judge MacCormick:* Any member of the Samoan race may look forward to being a *matai*: some time or another there is a possibility of his being a *matai*?—Yes, any man can be a *matai* if he is appointed.

#### TUATAGALOA SWORN and examined.

*Mr. Meredith.*] What is your name?—Tuatagaloa, Faipule for the subdistrict of Falaalili and district of Atua South.

What is your rank?—A chief.

When were you appointed a Faipule?—Soon after the epidemic. I had been a Land and Titles Commissioner for many years, commencing from the time of the German Government right up till my appointment.

Have you heard of any discontent over your appointment up to the present time?—No.

Were you in Court when Toelupe gave his evidence?—Yes.

Do you agree with what Toelupe said about the *fa'a-Samoa* banishments?—Yes.

And do you endorse what Toelupe said about the evils of the "fine mat" *malagas*?—Yes.

Do you agree with the description which Toelupe gave of the proceedings in the Fono of Faipules?—Yes.

Do they think for themselves, or just do as they are told by the Administrator?—Each Faipule uses his own mind as regards matters from his district.

And if he disagrees with the Governor, he says so?—Yes.

And the Samoans—are they more prosperous and are they living under better conditions now than they used to be?—More so at the present time than in former years.

Do you agree with Toelupe that the Government of Samoa under New Zealand has been for the good of the Samoans?—Yes.

Do you agree with Toelupe that it would not be a good way to have the Samoans put on the Legislative Council?—It would not be good.

Do you agree that the Samoans are not sufficiently advanced to take part in equal terms with the Europeans in the Legislative Council?—The time is not ripe. Perhaps when the younger generations grow up it may be more suitable.

You prefer to discuss Samoan matters in the Fono of Faipules as they are doing at present?—Yes, that is the proper procedure.

*Mr. Baxter.*] First of all, you have been away in Fiji for some time: when did you return?—I returned in May of this year.

Prior to that you had been away for a couple of years?—I was away from Samoa for eighteen months.

Were you at the Fono of Faipules that sat from the 6th to the 12th June, 1923?—I believe that I was there, but it was four years ago.

This is a copy of the *Savali*, dated the 10th July, 1923. On page 4 there is a copy of the resolutions passed by the Fono of Faipules?—Yes.

And this resolution No. 13 is a resolution where they asked the Governor to appoint two Faipules to the Legislative Council?—I do not remember that question.

*Mr. Meredith.*] What impression would a Samoan form from reading that passage about *kava* titles [extract from the *Samoa Guardian*, dated 14th July, 1927, read to witness]?—People would immediately think that the Administrator's place had been taken by Mr. Nelson, since the Administrator's *kava* title had been given to Mr. Nelson.

*Mr. Baxter.*] Would that be from reading the whole article, or from reading just the *kava* title itself?—That particular sentence about the *kava* title "Aumai Tafa Mamao." There are two *kava* titles joined in one in that.

And because that title has been given to Mr. Nelson, people would say that he had assumed the power of the Governor?—That is the *kava* title for all the Administrators, commencing from the time of the German Governor, Dr. Solf. It is a title from Mata'afa, the King.

Do not the other words, "Ae sau le sau o le Ola," added to it make a difference?—That is the *kava* title for the Secretary for Native Affairs.

The Secretary for Native Affairs, or the Resident Commissioner of Savai'i, which?—The Resident Commissioner of Savai'i, when he was called the Deputy Administrator of Savai'i, had that title first, but it has since passed to the Secretary for Native Affairs.

Well, putting the two together, does that make any difference or not?—It is a serious offence to join two *kava* titles, or to give any part of a *kava* title to any one else when it is already held by another person.

AIONO AIPOVI sworn and examined.

*Mr. Meredith.*] You are a Faipule of the district of A'Ana-Matu, and reside at Fasito'outa?—Yes.

You were appointed a Faipule under the German Government, were you not?—Yes, in 1912.

Were you a Faipule before that?—No.

I understand that Toelupe and yourself are the only two Faipules living who were appointed then?—Yes.

You heard Toelupe and Tuatagaloa giving their evidence, did you not?—Yes.

Do you agree with what Toelupe said about the *Fa'a-Samoa* banishments?—Yes.

And the evils of the "fine mat" *malaga*?—Yes, I agree with Toelupe that that custom is detrimental to the welfare of the Samoans.

Do you agree with Toelupe as to their method of working in the Fono of Faipules?—Yes.

And that the Faipules are allowed to exercise their own opinions in the Fono?—Yes. The reason why they are there is to represent Samoa and to use their own minds.

If they have any disagreement with the Governor have they any hesitation in saying so?—No, the point is argued.

Do you agree that the Samoans are not yet wise enough and are not fit yet to take their place on the Legislative Council?—They have not reached the stage when they could join that body. They will have to be educated up to that standard.

But they have not yet reached it?—That is so.

You prefer the method of discussing Samoan affairs in the Fono of Faipules?—That is my opinion.

Are the conditions of the Samoans better and healthier and more prosperous than they used to be when you were a young man?—The Samoans' prosperity has been increased considerably recently.

And what about the health of the Samoan children?—The children are thriving, and they are much better in health, as is shown by the body being much fatter.

And the children, are they clear of yaws?—The children are clear, and there are no such things as ringworms, &c.

In your opinion has the Government control of Samoa by New Zealand been for the good of the country?—Yes, it has been like gold to the Samoans.

Were the Samoans contented before October of last year?—Yes, fully contented.

Has there been a great change come over it since that time?—Yes. These days are different, and they have ruined all the good work that has been done for the prosperity of Samoa.

Are you having any trouble in your district since the Mau started?—No, everything is going well.

Have the plantations been looked after properly since the Mau started?—The people in my village are attending to their plantations properly, and although the *Faleasi'u* people have turned to the Mau they are still attending to their plantations.

What about the rest of your district?—There are only two villages in my district.

In regard to the 1921 petition, did you with any other Faipules have a discussion with Mr. Nelson about that petition?—Yes.

How many times did you go to Mr. Nelson's office—did you go with several Faipules first?—I was with Mr. Nelson on two occasions. On the first occasion there were several of the Faipules there; on the second occasion there were only two—namely, Fonoti and myself.

What did you go to Mr. Nelson's office for?—It was when we received word that the Hon. Mr. Lee was coming to Samoa, and we were not quite sure of the position. We went to be enlightened by Mr. Nelson in regard to the petition.

What did Mr. Nelson tell you?—Mr. Nelson said we should be firm—stand together and not break away.

Did he tell you to persevere with the petition?—Yes.

*Mr. Baxter.*] In March, 1927, did you not take part in a "fine mat" *malaga* regarding the daughter of one Vele?—That *malaga* came to my village.

Did you entertain them?—Yes, I received that *malaga* party.

Did you explain the position to them?—I explained about the "fine mat" law and told them that they had to abide by that law.

Did you feel that you were compelled to entertain them, or did you do it just because you wanted to?—I was not pleased with it.

SAGAPOLU-TELE sworn and examined.

*Mr. Meredith.*] What is your name and rank?—Sagapolu-tele, Faipule of Anoama'a.

Where do you live?—At Saluafata.

There was some roadmaking done at Solo Solo?—Yes.

And it was suggested that the people themselves should do the work on this road?—Yes.

There was trouble over that because the *pulenu'u* wished to take charge of the work?—Yes.

And the Public Works Engineer would not agree to that?—Yes.

They wanted their own foreman?—Yes.

And the result was that the villagers would not work, and they lost the job?—Yes.

You were appointed in Colonel Tate's time?—Yes; just after the epidemic.

After your appointment, did you visit all the villages in your district?—Yes.

And did they express satisfaction with your appointment on that visit?—Yes.

Have you heard of any dissatisfaction until the present time?—Only recently, since the commencement of the Mau have I heard murmurs.

Do you remember anything about a famine in your district?—After the recent big flood—it was the time that there was an epidemic of influenza in Samoa.

Was there a shortage of food in the district?—They were very short of food.

Was that as a result of the loss of food through the hurricane?—Yes.

What was done to meet the position?—People were ordered to plant food-trees, bananas, and other vegetables.

Did the Government Inspector come down and look into the matter and inspect the district?—Yes, Mr. Southon went and inspected the plantations with the *pulenu'u*.

Do you know when that was?—About three years ago.

Besides the one about three years ago about which you are speaking, do you remember a severe blow later on than that—on New Year's Day of 1926?—That was the only blow on New Year's Day.

It is the blow on New Year's Day, then, to which you have been referring?—Yes.

Did you get food from the other villages?—We did not have to go from our own district for food—we had just sufficient with which to carry on.

As a result of the inspection of the Government Inspector, were the people advised to plant these various things in order to catch up?—Yes.

And that was the position with other villages at that time?—Yes.

*The Chairman.*] Did you hear Toelupe's evidence?—Yes.

And the other witness who followed him?—Yes.

Do you agree in the main with their evidence?—Yes.

Are there many members of the Mau in your district?—Yes.

And are they obeying your instructions and the directions of the *pulenu'u*?—Yes, they are obeying the instructions.

The members of the Mau are obeying instructions?—Yes, though they are in the Mau, they carry out our instructions.

Are there many members of the Mau in your district?—Yes.

*Mr. Baxter:* I may mention, your Honours, that I am cross-examining now on fresh material only, as I do not wish to ask the same questions over and over again. There is nothing in this case upon which I wish to question the witness.

Logo sworn and examined.

*Mr. Meredith.*] What is your name?—Logo, Faipule of A'ana-i-alofi, and residing at Leulumoega.

What is your rank?—Orator.

You were appointed Faipule in 1919?—Yes.

Before that you were a *pulenu'u*?—Yes.

How long were you a *pulenu'u*?—I do not know, but I was appointed to that office in the German regime.

And you were a *pulenu'u* from that time on until you became a Faipule?—Yes.

When you were appointed did you hear of any objection to your appointment as Faipule?—No.

Did the chiefs express their approval of your appointment?—Yes.

Did you fine any *matais* for not attending the reception to the Administrator on his *malaga*?—I did not fine anybody.

You have nothing to do with those arrangements yourself personally, have you?—No, the *pulenu'u* arranges those things.

Alipia says that you dictated what should be said in a speech to be made to the Governor-General: did you forbid Alipia to say anything?—I spoke to him on one matter.

What did you say to him?—It was with reference to wanting to make an objection: I stopped his mentioning that point.

Why did you stop him?—It was not the proper time to speak of matters of that kind  
Was this to be a speech of welcome?—Yes.

*The Chairman.*] Do you remember Umaga?—Yes, I know him; he was in my village.  
He was a *pulenu'u*?—Yes.

Tell me, are there many Mau people in your district?—Quite a lot.

Do they obey your instructions and the instructions of the Government officials?—No, they have rejected the laws.

Have they said that they will not obey the laws?—Yes.

SEIULI SWORN AND EXAMINED.

*Mr. Meredith.*] Your name is Seiuli?—Yes.

From what village?—From Vaiusu.

From what district?—Faleata.

Of what district are you the Faipule?—Faleata.

That is the subdistrict of Tuamasaga Matu?—Yes.

You were appointed Faipule by Colonel Tate?—Yes.

Was there any complaint at the time in your district about your appointment?—No.

Have you heard of any complaint up to the present time?—No.

You remember the quarrel between Pepe and the chief Mataia Sui?—Yes.

I think that that matter was investigated by the District Committee?—Yes.

And as a result of that was a reconciliation effected between the parties?—Yes.

Did you do anything in the way of punishing either of them yourself?—No.

Has a Faipule any power to punish?—No.

Did you have difficulty with some of the people through their refusing to have hookworm treatment as complained by Leleua?—Yes.

They used to run away rather than be treated—some of them, that is?—Yes.

Did you speak to the Fa'amasino about it?—Yes.

What did you suggest to the Fa'amasino?—I suggested to the Fa'amasino that I felt pained because the people did not obey.

And did you go to the Fa'amasino and see if they could be punished for it?—Yes.

You felt that it was a serious matter for the health of the district that these men should refuse to have this medical treatment?—Yes.

You heard Toelupe give evidence?—I was not present this morning.

Were you present yesterday?—Only in the beginning.

Have you many Mau people in your district?—Many.

Are the Mau people obeying the general instructions of the *pulenu'us* and the general instructions that they should obey in your district?—They are refusing to obey my *pulenu'u*, the same as other *pulenu'us* are disobeyed.

Are they treating you with disrespect personally?—They respect me according to the Samoan custom, but official instructions they do not obey.

Do you have any trouble with visiting Mau people in your village?—Yes, trouble happens.

Do they make noisy displays in your village?—They discharge firearms.

They discharge firearms in your village?—Yes.

Has that happened often?—No, only on one occasion when they made a *talolo* [that is, celebrations over the arrival of strangers].

SALANOA SWORN AND EXAMINED.

*Mr. Meredith.*] You are a Faipule?—Yes.

Of what village?—Fasitootai.

And of what district?—A'ana Matu.

It is said that you appointed a Fa'amasino: is that correct, or was he appointed by the Administrator?—I did not appoint a Fa'amasino—he was appointed by the Administrator.

Was the appointment of the particular man who got the appointment discussed by the Fono of Faipule?—Yes.

And they agreed to the suggested appointment, did they?—Yes. I spoke in a hurry: the Governor said that there would be a Fa'amasino appointed for my district, and the matter was put before Mr. Griffin, the Secretary for Native Affairs.

And did you have anything to do with the appointment, or did Mr. Griffin recommend the appointment to the Governor?—He was appointed by instructions from Mr. Griffin.

*Judge MacCormick:* The charge is not embodied in your question, Mr. Meredith. The charge is that a special man was recommended, and that after a long delay a relative of Salanoa's was appointed.

*Mr. Meredith.*] Before the appointment of the man who was finally appointed, were there any other names suggested?—No.

Have you fined any Samoans for not attending at the school inspections?—Yes.

What did you do?—I told the committee that they must attend at the inspection of the schools, and there were members of the committee who did not turn up at the time appointed for the inspection.

Who did the fining—you or the committee?—The committee.

And where would the committee fines go—who would get them?—The committee.

Does the Village Committee in the village where the fined man lives—does that committee get the fine?—Another committee.

Well, which committee would get it?—The name of the committee is Ailolo—that is the name of the person who takes care of the money.

Was a committee set up to inspect plantations?—Yes.

And were people who did not attend at that inspection fined by the committee?—There has been no punishment.

Were some men fined for not erecting latrines?—Yes.

Who fined them, and what became of the money?—I punished them.

What happened to the money?—It was collected by the committee and not paid to me.

Do you know a man named Galo?—Yes.

Galo got into trouble with other people in the village, did he not?—Yes.

And was the matter brought before Mr. Griffin?—I brought it before Mr. Griffin.

And did Galo agree to return to his own village?—I would like to make an explanation.

All I want to know is, did Galo agree himself to go back to his own village?—He came there the first time and then he went away.

*Mr. Meredith:* I can deal with this matter by the file of Mr. Griffin—that will be more satisfactory and quicker.

*The Chairman:* Very well.

*Mr. Meredith.]* Have you got many Mau people in your district?—Many.

And do the Mau people obey the instructions of the *pulenu'u*?—No.

And have they refused to obey all the Government instructions?—Yes.

*Judge MacCormick.]* Do you know a man named Tito Mata Maui'a?—Yes.

Well, what happened: it is said by a witness that you gave a decision because you were bribed with food by both sides?—I pardoned them because they apologized to me.

You were not bribed with food?—No.

#### TAINAU SWORN AND EXAMINED.

*Mr. Meredith.]* What is your name?—Tainau, Faipule of the eastern portion of Anoamaa-Matu, but residing at Lufi Lufi.

When were you made a Faipule?—I was appointed by Colonel Logan in 1918.

Before you were appointed a Faipule, had you been a *pulenu'u*?—Yes.

How long had you been a *pulenu'u*?—I had been a *pulenu'u* for one year.

Until recently have you ever heard any objection to your appointment as a Faipule?—I have heard of no objection.

It is said by Taua Lelafu that you allowed Government appointments to be made because you were given foodstuffs: is that true?—That is not so.

I think that you recommended the appointment of Faleatanoa'i as a Fa'amasino?—Mr. Griffin wrote to me and asked me to send in the name of somebody in Falefa, so I sent in the name of Faleatanoa'i. Mr. Lewis, the Secretary for Native Affairs, later wrote me and asked me to send in another name, and I then sent in the name of Salanoa Ioane.

And which of them was appointed?—Salanoa Ioane.

So the first recommendation you sent in was not approved?—No, it was not approved.

Did you make a speech saying that you were in full sympathy with the Mau, but that you had to be careful as you had a Government position?—No. I did not say anything like that.

Did you hear Toelupe give evidence?—Yes.

Do you agree with what Toelupe said?—Yes.

Have you many Mau people in your district?—All the district has gone to the Mau except Lufi Lufi.

Are the Mau people disobeying the *pulenu'u* in your district?—They refuse to recognize all Government orders.

*The Chairman.]* You were a Fa'amasino for some years, were you not, before you were appointed a Faipule?—No, I was a *pulenu'u*.

#### ROBERT HOUGHTON ALLEN SWORN AND EXAMINED.

*Mr. Meredith.]* You are a member of the staff of the Native Office?—I am.

What is your position?—Accountant and Inspector.

How long have you been with the Administration?—Four years and seven months.

Of course, during that period you have been closely associated with the Natives and the Native administration?—Very closely.

*The Chairman.]* You have been associated with Mr. Griffin and Mr. Lewis?—Yes, sir.

Mr. Griffin had a long association with Native affairs?—A very long association.

Was he a considerate man towards the Samoans?—Very much so, sir.

And from your own observation, did the Natives appear to have a high regard for him?—I have never seen any man for whom the Natives had a higher regard.

*Mr. Meredith.]* You have taken from the official records, Mr. Allen, the details in connection with these various banishment cases, and the documents you produce now show the details taken from the official records?—Yes. They are in two schedules. The first one refers to the cases dealt with under the Samoan Offenders Ordinance [Exhibit No. 58] and the second refers to cases arising out of the political agitation [Exhibit No. 59].

*Mr. Meredith:* Practically the bulk of this, your Honours, was handed to my friends last Thursday. There may be some other matters on which I may require to call Mr. Allen later.

*The Chairman:* I quite understand. You will postpone your cross-examination, Mr. Baxter?

*Mr. Baxter:* Yes, sir.

We will adjourn until this day week at 8.15 a.m.

FAGAMALO, SAVAI'I, MONDAY, 17TH OCTOBER, 1927.

LEILUA SIAVI'I SWORN and examined.

*Mr. McCarthy.*] You are a Faipule of Safotulafai, in Savai'i, are you not?—That is so.

What is your rank?—A chief.

Before you were appointed Faipule did you have any previous experience as an official?—I was first of all a *pulemu'u*, and then I was appointed a Land and Title Commissioner, and after being that for about a week I was promoted to the position of Faipule.

Will you tell the Commission how that promotion as Faipule came about?—I was selected by my district to take the position of Faipule.

Was there any objection?—There has been no objection up to the present date.

*Judge MacCormick.*] What was the date of your appointment?—November, 1919.

*The Chairman.*] That was in Colonel Tate's time?—Yes, in Colonel Tate's time.

*Mr. McCarthy.*] There have been a number of charges made against you when the evidence was being taken in Apia: the first charge is that you tried to change the Samoan customs in the district?—I deny having tried to alter any Samoan customs.

It is said that you used your position to intimidate people: what do you say about that?—Ever since I have been a Faipule I have not intimidated any one. I have always tried to preserve the peace.

It is further said that you made a speech to the people not to join the Mau, as it was a bad movement?—That is true. I admit that I warned the people of my district not to join the Mau.

The fourth charge made is that you are reported to have said to a Samoan named Pasia, "You shut your mouth, because it is I who open my mouth in connection with the Government"?—I admit having said that.

Perhaps you can tell us the circumstances under which you came to use those words?—Pasia was punished by the Government. He was forbidden to make speeches or have any say in village affairs. It was myself who went and got that lifted: in other words, it was through me that he was allowed to make speeches again, and then he used his influence to get the people in my district to join the Mau. When I spoke to him I said, "I went and got your mouth opened by the Government, and now you go and use that mouth to mislead the people of my district."

Namulau'ulu was present at the time, and he said that the language used by you was calculated to cause trouble?—No, there was no language calculated to cause a disturbance—everything was quite peaceful.

Another charge which this man made against you was that you stopped the usual meetings of the village to which the village had been accustomed?—I deny that. I said that, as there were three *fonos*—namely, the Fono of Faipules, the District Council, and the Village Committee—I could not have any other *fonos* that were not conducted by Government officials.

The sixth charge that he accuses you of is that you said if anybody charges you with a fault then that family will be banished from their village?—I did not say anything of the sort.

*Judge MacCormick:* Mr. Baxter said that there was no occasion to worry about that. If he does not worry about it I do not see that there is any reason for you doing so, Mr. McCarthy.

*Mr. McCarthy:* Very well, sir. (To witness:.) He also accuses you of having shown favouritism by giving your friends positions?—No, I have not used my influence in having any Government official appointed, either friends or relations. The chiefs of high standing have been getting the appointments.

Then, he has made another charge against you in connection with the building of a house for the London Missionary Society pastor: he said that you stopped payment for the work; that the supporters wished to pay the builders, but you would not allow them; that the chiefs replied saying that they wished to pay, but you used insulting words in reply?—I have a long explanation about that matter. I did not stop the payment to the builders. I merely told them that they were to pay their existing debt, which was a burden on the village at the time, and that that debt should be paid first. I merely wanted the village to pay their debt first before paying the builders.

What debt did they owe?—There was a debt owing by my village to the Mann estate. Mann committed suicide on account of a large number of debts that were due to him by the people in my village.

Is it not right that you told these people to pay their debt to the Mann estate before they paid the builders?—Yes.

It was Leilua Avau who replied to you on that occasion?—Yes. He replied by saying that the builder should be paid first, and then the other debt should be paid afterwards.

And he said that you replied by using strong and abusive language against him?—I said, "You have no debt—do not talk; you keep quiet."

He alleges that because he replied to you he was banished?—That is not so.

With respect to "fine mat" *malagas*—is there a law relating to that?—There has been a law passed, or a resolution, to the effect that that matter would be looked into in a few years' time.

Do you think that the "fine mat" *malaga* is a good thing or a bad thing for the Samoans?—It is not a good thing for big villages to go on *malagas* for "fine mats," because they eat out the food of other villages and then come back to their own villages and find that they are short of food by reason of their being away for a good many months and not attending to their plantations.

Can you inform the Commission if there is any old Samoan custom relating to banishments?—Yes, there is an old Samoan custom of banishing people.

Can you tell the Commission as shortly as you can how you understood it—that is, how they banished a man?—If a man got overconceited or overbearing they would drive him away, burn his house, kill all his animals, and uproot his plants.

Do you know the present law regarding banishments?—Yes.

Is it useful or not to have that law?—It is a useful law, in my opinion.

It has been said that the Samoans should have representation on the Legislative Council: what have you to say in regard to that, as compared with the present Fono of Faipules?—I do not agree with any amalgamation of the Fono of Faipules and the Legislative Council.

Do you agree with Samoan representation on the Legislative Council?—No.

How does the present system that is in vogue in Samoa—namely, the Fono of Faipules, District Councils, &c.—compare with the *fa'a-Samoa* system: does the present system offend against the old Samoan way of doing things?—The present systems are very good.

It has been suggested that the Faipules are puppets of the Administrator, and that they carry out in their Fono of Faipules what the Administrator wishes?—That is not so.

Do you wish to make any remarks about the procedure at the Fono?—The Administrator and the Faipules discuss and consider various questions which they consider beneficial to Samoa, and resolutions are passed, but there is no law made.

Are you free to express yourselves as you wish?—Yes, very often there are very strong arguments between the Administrator and the Faipules.

Are you satisfied with New Zealand control of Samoa?—I am absolutely satisfied.

Was there any unrest or dissatisfaction in existence in Samoa prior to October, 1926, that you are aware of?—I did not notice any unrest until October of last year.

Have you got many people belonging to the Mau in your district?—Yes.

Could you say, as near as you could, how many are there in comparison with the supporters of the Government?—In my district they are equally divided—that is, half of them are in the Mau and the other half is supporting the Government.

When did these people join the Mau?—I cannot remember, but they started to turn to the Mau in December last.

Can you tell me what the effect of the Mau has been in your district, particularly with regard to the plantations and Government activities?—Since the people of my district joined the Mau the plantations have been neglected and overgrown with weeds. The beetle has done very considerable damage. Particulars of births and deaths have not been reported to the Fa'amasino in accordance with the law. The people in the Mau would not accept service or summonses from the Fa'amasino, and they refuse to pay the fines inflicted by the Fa'amasino and the *pulenu'u*. The benefits that the Fa'asaleaga district were enjoying are all being wiped out since the Mau started.

Can you tell the Commission whether it has had any effect on the child-welfare work that was being done in your district?—Yes, it has affected the welfare work of the children.

I want you to tell the Commission as briefly as you can what a *matai* is, and how a *matai* is selected or appointed?—In some cases the holder of the title may will the title to any member of the family, so that when he dies his nominee will succeed the title. In other cases the family might select a suitable person to be the head of the family.

Which is the usual way or the more common way?—At the present time the majority of the heads of the family are selected by the family. In former times, as I have said, there were cases where the title was willed.

Is the *matai* a chief?—All chiefs and orators are *matais*.

Could a man be a chief or an orator and not be a *matai*?—No, every one of them must be a *matai*.

If a *matai* is banished what happens to his land?—If a chief is banished his family and relatives attend to his plantations and his land.

When he gets back does he have the right of that land again?—When he returns and lives in his family place he has control of his plantations and land.

That is, if he has his title given back?—Yes.

If he goes back and his title is not given back, does he still possess a share in the land?—If there is another *matai* elected in the meantime, then he must submit to the authority of that *matai*.

Would he not be deprived of his ordinary rights of the Samoans to share in the produce from the land?—He would have the right that is allowed to members of the family.

*The Chairman*: He informed us that if he was banished and another *matai* was appointed, then that *matai* would exercise the *pule* for the *matai* land; but supposing the family elected not to appoint another *matai* in his place, what would happen?

*Mr. McCarthy*: I understood him to say that he would go back and have a *pule* over the land.

*The Chairman*: I did not understand him to say that.

*Mr. McCarthy*: I understood that he would have his share in the land as an individual member.

*The Chairman*: I am sorry, but in case we have misunderstood the matter would you please put the question again.

*Mr. McCarthy*.] After banishment and there is no *matai* appointed to the title, and the banishee returns, what position does he hold in regard to the land which he held before?—If there is nobody elected to be the head of the family in the meantime he assumes his position as *matai* and controls the family land on his return.

*The Chairman*: Then you say that it requires not only banishment but the substitution of another person as a *matai* to deprive the person who is banished of the *pule* to the *matai* land.

*Mr. McCarthy*: That is the position.

*The Chairman*: Is every *matai* a chief?

*Mr. McCarthy*: They would be chiefs or orators.

*The Chairman*: Either one or the other?

*Mr. McCarthy*: *Matai* covers both.

*Judge MacCormick:* There is still the question of what happens when the man comes back and finds his place taken by another *matai*.

*Mr. McCarthy:* He takes his ordinary share in the communal land. (To witness:) If a man is banished from Upolu to Savai'i, how does he get on in Savai'i for food—is he under any hardship?—It is customary to banish a chief, say, from Upolu to the part of Savai'i where he has relatives to find him with the necessaries of life.

*The Chairman:* He is entitled from his relatives to his maintenance during the period he is banished?—Yes, and he would immediately start to make a plantation for himself and help the family.

All this is a matter of right and not of grace?—Yes, a matter of right.

*Mr. McCarthy:* I want to have this read to you with respect to the question of the *kava* title, and tell the Commission what the Samoans would understand by the last paragraph [the same passage as read to previous witnesses from the *Samoa Guardian* of 14th July, 1927, with respect to *kava* titles]?—If anybody sensible read that passage they would immediately think that the person who has that *kava* title wanted to be Governor.

*Mr. Slipper:* The Fono of Faipules is what may be termed the House of Representatives?—Yes.

And therefore each Faipule ought to be elected by his people, should he not?—Yes.

How were you elected?—I was selected by the people of my district.

Was there a full meeting of the people?—Yes, a full meeting.

Has there been any representative *fono* to see whether you should continue in the position or not?—No, they have been satisfied with me up to the present time.

I suppose if they had not been satisfied with you they would have made complaints against you?—Yes.

Am I not right in saying that complaints have been made against the Faipules with respect to banishments and the loss of titles?—No.

Do you remember Suisala being appointed a Faipule?—I do not remember.

You receive pay in your position of Faipule, do you not?—Yes.

How much do you receive?—£10 a quarter.

Do you receive any further payments or emoluments?—No, that is all my salary.

You spoke about the question of no meetings being held except those under Government control?—Yes.

Is there any law from preventing people holding other meetings?—

*The Chairman:* I did not understand him to say that—I understood the witness to say that he prohibited meetings which were not presided over or held before some Government official, except the recognized official *fonos*. I do not know whether I am right or wrong, but the answer of the witness was very ambiguous, and I remember quite distinctly my learned colleague, Judge MacCormick, at the time ask him exactly what he prohibited. (To witness:) What did you do?—I urged the people not to hold secret meetings, which were bad for the people, but to hold only the recognized meetings.

*Mr. Slipper:* Was there anything particularly wrong about the meetings which you stopped?—Yes. When they hold secret meetings like that they are planning to injure somebody.

You really do not know that, do you?—I suspected that, because that is the usual thing with Samoans when they hold secret meetings—that is, to do some harm.

Was this a secret meeting?—Yes, there were secret meetings held at night.

How did you come to know whether or not they were secret meetings?—The matter was reported to me in Samoan fashion.

This meeting that you stopped, do you know what it was about?—It was mentioned at that meeting that they would depart from the proper lawful paths, and that is why I stopped it.

What lawful paths do you mean?—They were going to ignore the authority and orders of the Faipule and the *pulemu'u*.

Who was the chairman of the meeting?—I was not informed.

You ought to have been, should you not?—Yes. The *pulemu'u* or myself as Faipule should have been there.

In that case would you have objected?—I would have been quite agreeable to it.

Referring to the question of the builder's debt—was that not a just debt?—Yes.

What was the money collected for—that is, the money that was in hand at that time?—That was the money subscribed for the pastor's house.

Then was it not a right thing to pay that money to the builder instead of giving it to the Mann estate?—It was a very long standing debt so far as the Mann estate was concerned, and Mrs. Mann continually complained to me that it was because of that large debt by my village that she lost her husband.

So you took the money that was collected for the building and paid it to the Mann estate. Mrs. Mann is a friend of your people, is she not?—She is related to me.

In fact, one of her daughters is your *taupou*?—Yes.

With regard to "fine mat" *malagas*—have you ever known of anybody being punished for not obeying the resolutions concerning the "fine mat" *malagas*?—I do not know.

Perhaps I can help you to remember. Was not Moananu fined for a breach of that resolution?—He was not punished, but he was dismissed from his office as Fa'amasino. As he was a Government official he should have set a good example. If he does not set a good example, then it is useless to have him in a Government position.

*Judge MacCormick* : I do not think Moanamu himself said that. He ought to know. He said that he was dismissed.

*Mr. Slipper.*] Do you know whether or not Lauifata was punished for the same thing?—No, he was dismissed from office, that was all.

And Lauifata was in the same position, was he not?—Yes, the same circumstances.

These resolutions were to be tried for three years, were they not?—Yes.

Now that the three years are passed are they still in existence?—It has not been passed as law—it is still under consideration and being decided.

You are familiar with these two books, are you not [book of Fono regulations and duties of officials handed to witness]?—Yes.

Do you say that they are not law?—No. When it is required to pass a law the Faipules discuss and consider the matter, and then it is referred to the Parliament of New Zealand to pass an Order in Council to be made law.

Has any one been forced to obey these regulations, as you call them?—No, they would be just a circular.

Is there not a resolution about “fine mat” *malagas* in one of those books?—Yes, it is mentioned in one of them.

Is there any other resolution or rule about “fine mats” except what is in these books [produced]?—There is nothing else except what is contained in those books.

These three men were dismissed from their positions because they disobeyed a thing that was not law: is that what you say?—Because they were Government officials and did not recognize the instructions.

*Judge MacCormick* : I must remind you, Mr. Slipper, that the Commission has expressed its very decided opinion on this point.

*Mr. Slipper* : I am very glad to be told that, because that happened, no doubt, when I was not present in Court.

*Judge MacCormick* : Both the Chairman and myself said that if a Government official is not prepared to obey the instructions of his employer, the Government, then there are two courses open to him: one is to obey and the other is to go, no matter whether the Government is right or not.

*Mr. Slipper* : That is so.

*Judge MacCormick* : No matter what this witness has said, the Commission has made a ruling on that point. You understand, Mr. Slipper, that that applies strictly to the Government service only.

*Mr. Slipper* : I quite understand that. (To witness:) Referring to the old Samoan custom of banishments: I put it to you that in the old Samoan days banishments were very rare?—That is so.

Could you give the Commission any idea as to the average number of banishments there were in the one year?—I cannot say.

Can you give the Commission any idea at all?—No, I cannot.

Would you expect to find as many as ten a year?—No, I do not know.

Did the old *fa'a-Samoa* custom embrace the idea of taking away titles?—Yes.

Was that a common custom?—It was very rare: it was only when a person committed a bad offence.

In those times was there not a thorough investigation into the whole thing before steps were taken?—Yes, the matter was inquired into by the village.

And I take that everybody that knew anything about it or had anything to say about it said it?—Yes.

Now, you spoke of some banishments where the banished person's stock was killed and his houses were burnt down?—Yes.

How many instances can you give of where banishments were so harsh as that?—

*The Chairman* (to witness:) You need not answer that. That is historical, and therefore you can have no personal experience of them under any circumstances.

*Mr. Slipper.*] Speaking of the Legislative Council, were you one of those who recommended that Samoans should be on that Council?—No.

Where are the laws of Samoa made?—They are made in New Zealand.

Are not any made by the Legislative Council in Samoa?—Yes, the Legislative Council makes laws.

And do not a number of those laws directly affect the Samoans?—Yes.

You have told us that owing to the activities of the Mau the people belonging to the Mau have been neglecting their plantations in a very bad way?—That is so.

We have been told—not by you but by others—that nine out of ten people in Samoa are in the Mau?—

*The Chairman* : We did not hear that from any witness except Mr. Nelson—he was the only person who said that.

*Mr. Slipper* : But it was supported by a number of witnesses.

*The Chairman* : You are rather misstating the evidence to the witness. It does not matter whether it is 90 per cent. so long as there is a substantial number belonging to the Mau.

*Mr. Slipper.*] Do you think that the larger proportion of the plantations is owned by the people in the Mau?—Yes.

Can you tell us whether the copra-output has decreased to any appreciable extent since the Mau started?—Yes.

Have you any figures to support that statement?—No.

How do you know, then?—I judged from what I have seen in my own district, because I see the amount of copra that is produced.

Have you any check or record of it?—No.

Have you ever known of a case of a *matai* losing his title and being banished and then going home to find another man having been appointed a *matai* in his place?—No.

Did you sign the petition in 1921—that is, the petition to take Samoa away from New Zealand?—Yes, I signed that petition.

Do you remember after the epidemic the suggestion for an agricultural show?—Yes.

And you ordered every Samoan Government official to contribute to the building of the house at Mulinu'u either in cash or in kind?—No.

Do you remember that Sakaria was banished to Iva?—Yes.

Did you recommend that?—Yes.

Was that not after your own son had maltreated him?—Those boys are all under my control in the family, and Sakaria himself was under my control.

Did you banish him or did the Administrator banish him?—Two of the heads of one family—namely, Leilua and myself—decided to have this boy removed from the family.

Is it not the law that nobody but the Administrator can send a Samoan to another place?—I reported him to the Governor and stated that the heads of the family desired that to be done. I had the authority over the family, and the Governor agreed with the recommendation of the heads of the family.

Did you write an order to that effect?—No.

For how long did you banish Sakaria?—For about a month.

Did you state at Fogapoa that Pasia and Mafuloo would be deported from Samoa for not obeying the Faipules to leave the Mau?—No.

*Mr. McCarthy.*] You said that you received £10 a quarter in salary and that you received no other payment?—Yes.

Do you not get travelling-allowance when you attend a Fono?—Yes.

You referred to the secret meetings and you said that they would have been all right if you had attended them: if that were so, would they be constitutional or not?—Yes, then it would be a constitutional method.

You also referred to these laws and said that they are not laws [book shown to witness]: are not some of these Samoan Acts and Ordinances which are in these books?—I expect there are some laws in the books, but they are mostly regulations.

This book [produced] contains the duties of officials and official Councils?—Yes.

You have been asked about the 1921 petition: what was one of the main reasons for that petition being signed?—Because the Fono of Faipules was not embodied in the Samoa Act.

Where did you sign that petition?—I signed it at Mulinu'u.

Do you know who drafted that petition?—That was drafted outside—Europeans had something to do with that petition.

Do you know of any of the advisors with regard to that petition?—No, I have only heard.

In connection with the case of Sakaria, how old was he at the time?—I sent him away to another branch of the family. As head of the family I had power to send boys under my control to another branch of the family. The boy was then a little over twenty years old.

When was this?—Last year.

Was it an ordinary banishment, or was it just purely a family matter?—No, he would be sent away by the parents—it would not be called banishment.

*The Chairman.*] Can you tell me whether a chief has any *pule* over any lands apart from his *pule* as *matai*?—No, he only controls the family land as *matai*.

So that in the general case no lands are attached to his office of chief apart from the office of *matai*?—That is only his office as chief and *matai*.

I want to ask you a question or two about Village Councils or Village Committees *fa'a-Samoa*: what was the body called which controlled the villages *fa'a-Samoa*?—They would be called the Ali'i and Faipules.

Supposing a man proved violent or objectionable to the village families without committing any serious offence, would the village settlement have power to tell him to depart from the village?—Yes.

Would they call that *fa'a-Samoa* banishment?—Yes.

#### MALUPO SWORN and examined.

*Mr. McCarthy.*] You are the Faipule for the district of Palauli, are you not?—Yes. That is a subdistrict. The district is Itu-o-teine.

What is your rank *fa'a-Samoa*?—A chief.

Before you were a Faipule did you hold any other Government appointment?—I was a *pulenu'u*.

You were appointed a Faipule in Colonel Tate's time in 1916, were you not?—Yes.

Was there any objection raised at that time, or afterwards, regarding your appointment?—There was no objection at all.

*The Chairman.*] Is it the usual practice to promote the *pulenu'u* if he is a suitable man—that is, to the vacancy of Faipule?—It is customary to do so.

How did you come to be chosen as Faipule—was it by Colonel Tate?—I was selected by the Faipules as the representative of the Samoans.

*Mr. McCarthy.*] In giving evidence in Apia a number of allegations have been made against you—one was made by Fiu Tuipala?—Yes.

His complaint against you is in regard to the Faipule school, and that you gave notice to the whole of the Palauli district that each *matai* should pay 4s. in order that the builder of the schoolhouse could be paid?—That is so.

What happened?—They subscribed, and the money was paid to the builder.

He said that the builder only received a very small amount, and that you did not account for all the money?—I had no opportunity of holding a meeting to announce to the people of the district what had become of the money. I collected some of the money and waited for further contributions, but as I did not get any further contributions I paid what I had to the builders, and they were quite satisfied with what they received.

Did you hear of any complaints from the builders?—No, they were quite satisfied.

The second complaint is with regard to Samoan mats for floors. The Faipule gave notice to the people of Vaito'omuli to supply mats for the Fono house at Mulinu'u; those mats were supplied under great strain, and there has been no payment made, and nothing has been heard from the Faipule?—I asked the *pulenu'u* to get some mats for the Fono house at Mulinu'u. That was not a contract, and they were to be provided by the people of my district by way of presents.

*The Chairman.*] The charge was that you probably got paid, but that you kept the money yourself?—I did not receive anything.

*Mr. McCarthy.*] The third charge against you is that you have punished *pulenu'us* because they did not give donations to the museum, and that they were fined 10s.: will you explain that?—The Faipules contributed the sum of £1, the *pulenu'us*, Fa'amasino, and *pulenu'us* and other officials paid 10s. each in payment of the museum building.

How much did you pay yourself?—The sum of £1. As I said, the Faipules contributed £1 each.

The point is, did you fine anybody because they did not subscribe?—No, they contributed their share.

Then Fiu Tuipala complains that he was a Land Commissioner, and now he does not get paid because you have taken the matter of his work in hand?—I have never done Land Title Commissioner's work.

Then, Seumanu complains that you interfered with the *pulefa'atoaga's* work and that you inspected the plantations yourself?—I did not interfere with the *pulefa'atoaga's* duty.

Would it be outside your own province if you did inspect the plantations?—There was only one occasion when I inspected the plantations of the people of Vailoa. It was not a *pulefa'atoaga's* inspection; it was a Faipule inspection.

It was further said that you interfered with the duties of Fa'amasino, and that you inquired into the case of Faumuina and Silofau?—That was not a trial—it was an endeavour by myself to reconcile the parties.

Then he said that you interfered with the authority of the Ali'i and the Faipule?—I have not done that.

There are also a number of complaints made against you by Autagavaia, and he stated that you showed too much authority?—I have not done that.

And wanted to take his title away?—No; but I tried to get him the title.

And that you held an inquiry or something in regard to a headdress?—That was a trouble in which I tried to reconcile those concerned.

You tried to make a reconciliation of the parties concerned?—Yes, I endeavoured to reconcile those two parties.

He also said that you frightened the people in the District Councils?—I have not intimidated the Councils.

He also said that you have mentioned, in cases where any one says anything at all that does not suit you, "You must hold the peace, and when the Faipule is angry the law is angry too"?—I do not think so.

The question was raised regarding the "fine mat" *malagas*. Do you understand the position fully with regard to the resolutions made by the Fono of Faipule—what is it?—Yes; large *malagas* have been stopped on account of the wastage.

Is that a law or a recommendaton of the Fono?—Merely a resolution of the Fono.

Is the "fine mat" *malaga* in your opinion a good thing for Samoans?—It is a bad thing.

A lot has been said about the banishments of Samoans: is there such a custom among the Samoans?—It is an old Samoan custom.

Do you know the present law regarding banishments?—Yes.

Do you agree or disagree with it?—Yes, I agree.

Do you know the Legislative Council which sits in Apia?—Yes.

How do you compare that with the Fono of Faipule?—The Fono of Faipule is quite different from the Legislative Council.

Do you want representation on the Legislative Council?—I do not suggest that.

Do you think that the Fono of Faipule is the proper thing for the Samoans or not?—It is the best for the Samoans.

It has been suggested that the Faipules in the Fono of Faipule are dominated by the Administrator, in that they follow everything that he says: do you agree with that?—We deliberate together with the Administrator on any matter brought before the Fono.

Does he force you to do things you do not want to do?—If we do not agree we argue with him.

The present constitution, then, of the District Council and Fono of Faipule: does that differ very much from the old *fa'a-Samoa* system of Village Councils and District Councils?—It is not very different; it is very similar.

This control instituted by New Zealand—what do you say about it, as to how it acts in Samoa. How is the New Zealand administration of Samoa?—Good.

Prior to October, 1926, do you know of any unrest or dissatisfaction amongst the Samoans?—I did not hear of any dissatisfaction with the New Zealand Government.

Are there many Mau people in your district?—Yes.

Compared with Government supporters?—My whole district turned to the Mau.

When did it join the Mau?—Last November.

Can you tell me the effect the Mau had on your district in regard to plantations and Government activities?—Different matters are not being attended to, and they are neglecting the plantations.

You have heard the evidence of Leilua regarding the explanation about *matais* and *tulafales*?—Yes.

Do you agree or disagree?—I agree with him.

Do you remember the Native petition of 1921?—Yes.

Where did you sign it?—Mulinu'u.

Who drew that petition?—I do not know, but it was drawn up by a European.

Tell me what you understand about the position regarding the *kava* title as stated in the *Samoa Guardian* of the 14th July, 1927 [article read out to witness]?—The people would think that Nelson is the Administrator.

*Mr. Slipper.*] Referring to the question of the money which you are accused of not paying respecting a building—when was it you handled the money, and what money did you handle?—I cannot remember now.

Do you remember what year?—No.

Do you remember how much money you handled?—£3 10s. was sent the first time. I distributed £6 in satisfaction.

Have you kept any written account?—No; I just distributed it amongst the builders.

Have you any receipts?—No.

You say they were quite satisfied?—Yes.

Would you like them to come forward before the Court and say they are?—Yes; if they complain that they are dissatisfied, let them come and make a statement. I am not going to send for them.

You say that large *malaga* parties should be stopped?—Yes.

Did you stop any?—My district has not had *malagas* of that kind.

Is there any authority in law for stopping *malagas*?—There is an order.

Is that a law or not a law?—No, only an order to stop any big *malaga* parties.

Have you always thought that *malaga* parties were bad things?—Yes, I saw it was a bad thing.

Before you were a Faipule?—Yes.

Was it you who brought the question up at the Fono of Faipules?—Yes.

The records of the meeting will show that, will they?—Yes, it will be in the minutes of the meeting.

You say that *malagas* cause waste as regards food. What do you think of this complaint of one person who says that there are Women's Village Committees, Men's Village Committees, District Council Committees, *puleni'us* and Faipules, and various inspectors, and they periodically in turn visit the villages, and that when they do, *fa'a-Samoa* they expect considerable quantities will be supplied to them and their retinue: Do you or not consider that is as wasteful as an occasional "fine mat" *malaga*?—Only Government officials provide food for *malagas* of that kind.

You say that you did not know of any dissatisfaction before the end of 1926?—Yes.

Were not a number of people dissatisfied with the banishments made before that?—They were banished because they committed some offence.

Did you never hear of a lot of people being dissatisfied with that state of affairs?—No, I did not hear anything about dissatisfaction; nobody complained of any discontent.

You say your whole district turned to the Mau?—Yes.

When was that?—In December.

Can you tell us why?—They were misled by some.

You know that before December a number of people in Samoa had grievances to put before the Minister?—I did not know.

Can you tell me whether during the last year the copra-production has gone down?—It has decreased.

Have you got the figures to prove that?—I did not note it.

Are you certain or are you guessing?—From what I have seen.

And what have you seen?—I have been accustomed to seeing copra produced every day, but recently people have been going to the Mau and they are not cutting copra.

Is it possible under the present arrangements of inspectors, *puleni'us*, and Village Committees for a man to be punished more than once for the same offence?—No.

*Mr. McCarthy.*] You say that you did not know that there were grievances to be put before the Minister: were you not in Apia at the end of October?—Yes.

MALA'ITAI sworn and examined.

*Mr. McCarthy.*] What district are you Faipule of?—Gagaifomanga.

What is your rank amongst Samoans?—Chief.

After your appointment as Faipule was there any objection raised by your district?—No.

Was there anything special done by the district to celebrate your appointment?—Yes; there was a presentation of food to celebrate the occasion.

Who took part in that?—The district.

*Judge MacCormick.*] When was it?—The 1st September, 1919, under Colonel Logan.

*Mr. McCarthy.*] Had you any previous experience as a Government official prior to your appointment as Faipule?—I was a *pulenu'u* before that.

In Apia, when giving evidence, Tu'u Matavai made a number of complaints: the first was that there was no *fono* of your district prior to your appointment?—I was appointed by the Fono of Faipules.

The next complaint was that you failed to place matters before the Fono of Faipules in 1926—“fine mat” and medical tax matters?—There were no remits to go before the Administrator and the Fono from me.

You say that you have produced every remit from the District Council?—Yes.

He said that the district asked for a bridge across a river in your village?—I went to the Engineer in Charge of the Public Works about that matter.

Did you report it more than once?—I have written to the Resident Commissioner two or three times about it.

You have heard the evidence of Leilua and Malupo on general matters, such as “fine mats”; banishments; Legislative Council; intimidation by the Administrator; the present system of government as compared with *fa'a-Samoa*; what their idea is about the Administration of Samoa by New Zealand, and the position with regard to the Native unrest prior to October, 1926, and the effect of the Mau; and the question of the *kava* title: are there any points in which you differ from them?—I agree with them on all.

Are there many people of the Mau in your district?—All are in the Mau.

When did they join?—In October, 1926.

*Mr. Slipper.*] Did you request your people to contribute to a hospital in Safotu?—Yes.

Did your village contribute £5, and was not Tu'u Matavai the secretary for the fund?—He was secretary from the District Council.

Did he not once ask you what had become of that £5?—No.

Tu'u Matavai says that he asked you what had become of the £5 and you said that some had been loaned to yourself and a portion to others?—I did not discuss it with Tu'u Matavai at all.

Did you arrange with some of your people to build a schoolhouse in the district?—Yes, and it was built.

Were the builders ever paid for it?—No.

Should they not have been?—It was proper that they should have been paid, but there were no arrangements as to payment.

Is that a Government school?—Yes.

Do you remember one time, through heavy rains, time was asked for collection of poll-tax?—I cannot remember that time.

When you were appointed Faipule were you elected by your people?—No.

Just appointed by the Administrator?—By the Fono of Faipule.

After you were appointed has it ever been referred to the people to see whether they want you to stay on further?—No.

You say that you have heard the evidence of Leilua and Malupo on “fine mats,” &c., and other general questions?—Yes.

When did you hear their evidence?—To-day.

Were you in Court this morning?—Yes.

You say that all your people turned to the Mau?—Yes.

Do you know why?—Because they were dissatisfied.

#### TAPUSOA sworn and examined.

*Mr. McCarthy.*] You are Faipule for Safotu?—Yes.

When were you appointed Faipule?—1st September, 1919.

Before you were a Faipule did you hold any other Government position?—I was a *pulenu'u*.

How did you come to get appointed as Faipule—whom did you succeed?—I succeeded Utumapu. There was another man succeeded Utumapu, but he did not remain in office long.

Were you selected or elected?—I was elected by my district.

Have you ever had any objection raised against your appointment?—I have never heard of any objection. To prove that they were satisfied with me they made the usual presentation of food.

Where was that made?—At Mulinu'u.

How many people joined in that?—The whole district.

Seuamuli Iosefa made complaints against you at the Royal Commission in Apia. He complained that when a case was being heard before the Resident Commissioner you were heard to say, “Send him to gaol.” Do you remember anything about that?—I do not remember seeing him in Court, and I do not remember making any remark of that kind.

Another complaint was made by Tu'u that you issued instructions that land was to be divided up?—That is correct. That is in accordance with the resolution of the Faipule Fono, that a Faipule goes and talks with the district as to what would be the best for the district—but it was not a law, it was just a suggestion to be considered if it was for the benefit of the Samoans.

When you made the suggestion to your district, how did they take it?—They were quite agreeable to it, and the committees of various villages divided it up for themselves on their own account.

Tu'u also complained that you failed to put district matters before the Fono of Faipule, such as “fine mats,” taking away of titles, medical taxes: is that true?—I placed all these matters before the Fono.

Lavea complained against you that there was no *fono* prior to your election, the Ali'i and Faipule not being consulted?—I have mentioned already how I was elected. First of all I was selected by the village as *puleniu'u*, and afterwards selected by the District Council to be Faipule in 1919.

Who was Faipule in your district in the German times?—Tapusoa, my predecessor.

You succeeded to the title?—He had the title when he was still alive. He was Faipule up to the time of the occupation.

Were you in Court to-day, and did you hear the evidence of Malupo and Leilua?—Yes.

Did you hear them speak on general matters?—Yes.

Do you agree or disagree with what they said?—I agree in all respects.

Tell me what dissatisfaction there was in your district prior to 1926, if any?—I did not hear of any discontent before October. It was started with circulars. When the people read the circulars they went to the Mau.

Do you remember the Native petition of 1921 to the King?—Yes.

Can you tell us anything about that?—The petition was on account of dissatisfaction with the New Zealand Government through the epidemic being allowed to come to Samoa in Colonel Logan's time.

Can you tell us anything more about it?—The reason for that petition was that the Faipule did not have a proper say in the Fono of Faipule.

They were not provided for?—They were not at liberty to discuss matters freely at the Fono.

Do you know who drafted that petition?—I cannot remember.

You have heard the evidence of Leilua and Malupo with regard to *matai* and their *pule* regarding land?—Yes, the *matai* controls the family land.

Did you hear the evidence of Leilua with regard to that?—I do not remember exactly what the evidence was.

*Mr. Slipper.*] Was there any *fono* of any sort electing you Faipule before you were appointed?—Yes.

What *fono* was it? The representatives of the Samoans, the Faipule, and the Administrator.

Is that the old Samoan custom—were Faipule appointed by Faipule in the old days, or were they appointed by the district?—Yes, that was the old custom.

Is that being done now? Was it done in your case?—Yes, I was selected by the Fono of Faipule to represent the district.

And how long after was it that you had this gift of food?—I cannot remember now.

Was it getting along towards the time this petition was being arranged to the King?—Some time apart from that time.

Has there been any election for a Faipule in your district since your appointment?—There is dissatisfaction now on account of the trouble.

You told us that your people turned to the Mau on account of circulars that came to Savai'i?—Yes.

Did the greater part of your people turn?—Yes.

There was no Mau to join before that, was there?—No.

Did you read the circular yourself?—No, they avoided showing those letters to the Faipule.

Did you try to get hold of a copy?—I tried hard.

Whom did you ask for a copy?—I asked those people in the Mau, and also the traders, to let me see it, but they did not show me.

Name one person that you asked?—Timu; and I also asked Duffy, but he said that he had no paper.

Referring to the trial of Tu'u Fa'atupua, Soalo Tini, and Pepe Iere: they were tried together before the Faipule?—The Resident Commissioner appointed Malaitai and myself to inquire into that.

Can you tell me whether any charges were made against these men at that hearing?—Yes.

Do you remember what the charges were?—They were charged with insulting Laupue—using insulting language.

Anything else?—Only insulting words.

You are quite clear that that was what they was charged with?—Yes, and that they had called a meeting of the village.

And that was all they were charged with?—Other matters regarding the relationship between them and Laupue.

Do you know whether any notice was given to these men about these things beforehand?—Yes, they received notices.

Were they not merely notices to attend?—It was not a trial. Malaitai, two *puleniu'us*, and myself were ordered to hold an inquiry.

Have you seen those notices?—I did not see any summons. We were instructed to sit at Safune.

Do you know whether this matter came before the Resident Commissioner before it came before you?—I do not know.

Do you remember who was there to give evidence on behalf of the defendants?—There were no witnesses for the defendants.

Was not Soalo Taanuu there giving evidence for the defendants?—He did not give evidence.

Were there any witnesses called against these men?—Yes.

Who were they?—Tu'u Lemana: that is all I can remember.

Did you suggest any way to Tu'u to settle this trouble?—Yes, I told him how to settle this trouble.

Did you not ask him to settle the trouble by kneeling down to you?—No. I suggested that he should apologize to Laupue for what wrong he had done.

*Mr. McCarthy.*] Who is Mr. Duffy?—A trader for Nelson and Co.

## SU'A MUI sworn and examined.

*Mr. McCarthy.*] You are the Faipule for the district of Amoa, in the Fa'asaleleaga district?—Yes. When were you appointed Faipule?—On the 1st July, 1925.

Before that time what Government positions did you hold?—I was a Fa'amasino.

After your appointment was there any objection lodged against you as being the Faipule?—There was no single objection; all were agreeable to my appointment.

In giving evidence in Apia, Tofa made a number of complaints regarding you: the first was that no *fono* was held prior to your being given the appointment of Faipule?—I was selected by the people of the district.

Who was the highest official in the district of Fa'asaleleaga at that time?—Su'a Mui.

Tofa also said that you told him that you said that you were going to dismiss the *pulenu'u*?—I do not know anything about any *pulenu'u* I wanted dismissed.

He further said that he presented points to you for the Fono of Faipule and that he has had no reply concerning these matters?—I do not know of any remits that I have not put before the Fono.

Also that you did not bring up a remit that the Governor must not have authority over the titles of chiefs?—That was not a matter brought up by the district.

He said that you intimidated the people?—No, I have not intimidated any one. I have only tried to make matters clear.

He further said that you had given out that if any one does wrong that you will take away his title and put him in gaol?—I do not know anything about that.

And that you warned Tofa that if he went to the Mau he would be transported to a distant land?—I only asked him not to join the Mau, and to continue to support the Government.

Have you been in Court to-day, and did you hear the evidence of Leilua and Malupo?—Yes.

Do you agree or disagree regarding general matters such as "fine mats," Legislative Council, medical tax?—Yes, I agree.

Do you know of any dissatisfaction existing in your district prior to October, 1926?—I do not know of any dissatisfaction in my district.

Is the effect of the Mau noticeable in your district?—It is being spoiled by the refusal to obey the Government orders.

Did you hear Leilua's evidence regarding *matai* and his *pule* over the land?—Yes.

Is that a correct statement of the position that you heard?—Yes.

Do you agree with that statement?—Yes, that is my opinion, that the *matai* controls the family land.

*Mr. Slipper.*] Would you like to see the control of the *matai* over family lands done away with?—No, I do not want to see that.

Is there any record of the meeting at which you were elected Faipule?—I do not know.

This Tofa, you will remember, was the one man appointed to speak for the thirty-three districts of Samoa?—I do not know.

Do you know Matafeo?—Yes.

He is a straight, trusty man, is he not?—Yes.

And is not Tofa Tamapuleni a straight man?—Not quite straight.

## SUA LATU sworn and examined.

*Mr. McCarthy.*] You are Faipule for what district?—Part of Fa'asaleleaga district.

What is your rank among the Samoans?—A chief.

Before you were appointed a Faipule did you hold any other Government position?—I was a *pulenu'u* first, and then I was promoted to Fa'amasino, then to Faipule.

Do you remember the year that you were appointed Faipule?—1st August, 1924.

Before your appointment was there any objection lodged by the District Council against you?—No.

Has there been any objection since?—No, none at all.

The whole of the district agreed to your appointment?—Yes.

In giving evidence before the Royal Commission a Samoan named Lilomaiva Tupua made a number of complaints against you. The first was that there was no election and no discussion prior to your appointment?—That is not so; the district had decided.

The next was that you said that certain property in the district would be opened up to anybody who wished to use it?—That is not so; every person uses his own land.

He also said that you forcibly ordered families to appoint a *matai* where the *matai* had been banished: he mentioned the case of Matamua Tololi?—That also is a mistake.

He also said that you prevented the holding of *fonos* in your district?—No; what I want is that I would like the people to have District Council and Village Committee meetings.

He also said that you had set up a committee and had later broken this committee up?—No.

Matamua had his title taken away, did he?—Yes.

He further said that Matamua got his title back because you were given presents of land and horses?—That is not true. It was the wish of the people. The Faipule has nothing to do with titles; the family controls that.

He also said that you were very difficult of hearing?—I can hear the interpreter speaking to me; I can also hear the Administrator at the Fono.

Did you hear the evidence of Leilua and Malupo to-day?—Yes.

Did you hear what he said about "fine mat" *malagas*?—Yes.

Will you tell us the effect of what Leilua said with regard to "fine mats," about the *malaga*, and the position regarding the law?—The old Samoan custom is that when they go on a *malaga* they take a long time getting back. They all stop at every village on the Island of Upolu, and on their way back to Fa'asaleleaga they call at Apolima, and take three months getting back home.

I want you to tell me what was the effect of what you heard that Leilua said?—I have forgotten what Leilua said.

Is there any settled law dealing with "fine mats"?—No.

What is the position?—The Administrator and the Faipule resolved to stop "fine mat" *malagas* for a period of three years, to try it out and to see whether it was advantageous or not.

Has that resolution or trial been made into a law yet?—No.

Do you know of any Native unrest or dissatisfaction in your district prior to 1926?—No.

When did the dissatisfaction in your district first begin?—It commenced about the time of the meeting in the Market Hall.

Are there many people of the Mau in your district?—Yes.

When did they join up?—Soon after the meeting in the Market Hall a big section of the people of my district turned to the Mau.

Did others join later on or not?—They joined in batches. Some were awaiting the arrival of Mr. Nelson.

What has been the effect of the Mau movement in your district regarding plantations and Government activities?—They are not attending properly to their plantations, and not carrying out the beetle-searching properly, and other orders of the *pulemi'u* and Fa'amasino.

*Mr. Slipper.*] Was it you who brought up the matter of the inquiry into Matamua's conduct?—Yes.

And were you present when the board of inquiry looked into this matter?—I was present at Mulinu'u.

Did you take any part in the discussion?—No; I was present, but there was a committee of Faipule set up as a board of inquiry to look into it.

He was brought there under arrest, was he not?—No.

Was it agreed was it recommended by the board of inquiry that he should be imprisoned for six months?—No.

You said that you were promoted to Faipule in 1924: what do you mean by "promoted"?—I was promoted to a higher position.

Had you been elected by the people when you were made a *pulemi'u*?—Yes, the chiefs and orators met and selected me.

Were you similarly selected when you were made a Faipule?—Yes.

You said that there had not been any objection to your election ever since?—That is so.

But do not the people get into trouble if they make complaints against a Faipule?—I know of no one being punished for that kind of thing.

Have you not heard of the trouble of the Faleapuna people?—No, I did not hear anything about that.

You see these two books—regulations, and instructions to Faipules—have the Faipule tried to enforce these things?—No, they were only given out to the people to see if they agreed with them.

Have not the "fine mat" *malagas* been stopped since that giving-out to the people?—Some things have been prohibited, but not all in regard to the "fine mats."

Have not the "fine mat" *malagas* been stopped by the Faipule, or some of the Faipule?—Yes, it was stopped for three years only, not for good.

Do you think that there was any right to do that—any legal right?—The Faipule just asked the people not to go on *malagas*, but did not enforce it.

Have you not heard of *malagas* being turned back by Faipule?—No, I have not heard that.

Do you know what the original purpose of the Mau was?—I do not know.

*Mr. McCarthy:* I have been advised, sir, that Suisala, Faipule, is ill, and I am quite satisfied that he is too ill to ask him to come to the inquiry.

#### FA'AMOE sworn and examined.

*Mr. McCarthy.*] What is your position?—Fa'amasino.

Prior to that what appointment did you hold?—*Pulemi'u*, and also a *pulefa'atoaga*.

Do you remember the case of Iosefa?—Yes.

A complaint was made against Suisala that he banished Iosefa to the bush and took his title away?—Suisala did not do that; it was the District Council.

Tell us what happened?—Iosefa made some remarks about his own town of Fagamalo, and the people of Fagamalo asked for his removal to a distant land.

How did Iosefa come to be in Fagamalo?—He was in Alamagoto and the Administrator banished him to Fagamalo.

What did the District Council do in this matter?—The people thought that if they recommended to the Resident Commissioner that this man should be banished that the Administrator would do so, and they thought that it would be better for him to go and live in the bush and make a plantation for himself, and so he was banished.

What did Iosefa do?—He went to the bush to his own land.

Is that bush land or plantation land?—Some parts are cultivated.

Is there any house there?—There are houses there, and the Faipule is there now.

How far inland is it?—One and half to two miles.

Was Iosefa free to come into Fagamalo to get supplies?—Yes, he came to visit his family and fish, and then he went back to the plantation.

Later on did anything happen to him—did he come before the District Council at any other time?—He appeared before the Faipule and the Council and apologized.

There has been another charge against Suisala: Lofipo complains that Suisala inflicted too many fines and other punishments on the people?—That was the time when I was *pulefa'atoaga*: I inflicted fines.

Have you ever seen Suisala intimidating people?—No.

How would you describe him as a Faipule?—He is a very good man regarding the care of his district.

It has also been complained that there was no *fono* by the district before Suisala was appointed?—The whole district is satisfied. Lofipo also made a speech at the presentation of the food to celebrate the occasion of the appointment. One thousand dollars was spent to provide foodstuffs for that celebration in Apia.

Who attended that celebration from this district?—All Saleaula and Matautu.

How would you describe the number of the people?—I could not say how many hundreds, but there was quite a number.

How do you get on now with your work?—I am rejected by the Mau.

In what way—do they refuse summonses, or what?—They refuse to accept summonses, and they fail to report births and deaths.

Do they give any explanation for that conduct?—I summoned a young man to appear before me for failing to report a death of a child of his. The father of that young man came and told me that he would not accept the summons. He brought it back. He said that the Mau had been instructed by Mr. Nelson not to accept service of any more summonses.

*Mr. Slipper*: I object to that evidence.

*Judge MacCormick*.] What is the date of the appointment of the Faipule?—18th August, 1923.

*Mr. Slipper*.] Give me the name of that young man who refused to take the summons, and the name of his father?—Iuta; and the father's name is Levao-muna.

As an inspector was it your duty to inflict fines?—Yes.

Where do you get that power from?—From the Government.

What power or regulation do you get it from?—According to instructions to different officials.

Is it in one of the Fono law-books [Fono and Faipule regulations shown]?—A bigger book—an earlier book than that.

Does it say in that book that you have power to inflict fines?—There are the duties of the *pulefa'atoaga* and the fines that he may inflict.

Is it not in this small book?—It may be.

You know that Iosefa was sent away from his village without a written order from the Administrator?—Without a signed order by the Administrator.

Do you admit that?—Yes.

Was that before or after he was banished on the strength of an order signed by the Administrator?—Banishment by the Administrator was first.

Clause 14 says that a *pulefa'atoaga* may inflict fines for offences as follows: there are five matters under this clause. Did you have anything to do with the trial of Iosefa when he was banished by a definite order?—No.

Were you present at the time?—No.

Were you here when Suisala was made a Faipule?—Yes.

Was he elected by the people?—He was appointed by the Administrator and the Faipule.

Is that according to the old Samoan custom?—That is the practice.

Was that practice among the Samoans in the old days?—The Faipule were selected by the Government.

In the old Samoan days before there was a Governor, was the Faipule selected by other Faipule or was it the people who selected him?—The people of the village used to appoint a representative.

*The Chairman*.] Supposing a *taulealea* is dissatisfied with his treatment by a *matai* or his family or he cannot get on with his family, has he any other remedy except to go and live elsewhere with another section of his family?—He would have to go to another branch of the family.

He has no remedy except that?—No.

And that was *fa'a-Samoa*?—Yes.

And that is the custom to-day?—Yes.

SEMAU sworn and examined.

*Mr. McCarthy*.] What is your title *fa'a-Samoa*?—I am an orator.

Were you a Fa'amasino?—I was a Fa'amasino.

Were you a Fa'amasino at the time Suisala was a Faipule?—He was a Fa'amasino, and was promoted to the position of Faipule, and I succeeded him as Fa'amasino.

Complaint has been made against him that he inflicted fines and punishments on the people: did he ever interfere with your duties as Fa'amasino?—No, he did not interfere.

Are you a member of the District Council?—I am.

Do you remember the case of Iosefa?—I remember.

Do you remember what Fa'amoe had to say about that case?—I heard it.

Was it correct or not?—It is correct.

*Mr. Slipper*.] Do you know anything about Iosefa being banished to the bush?—I know.

That was done by the order of the Administrator, was it not?—He was first banished from Alamagoto.

By whom?—By the Administrator.

He was banished again, was he not?—He was brought to his family in Fagamalo.

Was he sent away from the family again?—When he caused trouble in Fagamalo the Village of Fagamalo complained to the Faipule and the District Council.

What was the result of that?—The District Council and the Chairman of the Council decided that he was to go to the bush and live there on his land, and make a plantation for his wife and children.

Was that in the time of the present Administrator or not?—Yes.

*Mr. McCarthy.*] In going to the bush, was that the real bush?—There are houses which belong to this village, and the Faipules are there.

Is it far away?—I think it is about a mile or less.

What freedom would he have?—He went with his title, and he was free to go anywhere he liked.

Did he go willingly or unwillingly?—When the District Council ordered him to go to the bush he obeyed.

PA'U sworn and examined.

*Mr. McCarthy.*] You are a *pulenu'u* at Fusi?—Yes.

Are you a member of the District Council?—Yes.

What experience have you had at the present time with regard to beetle-searching?—Since June the Government work has been rejected.

What about the beetle returns?—They do not search for beetles.

Are they all Mau people in your village?—Yes.

What about the District Council meetings?—There has been no District Council meeting since they joined the Mau.

Are the births and deaths reported as usual?—No, they do not report them to the *pulenu'u*.

Do you remember Dr. Mabel Christie, the child-welfare doctor?—I remember her.

Do you remember the reception she got on her last *malaga*?—Yes.

What was it?—I received a notice to notify the Women's Committee to assemble in my house and wait for the doctor to arrive; but the wives of the Mau people refused to go. Only the wives of the supporters of the Government and myself were there.

Who is the Faipule of your district?—Leilua.

Before the Mau started was he looked up to in your district?—Before the Mau the whole district was quite satisfied with him.

*Mr. Slipper.*] Have there been any registration of births and deaths since June?—Since the 20th June the people have not reported cases of births and deaths to me.

That is not quite answering my question: has there been no instance of a death or birth notice reported to you since June—that is, not a single case?—No.

Are you referring to the Mau people or to the Malo people, or to both?—I am referring to the Mau people.

I must take it that everybody is in the Mau at that rate?—No.

Have you any list of the people that you consider are in the Mau?—The majority of my village has joined the Mau—there are some on the Government.

Have you a list of them?—I have.

Will you be good enough to let me see the list to-morrow?—The list is a long way from here.

*The Chairman.*] It is not available, then?—No.

LEOTA sworn and examined.

*Mr. McCarthy.*] You are a *pulenu'u* from Avaro?—Yes.

Since the Mau started what experience have you had in regard to beetle-searching?—The Mau people do not search for beetles since the Mau started.

Do you know the reason why?—They said that Mr. Nelson and the Mau ordered them not to search for beetles.

Are there many members of the Mau in your district?—Not so many.

There are a mixed number of Mau and *malo* people in your district?—The majority of them support the Government.

When did the people to whom you refer join up with the Mau, so far as you are aware?—The first two joined the Mau on the King's birthday, and the second lot joined in August.

When did your troubles begin with regard to beetle-searching?—Since August.

Have you had any trouble with regard to the registration of births and deaths?—The Mau people do not report instances of births and deaths to me.

What is your experience with respect to gun licenses and the dog-tax?—I told the people of my village that the tax for dogs and the gun licenses were due. Loto-faisaovale particularly ordered his family not to pay the gun-tan.

Who is your Faipule?—Suisala.

Do you remember his appointment?—Yes.

Was there any disagreement about it?—No one in the whole village objected.

*Mr. Slipper.*] Do you know whether his election was considered by his people, or by the District Council, before the appointment was made?—Yes.

Do you know Fa'amoe the Fa'amasino?—Yes.

He said that he got his appointment by the other Faipules and the Government: Is he right?—The whole district agreed that he should be a Faipule.

I am asking you whether there was a meeting before the appointment was made?—Yes, there was a *fono* meeting.

And they all agreed that Suisala should be the Faipule?—Yes.

Were you at the meeting?—I was there.

Will you please tell me the names of some of those people who said that Mr. Nelson and the Mau told them not to search for beetles?—Loto-faisaovale.

Any others?—Loto-faisaovale himself.

Have you a list of the people who you consider are in the Mau in your district?—Yes.

Have you got it with you?—No.

Can you tell the Commission whether or not the beetles are being handed over to any one else but yourself?—Before they went to Upolu they delivered the beetles to me, and since they left the other people did not search for beetles.

Who are the other people to whom you refer?—The *taulelea*—the young men.

Can you tell me of any particular case where a birth or a death has not been registered?—There is the case of a birth of a girl whose father is a Chinaman. I asked him to report it to me and register the child, but the Chinaman refused. He told me that the child would be registered under her name.

Is the Chinaman in the Mau?—No.

Do you know of any other circumstances?—That is all.

MATAELIGA sworn and examined.

*Mr. McCarthy.*] You are the *pulenu'u* of Sataua?—Yes.

Are there any Mau people in Sataua?—The whole village joined the Mau.

Does the village obey Government orders now?—No.

When did they join the Mau?—The first lot joined in April of this year; the second lot joined in July; and the third lot—the remainder—of the village joined in August.

Before they joined did you have any trouble in having the Government orders carried out?—No.

Have you heard the evidence of Pa'u and Leota?—Yes.

Has your experience been their experience?—Yes, the same.

*Mr. Slipper.*] Do you know how many there were in the first lot that joined the Mau?—Three.

Have you got a list of those who joined the Mau?—Yes, I have got papers, but I left them in Sataua.

If a man was put down, how do you know that that person was in the Mau?—I know when he walked out and went to the Mau.

What do you mean when you say that he was going to the Mau?—They left our village and tried to get a boat to go over to Upolu.

Was not that at King's Birthday time?—Three of them, I imagine, went before the King's Birthday.

And you think that because they went to Upolu they went to join the Mau?—They held a meeting the night before they went, and those three went away before daybreak and left a message with the others that they went to join the Mau.

Were you at the meeting?—No.

Who gave you that message?—Suisala and Fesili. Those were the two who reported to me the result of the meeting.

Did they tell you whether they had been at the meeting themselves?—Yes.

LEALOFI sworn and examined.

*Mr. McCarthy.*] Where are you *pulenu'u*?—Sasina.

Have you heard the evidence of the previous witnesses regarding beetle-searching?—Yes.

And obedience in regard to Government orders?—Yes.

You mean with regard to obedience of the law?—Yes.

Do you agree, or do you disagree, with them?—I agree with them.

*Mr. Slipper.*] Have you had any trouble in regard to the registration of births and deaths?—Yes.

How many births are there which have not been registered?—Three.

Can you give me the names of the fathers?—Mafulu, Tuitoga, and Pelesa.

When has this happened?—One in June, the second in July, and the third one in August.

How many deaths have there been which have not been registered?—No deaths.

Are the three fathers who failed to register their children in the Mau?—They are.

How do you know that Mafulu is in the Mau?—He went to the Mau.

The Mau is not a place to go to?—My whole village joined the Mau.

That does not explain the position with respect to Mafulu?—I saw him going to the Mau.

Did you ask him to register the child?—I went to him, and I asked him to report the child's birth in accordance with the law.

What was his answer?—He said, "No, I cannot do it, because of the Mau."

That settles that: does the same apply to the other two?—Yes.

Did they tell you themselves that they were in the Mau?—Yes.

That also settles that question. To whom are the people giving the beetles now?—I do not know.

Are they gathering any beetles at all?—I do not know whether they are searching for beetles.

Are there any other laws that you are aware of which they have refused to obey?—All the Government laws.

Have they told you that?—Yes.

Who told you that?—My people.

Was that at a meeting?—The Ali'i and Faipule told me that.

Your people did not tell you, then?—The Ali'i and the Faipule.

*Judge MacCormick*: These are not the Government-appointed Faipules to which the witness is referring, but they are the Faipules of another kind.

*Mr. Slipper*: I will look into the question. (To witness): Were they all together at a *fono* when they told you that?—Yes.

Did they all tell you together, or was it one particular speaker who said that?—The *tulafale* (orators) only.

Were all the rest present when they told you so?—Yes.

Did you make a complaint about that matter?—I reported it to the Government.

Was there more than one Faipule at this meeting?—The chiefs and all the *tulafale* (orators).

MATA'APA sworn and examined.

*Mr. McCarthy*.] You are a *pulemu'u* at Palauli, are you not?—Yes.

Have you heard the evidence given to-night by the other *pulemu'us*?—Yes.

So far as your district is concerned, can you endorse that evidence?—The same.

Who is your Faipule?—Malupo.

*Mr. Slipper*.] Were you not banished on one occasion?—Yes.

What was that for?—By the wish of the Government and Palauli.

For what reason?—Because of the trouble with the *pulefa'utoaga*.

Were you making the trouble?—No.

Under what Administrator?—Colonel Tate's time.

How many births in your district have not been registered?—I do not know. I left my village in June.

So that you cannot endorse what the other *pulemu'us* said about that matter, then?—I can.

But you said that you do not know: you must not say things that you do not know about?—I do not know about the births, but in regard to the search for beetles, they have finished searching for beetles on the 15th June.

How do you know that?—There were two *matais* in my village who came to me and told me that there would be no more searching for beetles, other than doing it themselves.

You mean they would not bring their beetles to you any more?—That is so.

Did they speak for the whole village?—Perhaps so.

Was this before you left the village or afterwards?—Before I left.

Have you been away ever since June?—I have not returned since then.

So you do not know what is going on there?—No.

*The Chairman*.] Is that a temporary absence?—Yes. I notified the Resident Commissioner of my absence.

Where did you go to after the 15th June when you left your village?—I went to Faga.

For a short time?—Yes.

TIMU sworn and examined.

*Mr. McCarthy*.] You are a Fa'amasino, are you not?—Yes.

What is your rank?—I am an orator.

Where are you Fa'amasino?—Of the district of Safotu.

Are there any Mau people in Safotu?—Yes, there is a section of the Mau in Safotu.

Have you any trouble in your duties as Fa'amasino in your district?—Since the Mau started the people who have committed offences and have been fined by me have not paid their fines.

Before the Mau started did you have any trouble at all?—Before the Mau started all the people obeyed my orders and my punishments, and they always paid their fines.

Do you know how your people came to join the Mau?—Yes, I know when the people of my village first joined the Mau. The first time they joined the Mau they went into Mr. Nelson's store and signed their names, and then they went to Upolu and joined the Mau after they signed their names.

*The Chairman*.] That is, Mr. Nelson's store at Safotu?—Yes.

*Mr. McCarthy*.] Did anything happen before that?—Yes, when Mr. Allen, who was in charge of this branch came to Safotu from Safune the chiefs and orators of Safotu went to him. I want to correct my first answer, where I made a mistake. Before the Mau started I was a *pulemu'u*, and about two or three months after the Mau started the people were satisfied to carry out my instructions properly. Then I was promoted to the position of Fa'amasino, and about two or three months after my appointment the people were obeying my instructions properly; but after that they started to disobey my instructions.

You were telling us about how the people came to join the Mau at Safotu, and you said they went to Mr. Nelson's branch store and signed a paper?—Yes, I was present, when I was a *pulemu'u*.

Present at what?—When Mr. Allen came to Safotu.

What happened?—Mr. Allen made a speech and said, "Now that we have finished our discussion with respect to the other matter I will now talk to you about this, and I will now tell you that there is a Mau organized or established by Mr. Nelson and a committee. I have some papers in connection with this movement. If any one wishes to join the Mau they can do so, and I will send the newspapers from Safune to this store. There is nothing against the law—in other words, there will be no violation of the law—in this movement."

What was the day on which this discussion took place?—That was on Sunday.

Did the people join that day?—Utumapu said, “Very well, send those papers, and if there are any in this village who wish to join the Mau they can come and sign their names.”

Do you know if they signed their names?—On Monday when I heard that the paper arrived I went there to see the people who also went there. I saw with my own eyes. I saw Fitiala, a *matai*, go through the door in that store and sign his name.

*Mr. Slipper.*] Did you see what it was that he signed?—I saw him writing his name on the paper.

Do you know what was on that paper before the *matai* signed his name to it?—I do not know because I was not near enough.

It might have been a cheque, receipt, letter, or anything else for all you know?—I have no suspicion as to that, because I knew there were certain people who were going to join the Mau, and they signed their names.

Did Mr. Allen say what the objects of the Mau were?—Mr. Allen only said that the object of the Mau was the prosperity of Samoa, but he did not explain any details.

Did he say anything about the likelihood of the Minister paying a visit to Samoa?—No.

Did you tell any of the officials about Mr. Allen’s speech?—The other officials were present at the time.

Was anything done to Mr. Allen over that?—No.

Did you think there was anything bad in what he was telling the people?—I felt myself that it was of no use for me to join the Mau, because it was no good. If it was a sound movement it should go through the Samoan officials instead of through the storekeepers.

You were appointed Fa’amasino in May, were you not?—I think so.

And from then up to June all the fines were paid?—Yes.

Did you inflict any fines during that short period?—I cannot remember exactly about that.

My question was, Did you inflict any fines during that period; and your answer was that you could not remember: is that correct?—I cannot remember.

*The Chairman.*] Do you know what Mr. Allen was doing at Safotu when he made the speech in question?—He went there because of the request of our village over a contract to advance money.

And while he was there he made the speech, and as a result the document in question was signed?—Yes, he made a speech after he decided the question about the contract.

What month was this?—I think it was about the end of January, 1927.

*Mr. McCarthy:* I think, sir, we could fix the dates when the Resident Commissioner gives his evidence.

*The Chairman:* Very well, we need not bother any further.

EDMUND STEHLIN SWORN and examined.

*Mr. McCarthy.*] You are a District Inspector in Savai’i, from Aopo to Gataivai?—Yes.

Will you tell the Commissioners your experience with regard to plantation work prior to the commencement of the Mau and after the Mau started?—Prior to the commencement of the Mau, I, as District Inspector, had no difficulty whatever in the execution of my duties in my district. The Samoans readily obeyed instructions and also carried them out. When the Mau commenced I experienced difficulty; and in many ways the Samoans have shown a disobedience of the laws, and have also neglected their part of the work in connection with the keeping of their plantations clean, and also in the cleanliness of their villages.

Did they give you any excuse for their change of attitude or their change of conduct?—I was not given any reasonable excuse or any reasons why they were not carrying out instructions. So far as I can gather, most of the time they were away from their villages, and, in consequence, they were not doing any work.

I believe you collect and issue gun licenses?—Yes.

What experience did you have in regard to these matters?—At the time when we were collecting the gun-tax the people were not under any obligation or given a set date in which to pay this tax.

Have you had any refusals?—No.

What about the question of the land-cleaning and the copra competition for the year: Would you please explain what that competition is for?—Every year in Samoa a competition with respect to land-cleaning and copra-cutting is competed for by all the districts—that is, in both Upolu and Savai’i. In 1926 the competition was as usual, and the district of Fa’asaleleaga won the competition. This year we cannot possibly get the Samoans to agree to carry out this competition, and, in consequence, this year there is no competition.

*The Chairman.*] What is the purpose?—The object of the competition is to encourage better land-cleaning.

*Mr. McCarthy.*] It is an incentive, then, to keep the plantations of the Samoans in better condition?—Yes.

What does the winner get?—The winning district gets a shield. The land competition is divided up amongst the villages, and after inspecting the villages the village with the most points, of course, gets the prize. The first prize is £8 and the second prize is £4, cash.

Before passing from this subject will you please give the Commission some idea of the effect on the plantations that you refer to?—I can only give one illustration, and that is in connection with our recent banana-planting for export purposes. Prior to the commencement of the Mau the Samoans were informed of a scheme where the Administration would provide a boat to take the bananas direct to the New Zealand market to be sold there. We were sent out to discuss this matter with the Samoans, and in one district we concentrated upon this matter, and within three months we had

planted approximately 105 acres of bananas. After the bananas had been planted we were in great hopes, after three or four months, that this scheme would be effective and that we would be able to export bananas from this island. On my recent inspection I am of the opinion that we will probably be unable to ship bananas from Savai'i owing to the fact that the plantations are very badly neglected.

What about the coconut plantations?—These plantations are not in a very bad state, owing to the fact that in the year 1926 we had this land-cleaning competition, and in consequence it put our plantations in a better condition than would be the case otherwise.

Do you know Dr. Mabel Christie?—Yes.

And you know all about the work she did?—Yes.

What was the work?—Child-welfare.

Can you tell the Commission anything about her last *malaga*—that is, just before she left Savai'i?—Yes, I remember quite well her last *malaga* before she departed for New Zealand.

Was it, or was it not, a good *malaga*?—Prior to the commencement of the Mau Dr. Mabel Christie was very much sought after by the Samoans as a consequence of their receiving good advice from her in connection with the welfare of the children. She was asked in many cases to visit certain villages and districts. With reference to her last *malaga* and before her departure to New Zealand, I can recall one instance when I was in the village called Lago she was sent to a village called Asaga, and she informed me that the only people who came to see her there was the *pulenu'u's* wife, the children of the *pulenu'u*, the *pulenu'u* himself, and a very few children.

Do you know anything about the Resident Commissioner's *malaga* to Palauli—that is, the recent one?—I remember it—in fact, I went along with the Resident Commissioner.

Was he received by the people?—There were very few people there. On Thursday afternoon we went to a village called Saipipi, and there were no chiefs there but officials. The next day we proceeded to a village called Iva, and there again there were mostly officials there, and about three chiefs were present. We moved on the same day to a place called Salelologa, and the same thing happened. The day following we went to the village of Vaito'muli, in the district of Palauli. We went into the house of Malupo, the Faipule, and I can safely say that we did not receive any reception in that village. The only person who received the Resident Commissioner was the Faipule himself. This was on Saturday. We remained there until Monday. During Sunday the *pulenu'u* came and saw the Resident Commissioner, and they were the only two persons who came to see the Resident Commissioner. We then left and went to a village called Satupaitea. In this village the same thing happened, and there was no reception whatever; in fact, the reception we had in Palauli was very much better than the way we were treated at Satupaitea. At the latter place we were at the house of a man named Lemalie. He was not an official, and there was no chair provided for the Resident Commissioner, and there was no table or a bed provided, and he had to sit on a mat. Our first meal in this place was taken off a banana-leaf, which was used as a plate. It was not until later in the afternoon that a bed and a chair were provided. There was still no table provided, and the evening meal was taken from a suit-case which was placed on our wooden cash-box. That is the reception the Resident Commissioner received in Satupaitea during his *malaga*.

*The Chairman.*] What inference do you draw from this with respect to the present disposition of a large part of the inhabitants of Savai'i as to the activities of the Government: what opinion did you form from your experience which you have just described as being the mental attitude of a large part of the inhabitants of Savai'i towards the administrative activities of the Government?—All I can gather from that is that the disrespect of the Samoans is on account of the influence of the Mau. They have been listening to all sorts of rumours, and they have changed in their attitude towards the Government.

Does that mean they intend to oppose the work of the Government?—At the time I cannot very well say they meant to oppose the Government. I would like to mention that this *malaga* was during the early stages of the Mau.

What is your opinion now?—My experience so far as the Samoans are concerned is that they have been ill advised.

What do they mean to do in consequence of this ill advice—that is the point: you have heard, have you not, of the doctrine of passive resistance?—Yes.

What do you say the Samoans mean to do in consequence of this bad influence that you referred to—do they mean to obey the laws and help the activities of the Government, or do they mean to sit by and do nothing?—I would think they mean to sit by and do nothing.

*Mr. Slipper.*] You said that prior to the Mau you had no difficulty in getting your instructions obeyed: when do you say the Mau started?—Somewhere about October, 1926.

Did you have any difficulty from October, 1926, to June, 1927?—Yes, I did.

Have you caused any prosecutions to be made with respect to the disobedience of the laws, the neglect of the plantations, or with respect to the cleanliness of the villages? Have you power to enforce fines?—No.

Have you brought any Court cases against any of them?—Yes, some of them I have.

How many?—I do not remember.

Would it be a dozen?—It might not have been.

Mainly the trouble in regard to your instructions not being carried out is on account of the people being away?—Not only that, sir.

That is the main trouble, as I understand it from you?—Yes.

They are not compelled to stop at home, are they?—No.

The plantation of 105 acres which you referred to—did that plantation belong to one person?—No.

What was the date of this *malaga* of the Resident Commissioner?—I do not remember the exact date.

Do you remember the month?—July.

Is that not the month when such a large number of Samoans were either banished from their homes or ordered away from Apia back to their homes?—I do not remember.

In showing this disrespect which you mentioned so far as the Resident Commissioner was concerned, is it not possible that these people had some grievance?—I should say that they might have.

Did you not hear that they had grievances by October, 1926?—Yes, I heard of that.

You knew that they presented grievances to the Hon. the Minister of External Affairs in June?—Yes.

And your *malaga* was, unfortunately, just after that?—Yes.

TUESDAY, 18TH OCTOBER, 1927.

GEORGE BERESFORD BRODIE sworn and examined.

*Mr. McCarthy.*] You are a District Inspector?—Yes, for the Districts of Asau and Taga, in Savai'i.

Before the commencement of the Mau, what experience did you have in carrying out your duties?—Prior to the Mau I had very little difficulty in getting the work done in the villages by the Samoans. I found that they were cleaning the villages, looking after the pig-fences, water-supplies, and improving their plantations and increasing the areas of the plantations.

What did you notice after the Mau commenced?—I went on a *malaga* last July and I found a deplorable state of affairs in the villages. They were very dirty, and the plantations were covered with grass and other rubbish. Coconuts and rotten bananas were lying about. A good part of the plantations opened up in the latter part of 1926 were neglected and covered with grass and fœ. No new areas had been opened up, and generally the plantations were littered with rubbish when previously they had been clean.

Did you issue any instructions?—I asked why they had not cleaned up the plantations. They said that they had joined the Mau and that they were not carrying out any Government instructions. In most villages I was not met by the Village Committee but by the Government officials only. I asked the officials where the committee was and was told that they had joined the Mau. I asked them to come and see me, but they refused to come. They said that they had received instructions from Apia not to come, and they would not carry out any Government instructions.

Have you had any experience with gun licenses?—In August I made another *malaga* through the district, taking a gun-license book with me. Some villages were not difficult, but the majority told me that they refused to pay gun-taxes. They had been instructed by the committee in Apia not to pay taxes, and when I pressed them they said that they would not pay them. They were waiting for Mr. Nelson to return.

Did they say anything more? Was any other reason advanced as to what they were waiting for?—One *matai* told me that they had been told by the committee that Mr. Nelson was going to Europe to get greater power, and would come back to win the Mau for the Samoans.

Do you remember visiting the *fale* of a man named Toomata in July, 1927?—I went to the village of Sanjata to the *fale* of Toomata and he met me outside. He said, through an interpreter, "You should not be in this *fale*, you should be in the *fale* of the trader. I wish to speak to you, but you must not come into the *fale* or the whole village will laugh at me." I went in. Whilst I was there two other *matai* came to the *fale* and stood outside and passed their hands under the mats and shook hands. They said that they were very sorry and felt ashamed that they could not come inside to see me. They were frightened that the village would laugh at them.

Can you tell us something about the Government plans with regard to copra-production in Samoa?—The only part that I know is where it affects Fagamalo. I know that the Government has a scheme for advancing 3¼ cents per pound for copra, and it has to be first class. We consign it free for the Samoans.

Has there been any infringement of the law in regard to copra in your district?—On a *malaga* in September, practically every village contained more copra than I have ever seen before. There had been no rain for six weeks. Outside of every *fale* there was plenty of copra. It is no exaggeration to say that 40 per cent. was *niu sami* [immature copra]. On examination of the sheds of the traders I found that those sheds contained 40 per cent. of *niu sami*, 20 per cent. of green copra, and 40 per cent. of satisfactory copra. I have a typical sample of the *niu sami* and a sample of good copra. [Samples shown to Commissioners.]

After transshipment to Europe, how would that land?—It would be rotten and useless, and the shrinkage would be 40 per cent. It would not be accepted.

*Judge MacCormick.*] It would not be passed here, would it?—It should not be passed. On this last *malaga* it was my duty to examine this copra, and I made it the subject of a special report. The Samoans were breaking the law right and left by cutting this copra and selling it to the traders contrary to all regulations, and they knew that they were breaking the law.

*Mr. McCarthy.*] Tell us something about the organization set up by Doctor Mabel Christie to deal with dysentery in your district: what happened during that outbreak?—The District Inspectors received instructions to proceed to Salailua to assist Dr. Christie. I arrived there with two *leoleos* and two nurses. We secured *fales* to act as hospitals for the patients, who numbered twenty, and cleaned up the village generally under the supervision of Dr. Christie.

What happened regarding the outbreak?—We got right down to work and had the epidemic under control in two weeks. The Samoans appreciated the work, and we certainly stopped the epidemic.

If there was an epidemic to-day, how do you think that we would get on?—I anticipate an outbreak at any time at Salailua and Sataua. The Samoans are not using the latrines. They are depositing excreta in every conceivable place in the village, and many places are more or less cesspits throwing off an awful stench. I anticipate an outbreak at any time, and should one occur I do not think that they would grant the use of their houses, as they do not want to have anything to do with Government officials.

*Mr. Slipper.*] Early in your evidence you said that you asked them why they were not cleaning up their villages: who were "they"?—Government officials, and in some cases the *matais*.

Had the *matais* joined the Mau?—Yes. In some cases they came to see me.

They said that they had received instructions about this: who were the ones who said this?—Asiata was the interpreter, and it was through him that I obtained the knowledge. I made inquiries and tried to find out what the trouble was.

So it was a report to you and not an interpretation?—It was a report in some cases.

Could you find any one man who had received instructions?—One *matai* in Sataua.

What did he tell you about it?—He came with Lefua and said that he was in the Mau and—

Were you able to find any one man who had received definite instructions from a definite person?—No; the invariable reply was that they had received instructions. No Samoan will give definite answers.

They did not give it?—No.

When you found out that instructions had been given did you take any steps against any person?—I made the usual reports to the Resident Commissioner and received my instructions from him.

Were any legal steps taken against any person?—With regard to gun-taxes, summonses were issued, and they refused to accept the summonses. They would not recognize any Government instructions.

Did you hear them say it?—Yes.

Have you heard them say it?—Yes.

Was the gun-tax due at the time?—Due and past.

You never saw any written instructions to the people in the Mau not to obey laws?—No.

Referring to what some *matai* said, that Mr. Nelson was going to Europe to get greater power to manage Samoan affairs: do you believe that the committee told them this?—I accepted the statement as given.

You do not suggest that the committee had done that?—I have no opinion to offer in that direction.

Did you ask him how he received those instructions—in writing or by word of mouth?—No.

Did you ask him what particular person told him that?—No.

Did you not feel it your duty to track that scandalous thing down and find the person?—I did not speak to any one on those lines.

You did not think that the proper thing to do was to try and find the person who issued these instructions?—I cannot excuse my actions now.

Referring to these *matai* who put their hands under the netting: do you know of any reason why their coming in should cause them to be laughed at?—The Mau had given them instructions that they must not come and see Government officials, but some felt a little ashamed and came in to see me.

Were those two *matai* members of the Mau?—No.

Did they tell you so?—No.

Give me their names?—I cannot. I do not know the names of many *matai*.

With reference to free consigning of copra: does the Administration consign it free—do they load it free on board the boats?—Yes, I understand. We advance 3½ cents here, and we do the rest.

Have you men here to do the loading?—I have nothing to do with it.

Who does the loading?—I cannot say.

Are the police used for that purpose?—I do not know.

*The Chairman.*] When you say the copra is taken free by the Administration, do you mean free of commission—you are not referring to the ordinary charges of transport, &c.?—The Samoans were advanced 3½ cents, and the Administration bear the other charges.

But they charge the proceeds with the costs?—Yes.

Is it possible for any authority to administer the affairs of Samoa if the present organization of the Mau is to continue?—I would say that it was absolutely impossible.

*Mr. Slipper.*] Do you know what the original objects of the Mau were?—Not all of them.

The original object was for the purpose of redressing grievances?—I cannot answer that question.

#### WILLIAM MOODY BELL sworn and examined.

*Mr. McCarthy.*] You are the Resident Commissioner of Savai'i?—Yes.

When were you appointed?—In December, 1924.

And you have carried on continuously up to the present time?—Yes.

Give us briefly your experience in Samoa?—I arrived in March, 1921, to act as A.D.C. to Colonel Tate the Administrator. I carried out those duties, attending him personally on *malagas* and at *fonos*, and I attended to all matters outside office routine. On the arrival of the present Administrator I continued these duties for about eighteen months, or until December, 1924. I attended him on *malagas* and on many of his outside duties. In December, 1924, I came to Savai'i as Resident Commissioner.

With regard to the *malaga* of the Governor—can you tell us briefly the position Samoa was in as far as you could judge?—I attended all the *malagas* except a few in the early days. I was three

times round Upolu and three times round Savai'i with Colonel Tate; then I was twice round Upolu with General Richardson, and once or twice round this island.

What about your last *malaga* round Savai'i with the Governor?—The last *malaga* the present Administrator made round Savai'i was in 1925. Everything went splendidly. There were very many improvements; the tone of the Samoans was excellent; there was no hostility towards His Excellency; the *malaga* was everything that one could desire. When the Governor-General came over he visited Safotulafai and Faga, and he commented on the wonderful reception given to him.

Since you have been Resident Commissioner, have the Samoans put forward complaints against the Administration?—No. I have had the usual complaints about water-tanks not being fixed up and minor complaints, but they have made no serious complaints against the Administration.

What opportunities did the Natives have for putting forward their complaints?—On my own *malagas* I visited different parts of this island about four times each year. During my first year I visited every village in the island. Now I visit different villages at different times according to whether they are difficult to reach or the locality is important. I send out circulars to say that I am making a *malaga* and that I will be there about so-and-so—I will be at a certain village at a certain time. I will stay there until all matters concerning that village have been completed. Sometimes I stay one day and sometimes seven or eight. I leave that village and go on to the next, and in that way do every village. During the time I am at the villages I ask them for any complaints, and they come to me with any matters they are troubled about. They call me their father, and sometimes, because I am a bachelor, their mother as well, and they have always treated me as such.

How many times would you go round in a year?—About four times. Including *malagas* around Savai'i and visits to Apia, I am away about half the year from these headquarters.

Since this movement of the Mau have you had any *malagas*?—In July of this year I had a *malaga* to the east, to Faasaleleaga and Satupaitea districts. Earlier in the year I made smaller *malagas*.

What reception did you receive?—In the Faasaleleaga district it was satisfactory because I went to the district which was composed of many Government people. I visited other places and practically no one met me except officials. At Palauli there was only the Faipule to meet me; at Satupaitea no officials met me—there was only an orator, who was selected by the Mau to meet me. They are all Mau at Palauli except two, and they are all Mau at Satupaitea.

How do they regard Government instructions?—They have told me that they have instructions from the Mau committee not to obey any Government instructions, nor to do any Government work, nor obey any laws from the Government.

Can you say if there have been any breaches of the law?—Yes. I have issued summonses, which they have refused. I have endeavoured to arrest one man and he refused to be arrested. I have issued many summonses and they have been refused. Others have taken them and have refused to appear before the Court. The gun-tax is the only tax that I have endeavoured to collect. There are about 550 people who are liable to pay this tax. In 1926 every one paid this tax; not one case was brought before the Court—there was no trouble. This year there are about 330 who have not paid their taxes. About thirty summonses have been sent out, but they have been refused. Others have not been delivered because the people are in Apia. There are other cases that should have been dealt with, but I felt that their mental attitude was such that it would not be fair to make them commit further breaches of the law. I therefore refrained from dealing with cases which should have been finished long ago.

Have you got many Court cases pending?—About three hundred to four hundred cases pending—cases that have been dealt with by order of the Court but which have not been obeyed.

*The Chairman.*] What is the amount of the gun-tax?—Five shillings.

*Mr. McCarthy.*] Is that a list of the dates of the appointments of the Faipules and particulars of their previous experience [Put in: Exhibit No. 60]?—Yes.

With regard to the Faipule—have you found them carrying out their duties in a proper way?—Before October of last year the Samoan officials were functioning in a wonderful way. Without their assistance it would have been impossible to have carried on satisfactorily. Since then their difficulties have been so many that it has been impossible for them to function properly.

It has been suggested that a number of Faipule do not place their remits before the Fono?—In all cases before a Fono the Secretary and I circularize the Faipule and ask them to discuss matters with the District Council and send their remits to me so that I will send them to Apia, and this in most cases is done. At the Fono these matters are discussed; and they are told that after the Fono they are to meet the District Council and tell them what has happened. When on a *malaga* I always refer to matters brought up, and I always say, "No doubt your Faipule has discussed what has happened at the Fono with you," and I am always told that he has done so. After the completion of my *malaga* in July the state of the Natives was such that I took a special trip to explain to His Excellency, and I told him that owing to the statements that had been received from the Mau committee, and the mental attitude of the Natives, it would be unfair to punish unnecessarily. His Excellency concurred, and there has been only one Samoan, a previous offender, who was banished to Faasaleleaga, and another man who was sent away. No others have been punished except officials, because I realized that it would be unfair to expect them to carry on as normally.

During the hearing of the Commission in Apia Mr. Baxter gave to me a note of sixteen complaints against white and other officials for either excess or non-feasance in the performance of their official duties. One of the complaints reads as follows: "Lesatele Toleafoa, of Sataua, is prepared to give evidence that the Resident Commissioner of Savai'i ordered his town when on fishing expeditions not to use the Government road"?—I deny that I made that statement.

Did you take any action with regard to the people of Sataua?—At Vaisala I received a complaint about the people of Sataua going through their village on fishing expeditions and carrying firewood or something of that kind, which was considered contrary to Samoan custom. It was rather complicated, and I did not feel justified in giving any decision, I promised to go into the matter. On my return to Fagamalo I wrote to the Ali'i and Faipule of Sataua explaining the difficulty and hoping that they would be reconciled.

Did you write this letter: "Fagamalo, Savai'i, 24th July, 1926.—All officials, Ali'i and Faipule, Sataua: The people of Vaisala spoke to me about your coming through their village when you are on fishing. They stated that your doing so does not do any good to them according to the usual Samoan custom. They do not like to stop your people from fishing when they used canoes instead of walking on their village. For your own sake, I wish you to endeavour your very best to see that this matter is settled in a friendly way, which will save any trouble. I wish you to keep the peace and good character in such a manner that the Government would believe the good reputation you and your people have, and I wish this matter settled so soon as you can. A copy of this letter sent to Va'ai F.P. for his information.—W. M. BELL, Resident Commissioner."?—Yes. My endeavour ever since I have been Resident Commissioner has been to get parties reconciled if possible without bringing them before the Court, and I followed the usual procedure in this case. I took no further action because I heard nothing further about this matter until to-day. The interpreter on that *malaga* is present and can give evidence. The Faipule of the village is also present.

*The Chairman.*] I do not understand the suggestion made. Apparently you ordered them not to use the highway, but to keep to the watercourse?—I did not give any decision; I wanted the parties reconciled.

*Mr. McCarthy.*] There has been another complaint, against a Faipule named Suisala, that he allowed his animals to be at large whilst other people had to keep them in: did you take any action?—I remember the complaint that cattle were trespassing on the road belonging to three different people, one of whom was Suisala. I dealt with the three cases as one, and fined them each £1 and 7s. Court costs. One of those fined was Suisala.

The question has been raised about copra: will you tell us what you do in Fagamalo regarding copra for the Natives?—We receive copra from the Samoans or Europeans and consign it for them. We give them an advance of 13s. per 100 lb. The copra has to be first-class quality. At the end of a period they will receive a bonus if there is any.

Do you ever turn copra away?—Very often: 20 or 30 per cent. is turned away, in that it does not comply with the standard required for consignment.

Have you any copra in your shed now?—There is copra there now available for inspection.

Is that copra consigned free?—No. There are the usual expenses in connection with the consignment of copra—weighing the copra, putting it in bags, and the putting aboard by the *leoleos*. The consignees will pay their share of the expenses incurred. These expenses amount to 13s. per 1,000 lb. The copra is dealt with by the New Zealand Reparation Estates in Apia, and they will put on their expenses and commission as well.

How long has this system been in vogue?—We received copra for the first time in March of this year.

Will you tell us of the activities of the Medical Department regarding child welfare in Samoa: were they made a special feature?—There were in many villages ladies' committees whose duty it was to look after the children and the sick, and the general welfare of the people. Dr. Christie came to Savai'i and with his wife, Dr. Mabel Christie, made a special *malaga* and did special work. Everything went swimmingly. The doctor's services were sought after. Here we have a nurse who went to New Zealand and whose special work is child welfare. She has a dispensary, and she is stationed here. The District Inspector made a special journey dealing with the ladies' committees, and his reports were that they were functioning very well. I made a special feature of the ladies' committees. Everything went splendidly until about this year. Now there are very few ladies' committees because they are not functioning on account of the Mau activities.

*Mr. Slipper.*] You spoke of good feelings existing up to the inception of the Mau?—Good feelings existed until after October of last year.

But did you not know that there was a lot of discontent amongst the people?—I know that there was alleged discontent. I never found any discontent. I have made special appeals on *malagas* and in no case anywhere have they told me what the trouble was. They referred to Apia every time.

Previous to there being any committee did you not hear of dissatisfaction?—Minor complaints only.

Did you ever hear complaints about banishments?—No. There was a complaint that brought about the banishments.

Would it not be possible for the Samoans to have a national grievance?—They have never stated any to me.

If they had any wishes regarding the appointment of Faipules and other national matters it would be necessary for them to view it nationally?—Their duty is to report any trouble to me in Savai'i and I will investigate it.

That would not go beyond the Village Committee?—They should come to me.

If the people of Samoa had a general grievance about the appointment of Faipule, and against the general principle of banishments, and other things—that could not be dealt with by coming to any one person on a *malaga*?—It is not quite clear. I understand that if Suisala is promoted to Faipule, then they must come to me if they disagree. It is their job to come to me, and if they are still dissatisfied it will be referred to the Administrator.

I am talking about things that can conceivably affect the whole mind of Samoa?—As to what affects Savai'i I am the man they should come to first.

I am suggesting a national question: you apparently agree that it is possible for the Samoans to have a national grievance?

*The Chairman:* What is to prevent the District Councils from expressing in the form of remits to the Fono of Faipule any sort of so-called national complaint?

*Mr. Slipper:* Can you give the cause of the failure of your last *malaga*?—The only reason given was that they had received instructions from the Mau not to attend or obey Government orders, and although I pleaded with them to tell me what their difficulties were, the answer was the same.

Did His Excellency propose a *malaga* round Savai'i this year?—Yes.

When would it have taken place?—About August.

Do you know why it was not made?—A Fono of Faipule and other officials was held in this *fale* and the matter was discussed, and they recommended that the *malaga* be postponed because the mental attitude of the Samoans was such that they did not think that it was advisable that the *malaga* should be held at that date.

Was there any reason assigned for the attitude of the Samoans?—Mau activities.

Does that refer to the committee of the Mau?—Yes.

Any one else?—I have not heard of any one else.

The Government activities in copra trading bring it into competition with the traders?—Yes.

Has the Government any class of station to supply the Natives with goods?—No.

They deal simply in copra?—Yes.

This list of Faipule [Exhibit No. 60]—have you read it?—Yes.

It does not refer to when the Faipule were elected—it refers to the appointments but not to the date of election?—The list does not refer to how they were appointed, but merely the steps in their promotion.

Is that correct—in this case he was promoted to Faipule?—Yes.

Does that mean that he was a *pulemu'u* before?—Not necessarily.

Does that mean that he was elected?—It shows the official positions that he held.

*Mr. McCarthy:* If there had been any national grievance do you think that you would have heard of it?—Yes, it is my job.

There is a complaint against Malaitai that he did not report the Safune bridge?—He wrote three times, and once he came before me.

*Judge MacCormick:* There is a complaint made in the evidence by Faumuina about the alleged neglect of a Native woman by Dr. Ritchie: do you know anything about it?—No.

The incident is stated to have occurred whilst Dr. Ritchie was accompanying the Governor on *malaga* in Savai'i. The year was not given?—I have heard something, but I know nothing about it.

*The Chairman:* Were these *malagas* of yours regarded by you as an important part of the machinery of the Administration?—Most important—absolutely necessary.

It brings you into personal contact?—Yes.

During these *malagas* you do your local work?—Yes. I stay until the work is finished.

And you invite complaints?—More than that.

What Fono of Faipule are held in Savai'i?—None regularly, but they are held on special occasions when the Faipule or His Excellency make a *malaga* here. A Fono of Faipule was recently held here to consider His Excellency's *malaga*.

And at these Fonos you preside?—In the last case the Secretary for Native Affairs presided.

You or your delegate presides?—Yes.

At the chief Fono of Faipule, the Faipule from Savai'i go to Mulinu'u?—Yes; and I am also there.

You have the responsibility for the local administration of Savai'i, subject to general supervision by the Administrator?—Yes.

What will the result be so far as the Government of Samoa is concerned if the present activities of the Mau are permitted to continue?—The position is impossible.

Do you think that in any sense they are timid of approaching the Administrator or his officers with complaints that they have to make?—Emphatically, No.

They have a pretty wholesome regard for their rights, have they not?—Yes; more than that—many petty minor matters from their point of view are important.

They are jealous of their rights, big or small?—They are most jealous of their rights—jealous and sensitive.

Are the Samoans prone to follow any new venture or new experiment?—Yes; if I started a Salvation Army move here, there would not be a mission Native in the place.

That is because of the novelty of the thing and because of the big drum?—Yes.

Have you any fanatical creeds in Samoa?—No.

You say that their nature is such that they are prone to follow the new thing?—No doubt.

#### LEALAITAFEA SWORN AND EXAMINED.

*Mr. Slipper:* What is your rank?—I am a big chief of Salailua.

I will read out the charges made against you: upsetting the peace of the Village of Salailua and creating a disturbance, threatening to kill, and disclosing family genealogies. When you got a notice to attend were you told in that notice what was said against you?—I never received any notice.

Did you see any letter with any complaints made against you?—No.

Was any such letter written to you?—No.

On the 11th December, 1923, the parties were notified that an inquiry would be held on the 20th December into the charges: did you get that letter?—No.

It was said that an inquiry was held with the whole village in attendance: who made that inquiry?—The Resident Commissioner, Mr. Bigg-Wither, who committed suicide.

Where was this inquiry held?—In Salailua.

Did you know beforehand that he was coming?—No.

And when he did come, just exactly what did he do?—The day of his arrival our village assembled and received him, with the *pulenu'u* who is here now. We welcomed him that morning about 9 or 10 o'clock. After our *kava* ceremony the Resident Commissioner announced that I and Ami-Tuana'i and Tolova'a were to leave Salailua at once for twelve months.

Was there any inquiry at all prior to that statement?—No single inquiry at all.

Were there any witnesses against you?—I do not know. I stood up and asked the Resident Commissioner the reason why I was being banished, and he said, "The matter is finished; you had better leave at once."

Did you get any written order from anybody?—No.

Did you have any trouble before the Court over this matter?—As I stated, that was not a trial at all, and I have said that I received no trial before I was banished.

*Mr. McCarthy.*—Is it not a fact that Mr. Griffin, when he was Resident Commissioner, inquired into this trouble in Salailua?—No.

The trouble was a religious one, was it not?—I do not understand the question.

It was a quarrel between the London Missionary Society and the Wesleyans, was it not?—Yes, there was a village dispute between the religions, but I am a Catholic.

And it was settled, was it not?—Yes.

*Mr. McCarthy.*: I will put in order of local banishment served on witness [Exhibit No. 61.].

#### TUATO sworn and examined.

*Mr. Slipper.*] Where do you live?—In Salailua.

Do you remember when Lealaitafea was banished?—I remember. It was in my house that the inquiry was held.

What position did you occupy?—*Pulenu'u*.

Who held the trial?—Mr. Bigg-Wither.

Did you know beforehand that he was coming?—He came over for quarter-day.

Was that the day of the trial?—After quarter-day duties he held that case.

Tell us what happened from the start to the finish of that case?—Lealaitafea was immediately ordered away for twelve months without any chance. There was only a charge made by the Europeans—that is all we heard of this matter.

Were there any witnesses brought against him there and then?—No single witness.

Did Lealaitafea say anything?—No.

Did he ask any questions or ask to give evidence?—No.

Did Lealaitafea ask a question as to why he was ordered away? What was the answer?—Yes; because of the report of the storekeeper.

Was any further explanation given to him?—That is all.

*Mr. McCarthy.*] Have you got the letter complained of referred to in this record?—They are all here.

*Judge MacCormick.*] I would be glad if you would read the letter to the witness, Mr. Interpreter. [Letter written in the Samoan language read out to the witness.]

*The Chairman.*] Is this your signature to the letter?—That is my signature.

[Letter dated 17th September, 1923, from the chiefs and orators, with nineteen signatures, to the Resident Commissioner, Mr. Bigg-Wither, was put in marked Exhibit No. 62.]

*Judge MacCormick.*: Is there any mention of Lealaitafea in it.

*The Chairman.*: It must refer to him.

*Judge MacCormick.*] You allege an error?—He is one of the signatories.

*The Chairman.*] Have you heard the letter read?—Yes.

That is your letter?—Yes.

That letter was to ask that these three men should be expelled from your village?—No, only two of them.

Would you not know that that letter would cause some inquiry to be made into the matter?—Yes.

And the inquiry would be held by the Resident Commissioner?—Yes.

You knew that there was to be a meeting before the Resident Commissioner on the morning he was leaving Salailua?—I knew.

And all the village knew?—Yes, I announced it to the village that morning.

You announced what?—To the people to assemble in my house.

For what purpose?—The matter of the inquiry into the complaint of Amituana'i and Tolova'a.

The village would know that that inquiry was going to be held?—Yes.

As the complainant were you asked to make a statement?—Yes.

Did you make a statement?—I made a statement.

How long did you take to make that statement?—I cannot remember.

Were any of the three persons present when you made that statement [to interpreter: Please emphasize the word "three"]?—They were all mixed up together.

Did Amituana'i and Tolova'a ask any questions?—No. We all made our statements to the Resident Commissioner.

What do you mean when you say "we"?—Myself and those two.

These two men made their statements?—Yes.

And the Resident Commissioner ordered each of these two men to be banished from the village?—Yes, for twelve months each.

And the same order was made against Lealaitafea?—Yes, afterwards.

At the same sitting?—At the same sitting.

Did Lealaitafea make a statement to the Resident Commissioner at that meeting?—No.

Do you say that you made no charge against Lealaitafea?—That is all what we made in that letter.

Did you tell the Resident Commissioner that you were making no charge against him?—No, I did not.

Why did you not?—Because I did not know.

You were an officer of the Administration, were you not—you were a *pulenu'u*?—Yes.

And you were there in your official capacity?—Yes.

Your story is that the Resident Commissioner made a mistake and banished a man against whom he had no complaint?—That is my story.

Why did you not say so as a man, apart from being a *pulenu'u*—was it not your duty to say so?—I made an explanation when the Resident Commissioner made his decision when the case was finished.

What happened?—There was no more evidence.

You have not answered my question. You were a *pulenu'u* and you made a complaint: in those circumstances why did you not tell the Commissioner that he was making a mistake in sending away an innocent man against whom there was no charge?—I was afraid when the decision was given to say any more.

The whole village was there?—Yes.

And they heard what was said?—Yes.

How many people of the village were there at the Fono?—About four hundred.

Do you mean to tell me that what you say is true—that there was not one of all that number who would inform the Resident Commissioner that he was sending to banishment an innocent man against whom there was no charge?—No one in the village except Lealaitafea.

What did he say—the answer, you say, was that the Resident Commissioner said he was banished?—Yes.

Why did not Lealaitafea say that there was no complaint against him?—He was also afraid when the case was finished and the decision was given.

He was brought before the High Court on the 13th December, 1924—twelve months after the inquiry: can you explain why Lealaitafea did not tell the High Court that there was no complaint against him and that the whole thing was a mistake?—I do not know.

Do you know that in April, 1926, a further complaint was made against Lealaitafea?—I do not know.

Were you *pulenu'u* in April, 1926?—I do not remember whether I was *pulenu'u* at that time or not.

Were you not a *pulenu'u* until the time the public meetings were held at Apia?—No, I was not a *pulenu'u* at that time.

*Judge MacCormick.*] I just wish to ask one question which has arisen out of the Chairman's examination: did you say that Talova'a Tupu was present before Mr. Bigg-Wither at the inquiry and made statements?—Yes.

They were both there: are you quite sure of that?—Yes, they were both there.

*Mr. Slipper:* The next matter that I propose going into is with respect to calling several witnesses as to whether there was any election of Faipules either by the Village Councils or by the District Councils. After that it appears to me at the moment that I have concluded the calling of further evidence in Savai'i.

#### TUILAGI SWORN and examined.

*Mr. Slipper.*] What is your rank?—An orator.

Where do you live?—In Safotulafai, in the Fa'asaleleaga district.

What is the name of your Faipule?—Leilua.

Do you remember when he was appointed?—It was in Colonel Tate's time.

Was he selected by the District Council?—We had no meeting or discussion in our district to say whether or not Leilua was to be appointed as Faipule.

Were you then on the District Council yourself?—I was included in the district *fonos* at that time.

*Mr. McCarthy.*] Were you one of the thirty-three in Court that Tofa spoke for?—Yes.

When was objection raised in regard to Leilua's appointment as Faipule?—At the time when the movement was commenced in which the Samoans ventilated their grievances.

That is the time of the commencement of the Mau?—We had been dissatisfied with him for some considerable time, but it was only brought up at the commencement of the Mau.

You brought this matter up because you were dissatisfied?—Yes.

*The Chairman:* I should draw the opposite inference—that is, he brought it up because he was a member of the Mau and not because he was dissatisfied.

*Mr. McCarthy.*] Did they submit any written complaints against Leilua?—No.

*Mr. Slipper.*] When did your people first complain about the matter?—Immediately Colonel Tate appointed him Faipule we were dissatisfied.

## TUULO'A sworn and examined.

*Mr. Slipper.*] What are you?—I am an orator of Safotu, in Savai'i.

What is the name of your Faipule?—Tapusoa.

Can you tell the Commission whether there was any meeting held to elect him prior to his appointment?—No.

Was there any village meeting or district meeting in connection with his appointment?—No.

*The Chairman.*] To recommend or approve of his appointment?—There was no meeting at which either the approval of otherwise of the people was obtained.

*Mr. Slipper.*] Did you occupy any position on the District Council or any other position at that time?—Yes.

What was the position?—I was not in any official position. There was no District Council at the time the Faipule was appointed.

*Mr. McCarthy.*] Were you one of the thirty-three in Court that Tofa spoke for in Apia?—No.

Were you at Mulinu'u at the time Tapusoa was sworn in as Faipule?—No.

Do you not know that your district gave a big feast to celebrate his appointment?—I knew that.

Were you at that feast?—Yes.

Where was it held?—At Mulinu'u.

Was there any objection at all to his appointment at that time?—No, they were quite satisfied to join in the feast.

## AUVU'A sworn and examined.

*Mr. Slipper.*] You are a chief of Falealupo, in Savai'i?—Yes.

What is your Faipule's name?—Seumanutafa.

You remember his appointment as Faipule, do you not?—No.

You do not remember when he was appointed?—Yes, the Administrator appointed him.

Were you holding any official position then, or holding any position on any of the Councils?—My brother was a *pulemu'u* at the time. I was a chief, and took part in Ali'i and Faipule matters.

Was there any meeting of any sort for the purpose of suggesting or approving the Faipule that was selected?—There was no meeting and there was no selection.

*Mr. McCarthy.*] Prior to his appointment did not the Resident Commissioner attend at Falealupo?—Yes.

Did he not discuss the matter with the Ali'i and the Faipule?—No.

That was Captain Bell, was it not?—Yes.

## SOLIA sworn and examined.

*Mr. Slipper.*] Where do you live?—Falealupo.

What are you?—A chief.

What is the name of your Faipule?—Seumanutafa.

Do you remember when he was appointed as Faipule?—He was appointed in 1925.

Was there any meeting of the Village or District Councils, or anything else to select or approve of his appointment?—There was no meeting.

*Mr. McCarthy.*] How old are you?—Twenty-six years of age.

How long have you been a *matai*?—I have been holding the title since 1919.

## LOTO sworn and examined.

*Mr. Slipper.*] Where do you live?—I am an orator of Matautu, in Savai'i.

What is the name of your Faipule?—Suisala.

Do you remember his appointment?—I was present when he was appointed.

What position did you occupy then?—I was a member of the body called the Ali'i and Faipule—that is, chiefs and orators.

Was there a meeting of any sort when Suisala was chosen or approved of?—No.

*Mr. McCarthy.*] If Suisala had not been appointed Faipule who would have received the appointment?—I cannot say.

Do you know that Fa'amoe stated before the Commission that the whole district agreed to his appointment?—No.

Do you not remember the feast that was given to celebrate it?—Yes.

Did you attend that feast?—Yes.

*Mr. Slipper.*] Was that feast before or after his appointment?—After he was appointed by the Administrator.

## TA sworn and examined.

*Mr. Slipper.*] You are an orator of the district of Matautu, in Savai'i, are you not?—Yes.

What is your Faipule's name?—Suisala.

Do you remember his appointment?—Yes.

What position did you hold at that time?—I was sergeant and chief of police at Fagamalo.

Were you on any Council at all?—No.

Was there any meeting or *fono* held at which Suisala was suggested or approved of as Faipule?—There was no meeting of the chiefs and orators of the district.

*Mr. McCarthy.*] When did the district raise objection to Suisala?—In 1926.

Did they have a *fono*?—No, it was the individuals themselves, the chiefs and orators had their grievances in their minds, and they only showed out when the Mau commenced.

## TUFUGA sworn and examined.

*Mr. Slipper.*] What is the name of your Faipule?—Va'ai.

Do you remember his appointment?—Yes, it was just after the epidemic.

Was there any meeting of the people in your district or village who suggested or approved of his appointment?—No.

*Mr. McCarthy.*] When was objection first raised?—They have been dissatisfied with him for some considerable time.

Do you know that to-day is the first day we have heard of it?—We were dissatisfied with him for some considerable time, but the grievance was only brought out when the present movement of the Mau commenced.

Why did you not report the matter to the Resident Commissioner?—He was appointed by the Administrator and the Governor. We have brought up the matter and we are dissatisfied now.

And you first attacked the Faipules about the time the Mau started?—It was only brought out at that time, although we had been dissatisfied with him for some time before that.

How long?—About three months before the commencement of the Mau movement.

## SATELE sworn and examined.

*Mr. Slipper.*] What is the name of your Faipule?—Va'ai.

What are you?—I am a chief of Sataua, Savai'i.

Do you remember your Faipule's appointment?—Yes, it was after the epidemic of 1918.

Were you on any Council or were you holding any other position at the time?—I was a member of the Ali'i and Faipule.

Was any meeting held which suggested or approved of his appointment?—No.

*Mr. McCarthy.*] When did your district join the Mau?—April of this year.

Is that the time you decided to oppose the Faipule?—No.

When was it?—Long ago.

Tell the Commission when it was?—About six years ago.

Has there been any *fono* of the district expressing dissatisfaction with the Faipule?—No.

Are you aware that the previous witness said that objection was taken to the Faipule three months before the Mau started?—His opinion is different to mine.

Was it known that the Faipules in Upolu were going to be attacked?—No.

Do you know that they had been attacked at the first political meeting?—No.

*Mr. Slipper.* : There are quite a number of matters that have been brought under my notice, but they are matters which should not be brought before the Commission, and therefore I do not propose to deal with them. They are matters which could be settled between the parties concerned with the assistance of lawyers. So far as I am aware, that is all the evidence I wish to call in Savai'i.

## WILLIAM MOODY BELL further examined.

*The Chairman.*] I want to read to you a passage from the evidence of Mr. Lewis which was given before the Commission at Apia. Mr. Lewis sets out the names of five individuals, and then goes on to say, "These five Faipules from Savai'i were appointed to fill vacancies caused by death or dismissal, and were chosen for their high titles and previous service. After consultations of the Resident Commissioner of Savai'i with the Ali'i and Faipule of the districts concerned, he recommended the appointments, and the Administrator approved." Is that statement correct?—Yes. I have no knowledge of Suisala's and no personal knowledge of Seumanutafa's appointment. I did not have any special *fono* of the Ali'i and Faipule, but on the ordinary *fono* during my *malaga* I brought the matter before it and it was discussed. The predecessor of Seumanutafa was a very sick man for about eighteen months or perhaps two years, and he was not able to do any work. Out of sympathy for him I did not call a meeting of the whole of the Ali'i and Faipule, but I discussed the position with him, and also with many of the Ali'i and Faipule, and Seumanutafa and they all agreed that he should still act as Faipule, because he was a very sound official, capable, and of very high rank. He acted for a while, but as he was so very ill he resigned.

What about the others?—So far as Seumanutafa was concerned I did not do much in that matter except to call the adjoining Faipules, four of them, to discuss the position with the village. The matter was again brought forward by the Administrator in the district, and there was no opposition, and he was appointed on probation for twelve months. The appointment of Suisala was before my time.

What is your opinion of him?—He is an excellent man, and a strong man. There has been no trouble with him.

Do the Samoans go to a complimentary feast in connection with the election of a man and then turn round and object to him?—Yes, they do.

What about Pei?—I have not heard anybody making complaints about him.

What do you think of him?—He seems to be very popular in his district.

I now wish to ask you a question in connection with Mr. Allen's report [Exhibit No. 58] which you have not seen. The two names you have before you are Sua Faa'ala'e'o and Sua Taulua. Do you remember the final hearing in connection with these two men which took place before you on the 24th June, 1925—do you remember presiding at that inquiry?—I cannot recall them to my mind, sir.

Have you read the passage which I asked you to do?—Yes.

Have you any reason to believe that that is not a fair record of what has taken place?—I am satisfied that that is correct. I know the character of the men pretty well.

Do you remember the case of Pauli, which is also shown in Mr. Allen's report?—I remember the case quite well. He was the only really very bad case I have had in Savai'i. He had some trouble with his family, and he took a gun to shoot the family, and if he had had any time he would have killed some one. He was sentenced by the High Court to twelve months, and his family asked that his title be taken away from him. His wife asked that he should be brought over here. Out of consideration for the family I arranged for him to go to Tuasivi hospital, and there he lived the life of a gentleman, and there was no one in charge of him except the Medical Officer. His family visited him, and he had a nice time. Later on an application was received to allow him to have his title back, but after his family conferred together they refused to allow him to have his title back. As I say, he had every consideration shown to him.

I desire to ask you one general question. Many of these banishment orders seem trifling from the European point of view: have you any observation to make that would be of assistance to the Commission about the necessity of dealing with them in the Samoan communities?—The Samoan meaning is entirely different to ours. It only means a man going from one part of his family to another. This would be similar in effect to a man being told to go and live with his uncle for a little while. That is the position. In some cases, in the interest of the man himself, it is very often inadvisable to allow him to remain in the same village as he has always lived in, because serious trouble might be caused, not by him, but on account of something being said which will lead other people to commit a crime; and by him going to another village it smooths matters over, and later his people are pleased to see him back again. In my opinion there would be tragedies if they were not sent to other places.

*Mr. McCarthy.*] I wish to clear up one matter. When Timu, of Safotu, gave evidence about Mr. Allen having addressed the Natives, and then afterwards the Native attending Mr. Nelson's store to sign the document, the date was not made clear, and I promised to clear the matter up through Captain Bell: do you know the date?—That was in February of this year. Mr. Allen came before me and denied that statement. He admitted distributing letters.

*Mr. Slipper.*] In regard to banishments, you were referring to matters of a local nature that might cause family troubles and village troubles?—Yes.

You were not applying them to anything of a political nature?—I do not know anything about politics.

Would you recommend that any of these banishments that you have spoken about should result in banishments to the Tokelau Islands for two years?—For five years.

Would you have that power?—Yes.

The Administration has had the power to banish persons for five years before this new Act was passed: was that power ever used?—No.

Could not a number of these banishments that have been dealt with have been disposed of in the ordinary way—namely, in the Courts?—Yes, but that method would not have been so successful.

POUTASI, UPOLU, WEDNESDAY, 19TH OCTOBER, 1927.

AMA sworn and examined.

*Mr. McCarthy.*] You are a Faipule for the district of Tuamasaga South?—Yes.

What is your rank amongst the Samoans?—A chief.

When were you appointed a Faipule?—In 1919.

Who was the Administrator at that time?—Colonel Tate.

Prior to that appointment had you any experience as a Government official?—I was a Fa'amasino for a period of six months prior to my appointment as Faipule.

At the time of your appointment was there any objection raised against your being appointed a Faipule?—There was no question raised.

Has there been any question raised up to the present time?—No objections have been raised with respect to my appointment.

In giving evidence before the Royal Commission at Apia a Samoan by the name of Lauifata made certain charges against you. The first complaint is that there was no *fono* in the district to discuss the appointment?—It is correct that there was no meeting held at which I was selected by the district.

How did your appointment come about?—I was appointed by the Administrator.

On anybody's recommendation?—Not to my knowledge.

Did the District Council or the Fono of Faipules have any say in the matter?—No.

In 1925 was there any *fono* regarding the appointment of Faipule by the District Council?—Yes, there was a District Council meeting.

What was the Council?—At that time there was a meeting of my district at which I informed them that it had been decided by the Fono of Faipules that there was to be one Faipule for a population of two thousand persons, and that there could not be two Faipules for a population of one thousand only.

The next complaint is that you reported Lauifata for breaking the fine-mat law, for which he was dismissed, according to what he said: what have you to say respecting that?—I did not report the matter; it was Seinafa.

Do you know whom Seinafa reported: did he report anybody else?—My district was reported to have gone with fine mats to Tuatagaloa's district and Seinafa's district.

The third complaint against you is that you withheld a district letter written to the Administrator?—That is not correct.

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What happened to the letter? Was there a letter?—It is my custom to put any petition brought before me by two or three persons before the District Council. These matters are then discussed, and those which the district Councils wish to be sent to the Administrator are submitted to him.

The next complaint is that the district-meeting requests have not been sent to the Fono of Faipules by you?—That is incorrect.

Is this the minute-book of your District Council [minute-book produced and shown to witness]?—Yes, that is the minute-book of my District Council.

There is another particular matter that is mentioned, and it is that you did not bring forward a request regarding the fine-mat law: did you bring it forward?—That request was sent forward to the Administrator and the Fono of Faipules, but as those Faipules who agreed with the request were in the minority there was nothing done in connection with the matter.

Will your minute-book show that the request in connection with fine mats has been sent forward to the Fono of Faipules?—These are a sort of by-laws which are in this book. The remits are sent by separate letter.

Are there many people of the Mau in your district?—Yes.

What is the proportion as compared with the supporters of the Government?—They are divided equally.

Can you tell the Commission what has been the effect of the operations of the Mau in your district?—It has spoilt my district.

In what way do you refer?—Plantations are being neglected and other Government regulations have not been obeyed.

Do they give any reasons for not obeying the Government regulations?—They have given reasons to me. About the 4th July last there was a District Council meeting in the house where the District Council usually meet. I called the meeting; but the people who had joined the Mau came, but remained in another house and did not put in an appearance at the Council house; and when I found that they were not in the Council house I sent for them. I received a reply asking me to wait, as they all had not congregated. About an hour afterwards I sent for them again to join us at the Council house, and then they joined us at the Council house. I then made a speech, and said, "I have sent for you; let us all meet here in the usual meeting-place, and if there is anything that you are dissatisfied about let us know." I spoke at length, but I am only bringing out what is necessary for this inquiry. Anapu replied to my speech, saying, "There are some matters that we are dissatisfied with the Government about, and all matters regarding the Government we will not take part in, including the Council meeting, because we do not know whether we have the good of our country on our side or whether you have the good of the country on yours. You cannot explain anything to us because you cannot explain our grievances. We are therefore satisfied to accept any punishments inflicted upon us, but we will not abide by the regulations."

Did they state any further grievances to you that night?—One of their grievances was finance.

Were there many Mau people there at the time?—There were about twenty of them there.

Can you tell the Commission the month when your district joined the Mau?—They joined at various times. Some of them joined at the commencement of the Mau, and others kept on joining in batches until July.

What do you look on as the commencement of the Mau—that is, what date?—October, 1926.

Prior to October, 1926, will you tell the Commission what dissatisfaction existed in your district with regard to Government matters?—I cannot say, because they did not advise me.

There has been a lot said in regard to banishments in Samoa. If a man is banished from, say, your district to Apia, where there is another branch of his family, would he experience difficulty in obtaining food-supplies?—He could get his food the same as where he was.

Would he have any trouble in getting it?—He would have no difficulty, because they would be relatives of his.

We will say that he is banished from, say, this district to Savai'i, where he would not have any relatives at all. Would—

*Mr. Slipper*: May I respectfully ask, sir, whether my friend can really ask that question. It is not a question of fact, but merely an assumption.

*The Chairman*: I understand that the question relates to the general practice *fa'a-Samoa*, and therefore I think Mr. McCarthy is entitled to ask the question.

*Mr. McCarthy*.] If a man was banished from, say, Poutasi to, say, Savai'i, where he has no relatives, *fa'a-Samoa* would he be entitled to receive food; and if he made a request for a piece of land for a plantation for himself would that request be acceded to?—He would get land and a home.

How would his family get on if he left them behind?—I would like to explain that the old *fa'a-Samoa* custom is that if a *matai* was banished his family would have to go with him.

Will you please read this portion of the *Samoa Guardian* of the 14th July with respect to a *kava* title [paper handed to witness]: have you read that before?—It is the first time I have heard of it.

Will you inform the Commission what you understand by that?—I regret to see that part in the newspaper, as it is a matter between the Administrator and the Mau. It appears to me that somebody else has taken the *kava* title from the Administrator.

It has been suggested that the Faipules and the Fono of Faipules are the puppets of the Administrator: what do you say as to that?—The Administrator is His Majesty's representative, and the Faipules are the chiefs of the country of Samoa. The responsibility on the Administrator and the Faipules is great, and the Administrator does not always do as the Faipules want him to do, and the Faipules do not always agree with him. Somebody has degraded the Faipules by saying that.

*Mr. Slipper*.] Referring to the meeting of the District Council in 1925, when you informed certain people that there must be one Faipule for every two thousand persons: who said that that must be so?—It was the decision of the Fono of Faipules with the Administrator.

Was the matter referred to the people concerned?

*The Chairman.*] What do you mean when you say "referred to the people concerned"? It was the recommendation of the Fono of Faipules presided over by the Administrator. What else does it mean?

*Mr. Slipper.* It was the Faipule telling the district that there should be one Faipule for every two thousand persons.

*The Chairman.* I did not understand that. You might ascertain from the witness whether it was his recommendation or suggestion, or whether it was a resolution of the Fono of Faipules.

*Mr. Slipper (to witness).*] Will you please answer that question?—It was a resolution by the Fono of Faipules.

*The Chairman.* Exactly as I thought; and they were the only people concerned.

*Mr. Slipper.*] Was it a *fa'a-Samoa* custom to banish a man to strangers?—Yes.

Can you name one case?—In the village of Vaie'e there was a man—

*The Chairman.* You are asking the witness a question about something that happened many years ago.

*Mr. Slipper.* He said that it was a custom.

*The Chairman.* The *fa'a-Samoa* custom was abolished twenty-six years ago, when the German sovereignty was inaugurated in Samoa, and the system adopted by the Germans was continued when the British Administration took over from the Germans: that is so, is it not?

*Mr. Slipper.* Yes. (To witness:) Referring to the *kava* title, was it ever *fa'a-Samoa* custom to ask for a *kava* title?—No, it is not the custom.

The custom is that it is always conferred by those who have the right to give it: it is conferred as an honour, is it not?—Yes.

There is a question here relating to Lauifata. Did he not get permission from you and Mr. Griffin to carry out a fine-mat *malaga*, stating that he owed some mats and wished to carry the affair out?—He asked for permission, and it was given to him to take only four mats to pay the debt.

He was brought up before the Faipules about it, was he not?—We were charged together before the committee of Faipules—that is, Lauifata, Lutu, and myself.

And did not Lauifata say then that he had permission from you and Mr. Griffin?—He stated that he had been given permission to take four mats, but he took sixteen.

Did you not at that meeting deny that he had received any permission at all?—No.

May I take it that the records of the committee of Faipules will support what you say?—I expect so. I made a statement before the committee of Faipules.

When the meeting was over did you not inform Lauifata that you were determined to punish him, and if he did not lose that case you would have him punished later: is that correct?—I did not say anything of the kind. That is incorrect to say that.

Did you have any difficulties over the sum of £191 paid to you for distribution in respect of work done for the Government on the Safata Road?—I will require the book in which I kept my accounts. I think the amounts are in the book, and it shows that the money has been properly distributed. I am prepared to produce the books, if necessary.

*Mr. Slipper.* We cannot inquire any further into that. We have not time to investigate this man's books, sir.

*The Chairman.* He says that they are correct.

*Mr. Slipper.* We must assume it.

*Mr. McCarthy.*] Was Lauifata a Government official?—Yes, he was a Komisi.

Was he a relation of yours?—Yes, he is another chief in my family, with a minor title—that is, a title not so high in rank as my title.

*The Chairman.*] Will you please call your mind back to the meeting in July that you spoke of. You informed the Commission that the first speaker at that meeting told you that the Mau people did not intend to obey the Government laws: is that correct?—Yes.

Did the other speakers on the same side express the same opinion?—The same opinion.

Was the determination an organized determination or not?—It appeared to be an organized determination.

I want to ask you one or two questions about banishments. If in these days a Samoan is banished to a place where he has relatives, has he a right—I want to emphasize the word "right"—to be treated as one of the family of his relatives?—Yes.

He becomes one of the family?—Yes, he becomes one of the family.

I would just like for a moment to direct your mind to the months of June and July, 1927. Do you know that if a member of the Mau organization was banished the members of the Mau would see that he was well fed wherever he was banished to?—The Mau supporters would keep him well fed, and also his relatives.

SEINAFO sworn and examined.

*Mr. McCarthy.*] You are a Faipule for the district of—where?—The subdistrict of Lotofaga, in Atua South.

When were you appointed a Faipule?—Soon after the epidemic of 1918.

Who made the appointment?—Colonel Tate.

What were you before that?—I was a Fa'amasino before that for about six years.

Was any objection raised about you acting as Faipule at any time?—No.

Lemauga, of Lotofaga, has made certain complaints regarding you. The first complaint is that you stopped certain Samoan customs?—That is incorrect.

The second complaint is that you announced that gambling was forbidden, but that you carried on gambling yourself?—I announced that gambling was prohibited, but that refers to gambling with money. I spend evenings with other chiefs playing poker for matches.

The third complaint is that when you want to remove a *pulenu'u* you do it on your own account and appoint another without discussion amongst the people?—That is incorrect.

There is one question where it was said that Sitaga-tasina was dismissed by you?—He was dismissed by the Government when there was a reduction in the number of *pulenu'us*.

He also said that you dismissed Tauanu'u?—In his case he left his married wife and large family and took another wife to himself, and I felt it my duty to report the matter to the Secretary for Native Affairs, which I did.

Who dismissed him then?—The Government dismissed him.

Then, he said that you announced that if anybody worked on any land he could claim it as his own?—That referred to my own land. I announced that if anybody in the district wanted to make a plantation he could do so on my land and have the use of the produce, but the *pule* of the land had to remain with me.

Did any of the people accept that offer?—Quite a number availed themselves of that opportunity.

Did you divide up any of Lamauga's land?—No.

Have you divided any of Tanoai's land up?—No.

And also Tago?—I did not divide any land belonging to him.

Faumui, in giving evidence, said that there was no previous *fono* prior to your appointment as Faipule?—That is so. At that time the Administrator made the appointment.

Were you in Court when Ama gave his evidence?—I was present and heard the evidence of Ama.

Did you hear his evidence regarding the banishment of Samoans?—Yes.

Do you agree with his explanation regarding the customs adopted by the Samoans in regard to banishees?—Yes.

Are there people of the Mau living in your district?—Yes.

When did they join?—In April and May of this year.

Prior to this time, can you tell the Commission what grievance there was in the district against the Government?—When I left my district in May to attend the Faipule Fono some of the people in my district ran away from my district and joined the Mau.

Do you remember the first political meeting in the Market Hall?—Yes.

Prior to that time had you heard of any grievance amongst your people against the Government?—I did not hear of any.

Since April and May, and since your people joined the Mau, what has been the effect of the movement in your district, particularly with regard to plantations and Government activity?—They have interfered with the duties of the *pulenu'us*.

*Mr. Slipper.*] Have any of your people come to you with regard to troubles which they wanted you to forward on to the Government?—There were, and I forwarded them on.

I suppose that from 1918, when you were appointed, up to October, 1926, you had quite a number of things to forward on, did you not?—Yes, quite a number.

Was not a single one of those complaints against the Government, or any branch of the Government?—No.

They were all against private people, or village affairs, or something of that sort?—That was all.

With respect to the question of banishments, do you agree with the principle that Samoans might be banished to the Tokelau Islands for as long a period as two years?—It would be a good thing.

Do you think that it is necessary in any of the cases that you know of?—Yes.

If you were to offend against the Faipule, or anybody else, would you like to be banished to the Tokelaus for a period of two years: do you think it is fair?—It would be a good thing.

Then, if you behaved yourself, as the *pulenu'u* was supposed to have behaved himself—the *pulenu'u* who was dismissed—would you consider that fair?—Yes, I would consider it fair.

Would you consider it fair for the *pulenu'u* in question to be banished to the Tokelaus for two years?—Yes.

Do you know Tuileto'a of Lotofaga?—Tuileto'a is only short for his proper name.

Do you remember whether he was a member of the Village Committee?—He is still a member of that committee.

You appointed him to the position, did you not?—Yes.

Do you not think that this was beyond your power to do anything of the sort?—I spoke too quickly. I mean, when I said that he was a member of the committee, that he was a member of the committee of the District Council. I have power to appoint members to the committee of the District Council, and I have power to select a meeting-place for that Council.

Do you say that you did not appoint him to the Village Committee?—I did not appoint him.

Do you know who did?—It was the *pulenu'u* of his village. There is a *pulenu'u* for that village—namely, Vavau—but it is not the same village as mine.

Did you ever ask or order any of the people in the village of Lotofaga to pay 1s. more in taxes than the law provided?—It was the *pulenu'u* of Lotofaga who did that; that was an additional tax of 1s. per head.

What was that additional tax of 1s. per head for?—Towards the District Fund.

Is that a lawful tax?—Yes.

What became of the extra 1s. per head?—The *pulenu'u* had it.

Has he got it still?

*Judge MacCormick:* This is a matter that should have been reported to the Administration for action.

*Mr. Slipper*: I was going to ask the witness if he had had this matter dealt with.

*Judge MacCormick*: You may be quite sure that the Commission will not deal with it.

*Mr. Slipper*.] As Faipule, have you reported these matters: I do not want to know anything about the *pulenu'u*?—I have not reported it for investigation.

SUA SOLOI sworn and examined.

*Mr. McCarthy*.] What is your name, and what district are you Faipule of?—Sua Soloi, and I am the Faipule of the district of A'ana South.

When were you appointed?—May of this year.

Prior to that, what positions had you held in the Government?—I was a Komisi.

Were you not also an Acting-Faipule for some time?—I was an Acting-Faipule for three years.

In giving evidence before the Royal Commission in Apia a man named Tuao-Tauiilo, of Lefaga, made certain complaints against you. The first was that you were appointed without the previous knowledge of the district, and that there was no *fono* held?—There was no *fono* of the district to select the Faipule.

At the time you were appointed Faipule, were you acting as a Faipule?—Yes.

A further complaint was made against you by a man named Sua Lamasi, in which he said that you appointed Tuilaepa to wear the head-dress at the Administrator's reception?—I was entitled to wear the head-dress myself, but I let my son Tuilaepa wear it.

Have you the right to do that?—Yes.

Are there many people of the Mau in your district?—Twenty of the *matai* are supporting the Government and twenty are in the Mau.

When did those twenty chiefs of the Mau join in the movement?—At the commencement of the movement.

When do you understand that the Mau movement commenced?—It commenced last year; I cannot remember the month.

What has been the result of the Mau movement in your district, particularly with regard to to plantations and Government activities?—They have neglected their plantations and said that they did not wish to cultivate, and they have refused to obey Government regulations.

Prior to the commencement of the movement did you know of any grievances that existed against the Government amongst the Samoans?—I did not know of any grievances.

Have you heard the evidence given to-night by Ama and Seinafo regarding banishments?—Yes.

Was Ama's statement a correct one as regards Samoan customs?—It was correct.

*Mr. Slipper*.] The *Fono* is a sort of House of Parliament—a House of Representatives, is it not?—Yes.

What are they supposed to be representatives of—representatives of the people or representatives of the Crown?—Representatives of the district—that is, the people of the district.

Was there any *fono* of the people to either suggest or approve of your appointment as Acting Faipule?—No.

Was there any such meeting when you were appointed as a permanent Faipule?—No.

And it was the Governor who appointed you as a Faipule?—Yes.

And it is the Governor only who can dismiss you as a Faipule?—Yes.

Do you know of a Government plantation close to this place, to the right of this *fale*, towards Aleipata?—There is a European plantation along this way, but I do not know whether it is a Government plantation or not.

*Mr. McCarthy*.] Did your district at any time lodge a complaint against you as Faipule?—No.

Have they expressed any approval of the way you have carried out your duties?—Only by those who are still supporting the Government.

MANO sworn and examined.

*Mr. McCarthy*.] What is your name?—Mano.

What is your official position?—I am a *pulenu'u* of Siumu.

Have you Mau people in your district?—Yes.

What is the proportion compared with Government supporters?—The majority of my people turned to the Mau. There are thirty-odd *matai*, and only four are supporting the Government.

How does your village act as regards beetle-searching?—I was informed by them that my orders would not be further obeyed, as at the meeting of the committee at Lepea they advised that all Government orders would be rejected.

Do they search for beetles?—I know that they are still searching for beetles and carrying out searching properly, but they do not bring them to me; they take them to two *pulenu'u* appointed by the Mau.

Do you get the records of the beetle-searching?—No.

Do you know whether there are any fines inflicted by the Mau *pulenu'u*?—Yes.

What are the fines?—They have dropped it to 4s. per searching.

That is for failing to search?—Yes, failing to search on any occasion.

What becomes of that money?—I do not know.

What is the fine that you would impose as a Government *pulenu'u*?—Before the Mau started, for every occasion that a man failed to search for beetles he was fined 8s.; that is the regulation.

Are you a member of the District Council?—Yes.

Are the *fonos* attended to-day by the Mau people?—They do not attend.

Who is your Faipule?—Ama.

Have you heard any complaints against him as a Faipule?—I have not heard of any complaints. *Judge MacCormick.*] How long have you been a *pulenu'u*?—Since June, 1925.  
What is the effect of the movement upon the attendance of the children at the school?—They are still attending the schools in my village.

*Mr. Slipper.*] Can you tell us who it was that stated that the committee at Lepea had given orders that Government orders were to be disobeyed?—Tu'u'u Tagi'i-Lima.

Is he a member of the Mau?—Yes.

And to whom did he say that?—To myself.

Do you know whether he had been to any meetings at Lepea himself?—I do not know.

Do you know to what committee he referred?—I do not know. He said the committee at Lepea.

What are the names of these Mau *pulenu'u* that you spoke of?—Li'o and Tu'u'u Tagi'i-Lima.

Why do you call them *pulenu'u*?—They said that, on account of the dissatisfaction, they had been appointed *pulenu'u* for the Mau.

They said so themselves, did they?—Yes, when they told me what the dissatisfaction was about and why they turned away.

*Mr. McCarthy.*] When you referred to the children attending school, do you mean the Government school or the pastor's school?—I mean the Government school, the second-grade school.

Who is the teacher in that school?—I do not know the name of the teacher; it is in another village, named Fausaga.

*Judge MacCormick.*] My question was directed to his village?—The children of my village attend that school.

#### FAUMUI sworn and examined.

*Mr. McCarthy.*] What village are you *pulenu'u* of?—Matautu, in Lefaga.

Are there many people of the Mau in your district?—Eight *matai*, and young men as well who have joined the Mau.

What is the proportion compared with Government supporters?—There are thirteen *matai* and young men in the Government.

How is the beetle-searching law observed in your district?—Those in the Mau are not searching for beetles.

Do they pay their taxes—dog-taxes and gun licenses?—They have not paid their dog-taxes or gun licenses.

Do they report births and deaths?—They do not do that any longer. Only one birth among the Mau people has been reported.

Have they told you why they behave in this manner?—Yes.

What is it?—One chief told me that they were not going to search for beetles any more—they were obeying the instructions of the Mau committee.

When did they join the Mau?—In October of last year.

Did they all join then?—Yes.

*Mr. Slipper.*] You said that chiefs told you that they would not look for beetles?—That is so.

Have you any other reason for saying that they will not look for beetles?—No, I have no other reason.

You heard what the last witness said about beetles in his district, did you?—Yes.

What was it?—That the searching was separate from the Government.

Might that not be so in your case?—That is being done also. There are two *pulenu'u* appointed for that purpose.

What you mean is that they are not handing the beetles over to you?—That is so.

Regarding births: how many births that should have been registered have not been registered?—Only one birth and one death have not been reported.

How did you come to know about them?—I saw the child that was born, and I saw the corpse.

Whose child was that, that you saw?—The son of Lemalu Liaina.

And did you speak to him about it?—No.

And what was the name of the person who died?—Mamea Tusina.

And are you positive that they are strictly within the boundaries of your village?—I am certain.

And did you speak to anybody about the failure to register this death?—No; I have done as required by the law. Although I knew of the death, it was not my business to register it unless it was reported in the proper way.

Who should have reported it?—Any member of the family of the deceased.

Might it not have been possible that one was depending upon the other to do the registering?—That is not so; it is that they do not wish to report it.

How do you know that they do not wish to report it?—They do not wish to obey the regulations such as I have to attend to.

You are suggesting that because they are in the Mau?—Yes.

The whole family?—Yes.

How many are there in the family?—About five.

And you can give the names if asked to?—Yes.

*Judge MacCormick.*] What about the schools: were the children attending the schools in your village?—The parents in the Mau have stopped their children from attending school, but the children of parents still Government supporters are still attending school.

## LAUVI sworn and examined.

*Mr. McCarthy.*] You are the *pulemi'u* of Sa'anapu?—Yes.  
 Are there people of the Mau and people of the Government in your village?—The whole of the people of my village are in the Mau; only myself and my family are supporting the Government.  
 Have you heard the evidence given to-night by Mano?—Yes.  
 Regarding the manner in which the Mau people respect the Government instructions and the law regarding beetle-searching?—Yes.  
 What has been your experience in your village?—Exactly the same as told by Mano. They have two *pulemi'u* to receive the beetles, and the Mau people are searching for the beetles.  
 When did they go over to the Mau?—Last year. I do not know the month.  
 How are the children in your village attending the schools?—All the children of the supporters of the Mau have been stopped from attending the schools. Only my four children are going to school.  
*Mr. Slipper.*] Did the Governor choose you as a *pulemi'u*, or did the people of your place choose you?—I was selected by the chiefs and orators of my village.  
 And you were appointed by the Governor after that?—Yes.  
 Is that the proper way for a *pulemi'u* to obtain his position?—That is the usual way.  
 You say that your people went over to the Mau last year: was that early in the year, late in the year, or in the middle of the year?—In October, the month in which the Mau movement commenced.  
 Did you suddenly remember the month: you could not remember it before?—I just remembered it was October.  
 Who stopped the children from going to the schools in your village?—The *matai* who are in the Mau.

Have you heard it suggested that the committee of the Mau wishes the children not to go to school?—I have heard that the Mau committee wanted the children stopped from going to school.  
 Do you believe that?—Yes, because it was a member of the Mau committee who told me that they would not send their children to school.  
 You heard what Faumui said about the children in his village?—Yes.  
 Can you account for that?—I do not know anything about Faumui's village. It is another district.

*Mr. McCarthy:* There are a number of other *pulemi'u*, but I do not think that it is necessary to call them, unless it is desired. They all have the same evidence to offer, and they are present here now.

*The Chairman:* Can you not adopt the plan of calling one and asking the others to be present, and if they agree with the evidence given. *Mr. Slipper* adopted that plan.

[Eight *pulemi'u* were called in, their names being: Lau, of Lotofaga; Sifuiva, of Salani; Lemauga, of Lotofaga; Leatuavao, of Faleaseela; Mataafa, of Saleaula; Masina, of Savaia; Tupa'i, of Vaiee; and Manu'a of Sataoa.]

*The Chairman:* *Mr. Interpreter,* will you tell those *pulemi'u* who have been called that we request them to listen to the witness's evidence. I am then going to ask them whether the evidence that has been given is true or not.

## LAU sworn and examined.

*Mr. McCarthy.*] You are the *pulemi'u* of the village of Lotofaga, in the Safata district?—Yes.  
 Are there two parties in your village?—Up to the end of September last all the people in my village were with the Government. It was only at the end of last month that two *matai* went to Apia to join the Mau.  
 How many are in the Mau now?—Only two.  
 Do these two people of the Mau obey the beetle-searching law?—They are not obeying, and I do not know whether they are complying with the regulations now.

## MATAAFA sworn and examined.

*Mr. McCarthy.*] What village are you *pulemi'u* of?—I am the *pulemi'u* of Saleaula, in Upolu.  
 Have you many Mau people in your village?—Eleven, all young men and no *matai*.

## MANU'A sworn and examined.

*Mr. McCarthy.*] What village are you *pulemi'u* of?—I am the *pulemi'u* of Sataoa.  
 Are there many Mau people in your district?—Four *matai* and thirty young men.  
 How do these people obey the law as regards beetle-searching?—They do not search for beetles.  
 How do they observe the law as regards gun-taxes and dog-taxes?—They have refused to pay dog-taxes, but have paid gun-taxes.  
 You are a member of the District Council?—Yes.  
 Do the Mau people attend the meetings of the District Council?—No, they do not attend.  
 Do the children of the Mau people go to school?—They stopped them, but I used my influence and got them back to school. I have even led two children to school against their parents' wishes.  
 Do the Mau people report births and deaths to you?—Yes.  
*Mr. Slipper.*] When was the last District Council meeting called for; about what month?—After the last visit of the Administrator, in July of this year.  
*The Chairman* (to the other seven *pulemi'u*): Have you heard the evidence of Manu'a?—Yes.

Do you agree that the Mau members in your district have determined not to obey the laws of the Government?—Five of us agree as regards our own villages; the sixth man goes further, and states that those are the instructions from the committee of the Mau. Lau says that there are only two Mau people in his village, and they are away.

Are you all satisfied that the organization of the Mau is in opposition to the Government generally?—That is so.

FAAFILI sworn and examined.

*Mr. McCarthy.*] What is your position?—I am a school-teacher at Fausaga.

Will you tell us about the attendance at your school up to September of this year?—In June there were forty-two children attending school, in July it had dropped to thirty-two, and in September it was ten only.

Can you tell us the reason for the drop in the attendance?—Yes, on account of the Mau.

Have you seen any of the Mau parents?—I have met some of the parents, and I have asked them why they were not sending their children to school. They told me that the committee had decided to keep the children away.

Which committee?—The Mau committee of Fausaga.

What is the attendance at the school to-day?—None at all.

*Mr. Slipper.*] How long have you been a teacher?—I commenced teaching in May last.

And have you sole control of the school?—Yes.

Is it not just possible that there is something wrong with the school to cause a falling-off in the attendance?—No.

Do you know when the Mau commenced as a formed body?—I am not sure.

It was in September or October of last year. Did the attendance start to drop after that?—Yes.

How do you know if you were not there?—I thought you meant September of this year.

Can you go to the school roll and find out?—I did not look at the roll.

You keep a roll, do you, and does that roll show the figures that you have given us?—Yes.

Have there been any complaints about your management of the school?—No.

What is the nearest Government school to yours in the district?—One mile.

Are there any Mau people in that place?—All are in the Mau.

Is that school closed up, too?—I do not know.

*Mr. McCarthy.*] Where did you get your training as a teacher?—Malifa Government School.

*The Chairman.*] Do the children of your village go to the other school situated a mile away?—No.

THURSDAY, 20TH OCTOBER, 1927.

HENRY CHARLES CONNOR sworn and examined.

*Mr. McCarthy.*] You are a Government officer?—Yes, I am a District Inspector.

And you are stationed where?—In the Aleipata district.

Before the commencement of the Mau did you have any trouble in carrying out your duties as District Inspector?—Practically no trouble.

What was the position after the commencement of the Mau?—For a while after the commencement of the Mau there was practically no trouble—that is to say, after the King's Birthday was the time that they refused to obey the instructions that were issued to them.

What has been the result?—The result has been general neglect of plantations, beetles, cook-houses, villages, and work in general has been neglected.

Can you say anything in particular about the beetles?—When they returned from Apia I was in the Aleipata district at the time, and I was going through the villages telling them to clean up their villages for the Governor's inspection. The few that were in Aleipata were doing their work satisfactorily, but as soon as the main body returned from Apia they did nothing more. Up to that time the villages and everything else were kept in good order.

Did you speak to any of the Mau people about it?—I asked them to give me their reasons for this, and they informed me that they had received instructions from Apia not to obey any orders issued from the Government.

Did they mention from whom were those instructions issued?—From the committee in Apia. They also said that their instructions were to hunt for beetles, and clean plantations, and do all their own work, as well as performing their own inspections; but they were not to obey orders given by any Government official.

Can you give the Commission any information about the scheme with respect to the exportation of bananas?—That is practically a "wash-out." As a consequence of the neglect of the plantations, there are many acres of bananas that are of no use. They have to contend with a weed known as the mile-a-minute weed, and they have to be continually dealing with it to keep it in check. One month would be quite sufficient to choke the young plants unless the weed was kept in hand.

What would you say the prospects were, in your opinion, with regard to the exportation of bananas from your district?—Very poor.

*Mr. Slipper.*] Do you say that all over your district, in every case, they are neglecting beetles?—Yes, they are not searching the same as they used to search; but in the Aleipata district for about two months they were not handing over the beetles to the *pulemu'u*. At the present time there are five villages handing over their beetles to the *pulemu'u*, but three villages are not doing so.

And are those five villages that are handing their beetles over to the *pulenu'u*—are they searching for beetles properly?—They are getting their quota. Of course, the quota has been put up 50 per cent. this year to what it was last year.

Was that necessary?—Yes.

The beetles are there to be collected?—Yes.

It would be a bit hard on them if that were not so?—They are there all right.

Did they tell you what committee it was that instructed them in this way?—A committee of the Mau.

Was that a European committee or a Samoan committee: can you speak definitely as to this?—I cannot say definitely, but they said a committee of the Mau.

Would you tell me who said this to you?—I did not take much notice; there were so many. There was no secret about it.

Quite a number told you about it?—Yes. I was giving them instructions with respect to cleaning up their villages for the Governor's *malaga*.

*Mr. McCarthy.*] Where does your district extend to?—From Aleipata to Seanapu.

*The Chairman.*] Could you give me a rough idea of what is the area of your district?—It is about 4,000 acres in coconut-plantations.

What is the position with respect to the payment of their taxes since the Mau started?—They were told not to pay their taxes.

What is the position relative to the attendance at the schools by the children?—The attendance at the school has decreased in Aleipata. There are very few attending the second-grade Government school now. It was only the other day when I looked in that I saw about three boys.

Have you any experience of the method in which they attended the Governor's *malaga* after the King's Birthday?—I was in Aleipata when the Governor arrived there.

Did the Mau people put in an appearance?—The orator that made the speech of welcome to the Governor was a Mau man. There were a few Mau people who turned up and made a speech of welcome, but they disappeared afterwards. It was not like the usual turnout. When they were asked to turn up by the Governor in the afternoon for a *fono* they did not put in an appearance; there were only the *pulenu'us* and the Faipule present.

Have you any doubt that there is a fairly widespread agreement to reject the authority of the Administrator?—There is no doubt about that.

What is your experience as to the necessity of constant inspection, and the manner in which they keep their plantations and catch beetles: can they be trusted to do it without the necessity of supervision and inspection?—No. I can give you an illustration of that. The orders of the Mau committee were to hunt for beetles and keep their plantations clean. When Faumuina was sent over to Lotofaga he found, when he got there, that they were not hunting for beetles and keeping their plantations clean. He took the matter in hand and made them keep their plantations clean. This shows that they are not obeying the orders given to them by the Mau.

Supervision for the purpose of keeping their plantations in order and for the purpose of cleanliness is, in your opinion, a necessity?—Yes.

Is that a common experience?—Yes.

Would you find that there is any dissent from that expression of opinion?—I get it sometimes: they do not like this continual inspection, and they just want to run about just like a lot of them are doing to-day; they do not like this continual inspection.

I was referring more to outside, well-informed opinion as to the necessity of inspection: there is no doubt about that?—There is no doubt about that. Even the Samoan chiefs in the Mau have admitted that to me.

Supposing inspection is relaxed, what do you think the consequence would be—not instantly, but in the course of time?—It is going back all the time.

It would retard the progress of the whole island?—Yes.

*Mr. Slipper.*] Seeing that the Samoan chiefs take the same view of inspection as you do, do you think it is more likely that the Mau people did receive any instructions from the committee with respect to these matters, or that it is purely Samoan gossip among themselves, and that they are trying to look big by saying that they received instructions: which do you think is the more likely?—One is just as likely as the other.

You admit that the Samoan chiefs agree with your point of view?—Yes, I think so.

You say they had been told not to pay taxes?—Yes.

I suppose they said the committee told them not to do that?—Not to obey any orders of the Administration.

They put everything on to the committee?—Yes.

*The Chairman.*: What experience have you had in district inspection in the islands?—I have been eight years in the Administration and seven years as District Inspector.

APIA, 22ND OCTOBER, 1927.

PHILIP BREWSTER SWORN and examined.

*Mr. Meredith.*] What is your occupation?—A planter.

And where do you live?—In Sogi.

How long have you been living in Samoa?—I arrived here in the beginning of 1915.

And I think that you know Mr. Williams?—I do.

And I think you have been on his committee at elections?—No, I was not on his committee, but I offered to be on his committee.

You remember the first public meeting which was held in the Market Hall?—Yes, I do.

Did you have a conversation with Mr. Williams prior to that meeting in connection with that meeting?—Yes. I should say it was two or three days prior to that.

What did Mr. Williams say to you then?—I was at Mr. Walter's butcher's shop; we were talking about the election in the first place.

What was the election for, the Legislative Council?—Yes. Then Mr. Williams asked me if I was going to the meeting at the Market Hall. I said that I might be there; I did not say that I would be there.

Did he make any reference as to who would be there, or as to the objects of the meeting?—He told me that they were having the Samoans at that meeting.

Was anything said as to the objects of having the Samoans there?—He said that without the Samoans at their backs they could do nothing.

Was there any reference made to the Administrator in this conversation?—No.

Did he tell you what the object of the meeting was?—He told me that it was to get what they wanted, and that the Samoans should be on the Legislative Council.

Was any mention made as to the necessity of having the Samoans behind them?—He said that they could do nothing.

What, without the Samoans?—Yes, without the Samoans.

Did you have another conversation at another time?—I had a conversation with him; I think it was somewhere about two mornings after that.

Was that before the first meeting?—Yes, before the first meeting.

What happened on that occasion?—We still talked about the elections, and I told him that I would do whatever I could for him; and then he mentioned about this meeting again, and he said, "You should be there; we are having about five hundred Natives." He said, "We will be strong enough, but without them we could do nothing," and "We must get rid of that man."

Who was the man referred to?—The Administrator.

Had he asked you anything about the Administrator in his conversation?—No. He never spoke about him; he just said "We must get rid" of him.

Did you have any other conversation with him on the subject?—Yes, along Tivoli Road, just this side of his own residence. I, my wife and family, were in a motor-car.

And when would this be?—This was after the meeting.

Well, what was the purport of that conversation?—He asked me what I thought of the meeting, and he said that it was a bit of impertinence to read that letter at the meeting.

That was in reference to the Administrator's letter?—Yes. He said that it "was only a game of bluff."

Was any reference made to the part the Samoans took in that meeting?—No.

*Mr. Slipper.*] Where is your plantation?—Papase'a. It is not my plantation; I am the administrator of it.

Who owns the plantation?—It is a bankrupt estate.

In whose hands is this bankrupt estate?—Well, it was in the Crown Estates and they gave it to me; the Crown Estates handed it over to me.

Who owns the plantation to-day?—Nobody owns the plantation to-day, unless—I believe it is now the Public Trustee.

Is it not under Government control?—Well, I could not say whether it is the Crown Estates or the Public Trustee, but I believe it is the Public Trustee.

Who appointed you manager?—Mr. Collins. Mr. Cowley was away, and Mr. Collins was then Acting-Manager of the Crown Estates.

Are you or are you not a paid agent of the Administration?—I have never received one penny from the Administration, for never have they asked me to do anything in conjunction with what I have stated.

*Mr. Meredith:* By "paid agent," do you mean that he is employed in the Administration? I do not quite understand the question.

*The Chairman:* They are generally allowed some little latitude in cross-examination. I think that Mr. Brewster will be able to look after himself.

*Mr. Slipper.*] A paid intelligence agent?—I am not a paid intelligence agent, for, as I say, they have not paid me to do anything in regard to this affair; I gave the information voluntarily because I thought it was to the interests of the people here.

Have you never reported to the police?—I will not swear now that I reported in the first instance to Colonel Hutchen or the police. I will not swear to that, but I reported these things to Mr. Braisby.

Have you reported anything else to Mr. Braisby?—Only in conjunction with this matter; nothing outside of this affair.

I do not know what you mean by "this affair"?—I mean what I have spoken about now.

Did you report to Mr. Braisby that Tibbo had stated that the committee of the Mau had been exhorting people to disregard the law?—The only thing I may have said to Mr. Braisby in regard to Mr. Tibbo is a conversation between me and Mr. Tibbo that if the Administration would give him employment he would keep his mouth shut, and I told Mr. Braisby that myself. He told me that out of his own lips.

*The Chairman.*] Who is Mr. Tibbo?—He is an engineer here.

*Mr. Slipper.*] Did you report to Mr. Braisby that "Slipper said he was going to get Tagaloa and Fuataga off, and after that he would hold the fort on the rim" (or it may have been "run" probably):

did you report that?—No. What I reported to Mr. Braisby was—and Mr. Braisby got it from the man who told me—that Mr. Slipper and the Legislative Councillors, or somebody, were sitting in Mr. Meredith's office. This man's wife was in there when Mr. Braisby came to me. I sent him to the man, but informed him that I did not tell Mr. Braisby that.

What did you tell?—I only told him what this man had told me.

What was that?—He told me that you were to get two men off the next day, and after that you were to get two high chiefs from Apolima, and after that you would have the Government running. Those were the words he told to me.

Tell me the name of that man, please?—Well, I—

*The Chairman*: You can decline to answer it. After all, it does not really affect the matter. What Mr. Slipper said or what Mr. Slipper thinks may be of importance in other matters, but scarcely in connection with this.

*Mr. Slipper*: I think your Honour would appreciate the fact that I would like to know who said that.

*The Chairman*: Let us waste no more time. (To witness:) You need not answer the question.

*Mr. Slipper*.] How long have you known Mr. Williams?—I have known Mr. Williams ever since about 1921.

Have you been a particular friend of Mr. Williams?—Well, no. I have been on friendly terms with Mr. Williams and always spoken to Mr. Williams whenever we have met.

Would that be before you were sent away from Samoa or after?—Mr. Williams was not here then. Excuse me, but I was not sent away; I applied to go.

Have you your discharge from the Army, Mr. Brewster?—I have a good discharge.

Have you got it with you?—No, I have not.

You could produce it?—Yes.

You will?—Yes.

*The Chairman*: I do not think that he will. I will tell him that he need not produce it. You are bound, Mr. Slipper, in cross-examinations, to accept all answers to all questions which go to his credit.

*Mr. Slipper*.] Can you give me any reason why Mr. Williams should make these confidences to you?—We were talking about elections, and I offered my services to help and do whatever I could.

ALLAN RIDGE COBCROFT sworn and examined.

*Mr. Meredith*.] You are a planter?—That is so.

Where is your plantation?—Vaipoto Plantation.

I think that you were present at the first public meeting in the Market Hall?—Yes, that is so.

Had you seen the advertisement calling it?—I might have, possibly; I do not remember. My neighbour rang me up and asked me to go.

Mr. Meyer?—Yes. I went with Mr. Meyer.

Now, before you went, did you know that Natives were to be there?—Certainly not.

Natives were there?—Yes, Natives were there.

We do not wish to go through the meeting, but various matters were brought up at that meeting?—Yes.

Did you speak at the meeting?—I did.

On what matters?—I spoke on the state of the road which connects the central agricultural districts with Apia; I pointed out the districts. I also spoke on the inadvisability of the Government interfering in private enterprise—opening up Solaua plantations—and I spoke on the revenue derived from the Crown Estates.

I think it was proposed that you should be a member of the committee and draw up the various reports?—Yes. I later said that I would withdraw, but stated that I would assist Mr. Meyer in the preparing of the reports to the best of my ability, but I was asked not to withdraw.

You did not withdraw?—No, not at that particular meeting.

I understand that there was a meeting of this committee shortly after the public meeting?—The public meeting was held on the 15th October, and the committee meeting was held in the chairman's office (Mr. Nelson) on the 26th October.

Was there any discussion there between you and Mr. Nelson and the others about Natives being at that meeting?—Yes; I protested most vigorously about the European committee interfering in Native affairs. I said that I did not think it right for the committee to interfere in Native affairs—they should confine themselves to matters affecting Europeans only. Both Mr. Nelson and Mr. Williams said, "Why not? They [the Government] were the first people to bring the Natives into the political arena, when they used them as a lever to bring in prohibition. We have as much right to use them as they have." I protested, and I said that in my opinion—I am not a commercial man—a fair criticism would be to draw up a comparative report of the condition of the Territory, financial and otherwise, when the present Administrator took over and the condition at the present time, and criticize on that—that, in my opinion, would be a fair criticism.

Did they agree to withdraw the Natives?—No.

I think that the Planters' Association had a meeting later?—On the 28th of the same month a meeting of the Planters' Association was held in the Central Hotel, when the question of the planters' attitude in regard to the Citizens Committee was freely and fully discussed.

Just briefly, Mr. Cobcroft, I think that a resolution was passed?—A resolution was passed, and I think that you have a copy of it. At that meeting all were unanimous as to the plans adopted. The resolution was as follows: "The meeting approve of the election of Messrs. Meyer and Cobcroft by

the citizens to represent the planters' interests on the committee set up to place certain phases of the Government administration before the Hon. the Minister of External Affairs, and that they receive the whole-hearted support and co-operation of the members of this association; and moved, further, that, 'Whilst the planters generally are not unmindful of the assistance rendered them in the past by the Administration, there are certain measures they consider might be adopted which would operate to the mutual benefit of the Government and the planters generally.' Again, that it be distinctly understood by these two gentlemen that, as representatives of this association, they are to confine themselves to matters appertaining to labour and agriculture, and in no way to interfere in the Government's Native policy."

And in pursuance of that?—Immediately following that meeting we forwarded the original of this letter to the Chairman of the Citizens Committee, dated the 1st November, 1926, *re* the visit of the Hon. the Minister of External Affairs:—

Memo. for the Chairman, Citizens Committee, Apia.

Apia, Samoa, 1st November, 1926.

*Re Visit of the Hon. the Minister of External Affairs.*

FOR the information of your committee, we attach hereto a copy of a resolution unanimously passed at a meeting of the Planters' Association, held in the Central Hotel, on Thursday last, the 28th ult., having reference to the visit of the Minister of External Affairs, and outlining their policy in regard to same. The expressed wishes of the planters is, as you will note, to confine themselves to matters referring to agriculture, and in no way to interfere with the Government Native policy. We have to advise you that both as representatives of the planters and as private individuals we concur with the above views, and would ask you to kindly excuse us from attending any committee meeting that has to deal with matters affecting the Government Native policy. As soon as we have ascertained the definite views of the planters we will draft out a report and submit it to the committee as requested.

A. R. COBROFT.  
KURT MEYER.

You attended the second meeting, Mr. Cobcroft?—No.

I mean the second public meeting?—Oh, yes.

You attended no further committee meetings after sending that letter, but attended the next public meeting?—Yes.

And at that public meeting, I think, you made an announcement?—In his *résumé* of the happenings the chairman omitted to give or make any reference to the letter that had been forwarded by the planters. I addressed the meeting, and said that the planters disassociated themselves from the Citizens Committee, and that Mr. Nelson had been written to to that effect, "but, as he has omitted to read our letter to the meeting, on behalf of the planters and so as to avoid any possible misunderstanding or misconception, I now state publicly that the planters will not in any way interfere in Native affairs, as, for one thing, they do not consider that they are sufficiently conversant with Native affairs to meddle in them, and, more particularly, for the reason that they think that the Samoans have a properly constituted Fono of Faipule through whom they are able to make any representations or petitions to the Administration which they may deem advisable."

*Mr. Baxter.*] Your first action with the Legislative members over this matter—was that after the first public meeting or before?—Before.

A gentleman you mentioned as your neighbour, I think, had been there?—Yes.

And he had doubtless told you about those meetings?—No, we had not discussed them very fully.

But from what he had told you about them you did not see any reason why you should not go to the public meeting?—I had no intention of going. I was not interested.

But you went?—He asked me to go, and I went.

And he had not previously to that definitely told you anything that made you think that you should stay from that meeting?—I do not remember what he told me about this particular meeting.

But you would not have gone if you had thought that you should not go?—If I had thought that I should not have gone, I am quite certain I would not have gone.

At this particular meeting there were quite a large number of Natives present?—There were, yes.

And these Natives took part in the discussion?—Towards the end, yes.

When it was decided to elect a committee, they decided to have a committee consisting of six Natives, six Europeans, and the three elected members of the Legislative Council?—Yes.

And you were nominated, among others, and accepted nomination?—To represent the Committee on Labour and Agriculture.

You were asked to be a member of that committee, Mr. Cobcroft, and you accepted nomination?—Yes.

And at the time you accepted nomination you knew that Natives were going to be on that committee?—You say that, sir; I do not.

Were not six Samoans elected on to that committee that night?—On to a general committee.

What committee?—A committee I expected to work independently of the—

There was only one committee elected that night—six Natives, six Europeans, and the three elected members?—Yes.

Quite so. And you were one of those six European members: you know that. You were at the meeting that night, and you knew that those six had gone on to the committee?—Yes.

And as Native affairs had been discussed at that meeting, and as six Natives had gone on to the committee, you must have known that Native affairs would be discussed by the committee, did you not?—Yes.

Mr. Cobcroft, do not tell me that, as Native affairs had been discussed, it is not reasonable?—It is not reasonable for me to think that white people should go and mix themselves up in Native affairs.

Well, white people—one of them being you—had gone on to the committee with Natives: does that not look like it?—Not exactly.

Although Native affairs had been discussed at that meeting?—You will remember that at that particular meeting I wished to retire from the committee.

But you did not retire. As a matter of fact, at that time there were more nominated than was necessary, and several were prepared to retire?—I was prepared to retire.

The fact that you had been elected on the committee would show that the public as a whole, anyhow, had confidence in you; otherwise they would not have put you on that committee?—Yes.

If Natives were going to be on that committee, do not you think that your act in staying on the committee was likely to complicate some of these people, both Natives and Europeans. They had elected you there, and they evidently had confidence in you, and you stayed there: that was your responsibility. Do you not think that you should have considered then what you should do?—I did not know then that Natives were going to co-operate with the whites.

Now, that meeting was on the 15th, was it not?—Yes.

And the letter forwarded by you to the chairman of the Citizens Committee is dated the 1st November?—Yes.

And there had been one or two committee meetings?—One meeting.

When was that meeting?—On the 26th October.

And you then knew that Native affairs would be discussed?—I had gained that impression. I had heard it on the street.

From what you had heard on the street?—Yes.

You had not gathered it at the public meeting?—No, I had not.

Then, there was no further meeting, apart from the one mentioned, before you sent that letter?—I think that the committee met the day the letter was sent.

I mean a meeting at which you were present?—I attended one meeting when you were there.

And did the question of Natives come up then?—Yes, most decidedly.

And was it not decidedly and unquestionably Native policy to be discussed?—I understand that it was. That is why I withdrew.

You told us just now that you had gathered it from the people on the beach?—Prior to that meeting. That meeting changed my mind.

You delayed somewhat?—It was the first opportunity I had had.

From the 26th October? You delayed somewhat?—We had to have a meeting of the Planters' Association to place our views before them.

So I see. You would not retire until the planters told you. You could have indicated you were going to retire right away?—I allowed them to understand that I was distinctly and emphatically against mixing up with Native affairs.

Then, at that committee meeting, did not you make a remark to the effect that "you feared that the Native could not be relied on"?—I did not say so.

Very well, it is my memory against yours. Then you say that Mr. Nelson and Mr. Williams said that the Natives were to be used as a lever, or words to that effect?—I did not say that they "were" to be used as a lever; I said that they "had been" used. And I did not say that; Mr. Nelson said that.

Mr. Nelson said that they had been used as a lever in regard to prohibition?—Yes.

You are quite sure of your memory, because both these gentlemen absolutely deny it?—Absolutely certain.

You did not think it a proper time to retire then, without waiting?—That is a matter of opinion.

As a matter of fact, Mr. Cobcroft, it appears to me from reading this letter that you were prepared to use them as a lever—you and your planters—without taking any responsibility of mixing with them, because I will show you what your letter says [showing letter to witness]?—That is your opinion.

That is not a letter of resignation, is it? You have not yet resigned from the committee. You were quite prepared to stay in with the committee, and use the committee to get your agricultural stuff forwarded, so long as you did not have to take any responsibility for Native affairs. That is not a letter of resignation?—We asked them to excuse us from attending any committee meetings that had to deal with any matters affecting Native policy. We had promised to make a start, and we never came near the committee again.

Why did you not resign: you only asked to be excused from meetings?—The mere fact is that we intended it as a resignation, and we have never attended any meetings since then.

You did not say so. You brought along your report and asked that it be put forward?—At the request of the committee.

You wanted it put forward, you say here?—Yes, because there were certain phases of the agricultural situation we wished discussed.

You were quite prepared, then, to associate with the committee, which was associating and dabbling in Native affairs, for the purpose of getting certain reports put forward?—That is your opinion, Mr. Baxter. The letter was just put in, and we never had anything more to do with the committee. We forwarded the report.

And you just told me that you did that because there were certain phases of the agricultural situation you wished to bring forward?—We were under the impression that the representations made by the committee were sufficiently serious to warrant the sending of the Minister of External Affairs to Samoa to personally investigate the situation. We understood it was in good faith.

What did you owe the Government at that time?—Is that a fair question?

*The Chairman:* I do not think that it is.

*Mr. Baxter.*] Well, we will put it this way, Mr. Cobcroft: at that time you were in debt to the Government, were you not?—Yes. I might say, in qualification of that question, that when I took over the plantation I had no drier. I made reasonable representations to the Government, and they advanced me sufficient capital to purchase the Gordon drier, and I put up the building myself. It was got from the Public Trustee, and I am paying 7 per cent. on the money.

I want to put this to you: did you not tell Mr. Nelson just a few days after the public meeting, just outside his office, that you had received a statement of account from the Administration, requesting you to pay, and which you knew was simply owing to your being on the committee?—I had just cleared my box and I had got an account of my indebtedness, and I just made a casual remark, "This looks as if they were annoyed at my being on the committee." Just a casual remark as I saw the account, and, I think, quite a natural remark.

Did you tell Mrs. Roberts—Mrs. Charles Roberts—that you were a fool for going on the committee, because the Government had been pressing you ever since?—Most distinctly, no; and I emphatically deny it.

*Mr. Meredith.*] As a matter of fact, when the Minister came, Mr. Cobcroft, did you join with the committee in interviewing him?—The Citizens Committee? Certainly not.

Did you interview the Minister yourselves?—Yes.

You saw the Minister quite independently of the Citizens Committee?—Yes. We discussed each point which was incorporated in the report. It was discussed fully and freely by the planters, and they decided on the points to be brought before the Minister, with whom we discussed the report in a very pleasant atmosphere. Each point was discussed very, very fully, and we explained our problems to him and he gave us a sympathetic hearing. Some things they would not grant, and other things they were prepared to meet us on.

So from the time of your sending in that letter you personally, and the Planters' Association, had no further dealings of any kind with the Citizens Committee?—No, in no way at all.

And acted quite independently?—Yes.

The reports that went into the committee—how did they get in to the committee?—Mr. Nelson said that, as we refused to sit on the committee that had to deal with Native affairs, we would be a sort of sub-committee—that was his idea—to the general committee, in order to forward this report through them. He wrote to us and said that as he had to give the documents, in connection with the Citizens Committee, to the Administration by a certain date, he would like to get our report in by a certain date, and it was compiled and forwarded to him on, I think, the 2nd November.

They were posted to him?—Yes.

KURT MAX AUGUST HERMANN MEYER ZU SCHWABEDISSEN sworn and examined.

*Mr. Meredith.*] You are a planter?—Yes.

And where is your plantation?—Siusega.

And you attended the first meeting in the Market Hall with Mr. Cobcroft?—Yes.

And at that meeting you were appointed to the committee?—Yes.

Were you with Mr. Cobcroft at the committee meeting in Mr. Nelson's office?—Yes.

Shortly after that?—Yes.

Did you hear a conversation between Mr. Cobcroft and Mr. Nelson in reference to taking part in Native affairs?—Yes.

Will you tell the Commission what Mr. Nelson said to Mr. Cobcroft?—It was either said by Mr. Nelson or Mr. Williams—I cannot quite remember which—that the Government was bringing the Natives into the political arena as far as prohibition was concerned, and that the Citizens Committee had quite as much right to bring the Natives into the political arena.

That was on the first occasion?—Yes; that the Citizens Committee had the right to bring the Natives into the political arena because the Government had brought in Natives into the political arena in Samoa—as, for instance, in order to bring in prohibition.

You heard what Mr. Cobcroft said about the attitude taken by the Planters' Association?—Yes.

And the resolutions that were passed?—Yes.

And also that from then on you and he had disassociated yourselves from the committee?—Yes.

And you agree with all that?—Yes.

*Mr. Baxter.*] Before the first public meetings, I think, there were a number of preliminary meetings?—Quite so.

With the three elected members, myself, &c., there?—Yes.

You were present at those?—Yes.

And you were present when it was decided at one of those meetings that a public meeting should be called?—Yes.

And you went to the public meeting, so I presume that you heard nothing at any of those preliminary meetings which made you think it was a meeting which you should not attend?—No.

And when you got there you noticed a number of Natives present, and they took part in the meeting: Lago Lago, Alipia, Faumuina, and a number of them spoke?—Quite so.

Then they decided to elect a committee, and they elected six Samoans on the committee?—Yes.

And it was after that you resigned, at the same time as Mr. Cobcroft?—Yes, I did.

I think that Mr. Cobcroft wrote a letter and you and he signed it?—Yes.

The letter was signed by the two of you, was it not?—Yes.

There is one more question, and it is this: at that meeting you read a paper, did you not, on agriculture?—Yes.

Other gentlemen read papers, too, I think that the reason for those papers being read was to give you something to discuss on the various points, was it not?—Yes.

JAMES SOUTHON sworn and examined.

*Mr. Meredith.*] You are an Agricultural Inspector?—Yes.

What is your district?—Until the month of July of this year my districts were from Apolima down to Uafato, in Fagaloa.

*The Chairman.*] That is Upolu?—Yes, sir.

*Mr. Meredith.*] Approximately what area would that cover?—Of plantations of coconuts, the old trees would cover over 7,000 acres.

And young coconut-trees?—For the last few years they would amount to about 1,000 acres.

We could, then, sum it up that there would be 8,000 acres of coconut-plantations—7,000 of old trees and 1,000 of young trees?—Yes.

How long have you been an Inspector?—I have been inspecting for over eight years.

*The Chairman.*] Were you in Samoa prior to that?—Yes, sir. I have been here twenty-three years.

*Mr. Meredith.*] In the last few months have you inspected and gone over these various plantations?—Yes, I have been all over the plantations this year.

And I assume, of course, that you have been all over the plantations the year before?—Yes, certainly—four times a year. Sometimes I do not really inspect the plantations, and at other times I have to inspect the villages.

Generally speaking, you have a survey of the plantations about four times a year?—Yes.

Now, can you tell us what you have observed in regard to those plantations on your latest inspections this year?—Of late I have been inspecting the eastern side of Upolu, and on my general inspections from here right down to Ufato it has not been so bad.

How do you mean, “not so bad”?—Not so bad in regard to the conditions—beetles, &c., we have to contend with.

When you say it is not so bad, you mean comparing it with what it was last year. That is what we want to get at—a comparison between this year and last year?—Yes.

This area you have just spoken about; it is not so good as it was last year?—Not at the present time, except at Fagaloa.

What is the position of Fagaloa?—The plantations are fairly good.

There is a falling-off in the condition of the others?—In Apia, yes.

What about the condition in the other parts of your districts?—Recently I have visited the west of Tuamasaga, west of Apia—it was Tuamasaga North—and I have been surprised both last month, and this month too, at the condition of the plantations: they had gone back considerably.

In what respects?—In the destruction of the young coconuts by the beetles, and in the dirty condition of many of the plantations.

You mean with reference to weeds and undergrowth?—Yes. The ground is practically covered with *fui*.

They have gone back considerably from what they were last year?—Yes.

What have you noticed in regard to the old coconut-trees?—I have seen recent signs of damage by the rhinoceros-beetles.

Do you expect to get the signs as readily in the young coconuts as in the old trees?—One would see it more quickly in the young ones; they are more tender, and they show signs more quickly.

In what length of time would you expect to see the full result of deterioration in the old trees?—In about six months; the real result would be apparent then.

But you can see the results now?—I can see the results a week or so after the beetle has attacked the coconut.

And these results are now evident?—Yes.

They will get worse?—Yes.

What is the respective effect on the young and the old tree?—What happens to the young tree when it is attacked by the beetle?—At night-time the beetle flies round, and if it is hungry it goes for the first coconut-tree handy, either young or old, and it slips down the fronds of the coconut right down to the centre. The centre is the life of the coconut-tree, and when the beetle goes down into the centre of coconut-tree—either young or old tree—it destroys it, and it takes the tree a long time to recover. Sometimes the beetle goes far enough down to actually kill the tree altogether.

Is it bound to absolutely kill the young trees?—No, not always.

Presuming that a tree is damaged by the beetle, how long does it take to recover?—Five or six years very often. It depends on how many times the tree had been attacked by beetles.

We can take it that once the old tree is attacked by beetles it is put back for several years before it finally recovers?—Yes.

What have you to say about the other areas in your district?—In Aiga-i-le-tai I found things very good—in fact, better than previously on my inspection in July.

Can you tell us how the Natives are leaning in that area: are they supporting the Government, or are they belonging to the Mau?—Most of them were in the Government—in fact, I do not know if any of them were against the Government at all. They were simply waiting.

As far as you understood, that area was not affected by the Mau at that time?—No; they were doing all the work we instructed them to do.

You have met in your official duties the operations of the Mau?—Yes, I have run up against them.

Can you say whether the areas where you have met Mau opposition are affected worse than the other areas?—Away down in Fagaloa, on my last inspection there—in August or September, I should say—I understood that there were three villages there that had gone over to the Mau. The condition of their plantations was as good as the others, because they had only recently gone over and they were

still carrying on the work which the Government instructed them to do ; but in going over Tuamasaga, from Tuanai right down to Salimoo, I found things very bad there.

Did you understand that that area was affected by the Mau ?—I understood that they were in the Mau.

Can you speak of any other districts that have been in the Mau for some time ?—I have in my mind the capital of A'ana—Leulumoega—the capital of A'ana North and South. On my inspection in April last I found the beetle was very bad, and on the increase there. Previous to that they had good plantations there. They were doing famously, and many of them were keeping the beetles down and doing very good work—in fact, they got the first land competition prize ; they came first.

And the condition now you say is bad ?—In April last it was very bad. There is a man here who can testify to my words.

That is known to be a Mau district ?—I understood so at that time.

*The Chairman.*] What is the general opinion as to the necessity for keeping supervision over the Samoans as to the destruction of beetles and the cultivation of their coconut-plantations ? What is the general experience on that subject ?—The general idea is that if one does not keep Natives up to the mark they get very slack in every way.

It is an imperative necessity, in your opinion and the opinion of others who are responsible for the good working of Samoa ?—Yes.

Does that apply even to the cleaning of the villages ?—Yes.

JAMES WILLIAM HUTCHEN sworn and examined.

*Mr. Meredith.*] You are Secretary to the Administration ?—Yes.

And, of course, resident in Apia ?—Yes.

You wish to read out the report which you have prepared for the Commission ?—Yes. I have been Secretary to the Administration of Western Samoa since June, 1921, and a member of the Board of Control of New Zealand Reparation Estates since its inception in January, 1924. I submit reports on the following : Copra ; finance ; labour and agriculture ; Legislative Council.

#### COPRA.

In addition to the statement of policy by the Hon. the Minister of External Affairs as set out at page 45 of Parliamentary Paper A.—4B, I wish to submit the following :—

Since May, 1923, remits have been submitted for the consideration of the Faipule Fono by different districts, requesting the Government to handle Native copra—copies of these remits follow.

#### REMITTS RECEIVED FROM DISTRICTS *re* COPRA.

##### *Submitted in May, 1923.*

*Palauli, Savai'i.*—The Government to take control of the copra of Samoans, so that a good price will be paid. If the merchants cannot pay a good price, then the Government should buy the copra of Samoa.

*Va'a-o-Fonoti.*—Is it not possible for the price of copra to be the same in outside districts as is the price in Apia ? Also, if it is not possible for merchants to give over to Samoans the net profits from copra purchased from them, then the Government should take control of Samoan copra, weighing it at a certain rate from Samoans, and after it has been sold on the European markets, to pass over to each individual his share of the net profits.

*Vana Alofi.*—Increase the price of copra (also cocoa) to all Samoans. Copra and cocoa are the only means by which Samoans can acquire money.

*Faga, Savai'i.*—If the Government is unable to correct the low price given by merchants for copra, then the Government should come and weigh the copra, as Samoa will receive contentment if 6 or 8 cents is paid.

*Satupaitoa.*—Cannot the Government raise the price paid by merchants for copra, as it is from copra that the country receives its prosperity ?

*Lepa and Lotofaga.*—Cannot Your Excellency do something to better the price paid for copra.

*Aiga-i-le-tai.*—The most important matter for the prosperity of Samoa is the copra of Samoans. Cannot Your Excellency and the Government put the price of copra on to a proper basis ? This is the way in which the Government can serve Samoa.

*Luifilufi.*—The Government should control these two matters : (1) Copra ; (2) the weighing and price. The Samoans make good copra, but the merchants pay a low price and charge a high price for goods.

*Anoama'a.*—All people in this country will be satisfied if the price of copra is good.

*Faleata.*—If traders cannot raise the price of copra, the Government must take control of the copra of Samoans, so that a good price will be realized.

*Safotu.*—Your Excellency and the Government should control the copra of Samoans and sell it to some company so that a good price will be realized and Samoans be satisfied.

##### *Submitted in January, 1924.*

*Falelatai.*—The Government to control the Samoan copra.

##### *Submitted in May, 1926.*

*Lefaga.*—The price of copra to be regulated, as we are paid so little.

*Safata.*—We bring this matter before the Fono : The Government should control the merchants buying our copra. When the price is 3 cents in Apia we are paid 2½ cents in Safata, but when the price is raised to 3½ cents in Apia the price in Safata is only 2½ cents. We consider that the price in Safata should be 3 cents when it is 3½ in Apia.

*Fasito'otai.*—Copra from Samoans should be placed upon a proper basis : Samoans should receive the same price as Europeans do. What would the Government receive per ton if they sold it to a company in either Europe or America ?

##### *Submitted in December, 1926.*

*Faleata.*—The Government to arrange that a good price be paid for Samoan copra, please.

*Safata.*—*In re* copra : May the Government have love for us and give us particulars of the sale of copra in Europe, as to-day the price for copra of Samoans is extremely low whilst the price of goods is extremely high. Please send us particulars of what is done with copra in Fiji and Tonga, as we have heard that they receive a very high price for copra. We ask you, the Government, to agree to buy all the copra of Samoans.

*Falealili.*—*In re* copra : We are of opinion that European traders should not handle the copra of Samoans, but that the Government should do so.

## APPEAL BY FAIPULES AT THE FONO IN MAY, 1927.

*Copra*.—Appeal to Government to assist in disposing of Native copra.

*Decision*.—We are not satisfied with the price for our copra, and we realise that the price that we receive is lower than that paid to people of neighbouring South Sea islands. Therefore we ask the Government to assist us and ship our copra away to be sold in any market of the world where the price is good

A similar position arose in regard to European cocoa-planters in 1922. A petition was forwarded to the Administration on 11th July, 1922, and signed by eleven local cocoa-planters—a copy of which follows.

Sir,—

Apia, Samoa, 11th July, 1922.

Following on my memorandum of the 26th May last, *re* assistance to planters of cacao, I have conferred with Mr. Tennent, who informs me that, with regard to paragraphs 1 and 2, he is prepared to defer payments upon reasonable representation, and that the matter of a bonus on cocoa produced will be brought before the members of the Legislative Council at an early date.

In order to expedite matters I am taking this opportunity of placing the whole position before you.

There are about twelve private planters in Samoa, employing a total of about one hundred Chinese coolies, and the estimated production of cocoa-beans for 1922 is about 220 tons. It costs £1 10s. per month to ration each coolie, who spends at least 10s. of his wages. Thus duty at 15 per cent. from each coolie on this basis would be 6s. per month, and a conservative estimate of the annual revenue would be £360. The export tax on 220 tons at £2 per ton would be £440, making a total revenue of £800. In addition the present coolie charges cover all the overhead charges of both the Medical and Chinese Departments.

Up to the present very little has been done to assist planters, principally because the matter has not been represented. In most instances planters are forced to sell their cocoa to the local merchants in order to obtain the cash to meet their immediate monthly liabilities.

At present there are two classes of cocoa-beans exported from Samoa—viz., Samoa Crown Estates, and Samoa cocoa exported by the merchants. It is hoped that in future there will be three classes—Samoa Crown Estates, Samoa planters, and Samoa Native cocoa.

The Crown Estates consign their cocoa-beans to London, where, with the assistance of the Office of the High Commissioner for New Zealand, much better prices are realized. The planters here would like to be placed on similar terms, the Government advancing against their produce and charging commission on the sales. By assisting us to co-operate in this manner we would be placed on similar terms to the fruitgrowers in California and the farmers in New Zealand. The local merchants could then purchase their requirements from the Crown Estates.

There is no inducement at present to take extra care to produce a good bean; the best cocoa is shipped with the inferior, and invariably brings the same price. The market is graded by the inferior article. Owing to careless curing in the past, some of the largest manufacturers in Australia will not entertain Samoa cocoa-beans. When the beans are classified, then the question of grading, on which there is a variance of opinion at present, might be brought into operation. When in New Zealand some eighteen months ago I visited four factories which manufacture chocolate, and two of them were most emphatic about the grading of the beans. New Zealand imports about 500 tons of cocoa-beans per annum, and the State of Victoria about the same quantity. Prior to the war the Samoa cocoa-beans, according to Van Hall, was classed with Old Ceylon Red and Java, and there is no reason why it should not again attain that position in the world's market. With its reputation restored and representation in New Zealand and Australia, most of our produce could be disposed of in these markets, and the cultivation of cacao could be again placed on a profitable basis.

I think our aims have been fully explained, and we are prepared to appoint a delegation, which could include a member of the Chamber of Commerce, to wait on you and discuss the subject more fully.

Invariably when any new departure is launched, many unforeseen circumstances arise which defeat the original object. Our first step in this instance would be co-operation with Government assistance. Trusting that you will fully consider our request and grant us the assistance and support required to further the cultivation of the cacao in Samoa,

We have, &c.,

K. MEYER.

G. WETZEL.

A. MATTHES.

J. KERSLAKE.

M. GRAPENGIESSER.

E. RETZLAFF (per K. MEYER).

C. MUGELE.

FR. JAEGER.

A. WALTER.

FASITO'OUTA PLANT:

YAHNKE AND MEIRITZ.

The Secretary to the Administration, Apia.

As a result of this petition, the Administration decided to guarantee planters £50 per ton for unwashed and £55 per ton for washed cocoa of approved quality for all cocoa shipped by them through the New Zealand Reparation Estates Department. The price paid to the planters by local merchants at that time was generally between £40 and £45 per ton. Merchants then raised their prices, so that there was no necessity for planters to take advantage of the offer to have their cocoa handled by the New Zealand Reparation Estates Department.

His Excellency the Administrator returned from New Zealand in February, 1926, armed with the Hon. Minister's authority to assist the Natives to market their copra if this were considered necessary. In December last, as remits continued to come forward from districts asking for assistance in marketing their copra, and as one price only was being given for Native copra irrespective of quality, it was finally decided to market for the Natives, through the machinery of the New Zealand Reparation Estates Department, any high-grade copra which they might produce. I append translations of two articles which appeared in the *Savali* (official Native newspaper) in February last, giving (1) the purport and effect of the Fono resolution; (2) brief instructions to the Natives as to the preparation of high-quality copra.

[Extract from *Savali*, dated 23rd February, 1927.]

At the Fono held in December last the Faipules again asked the Kovana if the Government would help their people to get a better price for their copra. The Faipules have asked the same question many times before, and are always endeavouring to help their people, but the Government cannot do everything they ask. There are many things I wish to do for Samoa, and one of the most important is to get you to make good copra and get a better price than you now get for it.

The Government is not a merchant. It does not buy and sell things, therefore, I have asked myself how can I help you to get a better price for your copra, and I have given the answer to the Faipules, viz.: The Government will, where possible, ship to England your copra in the same way that it sends the cocoa for

private European planters, but I will not accept any copra that is not white, properly dry, and clean. It should also be cut in larger pieces than you now cut it.

If villages wish the Government to help them in this way, and will take their copra to Fagamalo, Vaitele, Vailele, Mulifanua, or the office of the New Zealand Estates in Apia on Tuesdays and Thursdays, they will receive advance payments, which will be made to the individual taking the copra, and after the copra has been sold in London any profits over and above what has been received will be paid to the Village Committee. If seven persons in a village each make 100 lb. of copra and take it to one of the places mentioned, an officer of the Government will examine it, and if one of the seven has brought inferior copra it will not be accepted, but the other six individuals will each receive about 14s. as an advance payment. They will get a receipt for their copra, which they will keep. When the 600 lb. of copra is sold in London, if there is a profit after paying expenses of shipping, &c., of, say, 10s., this money will be paid to the Village Committee, who will decide whether all of this money (10s.) should be given to the persons who made the copra, or perhaps it may be agreed that some of it should be paid to the owners of the good copra and the remainder put into the village funds to help the village. This is a matter for the people of the village to decide.

The Government is going to some expense and trouble to help the Natives in this matter. The Faipules have done their best to help their people. I now wait to see if the Samoans will help themselves.

[Extract from *Savali*, dated 23rd February, 1927.]

#### DRYING POPO IN WET WEATHER.

In order to prove that good *popo* can be made even though the weather be bad, His Excellency the Administrator instructed the Agricultural Department to cut 100 lb. of *popo* on Thursday, 20th January last. After this *popo* was cut it was washed in salt water, then spread on six frames of wire netting. There was a two hours sun the first day, but every day afterwards it rained heavily and there was no sun. The frames of *popo* were placed under cover from the rain, and the *popo* dried in six days. It was white and good, except that owing to the damp weather a little mildew appeared on some of it. It was again washed in salt water to remove the mildew, and dried again. The copra was very good, and much better than a large portion of the copra dried in villages during fine weather.

If this copra had been treated the same as is done by Natives in their villages and kept in baskets in the *fale* until the weather improved and it could be placed outside to dry, it would have rotted and had to be thrown away. Much copra is wasted in Samoa during wet weather because it is placed in baskets in the *fale* and allowed to rot. Why do you waste money in this way? Why not always make good copra, which you can do if you—(1) Wash copra in the sea directly it is cut; (2) cut it out of the shell in large pieces, not small pieces as at present cut; (3) cut copra only when the sun is shining; a few hours' sun on the copra on the day it is cut is very important, and will prevent it rotting even if there is little or no sun afterwards; (4) keep the copra on frames of bamboo or wire, and do not put it into baskets until dry; (5) do not cover the copra while it is in the *fale*, but allow the air to circulate around it. Copra dries at night as well as by day so long as it is not covered over or put into baskets.

I also append the minutes of a conference held at the Administrator's office in January last, which was attended by those officials of the Administration and the New Zealand Reparation Estates Department who would be concerned in the handling of Native copra under the scheme outlined, and at which working details were set out and various decisions arrived at.

#### CONFERENCE ON NATIVE COPRA.

Held in the Administrator's Office, 27th January, 1927.

*Present.*—His Excellency the Administrator (Chairman); Mr. H. P. Ritchie, Director of Agriculture; Mr. W. Sasse, Accountant, New Zealand Reparation Estates; Mr. H. I. Jones, Manager, Vaitele Plantation; Mr. E. N. Heycock, Manager, Vailele Plantation; Mr. F. Lewis, Assistant Secretary for Native Affairs; Captain W. Bell, Resident Commissioner, Savai'i; Mr. M. Meham, Manager, Mulifanua Plantation.

#### *Matters dealt with.*

*Quality of Copra.*—Only good white copra like the sample shown, or as near it as possible, would be accepted from the Natives; the object of the scheme to handle Native copra, as requested by the Faipules, being to teach the Natives to make a high-quality copra and so raise the price and increase the demand for Samoan copra as a superior quality to that known as "South Seas."

*Special Official to take Delivery of Copra from Villages.*—The Director of Agriculture expressed the opinion that only by the appointment of an official to take delivery of copra in the villages would it be possible to ensure that none but the best quality would be dealt with. It was, however, decided that the quantity of high-grade copra made by the Natives was at present too small to justify sending transport to villages. For the present an Inspector was to be detailed to go from village to village and ascertain to what extent the Natives were responding to the efforts of the Administration to help them. Where a village has a sufficient quantity of superior copra to justify transport being sent to take delivery of it the Inspector could make the necessary arrangements.

*Delivery in Plantations, &c.*—For the present the only depots where delivery of Native copra would be made, were Mulifanua, Vailele, Apia, Vaitele, New Zealand Estates, Fagamalo: two days per week—viz., Tuesdays and Thursdays, commencing on Tuesday, 7th February.

*Price to be paid as an Advance Payment to the Natives.*—Prices to be paid to be based on English currency at — shillings per 100 lb. of copra. Tables would be drawn up, and placed where the Natives would see them, showing what these prices represented per ton as compared with price in cents, reckoning 1 cent per pound as 4s. per 100 lb.

*Accounts.*—Advances to be made in cash. Natives to be informed that the Government was not purchasing their copra, but was consigning it for them, and that if profits were made, additional amounts would be credited to their villages and paid to Village Committees.

*Variation in Price.*—Mr. Sasse would from time to time issue instructions to officers concerned as to the price to be paid in advance to the Natives.

*Trays.*—Trays were to be kept on each plantation as samples for the Natives to copy; also, samples of the standard copra which they could make on these trays were to be available for them to see. A special point to be made to get the Natives to cut the copra in larger pieces than at present.

*Books.*—Record and receipt books to be kept. Each Native to be given a receipt. Record books to show the date, name, quantity, and village, also amount paid in advance, &c., in order that villages may ultimately be credited with any profits.

*Private Planters.*—Plantation-managers would not concern themselves with private planters. If the latter wanted to ship their copra through the New Zealand Estates they could make their own arrangements with Mr. Sasse on the same basis as for cocoa-planters, but in their case none but high-grade quality would be so dealt with.

*Taking Delivery of Nuts and drying for Natives.*—The proposal to take delivery of nuts and dry copra for the Natives was not agreed to, as this would defeat the object of the scheme, which was to teach the Natives to help themselves and make a high grade sun-dried copra. In special cases during the wet season where Natives were in difficulties and wanted assistance, special authority would be given by the Administrator to have their copra dried for them by accepting delivery of nuts, and they themselves cutting on the plantation near the drier; but in no case would delivery be accepted of wet copra brought from villages, as no guarantee could be given as to how long previously the copra had been cut.

It will be noted that only copra of superior quality is to be handled, and the advances to be made to the Natives were to be fixed on the basis of such quality. To test out the scheme, the following scale of advances was laid down as a commencement:—

Copra delivered at—	Advance. Cents.	Equal to £ s. d.
Apia .. .. .	3 $\frac{3}{4}$ per pound	16 16 0 per ton.
Vaitele .. .. .	3 $\frac{5}{8}$ „	16 4 9 „
Vailele .. .. .	3 $\frac{5}{8}$ „	16 4 9 „
Mulifanua .. .. .	3 $\frac{1}{2}$ „	15 13 7 „
Fagamalo .. .. .	3 $\frac{1}{4}$ „	14 11 2 „

NOTE.—In the local copra trade, 1 cent. per pound is taken as equalling 4s. per 100 lb.

The advance for copra delivered to New Zealand Reparation Estates shed in Apia was fixed at a figure approximately within £10 of the London forward market price, and the advances for copra delivered at Vaitele, Vailele, Mulifanua, and Fagamalo were based on a similar figure less cost of transport to Apia. The following will indicate the position:—

Advance per Ton to Natives on Delivery at—	Freight per Ton to Apia met as a Charge against Produce.	Total.
£ s. d.	£ s. d.	£ s. d.
Apia .. .. .	.. .. .	16 16 0
Vaitele .. .. .	0 11 2	16 15 11
Vailele .. .. .	0 11 2	16 15 11
Mulifanua .. .. .	1 3 7	16 17 2
Fagamalo .. .. .	1 10 3	16 1 5

I attach the following table showing the estimated total all-in cost per ton of high-grade copra up to the time of landing in United Kingdom or continent.

TABLE SHOWING ADVANCE AND EXPENSES.

Advance at, say, Mulifanua at 3 $\frac{1}{2}$ cents per pound per ton .. .. .	15 13 7
Handling, bagging, and loading .. .. .	0 5 6
Freight to Apia at 10s. 6d. per 1,000 lb. .. .. .	1 3 7
Shrinkage before landing at Apia (2 $\frac{1}{2}$ per cent. on £17 2s. 8d.) .. .. .	0 8 7
Expenses and insurance in Apia .. .. .	0 5 0
Shrinkage in Apia prior to shipment (5 per cent. on £17 16s. 3d.) .. .. .	0 17 10
Export duty .. .. .	1 0 0
Lighterage, 6s.; carting and shipping, Apia, 3s. 6d. .. .. .	0 9 6
Sacks and twine .. .. .	0 18 6
<b>F.o.b. Apia</b> .. .. .	<b>21 2 1</b>
Freight to European port .. .. .	3 10 0
Weighing and landing charges .. .. .	0 1 6
Marine insurance .. .. .	0 2 7
Brokerage .. .. .	0 2 6
Shrinkage (2 $\frac{1}{2}$ per cent. on £21 2s. 1d.) .. .. .	0 10 7
Exchange (1 $\frac{1}{4}$ per cent. on £21 2s. 1d.) .. .. .	0 5 3
New Zealand Reparation Estates commission (5 per cent. on £21 2s. 1d.) .. .. .	1 1 0
	<b>£26 15 6</b>

It might be pointed out that a shipment of New Zealand Reparation Estates copra was sold in London during September at £27 7s. 6d.; to-day's price is £28 2s. 6d.

The following is a recent analysis of a parcel of Native copra delivered at Mulifanua, as compared with the analysis of a recent shipment of New Zealand Reparation Estates copra:—

	Oil Content. Per Cent.	Moisture. Per Cent.	Free Fatty Acid. Per Cent.
New Zealand Estates .. .. .	65.9	4.68	1.36
Native .. .. .	66.2	5.55	0.56

The freight rate from out-station to Apia quoted in the estimate of landed cost, United Kingdom or continent, is that shown in the freight schedule adopted by local merchants. This freight should return a very good profit on the running of the motor-launches, judging by the experience of the New Zealand Reparation Estates Department, with its two launches employed in bringing in copra from its plantations at Mulifanua, Vaitele, and Vailele. Last year, after allowing Mulifanua Plantation a

rebate of 33½ per cent. on schedule rate for copra brought in from that plantation by motor-launch, and charging no freight on goods transported from Apia to the plantations, but only on the copra transported to Apia, the two motor-launches returned a total net profit of £1,200 after providing for overhead charges, depreciation, and reserve.

Regarding the price paid by local merchants and traders for ordinary Native copra, official advice has been received that the following are the prices at present being paid to Natives in Pago Pago, Fiji, and Tonga: Pago Pago, \$95.78 (converted at \$4.87) = £19 13s. 4d. per ton; less cost of handling (½ cent per pound) £2 4s. 10d. = £17 8s. 6d. (in addition purchaser supplies sacks and twine). Fiji: Outlying Islands, £12; Vanua Levu, £15; wholesale price, Suva and Levuka, £18 10s. Tonga: Out-districts, £11 4s. to £14; export centre (Nukualofa, Haapai, and Vavau), £14.

Ordinary Samoan Native copra is of better quality than the ordinary South Seas copra. Last month one of the local merchants purchased from the Administration at £17 15s. per ton a parcel of sundried copra (without sacks) prepared by the Native prisoners at Tuvao Prison Farm. In August a small parcel of similar copra, contained in old second-hand sacks, was sold locally by the Administration for £18 5s. per ton. These prices are considerably above what is usually paid to Natives by local merchants and traders, and no doubt the purchasing firm did not contemplate losing money over the purchases. This copra was sold locally, as it was not considered up to the standard of the Native copra that the Administration has decided to handle. The Administration is not at present concerned in handling ordinary Native copra, except to such extent as the Natives may, in accordance with the Ordinance recently passed, avail themselves of the opportunity of paying their personal taxes in copra instead of in cash. Up to the end of September the quantity of Native copra handled under the Administration's scheme was approximately 100 tons. The New Zealand Reparation Estates Department pays all taxes and licenses that are applicable under the various taxing Ordinances.

A radio has now been received from the High Commissioner that the first shipment of Native copra was not sold until after arrival and analysis as to quality. The quality proved excellent, and the shipment was sold for £27 per ton, the day's quotation for "Straits" copra (a high-grade copra) being £27 12s. 6d. It is to be borne in mind that, once copra has arrived on the overseas market, it is not possible to hold out for high prices to the same extent as in the case of copra to arrive. This is proved by the further advice contained in the High Commissioner's radio that the second shipment of Native copra was sold "to arrive" for £28 per ton, the equivalent quotation for "Straits" copra being £27 17s. 6d. In view of the way in which the copra has been received, the High Commissioner recommends regular shipments.

#### FINANCE.

The reply of the Hon. Minister of External Affairs to the finance section of the Citizens Committee's report is contained on pages 33 to 38 of Parliamentary Paper A.—4B. The figures quoted in the Citizens Committee's report in comparing the expenditures in Samoa, Fiji, and Tonga are quite wrong and misleading, and in support of this assertion I am attaching a schedule [Exhibit No. 62A], setting out the figures quoted in such report and in parallel columns the correct figures for Fiji and Tonga as certified to by the Treasurers of those respective territories. I might state that in compiling their figures the Treasurers had a copy of parliamentary paper A.—4B before them so as to ensure that the figures they quoted would reflect the relative position so far as the Citizens Committee's figures are concerned.

In considering the figures for Fiji it is well to remember that both Suva and Levuka are municipalities with taxing and rating powers. In addition to the general revenue and expenditure figures for Fiji quoted in the report, the revenue and expenditure of these municipalities for the year 1925, after deducting Government subsidies, amounted to—Revenue, £40,561; expenditure, £41,977. These figures, on a *per capita* basis of total population, represent an additional 4s. 9d. and 4s 11d. respectively. Moreover, Fiji has a large Indian population (68,136 out of a total of 169,667) whose needs, particularly with regard to medical attention and education, are small compared with those of the Samoans as imposed on New Zealand under the mandate. Apart altogether from comparisons with these other island territories, a reduction in expenditure is not possible without curtailing the Administration's activities or impairing efficiency.

As far as possible local people are employed in the Administration, and the increasing extent to which this is so is indicated in the following table:—

SUMMARY OF STAFF, SHOWING THE EXTENT TO WHICH NATIVE SAMOANS PARTICIPATE IN PUBLIC SERVICE.

	Europeans.		Half-castes.		Native Samoans.	
	31st March, 1924.	31st March, 1927.	31st March, 1924.	31st March, 1927.	31st March, 1924.	31st March, 1927.
Departmental officials .. .. .	83	84	14	27	149	140
Temporary Departmental officials .. .. .	7	1	1	11	4	6
Samoa Public Trust Office .. .. .	2	2	..	1	..	..
Part-time Native officials .. .. .	..	..	..	..	318	317
Native nurses and medical cadets .. .. .	..	..	..	..	28	52
Native teachers .. .. .	..	..	..	..	10	61
Total, 31st March, 1924 .. .. .	92	..	15	..	509	..
Total, 31st March, 1927 .. .. .	..	87	..	39	..	576

Particulars of European and half-caste departmental officials permanently employed as at 31st March, 1927 :—

European	..	..	..	..	..	..	..	84
Half-caste	..	..	..	..	..	..	..	27
								— 111
Officers from overseas	..	..	..	..	..	..	..	62
Officers engaged locally—								
European	..	..	..	..	..	..	..	22
Half-caste	..	..	..	..	..	..	..	27
								— 49
								— 111

*Expenditure.*—The Territory has substantially benefited as a result of expenditure of public funds since civil administration commenced in May, 1920, particularly with regard to roads and bridges, water-supplies, hospitals and medical out-stations, schools, beach-protection works, lights, beacons, and buoys, and public utilities. These matters will be found referred to in detail in the various annual reports submitted to the New Zealand Parliament, and in the inset map attached hereto. [Exhibit No. 62B.]

*Trading Concerns.*—(a) Central Hotel: This was purchased under circumstances set out in the Hon. Minister's reply given in A.—4B, page 37. The property was purchased for £10,000, after valuation by two independent local business men in no way connected with the Administration. Now that the building has ceased to be occupied as an hotel it is leased to various individuals, and brings in an annual rental of £366. (b) Laundry: This was considered necessary in the interests of health at the time of its construction. Although it is rented at a more or less nominal rental, it is a convenience appreciated by those local people who take advantage of it, and by visiting ships.

*New Wharf.*—This has now been completed and is in use. The final cost of the wharf was £8,544, after allowing for the value of material taken over to form part of new export shed. This is some £150 less than was originally estimated. The other facts in connection with this matter are correctly set out on page 37, A.—4B.

*Electric Light, Proposed Hydro-electric Scheme, and "Alcazar."*—These undertakings are the property of the Reparation Estates Department, and in no way affect Samoan Government funds (*vide* Minister's reply, page 37, A.—4B).

*Expenditure generally.*—It is true that the expenditure has arisen from £66,765 in 1915–16 to the sum of £133,500 in 1926–27, but of this latter amount £113,500 only is raised locally. Large increases will also be found in the expenditures of Fiji and Tonga, as set out in Exhibit No. 62A, but all these increases are mainly due to the reduced purchasing-power of money. At the same time the Administration can point to a very great extension, particularly in the medical service and in educational facilities, during the past few years. The cost of construction and maintenance of roads is very much greater than it was eleven years ago not only by reason of the depreciated value of money, but owing to the more substantial and better class of formation demanded by the extensive use of mechanical transport where light horse-drawn vehicles were previously mainly used.

*Loans.*—Loans are not contracted for works that should rightly be a charge against current revenue. Loan-moneys have been used on works that benefit not only the present but the future, and for which works it is considered that not only the present but the future should pay. Classified details of the expenditure of loan-money are correctly shown on pages 34 to 35 of A.—4B. Loans are raised under authority of section 33 of the Samoa Act, 1921, which section provides for the establishment and maintenance by the Samoan Treasury of a sinking fund sufficient to pay off the loan within a period not longer than thirty years. The section also lays down the security for payment of interest and sinking fund, charged as follows: "All moneys payable by the Samoan Treasury in pursuance of this section shall be a first charge on the Samoan revenues after payment of the salaries and allowances of the Samoan Public Service."

With reference to the loan of £100,000, and the suggestion contained in the committee's report that Samoan Crown Estates did not always belong to New Zealand, I might refer to clauses 2, 3, 6, and 9, of the Samoan Crown Estates Order, 1920; also to the following extract from address delivered by His Excellency the Administrator to the Legislative Council on the 22nd March, 1926 :—

The former Crown Estates, which have been redesignated the "New Zealand Estates" because they belong to and have been paid for by New Zealand, do not come within the purview of this Council, but owing to the generosity of the New Zealand Government this Territory derives financial benefit therefrom; therefore I feel justified in giving this Council some information regarding the policy governing their administration. During the past year the New Zealand Government decided to lease only the smaller plantations and to retain and run the large copra plantations under the system which has been in vogue for the past two years—*viz.*, administration by a Board of control. Profits from the successful working of these estates now total approximately £50,000. The New Zealand Government has agreed not to accept any of this money, but to allocate it and all profits in future for three purposes for the benefit of Samoa—*viz.*, a definite sum will be devoted annually to (1) further development involving improvement of existing areas and the clearing of bush for planting new areas; (2) to establish a Reserve Fund; (3) in reduction of the annual subsidy now received from New Zealand public funds for the purpose of medical and educational activities on behalf of the Natives. By this means it is expected that as the new areas come into bearing the copra output will increase, while the profits, trade and revenue of the Territory should correspondingly increase, and so confer a benefit on the whole community.

Moreover, tenders were called in 1924 for the lease of these estates. I produce the published conditions of lease on which tenders were invited, where the position regarding the ownership of these estates is definitely shown.

With reference to the criticism of Public Works Department on page 10 of A.—4B, the works controlled by the staff for which £4,962 was paid by way of salary totalled £51,498, and not £9,398, as follows: Page 20, estimates 1926–27, £9,398; page 21, £6,100 and £36,000: total, £51,498. As to cost of audit (see page 8 of A.—4B), this is clearly set out on page 12, item V (b) 6, and the notes thereto of 1926–27 estimates.

## LABOUR AND AGRICULTURE.

The assistance rendered to cocoa-planters in 1922, as referred to in the reply to the report on copra, is an indication of the attitude of the Administration towards private planters. The committee in the last paragraph of their report (page 20, A-4B) acknowledge that the Administration has helped the planters in many ways. As the New Zealand Government, through the New Zealand Reparation Estates, is the largest employer of labour in Samoa, it is to the Government's interest to see that labour is obtained under the most favourable terms.

1. *Labour*.—Prior to the passing of the Chinese Free Labour Ordinance, 1925, the Chinese labour was indentured. The rate of pay was 1s. per diem, wet or fine, and, in addition, the employer had to find the labourer in food and clothing. Moreover, the employer had to pay the labourer's wages up to a period of six weeks whilst he might be in hospital, and also pay the overhead charges during the full period the labourer was in hospital or in gaol. The labourer was also entitled to have moneys remitted to China at the employer's expense on the basis of 2s. to the Hong Kong dollar; and as the rate of exchange of the dollar was over 4s. in 1920-21 the labourers took full advantage of this. The result on the effective cost of the labourer to the employer by reason of wages having to be paid whilst the labourer was undergoing medical attention is illustrated by the following figures:—

	Number of Chinese Out-patient Attendances.	Number of Chinese Labourers in Samoa.
Year 1921-22 .. .. .	1,969	1,591
„ 1922-23 .. .. .	4,504	1,328
After passing of Free Labour Ordinance, 1923:—		
Year 1923-24 .. .. .	1,320	967
„ 1926-27 .. .. .	178	946

It is estimated that the actual cost of an effective unit of labour under the conditions outlined above, including overhead charges (referred to below), was not less than 4s. 6d. per working-day. In 1923, as a result of a series of conferences between the Administrator and employers of Chinese labour—planters and merchants—the Chinese Free Labour Ordinance was placed on the statute-book. Under this Ordinance the rate of pay was fixed at 3s. per diem or per task, the labourer to feed and clothe himself and pay his own hospital expenses, as well as losing the benefit of having his money remitted to China on the basis of 2s. to the dollar. The principle of “no work no pay” was also applied. As, following on the passing of the Ordinance, “overhead charges” were reduced to 13s. 6d. per month per unit, or approximately 6d. per diem, the total daily cost of an effective labour unit is now 3s. 6d. Chinese labour on plantations in Malay costs \$1.25 to \$1.50, or 3s. to 3s. 6d. per diem. At present suitable Chinese labour cannot be obtained for less than is now being paid, and no other class of labour is possible. Tamil (Indian) labour, as largely used in the East, will not be admitted to Samoa, and the Commonwealth authorities are unable to permit of labour being obtained from the Solomons or New Guinea. The Dutch Government will not allow of our recruiting Javanese labour, although statements to a contrary effect have been circulated locally. In 1910 and 1913 Dr. Solf approached the Dutch Government on the subject of obtaining Javanese labour for Samoa, but his requests were refused absolutely. I had the opportunity of seeing the correspondence in this regard at the Government offices, Batavia, last year.

2. *Overhead Charges*.—The Administration recruits and repatriates all labour from China, and bears various charges whilst the labour is in Samoa, as is more particularly set out in the following letter to the Planters Association:—

28th January, 1926.

Mr. H. M. Yallop, Secretary Planters Association of Western Samoa, Apia.

DEAR SIR,—

In reply to your letter of the 8th instant, the following are the figures relative to the last batch of coolies who arrived per s.s. “New Mathilde” in April last, and will indicate the various items that have to be considered in fixing the overhead charges:—

COST OF IMPORTATION (281 MEN).		£	s.	d.
<i>(a) Payments at Hong Kong:—</i>				
1. Passage-money (less credit for freights) .. .. .	..	3,802	17	5
2. Recruiting fees .. .. .	..	1,433	13	9
3. Medical examination in Hong Kong .. .. .	..	66	3	0
4. Radios and cables .. .. .	..	111	18	4
5. Insurance on coolies (passage-money) .. .. .	..	18	0	0
6. Agents' commission—				
(a) On disbursements .. .. .	..	141	0	0
(b) On recruits .. .. .	..	164	15	10
7. Sundry expenses .. .. .	..	6	6	6
		5,744 14 10		
<i>(b) Payments in Samoa:—</i>				
8. Half-pay on voyage .. .. .	..	395	17	0
9. Camp costs, Vaitele .. .. .	..	310	7	0
10. Radiograms .. .. .	..	30	0	0
11. Exchange on remittances .. .. .	..	52	0	0
12. Sundry expenses .. .. .	..	23	15	6
		£6,556 14 4		
			£	s. d.
281 coolies at £6,556 14s. 4d. .. .. .	..	..	23	6 8
			(each)	

General Charges during Period remaining in Samoa (estimated on the basis of £2 10s. per head each three years):—

13. Death and burial expenses .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	} £ s. d. 2 10 0
14. Compensation .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	
15. Deportations .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	
16. Medical rejects .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	
17. Prisoners' costs .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	
18. Loss of overhead expenses on unemployed labour .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	
19. Sundries .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..

Repatriation Costs:—

20. For the 133 coolies repatriated by the return trip of the s.s. "New Mathilde" this charge worked out at £14 8s. per head .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	14 8 0
Charges per coolie for three years .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	£40 4 8
Charges per coolie for one year .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	13 8 2
Charges per coolie for one month .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	1 2 4
Actual charge per month being made .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	0 13 6

We are therefore really losing 8s. 10d. per month per coolie on overhead costs for the last importation of 281 coolies. This we are able to do by continuing the overhead charges on all coolies at the one rate. The rate is reviewed from time to time, and whenever the state of the Coolie Cost Recovery Accounts permit of a reduction this will be made. For instance, the overhead costs of the "Haldis" and "Ascot" coolies worked out as follows: "Haldis," £2 14s. per head; "Ascot," £1 10s. per head. Yet on the 1st January, 1923, these were reduced to—"Haldis," £1 7s. per head; "Ascot," £1 7s. per head. This meant that on the balance of the first term of three years of these coolies' contract we would, on the basis of the difference between the overhead cost and the reduced charge, lose the following amounts: "Haldis," £5,750; "Ascot," £2,700; £8,450. The rates for "Haldis" and "Ascot" coolies were again further reduced when the Chinese Free Labour Ordinance came into effect and before expiry of the original contracts, thus further increasing the loss. These losses, as well as that on the last importation, are recovered by continuing the overhead expenses over all coolies.

Yours, &c.,  
J. W. HUTCHEN, Secretary.

The costs thus involved are recovered from the employers of Chinese labour by means of a monthly *per-capita* charge on the labour so employed. The present rate is 13s. 6d. per month. Normally the labour is obtained for a term of three years, but an extension for a further three-year term is permitted in the case of those wishing to remain, provided their service has been satisfactory. As against this, many of the labourers do not remain for the full three years, as the following schedule will show.

Year.	Transport.	Number of Coolies arrived in each Transport.	Repatriated.					Died.				Balance in Samoa.
			Same Trip.	First Year.	Second Year.	Third Year.	Since Third Year.	First Year.	Second Year.	Third Year.	Since Third Year.	
1920 ..	"Haldis" ..	503	2	69	65	207	58	7	6	1	3	85
1921 ..	"Ascot" ..	946	23	118	180	184	148	7	1	3	8	274
1925 ..	"New Mathilde" ..	293	13	23	..	1	..	5	1	..	..	250
1926 ..	"Haiching" ..	180	5	1	..	..	..	4	..	..	..	171

Overhead Charges per Head per Month for Three Years—Summary.

Year.	Transport.	Actual Cost.	Overhead Charge being collected.
1920 .. .. .	"Haldis" .. .. .	2 14 0	0 13 6
1921 .. .. .	"Ascot" .. .. .	1 10 0	0 13 6
1925 .. .. .	"New Mathilde" .. .. .	1 2 4	0 13 6
1926 .. .. .	"Haiching" .. .. .	1 0 2	0 13 6

Number of coolies as per attached schedule .. .. .	..	..	..	780
Old and Taiuan men (130 and 4) .. .. .	..	..	..	134
Free labourers .. .. .	..	..	..	26

Total in Samoa, 13th October, 1927 .. .. . 940

There are still some 130 labourers employed who were recruited in pre-war days. These are still allowed to remain here, as it would be unjust to send them back to China now after serving the country during the best years of their life. In consideration of the above factors, the cost of recruiting, repatriation, &c., is recovered by making a flat-rate overhead charge in respect of all labourers, so that all employers are treated alike. A similar system is followed in Malaya with regard to Tamil labour—i.e., the charge is levied in respect of all such labourers.

3. *Optional-purchase Clauses.*—The request of the committee is opposed to Government policy as set out by the Hon. Minister on pages 42 and 43 of A.—4B.

4. *Improvement Clause.*—The "improvement" clause contained in New Zealand Reparation Estates leases is similar to that incorporated in the leases of Crown lands in New Zealand. In practice the clause should occasion no hardship.

5. *Export Duty.*—The proposal of the committee that the export duty on all cocoa that passes as standard should be returned to the producers proportionately to the amount of cocoa exported is not sound. In 1922–25, when the market price of cocoa fell below a profitable producing basis, the export duty was refunded to planters. If a similar position arises in future the matter will be reviewed in this light.

6. *Marketing of Produce.*—The Administration, through the machinery of the New Zealand Reparation Estates Department, or the Office of the High Commissioner, London, is prepared to assist planters to the fullest possible extent in marketing their produce.

7. *Transport.*—Work has already been done on the Wireless Road this year, and further work will be continued next year until the road is in first-class order. When completed the road is to be tar-sealed.

8. *Disease.*—Arrangements will be made for an entomologist to visit Samoa when necessary. At present there is no evidence of serious general disease.

#### LEGISLATIVE COUNCIL.

The policy of the New Zealand Government with regard to the Legislative Council is set out on pages 32 and 33 of Parliamentary Paper A.—4B. The principle underlying the mandate is set out in the following paragraphs of Article 22 of the Covenant of the League of Nations:—

To those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in this Covenant. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The legislative machinery provided by New Zealand for the Mandated Territory is designed to give effect to this principle. Three methods of legislating for Western Samoa are available: (1) By Act of the New Zealand Parliament; (2) by Ordinances passed by the Legislative Council of Western Samoa (see Part II, Samoa Act, 1921); (3) by regulations made by the Governor-General in Council (see section 45, Samoa Act, 1921).

*European Representation: Legislative Council.*—From the outbreak of war in August, 1914, up to the 1st May, 1920, Samoa had been under a Military Administration. From the 1st May, 1920, Civil Administration was instituted under the provisions of the Samoa Constitution Order, 1920. Under this Order a Legislative Council was established, consisting of (a) Official members (not less than four in number) being the holders for the time being of such offices in the Samoan Public Service as the Governor-General from time to time appoints as entitling the holders thereof to sit in the Legislative Council; (b) unofficial members (not more in number than the official members), being such other persons (if any) as the Governor-General appoints to hold office during his pleasure as members of the Legislative Council. Under the provisions of (b), three local citizens, Messrs. Keeling, Tattersall, and F. E. Syddall, were appointed unofficial members. In 1923 the Samoa Act was amended to provide for election of non-official members. In view of the various amendments to the Samoa Act, 1921, as affecting the constitution of the Legislative Council, it might be stated that the present statutory provision is—(a) Official members (not less than four nor more than six in number), being the holders for the time being of such offices in the Samoan Public Service as the Governor-General from time to time appoints as entitling the holders thereof to sit in the Legislative Council; (b) unofficial members (not more in number than the official members), who may be either elected members or nominated members or partly elected and partly nominated members, as the Governor-General in Council from time to time determines. By the Samoan Legislative Council (Elective Membership) Order, 1923, it was provided that the number of elected members shall be three. The first election for unofficial members of the Legislative Council was held on the 23rd January, 1924, when Messrs. Nelson, Westbrook, and Williams were the successful candidates. These three gentlemen were re-elected at the second election held in November, 1926. Every assistance is rendered to the elected members in the putting forward of matters which they wish discussed in Council. No attempt is made to suppress discussion in Council, and motions moved by elected members have been carried with the support of official members. Instances of these can be given. I produce a copy of the Standing Orders of the Legislative Council. Lord Milner, speaking in the House of Lords on the 12th May, 1920, justified the official majority in the following terms:—

The only justification for keeping an official majority in any colony is that we are convinced that we are better judges for the time being of the interests of the Native population than they are themselves. Unless we thought that we should not be justified in keeping our official majority. If that is the case, then I think that the argument that the unofficial vote was against you is not an argument which possesses any force. The responsibility rests with us. It is not as if we departed from the principle of trusteeship. On the contrary, on the principle of trusteeship we keep the authority in the hands which we think for the time being most competent to use it, and we must not be fearful about making use of that reserve power.

*Native Representation.*—The extent to which the Samoans themselves participate in the government is set out in the evidence on District Councils submitted by the Secretary for Native Affairs. Legislation affecting the Natives originates either with the Village Committees, from whence it is forwarded to the respective District Councils for consideration, and, after approval, thence on to the Fono of Faipule, or it may arise from matters submitted by the Administrator to the Fono of Faipule. In the latter case, such matters are forwarded to the District Councils through the Faipule for dis-

discussion before finally coming before the Fono of Faipule for decision. Decisions of the Fono of Faipule may be given legislative effect to either by submission to and adoption by the Legislative Council in the form of an Ordinance, or, if they affect only Native interests, by being submitted to the Hon. Minister of External Affairs for embodying, if approved, in an Order in Council. The Fono of Faipule has received statutory recognition in the Samoa Amendment Act, 1923. It is submitted that the existing Native organization—Village Committees, District Councils, and Fono of Faipule—based as it is on Native custom, provides the best possible means for guiding the Natives in their own development. Sir Frederick Lugard, in addressing the Cambridge Branch of the Royal Colonial Institute, spoke as follows (see page 162 of *United Empire* for March, 1927): "It is by the training of village and district Native Councils, and not by placing a few denationalized Natives on the Legislative Council of the colony, that a primitive people can be taught to think for themselves, and that England's great task in the tropics can be accomplished."

*General.*—The position with regard to Fiji is not as stated in the committee's report. The Legislative Council in Fiji consists of fourteen nominated, and seven elected members. The nominated members include eleven European officials, two Fijian officials, and one Indian member. There is nothing to require any matters on which the elected members vote *en bloc* in opposition to the Government members being referred to the Secretary of State for the Colonies. As a matter of fact, the Governor of Fiji has powers of disallowance of motions, even if passed by the Council, that the Administrator of Western Samoa does not possess. The following are the relevant sections from Fiji Letters Patent:—

EXTRACTS FROM FIJI LETTERS PATENT.

*Clause 25.*—When a Bill passed by the Legislative Council is presented to the Governor for his assent he shall, according to his discretion, but subject to the provisions contained in these our Letters Patent, and to any Instructions addressed to him under the Royal Sign Manual and Signet, or through a Secretary of State, declare that he assents thereto, or refuses his assent to the same, or that he reserves the same for the signification of our pleasure.

*Clause 27.*—The Governor may reserve for the signification of our pleasure thereon any Bill passed by the Legislative Council, and shall so reserve any such Bill by which any provision of these our Letters Patent is repealed, altered, or amended, or which is in any way repugnant to or inconsistent with any of the provisions of these our Letters Patent. A Bill so reserved shall take effect so soon as We shall have given our assent thereto, either by our Order in Our Privy Council, or through a Secretary of State, and the Governor shall have signified such assent by Proclamation in the *Fiji Royal Gazette*.

*Clause 32.*—All questions arising at meetings of the Legislative Council shall be determined by a majority of the votes of all the members present, except the Governor or other presiding member, and in case of an equality of votes the question shall be determined by the casting-vote of the Governor or other presiding member: Provided that the Governor may disallow any vote or resolution of the Council, and any vote or resolution so disallowed shall have no force or effect.

*Mr. Meredith.*] The facts and statements made in these reports are true and correct to the best of your knowledge and belief?—Yes.

I just want to ask you about one other matter: you have now received a report from England as to the result of the sale of Native copra through the Crown Estates?—We have received a report as to the price realized.

What will be the result to the Natives of the realization of that price?—On the first sale, if our figures are correct, it should be another 4s. 6d. by the time it reaches the Natives; and with respect to the second sale, if our figures are correct, there should be another £1 4s. 6d. distributed to the Natives.

Per ton?—Yes.

*The Chairman.*] Would you please turn to your notes where you refer to the petition signed by eleven local cocoa-planters: are they mixed European and Native planters?—They are all European planters.

*Mr. Baxter.*] In your statement with respect to the table showing advance and expenses—the fourth line—the following occurs: "Shrinkage before landing at Apia, 2½ per cent. on £17 2s. 8d." Over what period would that have been for?—At the outside, up to about a month.

Copra shrinks more in the first week than at a later stage, does it not?—Yes.

So that you would really get the bulk of your shrinkage within the first month?—Yes.

Then, at the last line but four on the same page you refer to "brokerage," and you show it at 2s. 6d.: what is the rate of brokerage you pay?—½ per cent.

There is no commission here?—London expenses only, of 5 per cent., are paid, and there are also small expenses so far as the High Commissioner's Office is concerned.

I notice that there is no entry for copra-weighers' salaries?—Do you mean in Apia?

Yes?—They are included in the lighterage and shipping charges.

And the place of advance?—That is covered by handling and loading charges.

That is at 5s. 6d. per ton?—The experience of the plantations on actual figures.

That would not include a proportion of the salary of the man who was doing the actual weighing-in of the copra?—No, except to the extent that any overhead charges would be included in the 5 per cent. amount.

We will leave that aside. You give them the use of the copra-sheds?—Yes, that is so.

It would be really just the baggage, loading, and the persons who are actually doing the loading?—And the weighing-in.

It would not include their salaries?—No.

Would it include the salaries of the persons that were loading?—Yes.

But would not include the salaries of any supervision officers?—No, it would not include the manager.

In fact, it would include only the pay of such labourers as were specially engaged on the job?—That is so.

There is just one other point that I cannot follow you. You say, "Shrinkage before landing at Apia, 2½ per cent.;" and then lower down you say, "Shrinkage in Apia prior to shipment, 5 per cent.?"—That is so.

Where would you say that the bulk of the shrinkage takes place?—Remaining in the shed here up to three months; and there is also wastage in unpacking the stuff and repacking. We estimate that 10 per cent. shrinkage right through for good-quality copra should be the maximum.

You reckon on 10 per cent. right through?—Yes.

Ten per cent. is the amount fixed by the merchants?—They have varying amounts.

You have cut out the salaries and various other charges that a merchant would have to meet: who would have to bear those expenses?—The plantations bear that, subject to the reduction of the commission. A proportion of the head-office expenses is charged up to the plantation each year, so that by reason of this commission the plantation is charged with a lesser amount.

The wages of the men who export the copra are not charged on the copra?—Not directly charged.

That I suppose applies to all the four centres where you are making advances?—That is so—not directly charged.

Then, at Vaitele, Vailele, and Mulifanua I conclude that these charges are made by the Reparation Estates—that is, the plantations?—In the first instances, yes.

And at Fagamalo?—In the first instance it is borne by the Administration.

In the first instance it could only come back through the 5 per cent.—it cannot come back any other way?—That is so.

I suppose the same applies to the other charges—namely, use of sheds and other articles which are necessary: the expenses of those are not borne by the copra, they are borne by the Reparation Estates and the Administration?—They are borne by the Administration and are covered by the 5 per cent. commission.

We can put it this way: on your answer you consider 5 per cent. is merely to cover additional expenses?—That is so.

You are advancing at four points now, and I conclude that if the scheme goes ahead it is bound to grow?—If we are compelled to pay a higher price it will go ahead.

You cannot leave it at those four points, and you will have to make arrangements with the Natives to supply the copra?—Yes.

That would mean eventually you would have to have buying-stations right throughout the group?—If the scheme becomes general in application we will have to.

I suppose you expect it to become of general application?—We hope, either by our own efforts or through other efforts, that it will come about.

If the merchants cannot fall in with the scheme because it will not pay, you contemplate the scheme growing to deal with the bulk of the copra here: is that the position?—We do not contemplate that so far.

Have you considered what the form of organization will be that would be necessary in Apia for the purpose of handling such an undertaking?—The organization of the New Zealand Reparations Estates would be quite capable, with suitable additions as the business increases.

If the scheme was increased would you not have to increase the organization of the Crown Estates considerably to handle the copra?—With that general application we would.

If you did that the copra would then have to bear these charges and salaries, rental of sheds, insurance, &c.?—The scheme would have to stand on its own feet.

Exactly; so that these advantages that they are gaining now are only temporary while the scheme is small?—Charging indirectly the salaries, yes, that is so.

I conclude that you went into the matter without understanding that you might have to go into the other side of the business of dealing in merchandise?—No.

*The Chairman:* I do not think that the witness should be put into the position of having to enter into a discussion that relates to the future. How could a person in the position of Secretary to the Administration say what can or cannot be done with respect to a wide and general scheme? We know that the scheme is only tentative.

*Mr. Baxter:* I think I am entitled to show that the figures are wrong.

*The Chairman:* He is not bound to give you a definite scheme or particulars of a definite scheme with respect to the general application of this matter.

*Mr. Baxter:* I will satisfy myself by asking this: (To witness:) So far as the Administration is concerned it has not contemplated ever handling the matter in a large way?—No.

At the present time you are selling through the Crown Estates and shipping the stocks Home?—Yes.

It would have to be altered if the scheme improved?—We will leave the scheme to look after itself.

Perhaps you can assist me here: when you buy copra—I am using the term "buy" because it is convenient—I suppose it is bought in comparatively small quantities?—Mainly in small quantities.

*Judge MacCormick.]* The reports show that about 100 tons have been bought?—Yes.

*Mr. Baxter.]* You advance against small amounts?—Yes, small amounts.

What arrangements have you for dividing up the surplus between the various consignors when you get the account sales back?—The attachment to the copra report shows that those who deliver the copra get a receipt for the quantities which they delivered, and—

*The Chairman.]* There is only one practical way of doing it, that is, the whole scheme is pooled and the surplus is divided up later?—Yes; it is explained in the *Savali*.

*Mr. Baxter.]* Supposing you have a loss on a shipment, what arrangements are made?—If we have a loss the New Zealand Government would have to bear that through the New Zealand Reparations Estate, but we should fix our advance so that there would be no loss.

*The Chairman.*] You have to take the risk—you do not expect to be recouped with the loss ? That is so.

*Mr. Baxter.*] You ship only one grade of copra, do you not ?—Yes, it is all marked as one grade.

There is one other point that I wish to bring under your notice with respect to this scheme, and it is this : Have you made arrangements to advance against copra in, say, Fa'asaleleaga ?—Is there not a possibility that the Natives there will hang back on their copra until you make arrangements to give them as much for the copra as they would get at Fagamalo ?—I do not think so.

You have not heard of that ?—The price differs in the various districts at present, and the Natives are used to the different prices.

The Samoans look upon it this way : The Samoans at Fagamalo are receiving from the Government a certain price—I do not know what the price is—and the people at Fa'asaleleaga are left to get what they can from the merchants : is it not in accord with the Samoan custom to say, " We will not produce copra until we get the same price as they are getting in Fagamalo " ?—No, we do not take the ordinary Native copra.

In your evidence on finance you say there that it is impossible to reduce expenditure : that is practically what you say. You will remember that the committee's report on these figures was wrong in many respects. There was no query raised about the actual emoluments shown, except that there were some percentages that were not right so far as Fiji was concerned—there was no question raised as to the correctness of the figures shown, and the salaries paid to the officials in Fiji as compared with Samoa ?—At the time that report was prepared we were not in possession of all the facts and figures that we have now with respect to Fiji. It is almost impossible to say that the position in Samoa is the same as that existing in Fiji.

Do you consider that the officials in Fiji are better paid or are not so well paid as the officials in Samoa ?—

*Mr. Meredith :* I do not think that Colonel Hutchen should be asked to criticize the payment or non-payment of salaries of another country. In many cases it cannot affect the position.

*Mr. Baxter :* I submit that I am entitled to make a comparison.

*The Chairman :* I consider that it is a proper question, having regard to the comparisons which have been instituted, and the witness must be able to say one way or the other ?—The whole conditions of employment are not wrapped up in the question of salaries. The officials there have a pension scheme to which they do not contribute ; but here we have to pay our own contributions to the superannuation fund. Another thing is that the leave conditions are very much more liberal there than is the case here.

*Mr. Baxter.*] In other words, you say it is impossible to compare them ?—You cannot.

In your statement you refer to the Central Hotel being purchased for £10,000, and there was a further sum of £3,520 11s. 8d. for equipment and expenditure ?—That is so, and that was transferred to the Casino when it was taken over.

It was not all equipment—I think there were other things ?—Furniture, equipment, &c.

Were there not one or two alterations and improvements ?—Yes.

The rent you are now receiving for it is only £366 ?—Yes.

The bank rate on the total amount expended at 7 per cent. would be £931-odd ?—I do not suggest that it is sufficient revenue for the original outlay.

The Central Hotel has to pay water rates, insurance, &c. ?—It is paying water rates, insurance, &c.

I wish to refer for a moment to the steam laundry : the steam laundry cost £6,170, did it not ?—Yes.

In fact, a concrete building was built for the purpose of this laundry ?—Yes, a ferro-concrete building.

It is let for an annual rental ?—Yes.

What is the annual rental that is received ?—£50 per annum.

And I suppose it has to pay the usual taxes, such as water rates, insurance, &c. : are those taxes, &c., paid by the Administrator or the lessee ?—The rental is free of the taxes.

I believe that at the time it was built a lot of the washing was, and still is, being done by the Samoans ?—That is so, and if that were not so the laundry would be a good paying concern.

You refer to the new wharf, costing £8,544 ; I conclude that that is the final contract price ?—Yes, the final contract price.

That would not include the expenses in regard to the services of Mr. Watson and Mr. Hutton and others who were performing the work of supervision and surveying and that kind of work ?—No.

You make some remarks with respect to loans, and we are not going to dispute that at all : you will admit, or agree, that the people here, and particularly the Samoans, are very suspicious of loans, and are inclined to fear them ?—They are apt to be suspicious in money matters.

The local white people too ?—I can only speak to the extent that I know.

That being so—namely, that they are suspicious in money matters—what steps has the Administration taken to educate the people with respect to these loans before they were issued—that is to say, educate them as to the necessity for them ?—I was not here when the loans were first issued.

Then you refer to the sum of £50,000 as being the approximate profits of the Reparation Estates : is that just the profits on the plantations, or does that include also the rentals of those plantations being leased ?—That represents the profits for the whole of the ramifications of the New Zealand Reparation Estates.

Through the generosity of New Zealand a proportion of these profits come direct to the Samoan Treasury, and Samoa benefits from the whole lot indirectly. I do not wish to inquire into the matter in any way, but that is the position, I suggest. As the local taxpayers are considerably interested in

the results of the New Zealand Reparation Estates, I think I might ask this question: Would it not have been better if this hydro-electric scheme had been brought in by private enterprise?—Yes, certainly. We tried for two years to get private enterprise to do the work.

Did you call for tenders to do the work?—The Public Works Department in New Zealand called for tenders.

And you could not get any satisfaction?—We could not get any satisfaction whatever.

With respect to public works, you say that the total value of work to be controlled by the staff is £51,498—that is, from the estimates of 1926–27?—That is so.

All that work was not done?—The only work that was not carried out, so far as I know, was the Inspector's residence at Fagamalo, and this was a matter of £1,000 which was set aside for that.

All the other work was carried out?—Yes, so far as I am aware. The vote was expended—that is, the vote for the works.

With respect to the question of auditing: the auditor who comes from New Zealand is usually here between boats, is he not?—He remains a month here.

And during that month he audits the books of the Administration, and also, I think, the books of the New Zealand Reparation Estates?—Yes.

So it is impossible for him to go into everything very fully?—The subsidiary accounts he cannot go into, and therefore we have a local auditor.

The local auditor is a member of the staff of the Administration, is he not?—The Public Trustee.

I do not wish to attack his integrity at all when I say this, but all that he can do is to report on the position to the Administration and forward his report to the Secretary?—Yes.

I do not wish you to misunderstand me when I ask you this question: there is very little control over the expenditure of this country because the expenditure is fixed at central office and the report of the local auditor is on all the subsidiary work: what are the duties of the local auditor?—He has to check off the subsidiary accounts and report anything that he notices when he is examining the books and also the staffing of the various offices. So far as the control of the public funds is concerned, the expenditure is not approved in the central office, but estimates are prepared by the Administrator and forwarded by him to the Minister of External Affairs for his approval.

To whom does the local auditor report?—He reports to the central office, and his reports are available for the New Zealand Government auditor when he visits Samoa annually.

In your statement with respect to the Fiji figures for 1925 you show the revenue there *per capita* as £3 4s. 10d.?—Those figures are not supplied by me, but by the Fiji Treasurer.

I am not in any way querying the figures. I would like you to look at the expenditure, which includes loans, and it works out, according to your statement, at £3 0s. 8d.?—Yes; and excluding loans it works out at £2 16s. 4d.

By taking the highest expenditure, that gives them a surplus per head of 4s. 2d.?—Yes, on those figures.

And the population of Fiji is, I think, according to the blue-book, 169,367?—Yes.

That would make a total surplus with respect to Fiji of £35,347?—Yes, on those figures.

And you will probably remember that Mr. Smyth in his evidence showed that so far as Samoa was concerned the cost of expenditure over revenue was 8s. 10d. per head?—I do not remember.

In the estimates of 1925–26 the expenditure for Samoa is shown as £130,200?—Yes, that is so.

At page 26 of the estimates the actual expenditure for that year is shown as £150,687?—Yes.

What was the reason for such a big difference between the estimate and the actual expenditure?—The revenue increased as the year progressed—in other words, the revenue greatly exceeded the anticipated amount, and additional public works were gone on with. That year a commencement was made on the Mulifanua Road.

You went ahead with these extra public works: were there supplementary estimates prepared, or anything else to cover that?—I was absent from Samoa at the time.

I suppose you quite agree that the Samoan Amendment Act was an expression of confidence on the part of the New Zealand Government in the ability of the citizens to take part in the government of Samoa?—They contemplated advancement.

And that they would take an active part in the government of Samoa: have the elected members had any opportunity of taking any actual part in the legislation?—Yes, they have in the Legislative Council, certainly. Some of the Ordinances have originated as a result of the elected members.

Have they ever been consulted in shaping any Government policy or any other matter brought forward?—The policy is fixed by the New Zealand Government after, of course, obtaining the views of the Administrator. He endeavours to obtain the views of the Legislative Councillors, and, so far as it affects the Natives, through the Fono of Faipules.

How often does he seek that information?—When the Legislative Councillors were first selected the Administrator used to correspond with the Legislative Councillors and seek their views. This practice he had to discontinue by reason of the fact that he received an intimation from them that they preferred any matters to be discussed in the Council.

Did he follow any other line of action after that?

*Mr. Meredith:* I suggest that it would be better to leave these matters till the Administrator is called.

*Mr. Baxter:* The Administrator will be called?

*Mr. Meredith:* Yes.

*Mr. Baxter:* I did not know that he was going to be called. That being so, I am prepared to defer any further questions that I have with respect to the Legislative Council.

*Mr. Meredith:* With respect to the copra question, the present method of advances is purely experimental?—Yes. We have had no previous experience to guide us.

And it is mainly with the object of obtaining for the Natives an increased price for the better quality of copra produced?—Mainly to get the Natives to produce a better-quality copra.

That was your ultimate object, and to attain that you arranged for a better price to encourage them to do so?—Yes.

The position now is that the merchants are only paying one price for all classes of copra?—Yes.

And if subsequently a satisfactory price is obtained for good Native copra the Administration will be perfectly satisfied?—Quite satisfied.

And does not wish to embark in the business in any way?—That is so.

And would relinquish the system if the merchants would take it up and satisfy the Natives?—Yes.

With respect to auditing: the matter is covered by the Samoa Treasury Regulations of 1924, published in the *New Zealand Gazette*, No. 60, of the 11th September, 1924, and the whole responsibility of the audit is that of the Controller and Auditor-General of New Zealand?—Yes.

And section 29 reads, "It shall be the duty of the Controller and Auditor-General from time to time, at such intervals as he deems necessary, not exceeding in any case one year, to cause an audit to be made of all accounts relating to the receipt, custody, or expenditure of public moneys"?—That is correct.

An officer is sent from New Zealand to perform this duty from the New Zealand Office of the Controller and Auditor-General?—Yes.

And he takes whatever steps he thinks necessary to satisfy himself as to the correctness of the accounts?—Yes.

He is not under the control of the New Zealand Government, but under the control of the Controller and Auditor-General?—Yes.

And he makes his report to the Controller and Auditor-General?—Yes.

For your own protection, besides that audit you have a local auditor performing what may be called a current running audit?—Yes; that is what we aim at.

And he reports to the Administration?—Yes.

So you are in this position: that the Administration provides for its own continuous audit, which is submitted to the Administration and to the New Zealand Controller and Auditor-General's officer performing the annual audit?—Yes.

ERNEST HUNT sworn and examined.

*Mr. Meredith.*] You are a registered medical practitioner, residing at Apia?—Yes.

And you hold the diplomas of M.R.C.S. and L.R.C.P.?—Yes.

How long have you been here?—Three years and ten months.

And during that time you have been in charge of the public hospital in Apia?—I have been officially in charge since the 1st March, 1926.

Will you please read your statement to the Commission?—Yes. The statement is as follows:—

Dr. Ritchie is the Chief Medical Officer, and is at present dangerously ill in the Apia Hospital, and unfit to appear. He holds a diploma of M.B., B.Ch. (N.Z.), and also the special qualification of diploma of public health, D.P.H. (N.Z.). He combines the positions of Chief Medical Officer and Medical Officer of Health. His duties are set out in the Samoan Health Order of the 16th February, 1921, sections 6 (2B) (2C) and sections 11 and 12:—

6. (2B) A Chief Medical Officer, who shall be a qualified medical practitioner, and who shall be Director of the Division of Clinical Medicine and of Hospitals.

(2C.) The Medical Officer of Health, who shall be a medical practitioner with special qualifications in sanitary science, and who shall be the Director of the Division of Public Hygiene.

11. The Chief Medical Officer shall be charged, subject to the control of the Administrator, with the administration of all laws and regulations relating to lunacy, hospitals, and medical aid, and shall be responsible for the efficiency of the hospital service and of the clinical, medical, and nursing services throughout Western Samoa, including such general measures for preventive treatment of disease as may be decided on by the Board of Health.

12. The Medical Officer of Health shall be charged, subject to the control of the Administrator, with the administration of all laws and regulations relating to sanitation, quarantine, and the purity of food and of drugs, and for that purpose he is hereby empowered and directed.

Speaking professionally, I can positively assert it is impossible for any one to perform those duties, and at the same time undertake any medical or surgical work. Under the German Administration there was a medical officer who acted as adviser to the Administration, and another who was an eye specialist. This was the only official staff. The general need of the population, both European and Samoan, were attended to by private practitioners. The plantation labourers were the subject of a separate contract with a private practitioner. It will be seen that, beyond establishing a small general hospital, the German Administration made no attempt to provide a medical service. During the period of military occupation little of a permanent nature was, or could be, done. The hospital, as it was in 1914, is shown in the annual report of the Department of Health for the year ended the 31st March, 1924, page 23. When the present Civil Administration was set up it was decided that a complete medical service for the whole Territory should be instituted. Towards the end of 1920 there was submitted a comprehensive scheme, comprising a hospital in Apia, and six out-stations, each in charge of a European Medical Officer, to attend to the needs of the outlying districts. In 1921 the first of these out-stations was opened at Tuasivi, Savai'i. The further advancement of the scheme was hindered by various factors, of which two were at the time insurmountable. The financial position made it impossible to advance at the pace anticipated, and time was required for the training of Native personnel to help staff the out-stations. At this time the

Natives paid for medical attention, and did not make full use of the facilities offered at Apia and Tuasivi. Thus under date the 18th July, 1922, in submitting the quarterly report for the period April-June, 1922, the then Chief Medical Officer reported: "Reports from Tuasivi show that the attendances of patients is very unsatisfactory, averaging about two per day, thirty-two being admitted as in-patients. It is known that the amount of sickness in the district is greater than would be gathered from the numbers seeking help. The explanation given is that they cannot pay the charges." This failure of the Natives to seek medical aid when it had to be paid for is also shown by a comparison between the years 1922-23 and 1923-24, the latter being the year in which free treatment was instituted. In 1922-23 the general attendance at the Apia Hospital, excluding in-patients, numbered 9597, of which 4,505 were Chinese attendances. The large number of Chinese attendances was due to the arrival of a transport with over nine hundred coolies towards the end of the previous year. The following year the general attendance numbered 37,279, of which only a few hundred were of Chinese. In Tuasivi the numbers increased from 1,509 in 1922-23 to 16,038 the following year. These numbers are larger than has been the case since, owing to the rush on the part of the Natives for treatment of yaws and to the initiation of a campaign against hookworm. The difference between the two years is perhaps better shown by omitting the treatments given for these two diseases in the latter year and showing only the general attendances for other reasons: Apia Hospital, 1922-23, 9,597 attendances; 1923-24, 23,323 attendances. Tuasivi, 1922-23, 1,509 attendances; 1923-24, 8,738 attendances. As already mentioned, the Natives prior to 1923, paid for attention received, and consequently did not attend in any great numbers. Their criticism of the position as it was at that time was that they were not able to work when ill, and therefore had no money to pay for treatment. The cash system was then modified, and accounts for medical attention forwarded through the district Faipules for collection. This practically amounted to free treatment, as the scheme proved a failure as far as revenue was concerned. The position, from a financial point of view, was becoming impossible. Samoa was passing through a period of depression, yet the medical expenditure was rapidly increasing, and so increasing the burden on the finances of the country. Further expansion of the service, to meet the needs of the outlying districts, was thus hampered for lack of funds, and no systematic work to bring under control prevalent diseases such as yaws and hookworm was possible. This was the position when, at the Fono held in December, 1922, the matter of adequate medical attention was fully discussed by the Faipules, and the Natives offered to pay a medical offering of £1 per adult male per year in return for free medical treatment. The following extracts from the Faipules' minute-book show the position of acceptance of the medical tax by the Natives up to date:—

#### MEDICAL TAX.

The following is a translation of resolution passed by the Fono of Faipule in December, 1922:—

1. That this Fono considers that a system of general subscription for medical purposes would be preferable to present system of individual payment.
2. Medical Tax: This matter is left to His Excellency the Governor to examine, and he to decide whether to levy a tax or not. The Fono, however, declare the desire that, if His Excellency decides to levy a tax, such tax shall not exceed £1.

His Excellency declared that if he finds that free medical treatment is possible to all Samoans, together with the establishment of medical services in different parts of Samoa, if a tax of £1 is ordered, he will make the order. If, however, he finds that a tax of £1 is insufficient to provide money for all these matters he will not levy a tax, but would continue as formerly.

When the tax was levied a promise was given that it would be reviewed after three years. In August, 1923, Faipules were instructed to discuss the matter of the tax with the people of their districts. The following written replies were received:—

*Tuamasuga North—Faleata*: All accept the medical tax with pleasure. *Sagaga*: The matter of medical tax was excellently received and was whole-heartedly accepted by all villages. *Leauvaa*: The people do not object to the tax, but are poor and request an extension of time. *Saleimoa*: All accept the tax. *Anoamaa*: (1) People of the district will pay the tax; (2) all villages agree whole-heartedly to the tax. *Vaa-o-Fonoti*: People accept the tax, as it will be the means of enabling Samoans to rapidly become healthy. *Aana—Faleasiu Village*: Agree with great pleasure to the tax. (NOTE.—There was some opposition to the tax by the remainder of the district, and, in reply to a request, His Excellency the Administrator met the chiefs of the district at Leulumoega on the 3rd September, 1923. At this meeting the tax was agreed to. *Alipia*, in reply, said, *inter alia*: "We quite agree to pay the £1 tax towards the Medical Department. . . . Thanks that you have the health of Samoa as your first consideration.")

*Tuamasuga South*: All accept the tax with pleasure.

*Fu'asaleleaga (Savai'i)*: (1) All villages accept the tax with pleasure; (2) agree with great pleasure and with loyal courage, as the tax shall be known as "Offering of love to all persons, because the strong and the weak will be equal, the rich as well as the poor."

*Itu-o-Teine (Savai'i)*: Tax accepted.

Whilst on *malaga* through Upolu and Savai'i, His Excellency the Administrator personally received verbal acceptances of the tax from all other districts who had not forwarded written replies. In December, 1926, the matter of the medical levy was again tabled at the Faipule Fono, when the following resolution was passed:—

It is unanimously agreed by the Faipule Fono that the following shall be placed before His Excellency the Governor:—

1. There shall be one tax to cover everything (*i.e.*, personal tax, medical services, education, &c.). (2) The tax shall be as follows: *Matai*, £2; *tavulea*, £1 16d. (NOTE.—This is a reduction of 4s. in each case.)
3. The tax is to be payable between the 1st July and the 30th September each year. An Ordinance, No. 4, 1927, was passed putting this into effect.

At the beginning of April, 1923, free treatment was instituted under payment of the medical tax of £1 per head. Here we were faced with a considerable problem. Every Native in Samoa, in the out-districts as well as in Apia, was entitled to receive free treatment, and arrangements had to

be made to provide facilities throughout the Territory as quickly as possible. Extra nurses and cadets were appointed for training, and arrangements made for the building of an out-station at Aleipata. Those trained nurses we had were sent to mission stations, to test their usefulness when thrown more or less on their own responsibility. Campaigns against yaws and hookworm were immediately commenced. Our activities were considerably hampered by the presence during the first year of dysentery in epidemic form. At that time we had no organization in the outlying districts to cope with an epidemic, with the result that the death-rate was heavy. To-day, four and a half years after the institution of free medical treatment, we have out-stations and dispensaries dotted throughout the Group, as shown on the accompanying map (Exhibit No. 62B). The following is a list of hospitals, out-stations, and staff outside Apia; this does not include mission stations, to whom drugs are supplied free:—

*Upolu*.—Aleipata: One hospital—Dispensary, three *fales* for patients, *fale* for Native staff, Medical Officer's residence. Staff—One Medical Officer (European), one Native cadet interpreter, two trained nurses (Samoan).

Dispensaries: Ten, each with one trained nurse.—Lufi Lufi, Fagaloa, Satalo, Fusi, Sataoa (Lotofaga), Matautu, Falelatai (one New-Zealand-trained nurse returning shortly to hospital), Mulifanua, Fasitootai, Malua.

*Sava'i*.—Tuasivi: One hospital—Dispensary, three *fales* for patients, *fale* for Native staff, Medical Officer's residence. Staff—One medical Officer (European), one Native cadet interpreter, two trained nurses (Samoan).

Safotu: One Native medical practitioner (hospital), one nurse.

Dispensaries: Five, each with one trained nurse—Satupaitea, Gagamalaei, Samataitao, Sataua (Asau), Fagamalo (one child-welfare nurse).

Resident in Apia: One Visiting Medical Officer.

Coast-line, Mulifanua: *Falefa*.

In 1925 child-welfare work was commenced. This work, although urgently required, had been delayed until our work on yaws had brought that disease under control and the risk of its being contracted by young babies rendered slight. A child-welfare officer was appointed temporarily, and women's committees set up in the villages. These committees were visited by the officer in charge, district by district, and articles published in the *Savali* giving information on the care of baby. The results have been most gratifying, the infant mortality-rate having been practically halved in three years. Unfortunately, the present unrest has, I fear, resulted in the disbanding of many of these committees, and, if so, there would be an increase this year in infant mortality. The policy of development which we are pursuing is to train as rapidly as possible Samoan boys and girls to do most of the work, and to keep the European staff as low as is consistent with efficiency. At the present time we have a staff of seven European Medical Officers in a population, European, Samoan, and Chinese, of approximately of 42,000—that is, one Medical Officer to 6,000 inhabitants, whereas in most European countries there is one practitioner to from 1,000 to 1,500 population.

In New Zealand, with a population of 1,400,000, the number of medical practitioners in 1926 was 1,283. As the population increases, it is hoped to have sufficient Native medical practitioners and nurses trained to render it unnecessary to increase the number of European Medical Officers, whose duties will gradually become more and more the oversight of the work of the Native staff, and the attending to the more serious branches of the work. Very few changes have taken place in the number of the European officials in the Department, although the work has markedly increased. In 1921 there were seven Medical Officers, nine nursing sisters (including the Matron), two dispensers, and an office staff of two. To-day the staff is almost the same, the additions being one office cadet and a laboratory staff of three and two Health Department Inspectors, and we now have only one dispenser. The European nursing staff is as small as experience has shown to be advisable. In New Zealand nurses in our hospitals are not expected to work more than eight hours a day; here in Samoa, in the tropics, the hours of work are the same. It is not possible to efficiently run the hospital on any smaller staff than at present. I would like to stress the necessity of having a European sister in charge of the Samoan ward and *fales*. Only those who actually know can give an idea of what would happen if such supervision was removed. Briefly, there would be no treatment given at all, no teaching of the nurses, and the equipment would disappear in no time. This I can personally vouch for. The Native nursing service was commenced in 1919, and in 1921 four nurses passed the examinations set for their qualifying for a certificate as a trained Native nurse. To date thirty nurses have so qualified, of which number twenty-four are still in the service of the Administration. In addition, we have three nurses who trained in American Samoa and sixteen nurses in training, a total of forty-three. As rapidly as our supply of trained nurses permits, new dispensaries are opened. This policy will be followed until sufficient nurses have been trained to supply our requirements. The course of training will then be made longer and harder, and gradually the standard will thus be raised. At the present time the nurses are being given a sound training in general nursing, and to this has now been added a course of theoretical and practical training in midwifery. It will be some years before the present education policy gives us well-trained girls and before saturation-point is reached in regard to number of nurses, and therefore also some years before we commence to make the course of training a more ambitious one. The standard reached by the girls we have trained during the past several years has demonstrated the capabilities of these girls, who are doing excellent work in the out-districts. Recently, under arrangements made with the Government of Fiji, we have commenced sending cadets to Suva for training in the Native medical training school there. This is part of a scheme for training Native medical practitioners, which will, it is anticipated, embrace most of the island groups in the South Pacific. Already one young man has returned to duty in Samoa, and reports regarding the work of the three in Suva are very favourable. As these young men return they will be placed in various districts, until ultimately every district in Samoa will have its Native practitioner.

It has always been recognized that in the best interests of Samoa out-nursing sisters should, if possible, be recruited in this country. Some years ago arrangements were made with the Auckland Hospital to take girls from Samoa for training, if nominated by His Excellency the Administrator. One has returned with her New Zealand qualification, and two others are in training in Auckland. As suitable applicants come forward arrangements will be made for their training. The suggestion that there is a lack of interest in Native patients is ridiculous. The Samoans and their wives and families are at present entitled to the following:—

- (1) Free attendance at the hospital as often as desired and visits at their own homes.
- (2) Free medicines and dressings.
- (3) As many injections for yaws as are deemed necessary to effect a cure. The cost of the drug used for this purpose alone makes a considerable hole in amount paid—7s. 2d. for an adult (three injections).
- (4) Free treatment at hospitals and out-stations scattered all over both islands, and staffed either by European practitioners, Native medical practitioners, or trained nurses.
- (5) Treatment in the hospital as long as any sickness lasts.
- (6) Free surgical treatment. It is impossible to estimate the actual cost of this, but at a conservative estimate every operation of any importance must surely, if reckoned in terms of pounds shillings and pence, make any subsidy look very small indeed. To the cost of each operation must, of course, be added the expense of nursing and after-treatment.
- (7) Free maternity care in a special  *fale*  built for the purpose, with all necessary obstetrical operations.
- (8) Free hookworm treatment.
- (9) Free anæsthetics.

#### SANITATION.

In 1920, when Civil administration commenced, modern sanitary conditions may be said to have been non-existent. Some members of the community had attempted to improve the conditions in their homes, but the work was crude, and in most cases unsatisfactory. In order to remedy this, regulations relating to drainage, &c., were enacted, and a Health Inspector with plumbing qualifications was appointed to ensure their being carried out. Although much still remains to be done, Apia is at present a more sanitary town than ever before in its history. Native sanitation is a much more difficult matter than in the case of Europeans. It could only proceed hand-in-hand with education, and in order to hasten it lantern lectures and lectures illustrated by means of films were carried out in connection with our hookworm work. Large numbers of latrines have been installed, some of them poor and unsightly, but they are evidence of progress.

#### VITAL STATISTICS.

I put in the attached graph [Exhibit No. 63], showing, as far as can be ascertained, the movement of Native population in Western Samoa from 1886 to 1926. From 1886 to 1917 the increase was very slow; in 1918 the influenza epidemic caused a loss of the increase for twenty-one years; since that date the progress has been rapid. For a few years after 1918 the death-rate was low, owing partly, no doubt, to the deaths in the epidemic of many old people whose deaths would have fallen naturally into the figures of succeeding years. This factor was, however, very soon counterbalanced by the greater percentage of children in the total population. During the years since free treatment commenced, with systematic work throughout the Territory, the increase has been greater than at any time since figures were available. The work of the Medical Department in Western Samoa has been the subject of criticism by outside experts in tropical medicine. In fairness to Dr. Ritchie, I should like to refer the Commission to the remarks of S. M. Lambert, M.D., of the International Health Board of the Rockefeller Foundation, in his report on Western Samoa, 1924, page 37, A.—4A:—

In Samoa we have a long-visioned Administration which is giving every support to a strong Native Department and a modern Department of Public Health, these two working hand-in-hand. Yaws is well under control, and may be eradicated in the near future. Hookworm-control measures are well advanced, and will now be prosecuted with the vigour given to the yaws campaign. Adequate sanitation, proper latrines, and pure water-supply are gradually being installed in all villages. Definite plans are undertaken for child-welfare work in Native villages with the new year. Even thus early, these measures are being reflected in increasing populations of healthy, happy Samoans. A few years and they will mean dividends on the investment for the country, which, after all, must be the criterion of the success of a humanitarian effort if it is to be enduring.

And the same gentleman's remarks in his "Health Survey of the New Hebrides," 1926, on page 15:—

The vital question as to whether the decline of native Pacific races can be checked, and their numbers brought back, has been answered brilliantly by the New-Zealanders in Samoa by intensive efforts against hookworm disease and yaws, especially with good hospitalization and the establishment of confidence in their Government in the Samoan mind. In a period of less than three years a birth and death rate practically equal has been changed to a birth-rate of fifty-five and a death-rate of twenty-two, with an infant mortality-rate that many civilized countries might envy. Samoa lays emphasis on her yaws and hookworm campaigns as the important features of this racial recovery.

Also the remarks of P. A. Buxton, M.R.C.S., D.T.M. and H., formerly Milner Research Fellow, Director of Medical Entomology, London School of Hygiene and Tropical Medicine, in his "Researches in Polynesia and Melanesia," at page 4:—

It is, perhaps, not impertinent to state that New Zealand provides a public-health service which might serve as a model to any small tropical country, and that the administration of that Department seemed to be characterized by vision and forethought.

Dr. Lambert refers to the confidence of the Natives in the Government as a factor in the success of the campaign of preventive medicine against disease. This cannot be too strongly stressed, and it applies with most force to the outlying districts. If the Natives there do not respond to notices to attend at medical *malagas* our efforts are to a great extent nullified.

*Mr. Meredith.*] Can you tell the Commission whether the evidence you have given is from your own personal knowledge and as a result of examination of reports, and whether the contents of your statement are true and correct to the best of your knowledge?—Yes, they are.

*Mr. Slipper.*] Do you remember the case of Tuao's daughter, named Minie?—Yes.

Do you remember whether she was taken to the hospital for treatment?—Yes.

And is it correct to say that she was removed from the hospital because the doctors said that she would not receive treatment in the hospital?—I am not aware of the fact.

*The Chairman.*] What was the year?—1927.

*Mr. Slipper.*] You are not aware of the fact?—No.

Do you remember the case of Mr. and Mrs. Yandall and their children having taken poison?—Yes.

Am I correct in saying that they were taken to the hospital at 8 o'clock and they were not attended to until 2 o'clock?—It is absolutely incorrect.

*The Chairman.*] What were they?—Some of them are half-cestes and there was one black boy amongst the party.

*Mr. Slipper.*] Did not three of the children die?—Yes.

Did they receive immediate attention?—They did.

Perhaps you will remember the case of a Catholic pastor who was taken to the hospital, and when he laid down he cried out with pain?—I do not remember anything about it.

*The Chairman.*] What year do you suggest it was?

*Mr. Slipper.* : I suggest that it was in 1926 or 1927. (To witness:) Do you know Tuao's son named Pili?—Yes.

Is it correct that he was taken to the hospital this year in great pain?—I do not remember his actual admission, but I know that he was there.

Am I correct in saying that he was rejected from the hospital on the ground that the time for attendance was past?—We will take it in two parts: do you remember that he was rejected from the hospital?—I have no knowledge of it whatever.

*Judge MacCormick* (to witness).] How long has Dr. Ritchie been Chief Medical Officer?—I think he is in his seventh year.

FRANK GEORGE LEWIS further examined.

*Mr. Baxter.*] Referring to District Councils: there are about thirty District Councils, are there not?—Yes.

I notice in a reference you make in your papers that a summary of the remits shows that there are thirteen out of thirty District Councils who have not put forward any remits at all: I conclude that they had none to bring up?—Yes, in that particular Fono, although they were not prevented from bringing up any after that list was made up.

Matters very often come up before the Fono and are sent back to the District Council for consideration?—Yes.

Supposing some matters were sent back, and at the next Fono of Faipules any District Council had not forwarded their remits dealing with the matters sent to them, what course do you follow?—If it is a matter of the general policy of Samoa, all the Samoans would have to express an opinion about it. If they had not put in a written report, they would be asked about it at the Fono.

It is not necessary for remits to be in writing, and, if not, then you ask the Faipule as a matter of general policy?—Yes, that has been done.

I am just trying to ascertain the procedure, that is all, Mr. Lewis. Now we come to the question of the medical tax. I think it came up when it was changed into the personal tax, about the January Fono, 1925?—I think probably it was two Fonos ago.

When the Fautuas, a few months back, came down to get their pay, did you require them to sign a document other than the usual receipt?—Yes.

What was the document?—I asked both the Fautuas whether they were prepared to sign, as other officials were signing, an intimation that, as officials of the Government, they were supporters of the Government.

That was to each of them?—Yes.

Did they sign it?—No, neither.

Did they receive their pay or was it withheld?—They had an interview with His Excellency and that point was waived after they had explained the position to him.

You held the matter over to be dealt with by His Excellency?—Yes.

There was a message went round Savai'i, sent by yourself in your official capacity: where did you send that message from?—This message emanated from my office in Mulinu'u.

And was it sent from your office to Savai'i?—Yes.

In what manner?—We sent the message out to all radio stations in Samoa. It was a progress report of the political situation in Samoa.

*Mr. Slipper.*] Regarding the question of banishments, do you regard them as a punishment or not?—Certainly.

Can you see any reason why all matters of punishment should not come before the Court?—They come before our section of the High Court and before a Commissioner of the High Court.

Am I wrong in suggesting that the question of banishments comes before a section of the Faipule, whose recommendations are endorsed by the Administrator?—They are appointed by the Administrator to advise him in the matter, as a committee.

Can you see any reason why they should not come before the High Court?—That is for the Administrator.

*The Chairman* : You need not answer that question. The power is there in the jurisdiction given to the Administrator.

*Mr. Slipper*.] How long have you been here?—Seven and a half years.

So that a considerable amount of your paper is historical?—Yes.

Can you tell me whether it was an ancient custom to take away titles?—I have read of instances of it in history.

In regard to banishments in the olden times *fa'a-Samoa*, do you consider yourself in a position to speak authoritatively about them?—Yes, I consider so.

That is, from your reading and from what you have been told?—Certainly, from my conversation with Natives from time to time.

From your experience—you have been here only seven years—can you tell me whether people were banished in the olden days without a full inquiry?—I cannot say.

I put it to you that when an inquiry was brought forward there was every opportunity given to bring witnesses in the olden days?—There were some instances where men did not wait for an inquiry.

If I suggest he had an opportunity to call witnesses, does your history tell you that much?—It depended on the case. Some of them did not want a trial.

Were there any British Courts in those days?—No, certainly not; not in the days I am referring to.

*Mr. Meredith*.] Can you give me the date on which Mr. Griffin gave up his duties?—The 15th of January this year he went home on sick furlough.

*The Chairman* : What we are told is that he practically gave up his duties in June, 1926, that he went home at the beginning of January, and died in May.

Do you remember when he gave up official duties?—In June, 1926, he was working; then took bad again. He was again in the office in September and October off and on.

He just resumed temporarily?—Yes.

*Mr. Slipper*.] May it please your Honour, I ask you to disregard any historical evidence by Mr. Lewis, as far as banishments are concerned, prior to the Ordinance of 1922.

*The Chairman* : Can Mr. Lewis tell me what is the position as regards the hedge in Tamasese's case?

*Mr. Meredith* : I am going to put that question to Mr. Allen.

ROBERT HOUGHTON ALLEN further examined.

*Mr. Meredith*.] You might tell us about the hedge in the Tamasese case?—The *pulenu'u* of Vaimoso complained to Mr. Griffin that Tamasese had grown a hedge across the village *malae*—that is, the village common. The planting of a hedge on that particular place, on someone-else's land, was likely to cause a great deal of trouble, and the village, through the *pulenu'u*, appealed to Mr. Griffin to have the hedge removed. Mr. Griffin ordered the hedge to be removed, after an interview with Tamasese. Tamasese refused to remove the hedge at all. He was given until a certain date. He refused point-blank to remove the hedge. Upon this refusal Mr. Griffin reported the matter to the Administrator. The Administrator actually went to the spot and inspected the property and the hedge that was causing the trouble in the village. He was quite satisfied that the hedge should not have been put there, and gave Tamasese a direct order to remove the hedge. Tamasese again refused. He was then called before His Excellency, and in an interview His Excellency asked him a direct question, "Are you going to obey the order of the Secretary for Native Affairs?" The answer was "No." He was asked a further question, "Are you going to obey my order?" Again the answer was "No." His Excellency then told him that he would be banished and sent to Leulumoega, and an order was made accordingly. In reply to His Excellency's decision that he would be banished to Leulumoega, Tamasese replied, "*Fa'afetai*" (Thank you). The land in question was proved at a hearing before the Land and Titles Commission to be the property of another than Tamasese.

Was that the case where some of the other chiefs indicated their approval of this action?—Yes. On the 31st March, 1924, Faumuina headed a deputation of the chiefs and orators of Faleata and interviewed His Excellency the Administrator at Mulinu'u. Faumuina, in speaking for himself and the deputation, expressed his approval of the banishment of Tamasese.

*The Chairman*.] Just look at the banishments of two men, Inu-Tulifau and Faamaufala. That is supposed to be sedition. Sedition suggests a wide term. Can you remember what the facts were?—I can quote the files, sir. The report of the conversations on the 2nd July, 1924, begins as follows: Inu-Tulifau speaking, after giving thanks to the Deity: "There are two matters about which I have come before your Afioga, the King of Samoa: (1) Let Malietoa be king and Tupua deputy king; (2) Let the families of Tupua and Malietoa form the Government."

It was sedition, relating to the re-establishment of Malietoa as king?—Yes. I think in fairness to Malietoa I should quote this reply.

*Mr. Meredith*.] There is no point in that. It is not suggested that Malietoa was a party to it?—No.

*The Chairman*.] I notice that in your statement in many of the cases you give the result of the order of local banishment, and whether pardoned, and so on; but in a great number of them you do not say whether they are current or not. Are there any current now?—Yes, sir. I cannot say

offhand which are current, but those orders made at His Excellency's pleasure and which have not been cancelled are still current.

Could you let the Commission have a list of them?—Yes.

Look at the case of Anae-S and Asi-Maatusi?—The order depriving Asi of his title is not on the file.

You can give me the date of the order?—The date of Mr. Griffin's recommendation is 21st December, 1923.

*Mr. Slipper.*] Regarding Tamasese, were you present at the sitting of the Land and Titles Commission to settle the question of this land?—No.

Then do you know anything about it at all?—It is on file, the decision of the Commission.

That may be incorrect or true, as far as you know?—That is all I know.

On your file, have you got a record of exactly what happened, signed by an authoritative person sitting on the Commission?—Yes.

Can you produce it?—Yes.

With regard to banishments, may we take it that you know the old Samoan custom?—Yes, from what the Natives have told me.

From 1922 upwards, can you say that in every case where there has been a banishment there has been a full and clear opportunity for the defendant to ask questions and present his case?—No, I cannot say that, because I was not there.

*Judge MacCormick.* : How can he say if he was not there?

*Mr. Slipper.* : You refer to—

*The Chairman.* : If you look at the minutes you will find that in every case evidence was called on behalf of the person charged. You could not have anything better than the minutes recording what took place.

*Mr. Slipper.* : I am bound to say, at the risk of causing your Honour displeasure, that as far as I am aware the minutes are not reliable.

*The Chairman.* : I am sorry to hear you say that.

*Mr. Slipper.*] With regard to Asi's title, is that the Asi that is employed in the Court here?—I think it is.

And you have no record of that on the file—record of losing his title?—Every record is on the file, but the actual copy of the order is not on the file.

*Mr. Meredith.*] There is a case relating to a banishment which we promised to have cleared up. This was an alleged banishment supposed to have been made by one Faipule?—The complaint was laid against Salanoa, Faipule, that he had banished one Galo from the Village of Fasito'otai.

What were the facts?—The facts are these: The Faipule Salanoa, writing on behalf of the *pulenu'u* and the District Committee, on the 12th February, 1925, complained that a *taulealea* named Galo caused trouble in the village of Fasito'otai. The parties were called before the Ali'i and Faipule of the village concerned, and the defendant was called before Mr. Griffin on the 31st March, 1925. The decision in the case was that Galo was to apologize before the Court and to two other chiefs of the village; such apology to be published in the *Government Gazette*, the *Savali*, and Galo to be banished from the village for six months if in accordance with His Excellency's wish. There is a further note that this matter would not be taken before his Excellency if Galo remained away from the village for six months. Galo did not belong to the Village of Fasito'otai; he belonged to another village, and was merely a visitor there.

And did Galo agree to go away from the village?—He went home to his own village, and the matter stopped there.

*Mr. Slipper.*] You say Galo was only a visitor: is it not a fact that he was born and bred there?—I cannot say; it is on the file.

You will not dispute it?—No; I cannot tell you. I can find it on the records for you.

*Tuimalealiifano.* : I wish to give evidence.

*The Chairman.* : Are you a petitioner?—No.

*The Chairman* (to Mr. Meredith): Do you want to call this man?

*Mr. Meredith.* : No.

*The Chairman* (to Mr. Baxter): Do you want to call him?

*Mr. Baxter.* : No.

*The Chairman* (to Tuimalealiifano): This tribunal is set up to investigate certain complaints made by certain petitioners in documents placed before the House of Parliament and placed before the Government. The Commission is limited to the investigation of those complaints and matters. I have asked counsel on both sides whether either of them wishes you to give evidence. These gentlemen have devoted considerable time to ascertaining what evidence is proper to be brought before the Commission, and they are in the best position to judge whether your evidence will be of assistance to us. I know the high position you occupy in Samoa, but I cannot grant to you permission to do a thing which I would refuse to the humblest *taulealea*. We are sorry, therefore, that we are unable to hear your evidence.

*Tuimalealiifano.* : That is one reason why I could not rest quiet and witness these two sides in dispute.

*The Chairman.* : You have now done what you consider it to be your duty, and you may rest content.

*Tuimalealiifano.* : I would like to assist the Royal Commission.

*The Chairman.* : We have ruled, and our ruling must be obeyed.

MONDAY, 24TH OCTOBER, 1927.

*Mr. Meredith* : Before proceeding to call evidence, your Honours, you will remember that there was a question in regard to the matter of granting of store licenses and the cancellation of them, and you were good enough to allow me to mention that matter at a later date. I have looked into the matter.

*The Chairman* : It is not a very convenient stage to refer to it just now.

*Mr. Meredith* : I wish to explain the position, sir, before the Administrator comes into the Court, and it will only take the Commission one moment. The Ordinance, No. 2 (page 213), the Taxation, Licensing, and Revenue Amendment Ordinance, 1924, purports to give power to cancel a store license. A store license is a license given to any person conducting a store as defined by section 34 of the principal Ordinance and which purports to incorporate Part IV of the Act :—

34. For the purpose of assessment of store-tax, "store" means any building, room, or premises from which goods are sold in the course of business, but does not include a copra-shed. "Turnover," used in reference to the business conducted in a store, means the selling-value of the goods, other than the natural produce of the Territory, sold out of the store, without deduction of any kind.

Briefly, the position is this : The license was issued to Nelson and Co., and not to any individual, subject to certain individuals being kept as traders in particular places. No license of any kind was issued to the individual trader. I agree with Mr. Slipper's contention that, therefore, the individual men—Kruse, Hunkin, and Ale Lui—had no license of any kind issued to them which could be cancelled ; and, further, the notice which was given to each of these individuals was to show cause why their trader's license should not be cancelled, which was entirely wrong, because there is no such thing as a trader's license. There are only two licenses known—a business license and a store license : these individuals had no license of either kind.

*The Chairman* : Can you refer me to the section under which licenses are issued ?

*Mr. Meredith* : Licenses are in the main Ordinance, section 42, page 83.

*The Chairman* : That is the business license : where is the other license ?

*Mr. Meredith* : The granting of the store licenses is under section 3 of the No. 2, 1924—the Taxation, Licensing, and Revenue Amendment Ordinance. So the position clearly is this : that these men had no licenses of any kind which could be cancelled, and the procedure was entirely wrong. I just want to mention on this subject that, whatever error was made, the responsibility is taken by the Administration officials, and not by the Administrator, who acted in accordance with the procedure laid down by his officials. One further remark : The order for cancellation of these licenses by the Administrator was not done in pursuance of any previous notice, which will be seen from the Administrator's evidence—it was from personal information he himself received while on a *malaga* ; but, in any event, of course, the whole proceedings are abortive. I now call the Administrator.

GEORGE SPAFFORD RICHARDSON sworn and examined.

*Mr. Meredith*.] You are the Administrator of Western Samoa ?—Yes.

And you were appointed to that position on the 15th March, 1923 ?—Yes.

I think, General, you have a statement of the general position, and I would be glad if you would read it to the Commission ?—Yes. It is as follows :—

The policy of the Government that I administer and have consistently carried out on behalf of the Natives may be summed up as follows : (1) To make the Natives better Samoans and not to set up European standards in those matters which are inapplicable to Native life in these tropical islands ; (2) to teach them as far as possible to govern themselves ; (3) within the utmost limits of our financial resources, to promote their health and education, and to teach them to enhance their own prosperity by increased efforts to develop their lands and to improve the quality of their products for export. In carrying out this policy I have not attempted to change the social structure of Native life or to interfere with Native rule any more than is necessary to maintain order, but rather to encourage the Natives to retain their good customs and their social organization. The Government policy for European inhabitants provides, amongst other things, for (1) controlling their own municipal affairs ; (2) reservation of land for local European population ; (3) technical education for boys to fit them for trades and business occupations ; (4) sending of boys to New Zealand for training in Government institutions in the Dominion ; (5) employing in the Administration, consistent with efficiency, as many as possible locally born Europeans ; (6) representation in the Legislative Council to have a voice in their own affairs ; (7) subject to the local laws, freedom to trade in any part of the Territory. Up to October last year both Europeans and Natives appeared to be prospering under this policy, each working out their own salvation and looking after their own affairs.

[In November, 1925, I proceeded to New Zealand on leave of absence. Prior to leaving Samoa various complimentary addresses were presented to me. The one from the European citizens, to which Messrs. Nelson and Williams, among others, subscribed their names, is referred to on page 167, Joint Samoan Petition Inquiry Committee. On the 11th February, 1926, I returned to Samoa and was accorded public receptions both by the Europeans and Natives. From the tenor of the speeches on those occasions, and from information I was able to gather from every district in Samoa, there was no indication whatever of unrest or dissatisfaction with New Zealand administration. Mr. Nelson left Samoa during my absence in New Zealand and did not return to the Territory till the following October, during which period he corresponded with me in a friendly manner and I replied in a similar strain. I also gave him letters of introduction to persons in New Zealand, including a letter to the Hon. Mr. Nosworthy, who was asked by me to try and arrange, if possible, for Mr. Nelson to also meet the Prime Minister. There was no indication in any of Mr. Nelson's letters to me that he intended to raise any Samoan political matters with the New Zealand Government without my

knowledge, or that he intended to take any political action with the Natives after his return. On the 11th May, 1926, His Excellency the Governor-General made an official visit to this Territory, remaining until the 16th May. His Excellency's visit was marked by enthusiasm and expressions of loyalty on the part of both the Europeans and Natives. I am convinced that the inhabitants did reveal on that occasion their sincere feelings of loyalty to His Majesty the King, their gratitude to New Zealand, and their satisfaction with the Samoan Administration, as expressed in the various speeches made to His Excellency. In July, only two months after the departure of His Excellency the Governor-General, I learned that Mr. Westbrook was adversely criticizing conditions in Samoa in both the New Zealand and Fiji press. His criticisms included serious misstatements about the visit of the Governor-General, the New Zealand plantations, the New Zealand loan, &c. He also proposed self-government for Samoa, and at the same time suggested that no further education for the Natives was necessary beyond that given by the Missions. Up to this time I am convinced that the Natives were neither dissatisfied nor had any idea of self-government entered their minds, as I had visited all districts and received expressions from the Ali'i and Faipule in every district of their appreciation at being under the care of New Zealand, and the policy governing their administration—viz., to keep Samoa for the Samoans, and not permit Asiatics to permanently settle in this country or aliens to acquire Native lands. They were particularly pleased with the recognition given to their Fono of Faipule, and the establishment of District Councils and Village Committees, whereby they themselves had increased powers. After Mr. Westbrook's return to Samoa I saw him personally and invited him to discuss with me any of the matters he considered to be wrong with the administration of Samoa, but he did not mention anything beyond two personal matters. Just prior to Mr. Nelson's return to Samoa in October I was interviewed by Mr. Gurr, who extended a pressing invitation to me to attend a public reception to welcome Mr. Nelson. I accepted the invitation, and on behalf of the citizens made a complimentary address of welcome, to which Mr. Nelson replied. I was not aware at the time that Mr. Nelson was organizing a Native political movement. On the 14th October I was returning from Fasito'otai with Mr. Griffin, late Secretary for Native Affairs, when at Leulumoega we met Aiono, Faipule, who reported that the Natives, including officials of his district, had been asked to go to Apia to see Mr. Nelson and talk with him on matters concerning Native administration. On the 15th October the first combined political meeting was held. At about this time I was making a series of *malagas* to districts to urge the Native to improve their plantations and to grow bananas for export to New Zealand, for which purpose the New Zealand Government had authorized the purchase of a ship especially to carry fruit from Samoa to the Dominion and thereby help the Natives. On the 20th October I attended a *fono* at Lufilufi, where for the first time I saw some effect of the meeting in Apia. One orator, who I believed belonged to Falevao, repeated some of the things he had heard at that meeting and expressed them as his own views. On the subject of the law concerning deprivation of titles those present ridiculed him, and expressed their appreciation of the existing law, based on Samoan custom. On the 27th October I visited Fagaloa, where the Natives expressed their disapproval of the Europeans and a small section of Natives in Apia speaking for Samoa. They spoke to me most approvingly of their Faipule (Fonoti) and the Government. It was reported to me that one section of Natives, who had come from Faleapuna to attend the same meeting, and amongst whom were individuals who had attended the meetings in Apia, had caused trouble by showing resentment to their Faipule and quoting their grievances against the Administration as expressed at the public meeting in Apia, and also by Mr. Westbrook in his letter to the *Auckland Star*, a copy of which they had taken with them to Fagaloa and which was shown to me. Their chief complaint was concerning the debt owing by Samoa to New Zealand, which was criticized by Mr. Westbrook in the paper referred to. The trouble resulted in the Faleapuna Natives refusing to remain for the district *fono* to be held with me the following day, and leaving Fagaloa the evening before I arrived, thus showing disrespect to the Faipule and myself. On the 3rd November I visited Manono, when I found the Natives perfectly contented and loyal, and entirely out of sympathy with the movement in Apia. During the month of November I received information from the Secretary for Native Affairs and also from Faipules that propoganda against the Administration was being circulated around the islands and was causing Native unrest. On the 10th November I visited Falelatai district, where the orator (Puni) made a very strong speech against the New Zealand Government and the Administration. He stated they objected to the loan from New Zealand, as the Native lands would be seized for payment. He opposed the export of bananas, as the Samoans would have to pay for the ship. He expressed dissatisfaction with the doctors, medical tax, and the large number of white officials. The Faipule (Nanai) reported that he was unaware that this speech was going to be made; that since the meeting in Apia *fonos* had been held in his district without his authority; and that a person from Apia had supplied his people with the information which formed the basis of remarks made to me by the orator, with whom he did not agree.

On the 12th November a second combined political meeting was held in Apia, at which Mr. Nelson again presided as chairman of a Citizens Committee. Prior to this meeting I was requested by Aiono and Toelupe and other Faipules to prevent Natives from attending. Having seen the evil effects of the previous meeting and subsequent propoganda on the Natives, I deemed it necessary to issue a warning to the Europeans to refrain from interfering in Native political affairs. The warning I issued, and which was read at that meeting, is referred to in my last annual report on this Territory. On the 23rd November I visited Poutasi and found the Natives all unaffected by the Mau movement; but this was not the case at Lotofaga, where I visited subsequently, and where there was a division amongst the chiefs. The Faipule informed me that the unfriendly attitude of some of his chiefs was due to information brought from Apia by an agent of the committee. At this meeting the medical tax was objected to, and also the loan from New Zealand. On the 24th November Faumuina and Karauna Matau both left for Savai'i to distribute circulars issued by the committee, and

which I considered to be likely to cause unrest. Knowing of the evil effects this propaganda had produced among the Natives of Upolu, I decided to endeavour to prevent the circulation of these printed documents in Savai'i. I therefore sent the Inspector of Police to bring these two agents back. AINU'U, another member of the committee, was stopped from going to Savai'i on similar business. There were two statements at least in these circulars calculated to disturb the Natives. On the 27th November I interviewed another Native member of the committee, TOFAEONO, who informed me that the Samoans did not understand the matters submitted to them at the meeting; and that, although he knew the Government had done great work for the people, he was on the committee and he could not withdraw without ridicule from his family. After Mr. BRAISBY, the Inspector of Police, had returned from Savai'i with FAUMUINA and KARAUANA MATAU, I satisfied myself that their action in spreading propaganda was causing unrest, and was likely to disturb the peace, order, and good government of the Natives. I therefore ordered them to remain in their villages for three months. I hoped that this would act as a warning to others. The island of Savai'i was at that time practically unaffected by the political agitation, but to-day there is a disregard for law and authority in many parts of that island.

Early in January the Secretary for Native Affairs reported to me that the political unrest was increasing among the Natives throughout the Territory as a result of propaganda being circulated by the committee in Apia. I therefore decided to take some action to stop these activities, and on the 12th January I ordered the Native members of the Mau committee to appear before me. LAGO LAGO, who I considered to be the chief agitator, was warned to cease influencing the Natives to participate in this movement. I informed him if he continued to do so I would shift him from Apia. ALIPIA, ANAE, and TUISILA I returned to their villages, and ordered them to remain there for three months. TOFAEONO and AINU'U, who lived near Apia, were ordered to cease political agitation with the Natives. Evidence of this agitation being viewed seriously by some of the older Natives was shown by the fact that on the 21st January a deputation of old chiefs from Apia waited upon me and expressed their disapproval of the agitation against the Government. A number of letters were also received by the Native Department from various districts expressing loyalty to the Government and disapproval of the agitation. The following is an extract from my diary, dated the 28th January this year. It refers to a conversation with the Secretary for Native Affairs:—"Two chiefs from FA'ASALELEAGA, Savai'i, report they have been appointed to the political committee in Apia. On being questioned, they did not understand the objects of the agitation, but expected to go to New Zealand. They did not want to abolish the Fono of Faipules or the law *re* titles and banishments, and said they were loyal to the Government." On the 31st January the Faipule committee I had appointed to advise me in regard to the unrest in Faleapuna reported that they could not possibly bring about a reconciliation, as agents were constantly travelling between that village and Apia and conveying instructions from the main committee to the Ali'i and Faipule of that village. The police reported that meetings were held almost daily in Mr. Nelson's office. I formed a definite opinion at this time that every move I made to influence the Natives to return to the state of contentment they were in prior to the public meeting was being counteracted by the committee in Apia. Faipules and officials were finding it difficult to function, and I therefore decided to submit an Ordinance to the Legislative Council to maintain Native authority. This Ordinance I sent to New Zealand for approval before submitting it to the local Council.

On the 7th February I received reports from the Resident Commissioner that attempts were being made to disaffect all districts in Savai'i, and that Mr. Nelson's traders were being used as agents to get signatures and support for the Mau. Faipules and loyal Natives interviewed me, and stated that my failure to deal with the agitators by deportation, as in former times, was being misconstrued as weakness and only adding strength to the Mau movement. During the latter part of February I received several deputation of Natives from various districts, professing loyalty and appreciation of what the Government had done for Samoa, and expressing some concern regarding the anti-Government agitation. On the 15th and 16th March a meeting of the Legislative Council was held, at which the Maintenance of Native Authority Ordinance was passed. At this meeting I took the opportunity of making another statement warning Europeans against interfering in Native political affairs. During the month of April I was absent from the Territory, serving on a Commission in the New Hebrides. On my return in May it was reported to me by both the Secretary for Native Affairs and Faipules that the committee had increased their activities and that funds were being collected for the Mau from Natives in nearly every district. From the 24th May to the 1st June the Faipules assembled at MULINU'U. They were all very perturbed over the unrest, which they were unable to suppress. In view of the forthcoming visit of the Hon. the Minister of External Affairs, they passed a resolution to address him by letter, a copy of which is published in A-4B. On the 3rd June the usual ceremonies and celebrations in honour of His Majesty's birthday were held in Apia, when the Natives divided themselves into two parties, the one wearing special-coloured ribbons to indicate they belonged to the Mau, the leaders of which set the example by elaborately decorating their cars with flags and ribbons of the same colour. This party kept aloof from the official ceremonies and held sports on their own account; the other party participated in the official ceremonies and celebrations organized by the Administration. By this means was there established in the eyes of the Natives two distinct parties in Samoa—viz., those giving their allegiance to the Government, and those belonging to the Mau. On the 11th June the Hon. the Minister interviewed the European and Samoan members of the Mau committee, the occasion being marked by a specially organized demonstration of Natives, including representatives from nearly every district in Samoa.

When the Hon. the Minister left Samoa in June I was faced with a very difficult position, the Natives being definitely divided into two parties—those loyal to the Government, and those in the Mau. The Native Government officials and loyal Natives were expressing the greatest surprise at

the apparent weakness of the Government in permitting anti-Government activities and demonstrations, while the former were finding it almost impossible to carry out their duties and difficult to resist the *fa'a-Samoa* influence brought upon them to change their loyal attitude. I therefore sent for the two Native ringleaders--viz., Faumina and Lago Lago--on the 14th June, and addressed them in a conciliatory manner, and urged them to do the right thing by influencing all those Natives from out-districts who had assembled in Lepea and in its vicinity to return to their homes, and to do their utmost to undo the harm which they had done. I gave these two chiefs an opportunity to make a statement to me and tell me what was in their minds; but I also said that if they preferred not to say anything they could keep silent and report in writing within three days to show that they had carried out my orders. After my interview with these two chiefs I received reports from both the police and the Secretary for Native Affairs that propaganda against the Government was increasing, and that a large committee of representatives from out-districts was to be maintained in Lepea and Vaimoso for the spreading of propaganda to their people, and that these representatives did not intend to disperse to their homes or cease agitation until Mr. Nelson had brought them the victory. The letter sent to me after three days by Faumuina and Lago Lago was, in my opinion, not written or dictated by them. It was not the type of letter chiefs are accustomed to write to their Administrator. Furthermore, I was satisfied that they had not carried out my instructions, and that the Native chiefs belonging to the Mau committee assembled in Lepea had not dispersed. I therefore decided to remove the influence of these two chiefs from the headquarters of the Mau organization and expel them to Apolima, which was carried out on the 22nd June. Their removal from the Mau headquarters was, in my opinion, absolutely necessary to check a movement which had already done a great deal of harm to the Natives, and if allowed to continue unchecked would make it impossible for the Native Department to function.

On the 18th June I received information from the Native Department that Natives were being urged by the committee to endeavour to make my forthcoming *malaga* around Upolu a failure; also to become passive resisters in all Government matters and not obey instructions given by Native officials. On the 23rd June I issued instructions for the Native leaders of the Mau movement belonging to out-districts who were still remaining in and around Apia to return to their villages. These orders were not obeyed. Each of these Natives was informed by letter that I would discuss with him any matters he wished to bring before me in his own district, to where he had been ordered to return. They all failed to return to their districts or to appear before me. I was satisfied that their stay in Apia was a serious menace to the peace, order, and good government of the Territory. I therefore decided to order the police to arrest several of the committee and charge them with disobeying the orders issued to them. Tuisila, Fuataga, and Tagaloa were arrested and awarded imprisonment for this offence. From the 27th June to the 9th July I made a *malaga* around Upolu. During the *malaga* the Natives of a number of villages, particularly in Aleipata and in the vicinity of Apia, did not attend as usual, the explanation given by the Faipule of the district for their non-attendance being that the chiefs and orators in these villages had been influenced to join the Mau and had received instructions from the committee in Apia not to come before me. At each place I visited I held a *fono*, or meeting of the chiefs, and requested them to put their matters before me. The speeches made by the Native orators were conspicuous for their loyalty and complete absence of any complaints against the Government. Requests were made in several districts for the Government to increase the price paid for Native copra, while in every district the chiefs asked that the Government put a stop to the present agitation, because it was dividing their people and disturbing their social life. The following is a copy of a speech delivered in one district, and is typical of those made in nearly every district I visited.

How good and pleasant a thing it is for brethren to dwell together in unity. It is like the precious ointment upon the head that ran down upon Aaron's beard. It is like the dew of Hermon that descended upon the mountain of Zion. Just so in this district brethren are dwelling together, and our father has come to visit us. Our gathering to-day is a pleasant one.

I have read a proverb in a newspaper which means something like this: If the day is fine, things done on that day will be good. There is also a Samoan proverb which says, "Fine-looking people always do right." To-day it is as though the fisherwoman has spread out the results of her catch and shown everybody and made them satisfied. Our district is satisfied. Our Administrator has not done wrong, nor has our Government.

There is a story of a boy named Ti'iti'iatalaga, who went to collect the winds, and he had a battle with Mafui'e (Earthquake), who controlled the winds. Ti'iti'iatalaga won this battle. He then came with the winds and put them inside his coconut. He collected Mataupolu, La'i, Tualoa, and other various winds; but later he discovered that he had not got any good winds, only disturbing winds and winds causing rain and rough seas. Only one wind brought any good, the wind called Fisaga.

Your Excellency, there are many ill winds blowing about Samoa at the present time--lying winds, misleading winds, disturbing winds, winds of a few lying and wicked Europeans. They are misleading Samoa, and no good comes of them. The same thing caused wars in Samoa in early times, and many of our forefathers met their death through them because they were misled and prompted by some Europeans. Therefore we pray and plead before you concerning these agitators who have deceived some of our countrymen, that they be sent away from Samoa. We do not want them. We do not hold to one single thing of their Mau. We do not desire that a few Europeans should control our affairs.

There is but one wind that causes us rejoicing, Fisaga--i.e., the Government. We are quite content, and are certain that Samoa is happy and fortunate under the care and protection of the Government of Great Britain. All is well with our country because of Your Excellency's instructions. The health of Samoa is good, as also the education of our children and the development of our lands. Hence we serve and follow the Government. We pledge our loyalty to the Government, as the words of Ruth to Naomi: "Whither thou goest I will go . . . where thou diest will I die." If Your Excellency and the Government were to be overthrown this district would still be with you. Whatsoever the King commands, that is our authority; for he who obeys the law need have no fear.

Our plea to Your Excellency is that this Mau may be dispersed. Let Atua people go to Atua, Aana to Aana, and also Savai'i people go to their districts, and leave our district and plantations. There is a great deal of stealing going on at present because of the people who came here in connection with the Mau, and who come and rob our plantations.

This speech was delivered at Moata'a, Vaimauga district, in July, 1927.

These expressions came, however, from Natives whose loyalty had not been affected by the seditious agitation. I did, however, get into touch with some of the chiefs and orators in Lefaga who had joined the Mau—viz., Tuala, F., Su'a-Lamatu, Mamea, Tuala-Sofai, Soa, and Makuati. The first named, speaking for the remainder and in the presence of about fifty Natives supporting the Mau, said: "We have no grievance to put before you. We are only the leaves and branches. The root is in Apia, and we are waiting their instructions, and until the matters they are not pleased with are settled." The Ali'i and Faipule in various districts informed me that the Natives associated with the Mau had received instructions not to appear before me; to keep their children from attending school; to ignore orders issued by the Government; not to pay taxes; not to recognize the authority of the *pulemu'u*. During my *malaga* I saw the effect of these instructions on village life. Villages were dirty, plantations neglected, and children were being kept from attending schools. I also learned from the Native officials that their authority was being disregarded, and that the Mau movement had grown since the Minister's visit. Owing to the Native officials being unable to function in villages supporting the Mau, I saw that a serious situation was being created, which was prejudicing the carrying-out of the mandate on behalf of the Natives, whose successful administration depends entirely upon the ability of the Native officials (Faipules, *pulemu'us*, &c.) to uphold Government authority. The influence of the officials had, however, been undermined by the activities of the Mau. The Administration has no really effective means to enforce law in circumstances similar to that created by the Mau, where large numbers of Natives oppose Government authority. The Police Force in this Territory is not armed. Hitherto there has been no necessity to arm it or to use force. It comprises one Inspector, three European police, and forty Natives. Since the commencement of this unrest cases have arisen where the Native police have been unable to function, and unable to make arrests.

After returning from my *malaga* around Upolu I considered it necessary to punish a number of ringleaders in various villages where Native officials were being opposed, by either expelling them to other villages or removing their *matai* titles. Banishment, or expulsion of offenders from one village to another, arising out of the present Native unrest, are in a special category. They were necessary in order to cope with an emergency situation, and were the direct results of the serious agitation started by the committee in Apia. Under normal conditions there are very few cases of banishment. For the twelve months preceding the Native demonstration in June last there had been only seven Samoans expelled from their villages for various offences. Four of these were at the request of either the members of the family concerned or the village authorities, some of whom—viz., Ale-Malu, Taliaua, Mata'u, Fatui, Valasi, and Vaoga—were the signatories to the petition to the New Zealand Parliament, which included an objection to this Samoan customary form of punishment. The remaining three cases arose out of the political agitation. On 16th July I ordered six of the chief offenders in Apia who were causing trouble to appear before me—viz., Alipia, Autagavaia, Umaga, Solofa, Sanuiga, and Mamea. Only one of these—viz., Umaga—put in an appearance. He could not give any reasons why he had shown disrespect, nor was he able to state any cases of unfairness or injustice to himself on the part of the Government or his Faipule. He stated that he had joined the Mau of his own accord because all the people of his village were in the Mau. I transferred two of these six Natives to other villages, ordered one back to his own village in Savai'i, and removed the titles of the whole six. On 20th July I ordered seventeen *matais* of various villages in Upolu who had shown disrespect to their Faipule and myself during my *malaga*, by failing to attend the *malaga*, to appear before me. The general trend of their statements was that they had no complaints against their own Faipules, officials, or the Administrator, and they had no matters to put before me, as all those things the Mau were displeased with had been submitted to me in a petition. They apparently referred to the parliamentary petition I had not then seen. Only three of these *matais* appeared to know what these matters were—viz., Papali'i-Ulu, Mata'u-Karauna, and AINU'u—all of whom were reported to me as active workers in the Mau in Apia. Mata'u-Karauna had been previously warned by me at an interview with me on the 31st January, when he made the following statement, which I took down in shorthand :—

*Karauna Matau—Interview with His Excellency the Administrator, 31st January, 1927.*

Central Office, Apia.

He stated he wished to open his heart in regard to the part he was playing in connection with the political movement engineered by certain Europeans in Apia. He stated that he had been appointed secretary. He knew that the work they were doing was bad for Samoa. He was employed translating documents, and these documents were supplied by Mr. Nelson, and included newspapers, reports, and letters published in the press, extracts being made and translated which would be of use to their movement. Adverse reports were not translated. Some of these reports were circulated around Samoa. He was in a position that he could not refuse to do this work, though he knew it was wrong. He had been in gaol and had a grievance against the Government. His grievance was that he was dismissed, with only two hours' notice, from his position in the Police Department; and also that he was deserving of greater consideration from the Government in view of his valuable services during the regime of Colonel Tate, when he settled troubles in Malie caused by Malietoa. At that time there was much trouble in Samoa because the Faipules had no power to represent their people and were not recognized in the Constitution. He knew that the present movement was initiated by Europeans to do away with that power. The work he did formerly for the Government caused him to be disliked by Toelupe. He stated that Nelson had got him into his grip and wants to offer him employment so that he would be compelled to carry on his present work. He knew Samoa was peaceful until the committee caused this disturbance. Lists had been sent around to villages calling for subscriptions to pay for Samoans going to New Zealand. Many had given 1s. because they did not like to refuse. They were led to believe that much benefit would come to Samoa if a deputation was sent to New Zealand. People had absolutely no complaint against myself (Governor) and would obey any instructions I issued, but they had to-day been divided into two parties by Nelson's propaganda. Many who had subscribed their shillings now repented. He foresaw there would be trouble in Samoa if this matter continued. The people were now realizing that the movement was wrong. Some translation of documents made by other persons were not correct. Although the country was peaceful at the time the agitation started, the European committee timed

the movement very suitably, because there were complaints against the Faipules exercising powers, although he knew of no case where such powers had been abused. He thought that jealousy on the part of some Samoans was the big factor which the European committee worked upon, for Samoans are very prone to be jealous of those in authority or in superior positions to themselves. He thought the Samoans did not generally realize that the Faipules had no power of punishment. Lago Lago was the dictator of many documents sent around in connection with this agitation. One circular sent (in my possession) from Lufi Lufi calling upon the Natives to oppose the Government, and marked as from Leulumoega, was shown to Matautia. He (Matautia) stated that it had been typed in Lago Lago's office in Apia. He (Matautia) was one of the parties who appeared before the Faipules at the recent *fono*. He states before they went they were told stories by Nelson and the European committee, and asked to keep a brave heart. He himself then expressed to the Faipules that he would not leave the committee, but would continue to work for it. Although he now states at this interview that he knew all along that what he was doing was wrong and Samoans are being deceived, he was thoroughly convinced that the movement was prejudicial to the interests of the Samoans, and knows that its objects are to abolish the present system of Samoans controlling their own affairs. Also that the Europeans brought the Natives into their agitation in order to gain power, and to oppose the Administrator and the Government in their policy regarding liquor and helping the Natives to get a better price for their copra. He states that the Natives all know that Mr. Gurr caused trouble in this Territory years ago, and they did not trust him. He thinks when the Samoans fully realize that no deputation will go to New Zealand, and that they have been misled, they will then come forward and make apologies. He says that he understands Samoans who come in from out-districts and pay their money to Mr. Smyth or Mr. Nelson, and who stay here for some time actively on behalf of the committee, are rewarded by presents of food.

Ainu'u had also been previously warned personally by myself. Being satisfied that they were causing much unrest, I decided to remove them both from Apia. Papali'i-Ulu gave as one of his complaints that the Chief Medical Officer was only a rat-catcher. I addressed the remainder and endeavoured to show them how they were being misled by the committee in Apia. I urged them to reconsider their disrespectful attitude and tender an apology through the Secretary for Native Affairs by the following day. This they failed to do; therefore I removed their *matai* titles. How entirely inadequate this form of punishment was considered to be is clearly shown by the remarks of various Faipules at a *fono* held at Mulinu'u on the 27th July. The following is a copy of the proceedings of that *fono* :—

*Fono held by His Excellency the Administrator with some Faipules in Fono House, at Mulinu'u, 27th July, 1927.*

Present: Malupo, Toelupe, Aiono, Mata'afa, Asi-Mama, Tuilaepa, Tuatagaloa, Fonoti, Sagapolutele, Seiuli, Tupuola, Tafua, Fuamatu, Su'a-Soloi.

After His Excellency's remarks about the present political situation, Tuatagaloa spoke, saying, among other things, "The trouble in Samoa at the present time is much on our minds. We continually pray about it to God. All Samoa is satisfied with Your Excellency's Administration—men, women, and children, and chiefs and *tulafales*. No cause at all can be found for the present trouble except the European agitators. I do not blame our brother Samoan chiefs who are in the Mau movement. They are a young generation which has not seen and known of our hard struggles in the past, and wars even. They are urged by European agitators. It is true that Your Excellency's hands are clean of any wrong in Samoa. But our patience is about exhausted. We have been accustomed to wars and bloodshed, and often now feel the promptings to take steps as in days gone by, *fu'a-Samoa*, to wipe out this troublesome section; but we then think of Your Excellency and the fair name of the British Government and His Majesty the King. We shall do what you say, whether it be easy or difficult. We have only one request: end this matter. We can scarcely stand it any longer. We know Your Excellency must also be just about exhausted. My own opinion is that under the circumstances Your Excellency should not leave Apia on the proposed *malaga* to Savai'i at the present time."

His Excellency explained that the Deputy Administrator was about to leave for New Zealand and would be taking important work with him. There would be some new laws in the form of Orders in Council. One was relating to villages in which there was no *pulenu'u*. The Ali'i and Faipule of such places would be themselves responsible for carrying out the Government orders, payment of taxes, &c.

Toelupe also spoke: "We shall leave the question of the settlement of this dispute and how to act when the trouble is ended. Let us think about ways and means to bring that end to pass first. We are very sad at the thought of the insults to Your Excellency and the Government at the present time. The *pulenu'u* are quite unable to do any work these days in their villages midst all this lawlessness. None takes any notice of them. We feel keenly for them. The plantations and instructions thereto are all neglected. Speaking for my own anxiety, we were told before we went to New Zealand at the beginning of this year that you would ask for the authority to punish Europeans. We came back and were told that you had been successful in getting that authority. We are still waiting to see it put into force. The country is beginning to doubt whether it is correct. *Faifeaus* and others of the *lotu* pray for the *manuia*, but we are beginning to doubt the Government. Lawyers should not be allowed to come here from New Zealand till Samoan boys are capable of being educated in the law. All the Government activities are made a matter for joking, including the visits of warships. All Your Excellency's good work will go for nothing, and New Zealand's government of this Territory will be of no use to Samoa. Your love and loving speeches are wasted: the people will not read them. We are not satisfied with the punishments of the Chief Judge. They are being treated as a joke. If you decide to send offenders to the Tokelaus, they should be sent to the separate islands and not allowed to consort together. Why has the subject of the cement in Malie not been investigated and ended, so that Samoa may know the truth? Delay is causing much suspicion. Let the Judge actually and quickly deal with these cases, which are the means of leading so many of the people astray. Lying tales are having unhindered sway over the whole place. Cannot the Government of New Zealand stop them? I again appeal for this case of the cement to be heard without delay. All the punishments should be made heavier. It is too light a matter to merely take away titles for this offence. Imprison the offenders and give them hard labour. If these light punishments are continued the trouble will increase rapidly; if heavy punishments are made it will stop. We request, for instance, that Ainu'u and Papali'i-Ulu, who have been punished, should both be sent to Sapapalii, in Savai'i."

Tuilaepa spoke: "Regarding the banishment of Faumuina and Lago Lago to Apolima, I appeal for them to be sent away somewhere else. The village has been entirely spoiled and all except two people are in the Mau owing to the evil work of these two chiefs. Previously no one at all on Apolima was supporting the Mau. Each week three or four boats of people visit these two, and the village is heavily burdened to feed them, as per the customs of the country. Can they not be sent farther away?"

Other Faipules spoke, and had false rumours corrected by His Excellency's explanations.

On the 30th July I obtained a signed letter containing seditious statements of a similar nature to the stories being circulated among the Natives all over Western Samoa. Other similar documents being circulated to districts had been previously shown to me, but this was the only statement signed

by a member of the Mau committee that had come into my possession. I therefore attach a copy, as follows:—

Vaimoso, 25th July, 1927.

To all heads of my family and Ma'opu, of Tuiaana, and all chiefs and orators in Sa'anapu: Greeting. Fortune is with me, who is living in a strange village. Let us praise God for His love if it is the same with you all. I have to make this report to you. A wireless message of life and joy has been received as follows: Good fortune has favoured our movement (Mau) on the *malaga* of Taisi (Mr. Nelson), and advice has been received that very shortly the struggles will be over and the victory in your hands. The Mau is established, and it is further stated that our Governor is a sergeant and should be sent home. Further, the Minister who came has apologized three times to Mr. Nelson because a Court case between Taisi and the Minister is coming on. Further, it is reported that there will be no further banishments of Samoan chiefs or further imprisonments. The chief thing in the wireless message is that Samoa is to be cut off from the control of New Zealand. Mr. Nelson will return with the verdict as to which Government is to have control of our country, but New Zealand is finished with Samoa. This is absolutely true. The crown of victory is now within our grasp. I further wish to warn you. Do not let us be boastful or overbearing, but give thanks to God, who has given us the victory. Do not make this public, but keep it secret till we actually see our victory. Therefore to our village my appeal is, do not let us have any disputes over anything, but consider everything well lest our village slip back to its status. Let our district call a meeting, as it is now shown that we have reached the land of Leape. Samoa has the victory. I shall not be further punished by the Governor. He has given up. I write this with joy to you. Let us serve our country. Do not be given over to vain boasting because of this story. Good luck to our village and the pastor. We are now staying in the house of Leleua-Siavao.—Farewell.

S. ANAPU.

No action has been taken against the offender up to the present. Shortly after my *malaga* around Upolu I received a number of letters from districts expressing loyalty to the Government and dissatisfaction with the Mau movement.

On the 3rd August I issued orders for ten Natives of the Mau committee still residing in Apia to return to their villages. They neither returned nor could the police arrest them without causing serious trouble, which I wished to avoid. All these later orders under the Samoan Offenders Ordinance were made by me after being satisfied that they were necessary for the peace, order, and good government of the Territory. In each case I had to assist me in coming to a decision the result of my own personal observations of what was happening in Samoa, the reports of my officials, and also in most cases a personal interview with the individual. The position at the time of issue of these orders was a grave one, the Mau movement striking at the root of constitutional government, and it was imperative that prompt steps be taken to check its progress by dealing with those whom I knew to be the leaders. This extraordinary change in the mental attitude of a section of the Samoan people who a year ago were law-abiding and expressing nothing but loyalty and gratitude to the Government for its efforts on their behalf, but who as a result of the Mau movement have expressed sedition, has caused me to question a number of Natives as to what are the objects of the Mau from their point of view. I have been unable to obtain from them any satisfactory answer to justify the action taken by the Mau committee. I have therefore had to fall back upon their original statements of complaints on Native matters set out in the Samoan section of the Citizens Committee reports. Most of these matters have been dealt with in evidence of the permanent officials, but I would like to add a few remarks concerning some of them.

1. "From time immemorial we have selected our own Faipule."

This is not true: *Vide* extracts from *Savali* giving appointments of Faipules by Dr. Solf.

2. "At no time in our history have our Faipule interfered or been allowed to interfere with our hereditary family titles or our civic privileges by banishing chiefs from one village to another."

Faipules have not interfered with family names, nor have they banished chiefs from one village to another, nor have they any power to do so. The Samoan Offenders Ordinance vests in the Administrator only the authority to deprive a Native of his title or to remove him for an offence from one village to another. During my term of office I have introduced a system of having offences under this Ordinance more fully inquired into than formerly, by the setting-up of a special committee composed of Faipules of various districts to investigate and report to me on cases that I want further elucidation upon. This inquiry to be apart from any previous inquiry or action taken by the family or chiefs of the village concerned. I have done this for the following reasons:—

(a) Mistakes are less likely to occur if Native offences are investigated by Native authorities who understand Samoan customs than if left entirely to the discretion of a white official or the Administrator.

(b) I wish to train Native officials to hold inquiries, and thereby teach them to take a fuller part in the administration of Native affairs.

(c) A committee of several Faipules representing different districts is more likely to be impartial than any inquiry by local chiefs held in the village of the offender.

Faipules have no judicial powers; they merely advise the Administrator on the result of their investigation. As an instance to show that even the banishment of high chiefs is approved of under certain circumstances, Faumuina headed a deputation of chiefs who interviewed me at Mulinu'u on the 31st March, 1924, when he, speaking for himself and the deputation, expressed approval of the banishment of Tamasese. He then mentioned that they had come specially to show me that they supported me in my action in banishing Tamasese. In a previous case—viz., on the 14th March, 1924—members of Lago Lago's (Afamasaga) family interviewed me at Mulinu'u and expressed their approval of Lago Lago having been banished and deprived of his title. Again, as late as the 19th of this month two letters have been received from different branches of Molio'io's family complaining of his unauthoritatively bestowing a family title without their consent, and requesting that he be never allowed to return to Faleapuna. The signatories to these letters are believed to be all members of the Mau, including one Savusu, who himself has been dealt with under the Samoan Offenders Ordinance.

3. "Neither the Faipule nor any other body of Samoans have ever barred our entrance into or residence in Apia, or anywhere else, except in the time of war."

This refers to the Faipule resolution to prohibit Natives from out-districts residing in other than their own villages for lengthy periods, unless in employment or with permission given by *pulemu'u* concerned. The Faipule Fono passed this resolution in 1925 in order to prevent the young men from leaving their villages and their lands, and coming to reside in and around Apia. The necessity for this prohibition was first brought to my notice by the chiefs in most districts in Savai'i complaining to me that their young men left them and so deprived them of workers for their plantations, and came to Apia, where they were unemployed and getting into trouble. I foresaw the danger of this drift of Natives from their lands, and the possibility of Apia developing into a centre of unemployed Natives becoming a burden to the local Natives and encouraging crime. I am convinced that the rigid enforcement of this resolution would be in the best interests of the Native race.

4. "Despite the many attempts in the past to abolish the 'fine mats,' not one has prevailed, thus proving that the Samoans are not prepared to forego the old custom, which means so much to their prestige and pride of race, and associated with so much of what they still hold dear."

This refers to the Faipule resolution made in 1923, and which did not attempt to abolish "fine mats," but merely to prevent the useless waste of time in making "fine mat" *malagas*. At the half-year Native assembly in 1923, the Faipules represented to me that the old Samoan custom of large parties making *malagas* around the islands for the purpose of presenting "fine mats" at certain Native ceremonies was detrimental to the welfare of the country and should be abolished. Among other reasons put forward in support of this proposal were the following: (1) These *malagas* led to Natives neglecting their plantations; (2) villages visited by these parties became impoverished, and also incurred heavy debts at traders' stores for European foods purchased for entertaining the visitors; (3) many disputes and troubles arose over the distribution of these "fine mats." Several Faipules considered it would create dissatisfaction to suddenly prohibit this custom, therefore it was decided that they should ask the Natives to agree amongst themselves to discontinue the "fine mat" *malagas* for three years as a trial. During this period nearly all of the districts expressed approval of this agreement, and at the end of the three years the Faipules decided that it would be in the best interests of the people to definitely pass a Native regulation prohibiting permanently these "fine mat" *malagas*. Chiefs and orators were the principal beneficiaries under this custom, as they were the recipients of the "fine mats." For this reason I consider it an unselfish act for the Faipules to suggest this regulation, which would affect them in common with other chiefs. Prior to this political agitation the Samoans did not express to me any objection to the abolition of this custom; on the other hand, they apparently appreciated its harmful influence on their social life.

5. "Samoans have been very averse to paying taxes. They have never agreed, and never will agree, to taxation for a special institution or department—not even the Medical Department. While the campaign against yaws and hookworm is appreciated, the Samoans feel that if the Administration does not consider it due to the Samoans out of the general revenue to get these treatments, they are quite prepared to pay for them as received."

I have not found the Samoans to be specially averse to paying taxes until recently, and then only on the part of those who have come under the influence of chiefs who have joined the Mau organization. The views of this sub-committee of Natives, as expressed above, do not coincide with those I have received prior to the Mau from every district in Samoa. I can also confidently assert that the Natives are not prepared to personally pay for treatment for yaws, hookworm, and other medical needs as they receive it, and if required so to do would not take advantage of it.

6. "The new land law which the Administrator is endeavouring to bring into effect is fraught with much danger and is undoubtedly causing much trouble. Protests are heard on every side," &c.

There is no danger in any proposals that have been made by the Administrator, and no compulsion upon any Native to divide up his land; nor has any trouble been caused by the proposal, which is simply as follows: In order to provide for the increasing population of the Native race, proposals have been made that the areas of bush land now lying idle, and which the Natives will not develop, should be divided and allocated by the Natives themselves under the authority of their District Councils, in from 5- to 10-acre sections to young *tauleleas* to cultivate for themselves, but under the control of their *matas*. Each such area to be partly planted in taro and bananas, and partly in coconuts and cocoa. Those districts that do not wish to do this are not compelled to do so, but if the Native race continues to increase in the same proportion as at present compulsion will ultimately be necessary. No pressure whatever has been used by the Administrator in this matter. The proposal is merely an exhortation to the Natives to carry out if they so desire, and the policy in this, as in all other matters, is to educate them to help themselves, and to guide and direct reforms which must necessarily be made very gradually. To say that "protests are heard on every side," &c., in regard to the division of land is quite untrue. Some districts had already adopted the principle—notably Malie—and prior to this agitation spoke approvingly of it. Furthermore, several villages, including Apia, where there are numbers supporting the Mau, have been given bush land the property of the Crown, by the Administration, and in each case have specially asked that it be not allocated communally to the whole village, but that it be surveyed and divided into sections and allocated to individuals.

7. "What we do want is a little more recognition of our sense of what is due to us as a people. We require sympathy and encouragement in our aspirations. High-minded action will not produce the best in us."

The Native Department is administered directly by a Secretary for Native Affairs, who has a most difficult task in dealing with the numerous details that are daily submitted to him by the Natives. He requires to be a man with infinite patience and tact, and to understand and sympathize with the Samoans, whose welfare it is solely his duty to consider. I have been most fortunate during my regime in having successively as Secretaries for Native Affairs the late Mr. Griffin, who for nineteen years served previously with the London Missionary Society in Samoa, and since May last the Rev. Mr. Lewis, who was a member of the Methodist Mission. Both these officials were selected on account of their possessing the necessary qualifications for the position. Their work in charge of the Native Department and their advice to me on Native matters have revealed nothing but self-sacrificing efforts on behalf of the Samoans, whose interests they have endeavoured to safeguard and whose cause they have always striven to promote.

8. "The Faipule to whom most of the points we complain of are attributed would never think of doing these things without the influence and authority of higher power. Had the very same Faipule held their seats from the people, instead of from the Government, they would have not for an instant have considered imposing these hardships on us."

I have made *malagas* around the islands on several occasions and visited each district, where I invited the chiefs assembled to freely discuss with me their needs and their opinions on various matters. I have always found them very candid and anxious to air their opinions, but on no occasion have they ever expressed to me any disapproval of the system of appointing Faipules or any dissatisfaction with their own Faipule. On the other hand, they have spoken most approvingly of the work done by the Faipule Fono on behalf of Samoa, and their satisfaction with their own Faipule. In every district the Ali'i and Faipule have expressed pleasure at my having given them increased powers by establishing District Councils and Village Committees with functions and powers clearly defined in the Native Regulations. It has been my object to reduce the number of Faipule from thirty-three to about twenty by merging some of the smaller districts into one, but owing to the constant requests for additional Faipule to be appointed and the many political divisions of the Samoans, which they themselves endeavour to keep distinct, I have been unable to effect any reduction. The Samoans do not understand modern elective methods. They do not even appreciate party politics in a Government, for those in authority, whether in a Village Committee, District Council, or Assembly of Faipules, do not decide matters on a majority vote, but discuss among themselves every question until a unanimous decision is agreed to. I consider that election of Native representatives as understood in a European community would not be possible at the present time without disturbing the peace, order, and good government of the whole Territory, for the party that did not succeed in electing their nominee would not be likely to accept the representative elected by the other party. I am convinced that it will be many years before the Samoan people can be entrusted with a franchise. The authority for appointment of Faipules is given in the Samoa Act. During the past four and a half years I have appointed ten of the thirty-two Faipules now holding office, as follows:—

Savai'i.—Suisala, 1923; Pei, 1923; Su'a Latu, 1924; Su'a Mui, 1925; Seumanutafa, 1926: All recommended by the Resident Commissioner of Savai'i. Further recommended by the Secretary for Native Affairs, who ascertained in each case that Ali'i and Faipule agreed. Approved and appointed by Administrator, who has personally received expressions of approval from the Ali'i and Faipule concerned in speeches made to him while on *malaga*, except in case of Seumanutafa, whose district has not been visited since his appointment.

Upolu.—Asi-Mama, 1924; Tafua, 1926; Fuamatu, 1926; Tupulua, 1927; Su'a Soloi, 1926: All recommended by Secretary for Native Affairs, who ascertained that Ali'i and Faipule agreed, except in case of Su'a Soloi who was appointed by Administrator without reference to the district, he having been their Acting-Faipule and sat in Fono for nearly two years. During the *malaga* of the Administrator in July last the Ali'i and Faipule of the district expressed to Administrator their approval and pleasure at the appointment of Su'a Soloi to represent them.

The first appointment I made was Suisala, of Fagamalo, on the 18th August, 1923. On this occasion I raised the question of procedure in appointing Faipules with the then Secretary for Native Affairs, who informed me what the previous custom had been—viz., for the Administrator to suggest or nominate one of the most important chiefs in the district, preferably one who had previous experience as a *pulemu'u* or other official—and to ascertain if his appointment would meet with the approval of the remaining Ali'i and Faipule. To appoint one that was not approved of in this way would cause trouble for the Native Department and the Administrator. I ascertained that Suisala was approved of by his people before I made the appointment. In every one of the remaining nine appointments made by me I have received an assurance from the Native Department that (1) the chief selected was the most suitable for the appointment; (2) that the Ali'i and Faipule approved of the appointment. With one exception, I have visited the districts of these Faipules since their appointment, and the Ali'i and Faipule have expressed to me personally approval of their representative. With a view to making a little progress towards the time when Samoans may be safely trusted to use modern methods for electing their own representatives, I have, since 1924, appointed Faipules for three-year periods, a system which the Faipule who had themselves previously received permanent appointments thoroughly approved of. I did not consider it advisable to make the new rule apply to those older Faipules who had been given to understand that their appointments were permanent so long as they carried out their duties satisfactorily. I have also taken a further step by endeavouring to get the Ali'i and Faipule (chiefs and orators) of districts to sign their names to a document accepting responsibility for nominating their Faipule when a vacancy occurs. This has not been entirely successful, as instances occur where chiefs apparently do not care to sign their names to a paper to give what they consider to be increased *pule*, or authority, to another chief, and in some cases I have not been able to get them to do so. In selecting a Faipule to fill a vacancy the method the Samoans have always hither-

to preferred is for the suggestion as to the nominee to come in the first place from the Administrator, and then for the Ali'i and Faipule to discuss and agree among themselves, after which one or more chiefs come in to the Native Office and notify their approval. The system of throwing the entire responsibility upon the Ali'i and Faipule to nominate their representatives has in one case caused a delay of eighteen months and a decision has not yet been reached, so that I anticipate having to revert to the former method and make the first suggestion myself. These progressive steps taken during my regime are in excess of what the law provides, but they are educational processes in the necessarily slow development of the Samoan people and merely mark a very little advance towards that goal to which the Natives are being directed—viz., to some day stand alone and play their full part in controlling their own affairs. That goal is far distant, and at the present time it is not only unsafe but dangerous to introduce modern electoral methods for this backward people. The Faipules are a thoroughly representative body, who know the wishes and needs of their people, whose welfare they do their best to promote. A Faipule is, in the first place, of high Samoan rank, which he has received from his people. An examination of status of the present Faipules will show that the great majority of them are of the highest rank in their district, while a number of them have had previous experience as officials or in other capacities. If there are cases where a Faipule is not of the highest rank, it does not necessarily follow that there are others more suited for the position. Samoa needs a nucleus of chiefs who can be educated to spread amongst their people the gospel of self-help; what is expected of them in order to promote their own welfare, and what the Government wishes them to do and is prepared to do for them. Faipules have endeavoured to conscientiously perform those functions; and, furthermore, in their *fonos* with me they never hesitate to express their individual opinion on any matters under discussion, and no restriction whatever is placed on them so doing. On the contrary, I invite and help them to think and speak for themselves. Since this political agitation started they have had a very difficult task; their work has been undermined, their good influence counteracted by the Mau organization, and their instructions and exhortations on behalf of their people disregarded by those who have allied themselves with the Mau movement.

9. "It is difficult for us to understand why the statement has been made that the Samoans do not wish to be represented in the Legislative Council. They should be represented by members of their own choosing in the same way as the European members."

This, no doubt, refers to a statement that has been made by me, and represents the views of the whole of the Faipules, to whom I have put the question on two occasions as to whether they would like to have two representatives on the Legislative Council, after explaining to them the system in the Crown Colony of Fiji, where the Governor selects and appoints two Fijian chiefs to sit on the Council for five years. On the first occasion I urged the Faipules to agree to two Samoans being on the Council, but they declined the proposal. On the second occasion I merely put the matter to them without pressing them to agree, as I had then learned their views, which they definitely expressed in their reply—viz., "Not at present. We prefer this Fono of Faipules to be the Assembly for all Native-Government matters; but let the matter be considered in a few years time." I entirely concur in their views. I have found that the Natives take very keen interest in the work of the Native Assembly of Faipules, where each district is represented, and where they deal with their own affairs in accordance with their Native custom, and where they are learning far better how to govern themselves than they would by having only two representatives on a European Council. Furthermore, no two Samoans could now be selected by me, much less elected, who would have the full confidence of the people and at the same time have the ability to discuss and debate policy matters of government in a European Council. Under existing conditions the interests of the Natives are safeguarded in the Legislative Council by the Administrator and the Secretary for Native Affairs, and no Native matters, other than the annual estimates, are dealt with in that Council without previous reference to the Faipules and obtaining their concurrence therein. This arrangement has been approved of by the Faipules themselves. The Samoans, with the exception of a few in Apia, were perfectly satisfied with their form of government prior to the 15th October last, and I am convinced that the proposal to add representatives in the Legislative Council at the present stage will do more harm than good, for no Council other than that in which every district is represented will satisfy them, while such a Council would be too unwieldy to be effective.

*Cancellation of Licenses.*—Early in the present year I became aware of the fact that a number of traders in out-districts were influencing the Natives on behalf of the Mau. On the 7th February Tapusoa Faipule reported to me that his district was being disaffected by agents from Apia, and that a trader named R. Allen had read circulars to his people and was endeavouring to get their signatures and support for the Mau. On the 19th February I received a report from the Resident Commissioner, Savai'i, that Mr. Allen had admitted circulating documents among the Natives, but that he was only doing this for his firm (Nelson and Co.). I asked the Resident Commissioner to caution him. The following is a copy of the circular referred to:—

NOTE.—Only those who are matais (chiefs or orators) and desirous of signing should sign their names to this petition. Each one should sign his own name; let no one sign the name of any one else, unless in the case of a chief not being able to write, in which case he himself should hold the pen while some one guides his hand as he signs his name.

*Western Samoa.*

This is a humble petition of chiefs of Western Samoa to the Government of New Zealand.

(1) We bow in faithful obedience to the Government of New Zealand, and our desire is for the happiness and prosperity of Samoa.

(2) We beg that district Faipules in Samoa be chosen by the chiefs of Samoa, and that the work of the Fono of Faipules be as laid down in the Constitution. At present the Faipules are the chief officers of the Administrator, but they are not true representatives of Samoa, because they are not appointed by the country.

(3) We beg that the authority of Ali'i and Faipule of each separate village (*i.e.*, an assembly of all chiefs in a village) be maintained and honoured according to the rights of Samoan custom; but let not that authority be broken down because of the Pono of Faipules appointed by the Administrator.

(4) We beg that the speech of Toelupe in which he gave away the sacred titles of the Samoan Government to New Zealand be taken no notice of.

(5) We plead for the repeal of all harsh laws imposed on Samoans, such as banishments, removal of titles, the medical levy, the prohibition of "fine mats," &c.

(6) We plead that the Government of New Zealand may receive and deal with all the matters already prepared by the committee for presentation to the Minister.

(7) We hereby attest our true belief and faith in all the work prepared by the committee, and we are persuaded that such is the true will of the Samoan people.

Names of Chiefs.	Village.	District.

Being satisfied from information supplied to me by Government officials that a number of traders were acting similarly to Mr. Allen, I formed a committee, consisting of the Collector of Customs, Inspector of Police, and the Crown Solicitor, to investigate the position and to communicate with all traders reported to be intriguing with the Natives. I was satisfied that if the numerous traders around the islands continued to interfere in Native politics against the Administration I could not hope to maintain peace and good order. During my *malaga* around Upolu in July, I personally saw that the Mau movement was practically an attempt at revolution against the Government and was preventing the Government from satisfactorily carrying out its obligations under the mandate. I therefore determined to act promptly against any trader known to be actively inciting or influencing the Natives on behalf of the movement, by cancelling their licenses. I satisfied myself that Ale Lui, of Safata, and Hunkin, of Falealili, had misused their positions as traders by actively encouraging the Natives in this revolutionary movement, and later I obtained written evidence which verified information in my possession in regard to Mr. Kruse, of Fa'asaleleaga, acting similarly. I therefore directed that their licenses be cancelled. I did not wish to disorganize the business of either Nelson and Co., or any other firm by further cancellation of traders' licenses, and I hoped that my action in regard to these three traders would deter others from further political intrigue with the Natives.

Proper constitutional methods have always been freely open to Natives and Europeans to place before me any matters with respect to which they require explanation or information, or complaints that require redress. If such methods had been followed in respect of the matters set out in the reports and petition it is certain that the doubts, misunderstandings, and criticisms referred to in those documents would have been removed, explained, or satisfied. This is particularly so in the case of the fears raised in the minds of the Natives in regard to the finances of the Territory. But in place of following the constitutional practice, and despite my warning, a general agitation of the Natives has been commenced by a combination of certain Europeans and Natives. Such a combination in respect of political affairs is unparalleled in the history of this Group, and if permitted to continue will make it impossible for any Administrator to carry out his functions as representative of the Mandatory.

*Mr. Meredith.*] The details as outlined in that statement, General, are, to the best of your knowledge, true?—Yes.

*Mr. Baxter.*] Your Excellency knew that Mr. Nelson had interviewed the Prime Minister before he arrived here in September. You got a report from Wellington to that effect?—I knew that he had seen the Prime Minister in September, 1926. In accordance with my request that he should, I gave him a letter of introduction.

Did you know what matters had been discussed?—I did not know.

Regarding the first meeting—the one on the 15th October—I think that went off without any trouble at all: it was quite an orderly meeting?—I know nothing to the contrary.

Between the first meeting and the second meeting you received no reports of any disturbance being caused through this meeting?—No.

And at the second meeting there was a very large force of police there, was there not?—I am not able to say.

If there was a big force there, it had nothing to do with any instructions from you?—No.

Was it in accordance with your instructions?—I will make an explanation. I did ask Mr. Braisby to be present and to give me a report of that meeting, which report I received, and it was duly forwarded to the Government.

That is the report which appears on page 18 of the Joint Samoan Inquiry?—I do not know if it appears there or not.

*Mr. Meredith:* It must be the one.

*Mr. Baxter.*] And we know that when Your Excellency sent the letter it was read out by the Acting-Secretary, Mr. McCarthy. Why was the letter sent in that way: why did you not send it to the chairman and leave the chairman to read it out?—I sent it that way so that not only the chairman but all concerned should know my views and that there should be no mistake about it whatsoever.

Do you not think that it would have been less calculated to create opposition if you had sent it to the chairman and asked the chairman to read it out?—No, I do not. This is Native territory, and it must be quite clear what are the views and wishes of the Administrator himself.

It was your policy at that time to keep the Europeans and the Samoans separate in political matters?—Yes. It was my policy that on no account should Europeans interfere with Native political matters. It was also my policy in the Fono of Faipule to see that they should not discuss European matters. Up to that time that rule had been observed.

Your idea, then, in sending this message was to try and persuade them from carrying-out that policy?—My idea was this: I foresaw what trouble would rise. I was satisfied that people holding a meeting of that kind—bringing Natives in with Europeans on these political matters—would disturb the Natives of this Territory, and I foresaw that there would be serious trouble. That is why I issued that warning; and what I then predicted has come true.

Any complaints that the Natives had you consider should have been sent through the Fono of Faipule?—They should have been sent through the proper channels. They have a Native Office. Any complaint a Native may have he should put to the Secretary for Native Affairs, which course is open to him at all times. The Secretary for Native Affairs is practically their father, and if he (the Native) is not satisfied with the decision or explanation that he gets from the Secretary for Native Affairs he is at liberty to have these matters put before me.

Those complaints, I suppose, in the first place should have been through the district Faipule?—They can put their complaints through the District Councils. They have their own District Councils; they can put them through those, and there presides the Faipule, who can bring up any important matters through the Fono of Faipules. Any matters that require my attention come to me in the way I have described—that is, through the Secretary for Native Affairs.

Did you expect the meeting to act in accordance with the warning you sent at the time—I am talking about the second meeting, the November public meeting, to which you sent that warning?—I did. I hoped they would, and I felt certain that had the chairman advised or the committee then advised that they should join in my opinion and support the Administrator we would not have had the trouble in Samoa that we have had since.

Did you consider that that result would be obtained through your influence—your personal influence—with the community, or on what grounds did you base your belief that your warning would be followed?—I knew at that time that I had great influence with the Natives right throughout the Territory. The Natives are, or were, accustomed to accept decisions from the Administrator and to abide by them, and had the example been set by the European committee that they should still take my advice and obey my instructions, and put their matters through the proper channels, I would have been able to have prevented this trouble that has occurred in Samoa.

Had you any reason to believe that the meeting was going to be seditious or in any way a breach of the law at that time?—No, I had no belief that it would break the law.

Did you not fear that at that time such a message delivered in such a way would be likely to be interpreted as an attempt to gag the public meeting?—None whatever. As I have already explained, in this Native country things have to be considered entirely differently. It was proper that the Natives should know in the most public manner, and should receive an example from those who were controlling that meeting. They were told in my address that there was no attempt to prevent freedom of speech, and therefore it could not be construed as an attempt to gag the meeting.

At the second meeting it was decided to send a delegation to New Zealand, was it not?—Yes.

And you opposed the delegation going to New Zealand on the grounds, or one of the grounds, that you were not satisfied that the Samoans were fully representative of Samoan opinion in this country?—That was one reason, and the other reason was that they had never asked for a full explanation from any proper authority in regard to the matters they were going to put before the Government of New Zealand; and I knew in my own mind that if they submitted the matters before the Parliament of New Zealand they would be entirely misrepresented. Moreover, it was impossible in New Zealand to hold any inquiry or to receive representations on Native matters without an expert, such as the Secretary for Native Affairs, to explain the position. In those circumstances I opposed their going, realizing that they would not be able to give a satisfactory explanation of the matters that they were going to represent.

I think also another ground, if I am not mistaken, was that you considered that their complaints should go through the Fono of Faipules, whom you regarded as the leaders of the Samoan race?—One of my grounds was that any matters that were going to be put before the New Zealand Government should be first thoroughly threshed out and discussed in the Fono of Faipule, where there are representatives of all districts, and where one can learn the truths and the merits of those matters, and submit the best aspects of the case from the Native point of view before the Government.

Concerning these Faipules, we know that you have sought the opinion of the districts for the appointing of any of the Faipules whom you yourself have appointed; but from the evidence it would appear that the Faipule appointed before your term of office were not in every case the selection of the district, but due to nomination?—I know nothing about it.

*The Chairman:* The cases were very rare, according to the evidence.

*Mr. Baxter:* Yes, according to the evidence.

*The Chairman:* How many cases do you suggest there were.

*Mr. Baxter:* I have not got the number, but Fonoti was one.

*The Chairman:* I do not think there were more than three.

*Mr. Baxter:* I will look into the matter.

*The Chairman:* Very well, I do not wish the Administrator to be misled. They were the exception—at any rate, in my view of the evidence—rather than the rule.

*Mr. Baxter:* Did Your Excellency make any inquiries as to how these Faipule had been appointed who were in office when you arrived?—In my statement I explained that it was quite a new matter to me. When it was brought to my notice, about four months after my arrival in the Territory, I went on a *malaga* to Savai'i, and the first case was that of Suisala.

Are you referring to the appointments made prior to your arrival?—Yes. This being an entirely new question to me, I asked Mr. Griffen. Having more or less European ideas myself about representation, I asked Mr. Griffen about the custom, and the answer is given in my statement.

Yes, I remember it. The point I wish to get at is this: did you make an inquiry about each individual Faipule?—No; I only satisfied myself on my *malaga* around the island that all the other Faipule, according to statements made by the Ali'i and Faipule in their districts were thoroughly approved of by their people, and no statements to the contrary were made.

You considered that it was necessary to show the people of Samoa that the Faipule had the support of the Government in any opposition that was raised to them?—I cannot say that I considered it necessary. It was common knowledge that they had the support of the Government. They had every reason to believe that they had my support, they being the only properly constituted authority.

You sent out a circular letter on the 22nd November, 1926, which is referred to in the Joint Samoan Report [circular put in: Exhibit No. 64]?—I did send circular letters, but I cannot remember whether I sent the one referred to. No doubt I did send it. I do not know who translated it, but I do not think it is my translation; I think it is the translation of my office.

You are quite entitled to object, and I will satisfy Mr. Meredith. There is just one passage that I would like to refer to, which is contained on page 36 of the Joint Samoan Report. It reads: "I wish you to send in a list of every Samoan from your village who is concerned in this matter, also those who made speeches that night, as they will have to come before the Faipule"?—I remember that I sent that. I wanted them to come in and hear an address at the Fono of Faipule in which I intended to explain to them, so that there would be no mistake as to what they had been told.

Right at the bottom of page 36 there is a circular to every village in Samoa, is there not [put in: Exhibit No. 65]?—I am not absolutely certain, but I am inclined to believe it is correct.

And in that circular there appears a statement which reads: "I am directed by the New Zealand Government to inform you that no other authority than the Fono of Faipule is authorized to confer with New Zealand on Samoan affairs"?—Yes, that was probably my way of putting it to them. I wanted to put matters to the Samoans in a very simple way, and I wanted them to understand that if there were to be any representations to the New Zealand Government on Native matters they must, in the first place, all go through the Fono of Faipules. That was the impression I wished to give—that was, as matters were to be discussed with the Fono of Faipule, together with myself.

Did you know at that time that some of the complaints—I do not say whether they were sound complaints or not—of the Natives were against the Faipule themselves?—I did not hear of any.

Had you known that some of the complaints were against the Faipule and the Fono of Faipule themselves, I conclude you would not have wished to convey the impression that their complaints must come through the Fono of Faipule?—No. The Natives have always known that if they want to make complaints against any of their Faipules they are quite at liberty to do so, and during my regime I have not hesitated to get rid of any of the Faipules if they are not competent or complaints are made against them which have been proved to be correct. A Native would not hesitate, if he had any complaint against a Faipule, to come straight into my office and lay his complaint.

At the December Fono of Faipules you called the Native committee men before it, did you not?—Yes, I asked them to come down.

I suppose you did not know then either that they were in opposition to the Faipule?—I knew that they were working against the Government.

In what way do you suggest that they were working against the Government?—Because of the propaganda that had been passed around to the effect that they were going to put many matters before the New Zealand Government—that is, matters which I have dealt with this morning and which have been explained.

This propaganda that you have just mentioned would be Native letters that were passing around—that circular, I suppose, that was sent to Savai'i?—It was something more than Native letters, in that it reached seditious stories and disrespectful statements about the Government of New Zealand and disrespectful statements about myself. I will not say from where they emanated, but they were all part and parcel of the movement.

Were these verbal stories or were they in writing?—I should say that they were verbal stories which were passed around by the Natives.

Did Your Excellency at any time get the Native members of the committee to come and see you personally?—They had the opportunity of seeing me when I brought them down to the Fono of Faipule, where I addressed them, and there I gave them the opportunity of putting all their matters before the Faipule themselves. I have never stopped them coming before me until my *malaga* in July of this year, when I certainly would not see them as a body. One or two of that committee had frequently come to see me on matters from time to time, and they knew they could see me personally. Faumuina is one, and he knew that he could come and talk to me at any time, but he refrained from doing so.

Did Your Excellency send for them at any time?—No. I certainly would not send for them as a united body to speak to me on the matters, because in the first circular they sent around they had assumed the authority to represent Samoa.

Did Your Excellency send for them individually?—No. It appears in my statement here where I sent for them and talked to them and gave them a warning. The second time I sent for them was to send them away to their different districts; so that they have appeared before me on two occasions—the first as a warning, and the second when I asked them to come for the purpose of sending them back to their homes.

Do you mean seeing them in your office or in front of the Fono of Faipule?—I saw them myself with the Secretary for Native Affairs, Mr. Griffin, the first time, and the second time with Mr. Lewis, and the third time three members of the committee—namely, Papali'i-Ulu, Karauna-Mata'u, and Ainu'u—were present.

This time that Your Excellency saw them and warned them—was that before or after this time when you had them in the presence of the Fono of Faipule?—I am pretty certain it was after.

At this interview they had with you in the presence of the Fono of Faipule were they given an opportunity to reply to Your Excellency, or did you say to them that you did not think it was necessary for them to answer?—No. On that occasion I addressed them, and I said to them, "If there are any matters about which you wish to talk to the Faipule you will be able to express yourselves to them quite freely. I do not want to preach to you in any way or to hamper you." I thought it would be far better for them to have an open discussion with all the Faipule there assembled. I did not want to hamper them in any way. Really, in my mind I thought that it would be better for them and they would speak more freely if I were not present. I said to them, "I am going to leave you now, and you can discuss freely with the Faipule any matters of complaint. Let us find out what is wrong, and then we will let you know what can be done for you."

At any interview did you tell them that you did not wish them to reply?—Yes, when Faumuina and Lago Lago were there. I was so sorry for them because they appeared to be so utterly ashamed of themselves coming before me. After addressing them, I said, "Well, now you can make any statement you like now, if you wish to. I can see that you are feeling your position most keenly, and therefore if you care not to do so you need not say anything now, but you may put the matter to me in writing in three days' time." They had full opportunity, and that is what they did—they put the matter in writing. The other three members of the committee—namely, Ainu'u, Papali'i-Ulu, and Karauna Matau—were examined by me in the Native Office and they were given an opportunity to say anything they wished. As I told you in my statement, one of them was so insolent as to almost cause me to be annoyed, thinking he should be so insulting as to call one of my officials "only a rat-catcher."

It was about the 7th December, while this Fono was sitting, was it not, that you received the reports from the Citizens Committee?—Most of those reports, I know, were coming through about November or December, although I had not got them. Those reports were for transmission to the Hon. the Minister of External Affairs.

They were forwarded in time for you to refer them to any portion of the Fono of Faipule that you saw fit?—The reason for that was that at first I saw an organization set up which was dealing direct with the Minister and sending their radios through my office as if my office was merely a post-office and not dealing with me direct. To this I took exception, and I wrote to the Minister of External Affairs and said, "Please instruct this organization here to deal direct with me and send their matters through me, and in the case of the Native affairs to see that they are first of all thoroughly considered by the Fono of Faipule." I might say that only by discussion by representatives of all the different districts in the Fono can these Native matters be thoroughly sifted out and a true appreciation obtained as to their value, and that was my reason for considering that they should be thoroughly considered before being sent.

When these reports came before you, did you refer any portion of them to the Fono of Faipules or not?—I did discuss them. I am not quite sure at that time whether we got the whole thing through the December Fono, but I can tell you that I have discussed them with them at some time or other, but I cannot say when.

Do you remember which reports you did discuss with them?—I discussed the Samoan report, and also discussed the question of the finance and loan, which was fully explained.

I conclude that you read these reports when you received them in December?—Yes.

And you were bound to have noticed that reference to the £100,000 loan and the alleged foreclosure of mortgage?—Yes.

And I have no doubt that it perturbed you to think such a report was getting before the Natives?—It perturbed me very much indeed, because I had heard the story from T'iga and others, of how suspicious the Natives were on money matters; and I had had experience of that in Fagamalo, in Falelatai, and in other places, where the Natives were perturbed over this money question with New Zealand, and had really spread round the story that they would not be able to pay the loan and that New Zealand would take their land in payment thereof. That was the story that was going round.

Why did you not write to the committee at once and require that they should correct their reports?—As I have already explained to you, the committee were dealing direct with the Minister. They had set up an authority to deal with these matters, and I merely forwarded them to the Minister. I had a feeling at the time and I had good reason to believe that almost anything I said would be criticized by this committee as being incorrect.

But this was a specific case. You said that it was perturbing you because it would disturb the Natives: do you not think that in the interests of the country it should have been corrected at once?—I did correct it through the Natives themselves; but the Mau movement was at the time working the Natives against the Government, and while probably my remarks at the time did a certain amount of good, those still supporting the Mau were suggesting that they were correct and that the Government was wrong.

Did you consider at all whether or not you should advise the Citizens Committee?—No; it was their duty to come to me and discuss this matter with me. All the three elected members knew that from the very outset of my appointment I have told them that they had *entrée* to me at any time on any matters or complaints which they wished to make, and they could see me and discuss matters personally with me. It was certainly their duty to come and see me.

This is slightly different. This was probably an error, and a dangerous error?—I consider it a deliberate error.

Now, you made no inquiries to find out—

*The Chairman*: He said that he merely transmitted the report to New Zealand, and that was his duty.

*Mr. Baxter*: I just wanted to make sure why this £100,000 rumour was not corrected at once. (To witness :) It was not mentioned to the committee until the receipt of the Minister's letter in reply, which was dated some time in July?—I do not know anything about what was done.

All the communications passed through your office?—Yes. They were all communications between the Mau and the Minister, and I took no steps to interfere with them.

I think the question was discussed at that Fono with respect to the Government scheme for advancing against Native copra of good quality?—That was in the December Fono.

Was there any special reason why this scheme should have come up at this particular Fono?—None whatever other than for three years we have been gradually building and working up an improved grade of copra without the Natives themselves getting any recompense therefor, and they had become impatient and in some districts they complained to me: "It is no use our trying to make better copra; we get no more for it than the man who puts the bad copra into the store." My efforts had reached the stage where we were able to produce a fair quality of copra, and we were anxious to prove to everybody in the South Seas and those who were concerned in this copra trade and the local community that if the Natives would make better copra we could actually get a better price for it. I think you will remember that I showed you a letter that was being forwarded to New Zealand in connection with this matter. That was long before the December Fono; and I can assure you that there was no special reason other than that the time had arrived when it was necessary to take action and help these people, or the whole copra scheme was going to fail. I might add further that the Natives had actually a promise from me as far back as two years ago, I think, that if they would make better copra I would see that they got a better price for it. You yourself have seen a letter from me on the subject.

I remember that letter. Why did you not discuss the matter with the merchants to see whether anything could be done?—I think if you look at the official files you will find that I discussed this matter a lot with the merchants and the traders, and they made no headway. I can quote you a letter asking them a second time if they would help me to help the Natives concerning even the currency, and I am still waiting for a reply to that letter. The letter was as follows:—

Apia, 30th October, 1926.

The President, Chamber of Commerce, Apia.

DEAR SIR,—

*Re Copra Currency.*

I am directed by His Excellency the Administrator to write you herein, and suggest that the practice of using the American currency term in buying copra in Samoa be changed to English. From time to time requests have been received by the Administrator from the Natives to make this change, and, as the pressure in this direction continues, it is suggested that your committee take the matter up for discussion. American currency is not in use in the Territory except in name, and there does not appear to be any real reason why the change should not be made, and, providing the Chamber of Commerce and the Administration are in agreement, no legislation should be required to bring about the alteration.

The favour of an early reply would be appreciated.

Yours faithfully,

A. McCARTHY, Acting-Secretary.

Regarding the question of the amount to be paid for the copra, you did not call a meeting of the merchants or discuss the position with them to see whether it was possible to pay more?—I have not discussed the matter, except privately, and I tell you that only privately have I mentioned it to one or two. I mentioned the matter to Mr. Brady and also to Sir Maynard Hedstrom, and said, "You people can solve this question of copra to-morrow if you will give the Natives more for their pure, white, dried copra; but it is no use going on like this, because the New Zealand Government cannot hold the confidence of the Natives in this Territory, where the merchants are giving them £8, £9, and £10 per ton, while the people under the American flag are receiving £19 and £20 per ton, and therefore the Government has got to do something.

But you did not go into their figures with them, or consider their position?—No.

At this Fono, when the copra question was discussed, were there any speeches to the effect that the merchants were robbing the Natives?—From whom?

From the members of the Fono?—I have never heard of any speeches *re* the merchants robbing the Natives, but I have had many speeches made to me to the effect that the merchants were not paying enough for the copra but were charging them too much for their goods. I have been placed in an awkward position through my desire to help them in these matters and my inability to do so.

I think, on the 22nd March, 1927, there was forwarded to you the objects of the Samoan League, which is referred to at the foot of page 37 of the Joint Committee report [Exhibit No. 56]?—Yes.

When you saw that, did that not satisfy you that the League was quite innocuous?—No, I was not satisfied. What I had in my mind was that that letter provided for Europeans and Natives working together for political purposes, and that is the part I did not like about it.

But it was in no way against the law?—None whatever.

Then, in March, also, I think, was introduced the Maintenance of Native Authority Ordinance, was it not?—Yes.

And section 3 of that Ordinance provides, "Every person is guilty of an offence, and liable on conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding one year, who

speaks any words or does any act calculated or likely to undermine the authority of or to excite disaffection against any Native authority." You remember that Ordinance going through the Legislative Council, do you not?—Yes.

I think that Ordinance was drawn up by the Chief Judge, was it not?—He would certainly be one of the persons who drew it up.

And I think it was introduced into the Council by the Chief Judge?—Yes.

He was the member who had the handling of the Ordinance and who was the chief supporter of it?—Yes.

His handling of the Ordinance was done with your knowledge and consent?—Yes; and the reason for it is this: in this small Territory it is impossible to have always present in the Council all the officials and members of that Council, and it is most essential I should have a legal advisor or one legal man always on that Council. If the Crown Solicitor, who is the other member of the Council, is absent, then the Chief Judge, and then only, takes a seat on the Council in order to help me on legal matters; but when we are able to have a majority in the Legislative Council without the presence of the Chief Judge we always do so.

Without discussing the terms of the Ordinance at all, it was an Ordinance which it was quite possible could be used, otherwise you would not have passed it?—It was an Ordinance similar to the laws in other Native territories.

I am not criticizing the Ordinance itself. It was an Ordinance that was quite possible of being invoked at that time, otherwise it would not have been passed?—Yes.

And any person who was prosecuted under that Ordinance would have to come before the Chief Judge for his trial?—I presume so.

Did you not consider it was an unwise policy, from a political point of view, to allow the Chief Judge to introduce that Ordinance into the Council?—It is undesirable, but under the circumstances, as I have already explained, it is impossible in this small Territory—I personally as Administrator will not go into the Legislative Council unless I have a legal advisor or one of the legal members present—to have always present in the Council all the official members of the Council. It is helpful, and is good for Samoa and good for the law, and although it is undesirable that the Chief Judge should be a member of the Council I consider that it is necessary solely for the purpose of explaining matters. I know him well, and I feel quite certain that it will not prejudice any future action whatever in the administration of justice on his part.

My personal opinion of the Chief Judge is exactly the same as Your Excellency's opinion, and I want to make that clear. Do you not think it would have been more advisable if some other member had introduced it?—It would have been more advisable if Mr. McCarthy could have done it, but, unfortunately, he was absent.

Somebody else could have introduced the Ordinance: it need not necessarily have been the Chief Judge?—It could not have been introduced so satisfactorily and such good explanations made by any one else than the Chief Judge on that particular occasion.

Did you consider what effect it would have on the public?—Yes, I did. I am certain it would have no effect whatever in the prosecution of the justice of the country.

Then, Your Excellency, on the 26th March there was issued a circular to the Faipule?—What you have there I am not going to accept the translation of.

We will take them as they stand, and if they are incorrect, then we can make the necessary alteration later. At page 38 of the Joint Committee report there is a word there in the circular to the Faipule [put in: Exhibit No. 66]—namely, "rebellious"—which refers to Mr. Meredith?—I have not read that at all.

Take the word as it stands: do you think that is a fair and proper way to describe that pamphlet of Mr. Meredith's?—I do not think that I ever wrote a circular to be translated in that way. I would like to know first of all whether that is a true translation.

*Mr. Meredith:* The witness objects to this translation, and wishes to deal with the actual circular that was issued in Samoan.

*Mr. Baxter:* I am following exactly the same course as was followed with our circular.

*The Chairman:* That is quite true. Even in your case, Mr. Meredith, witnesses were asked to assume the correctness, and I think we had better carry out the same procedure.

*Mr. Baxter:* I am asking you to assume that it is correct. There is a phrase here which reads: "You will make this matter quite plain to your chiefs and orators of your district, and you will forward to me the names of the traders in your district who have tried to induce your district to defy their Government in the past months. Send me a letter containing this information, and address the envelope directly to me." Did you write that?—Very likely I did; I will not deny it.

*The Chairman:* Who has the original circular?

*Mr. Baxter:* I do not know, sir.

*The Chairman:* Where is the circular?

*Mr. Meredith:* I have not made any inquiries.

*The Chairman:* You can see from the context that the term "rebellious" is not an appropriate term, as my learned colleague says. Cannot we get that circular?

*Mr. Meredith:* I am getting it, sir.

*Witness:* I take it that this translation has been made by some of the Mau interpreters, and is not a literal interpretation.

*The Chairman:* That is very likely so; but, as Mr. Baxter very rightly says, he is entitled to assume for the time being that the translation is correct. Mr. Baxter is quite right in the position he assumes, because that was the course which was forced on him in connection with other documents.

[Mr. Meredith here handed the original circular, with the English, to the Chairman to read.]

*The Chairman* : That is exactly what I thought : it is only a question of the English. The word used is "seditious," not "rebellious."

*Mr. Baxter* : Yes, sir, that is all. (To witness :) What was Your Excellency's idea in having the envelopes addressed directly to you?—Because I had instances of a number of letters not arriving at the Native Office. I thought that if they were addressed direct to me they would probably reach me all right.

That was your reason—that you thought that correspondence was not coming properly through the Native Office?—No.

Then, I think, sir, that the committee wrote you on the 14th April, 1927, or somewhere about then, requesting that an interview should be arranged with the Minister when he arrived?—I do not deny that, but I do not remember it. It was assumed, in any case, that they would have an interview.

Did you reply to that letter—if there was such a letter—to the effect that the matter had to wait until the Minister arrived?—I know what was in my mind at the time. What month was that?

It was April?—In my mind was the idea that the Minister might like to have the committee meet him either at once or a few days after he arrived and learned what the conditions were in the country, and it was a matter which should be left entirely to him as to time and place after his arrival.

You did not take any steps to find out then?—I do not remember very well.

*The Chairman*.] The Minister was cabled to in May?—Yes. It was most difficult to communicate with him.

*Mr. Baxter*.] Now, coming to the Minister's visit, I just want to touch lightly on that : there were no disturbances reported to you, sir, by your officials during the visit of the Minister?—No.

After the visit of the Minister—just after he left, or about the day he left—two letters were forwarded through Your Excellency to the committee advising of an alteration in the law—Immigration Order—and ordering them to have nothing further to do with the Natives?—Yes.

Then after that there was further correspondence between you and the committee, I think?—I do not remember.

You remember that they wrote to you and asked for specific details of the allegations of sedition against them?—I do not remember that.

*Mr. Baxter* : I think that those letters are in.

*The Chairman* : Yes, they are. They were handed in by Mr. Nelson. We have never seen that Immigration Order at all.

*Mr. Baxter* : It is an Order in Council, sir.

*The Chairman* : Yes, but we have never seen it. We ought to know something about it.

*Mr. Baxter*.] The correspondence which I have mentioned, sir [see Exhibit No. 51], is dated the 20th June, 1927—letter from Your Excellency to the chairman of the committee, and a further letter of the same date from Your Excellency to the chairman of the committee—and two replies dated the 22nd June, 1927. [Letters handed to the witness for his perusal.] In these letters they asked you to give them definite specific charges of the sedition, in order that they might be able to meet the allegations : do you remember that?—That is in the letter. I admit it.

What were your reasons for not sending the charges to them?—Well, this was the position at the time : I was receiving information from Natives who had heard Mr. Nelson's speeches and heard other speeches and heard the Mau talking immediately after the Minister's visit, and the statements were so hostile at the time that it indicated very serious action ; so that I was satisfied that, whilst no specific charge of sedition could be made against any one individual in the Mau movement, their action in not telling the Natives to do what was right, and to go back and carry out their duties to the Administration, was having a very bad effect. But I had no specific case against any one individual.

Did you not think that it would have been advisable to hear their side of the story, too?—They were quite free to put it in a letter to me.

They were in this position, were they not : that they did not know what charges to meet?—I am pretty certain that they knew that what they were doing was not in the interests of the Natives and not in the interests of this Territory, and that they were not supporting me, and that they, as Legislative Councillors, had a duty to me. I really could not put up a specific charge which would justify their being brought up before the Court under that Ordinance.

Then, as regards these matters that were doubtful, why did you not let them know of these, to give them a chance to explain them at least?—There was no necessity for me to let them know. At that time they had been working about nine months and knew my views, and knew that it was wrong, and they did not help me to put matters right.

You were not prepared then—and you still think it was the right course—to tell them of what charges had been made and give them a chance of explaining?—It was quite fair. If they had come to me in a proper spirit and in a loyal attitude, and discussed the whole matter in order to do what was right, things would have been satisfactory ; but things were getting worse.

Did they not write to you and tell you that they had gone to Lepea and done their level best to persuade the Natives to go back?—I did receive a letter and I also received an intimation from one who was at Lepea, and the two were not reconcilable.

Why did you not bring the two together?—I knew that it was not any use bringing any matters before the Mau committee at all. They had told them that Mr. Nelson was going to get a victory and take the matter to New Zealand.

Then, in one of your letters you say that you had documentary evidence?—I had.

Evidence to establish this position. To which documents do you refer—that letter of Anapu?—I am not quite sure whether it was Anapu. At that time I was getting a good number of documents

over the statements that had been circulated round the island. The only one I put in was that of Anapu.

Then, you remember Mr. Nelson and Mr. Smyth obtaining a passport to go to New Zealand?—Yes.

And you will remember writing the letters contained on page 40 of the Samoan Joint Committee report?—Yes.

What was Your Excellency's object in writing such letters as those when these two gentlemen were going away?—Because I was perfectly satisfied in my mind that these two gentlemen, together with others, were responsible for bringing about the position that had been brought about in Samoa at that time, and that therefore they would probably bring themselves under the provision of what I then thought was the law on deportation—namely, the Samoan Immigration Order.

At that time they were going away; they could not do anything then, could they, which could bring them within the scope of that Order?—Yes, and they did do a lot. They went away and they got hold of the press and circulated stories which were not true about Samoa, and some of those articles were afterwards translated and spread amongst the Natives of this country, and they did an enormous amount of harm.

So that you suggest that because certain reports appear in certain newspapers, that would be a perfectly good ground for preventing those gentlemen from landing?—No, I would not say that, but because of what they did, and because of what I knew was going to be the outcome of it. This thing was going to keep on growing and growing through the subsequent action of a petition in New Zealand for which they and other members of the committee had been primarily responsible.

Did these letters refer to what had already happened, or to what you anticipated might happen in New Zealand?—Both. The effect of that first meeting was not then over, and it is not over to-day.

But the matters, you say, happened before these letters. You had no evidence; you were only suspicious; was not that the position?—The evidence to me was the condition of things existing in Samoa and the condition of things we have to-day. That, in my opinion, was sufficient to justify me in writing letters like that.

You could not have had anything in your possession, or you would have acted on it, would you not?—No.

Did you have anything in your possession?—I have already said that I had documents showing what had been spread around the island—evidence of things around the island, which were then not quite so bad as subsequently.

Did you consider the possibility of such letters as those being regarded by the public here as an attempt to gag these two gentlemen in New Zealand?—Not the slightest. I have never had any idea of gagging anybody.

I do not say that, sir. I said, did you consider the possibility of others considering the matter in that light?—No. I will say that I considered that it might act as a deterrent to others continuing in the movement.

I wish to refer to what we might call the political banishments—this big batch of banishments shortly after the Minister left: Your Excellency knows to which I refer?—Yes.

*The Chairman:* We have got no list of the banishments, or the so-called banishments, to which Mr. Baxter has referred.

*Mr. Meredith:* They are already in in the original complaints, sir.

*The Chairman:* It would be very convenient for us to have a list of them.

*Mr. Meredith:* Yes, sir. Mr. Slipper put them in, if you remember. I will get you a list.

*Mr. Baxter.]* In these instances, I think, sir, that there was no inquiry at all by the Faipule?—I wish to explain with regard to political banishments that from the very commencement of this agitation there was an attack made on the Faipule, one of the grounds being that they have wrongly used their authority in connection with banishments—a matter which I have dealt with in my statement. This story spread, and the Faipules' authority was undermined and they were having a most difficult task, and I determined, out of sympathy for these Faipule, that, through or during the political agitation, I would not set up a Faipule committee, but to save them I would take the onus and responsibility myself; and that is the reason that during the political banishments or expulsions I have dealt with matters personally.

Was there any inquiry at all held as regards this big batch who received notices to return home?—No, there was no inquiry held, and there was no necessity for one. The general state of affairs was known by me to be so bad that it necessitated my taking immediate action, and that is why I ordered them back to their villages; and an Administrator who, under such circumstances, has not the power or has not the authority to send a Native back to his village if he is causing political disturbance, such as they were doing, cannot possibly do his work in this Territory.

Well, the issue of banishment orders did not have a very desirable effect, did it, at this time? It did not tend to settle the country down?—No, it did not settle the country, nor would anything else settle the country at that time.

In regard to that time, it was a time of strenuous excitement?—Yes, excitement caused principally by the activities of the Lepea Village; and the demonstrations in front of the Minister had a tremendous effect on the people of Samoa, because it gave them two courses—to belong either to the Mau or to the Malo. Children at school divided themselves into groups; they would say, "You belong to the Mau, and I will belong to the Malo."

This period I am talking about—this period was about the worst period as regards excitement?—Yes. It was just after this particular demonstration, and that is why it was worse.

I suggest to you, sir, that what caused the excitement was the issuing of so many banishments?—No.

In the case of Fa'asiu, I think it was, the Acting-Secretary, Judge Woodward, went round and interviewed him?—After I came back from my *malaga*, yes.

Yes; the Acting-Secretary, Judge Woodward, said that he did not think that there would be any more banishments issued, or words to that effect?—I do not know what he said.

Did you receive any report from him after he had seen Fa'asiu?—Yes. You are referring to the occasion when he went and saw some of the Samoans up at the back there?

Yes?—I will tell you the story. After my *malaga* this committee was still remaining in Apia.

That would be the July *malaga*?—Yes.

And the committee referred to would be the Native sub-committee?—Yes. I had already seen evidence of their messages and information which had been passed to their districts while I was on *malaga*. I further saw that it was absolutely necessary to remove this committee or these committee-men and send them back to their villages. They had disobeyed my orders; therefore there was nothing left but for me to order their arrest and have them taken back to their villages under arrest. The police, I believe, arrested only one; I am not sure whether it was one or two, but we will say one. They were unable to arrest any more. The police could not function without causing serious trouble, and it has been my aim to avoid fighting and trouble in this matter right through. Therefore, on the Judge's own suggestion to me, which he made in order to help me—and I wish some of the Legislative Councillors had done the same thing—he went down and held a *fono* with these men, when he tried to explain the seriousness of their disobeying orders and resisting arrest. He informed me that he had got them into a cheerful mood, and they had agreed to send delegates to him, as the Judge, and to lay their complaints or grievances before him. I was hopeful that that would settle this committee in Apia, and I waited for those delegates to approach the Judge. A few days afterwards the police reported that a European member of the Mau committee

Mr. Baxter.] You had better give his name?—Mr. Gurr. The police reported to me that Mr. Gurr had told these Samoans not to send any delegates before the Judge, and there the matter stood. I took no further action. They have not returned to their homes, neither have they sent delegates to discuss matters either with me or with the Chief Judge.

Did the Chief Judge in his report make any reference to banishment orders, or any recommendation that no further banishment orders should be issued?—I cannot say. I cannot quite remember. I might be quite candid with you and say that at that time I myself did not desire to issue any more banishment orders; I wanted to minimize it as much as possible. All through I tried to avoid banishments, but it has been the only way to uphold the flag and the Government, and only then have I resorted to banishments.

There were no further banishments issued after that time, and no more enforced?—I do not think that any more have been issued. Some of these people themselves have applied for these banishments to be given effect to in some cases. I have deliberately asked that they be put off.

I think, since then, things have been much quieter in the country. I do not say that they have gone back to what they were before, but they have been quieter?—There are some Natives who are speaking in a very nasty manner. There are some Natives who are threatening that if they do not get what they want they will cause trouble. Things are not as they ought to be.

No, not as they ought to be; but they have not been as bad as they were?—I would say that they are worse, because to-day the Faipule, the officials, and others are deliberately trying to keep things quiet by not functioning. I would say that things are very much worse; they are not functioning, and if they attempted to carry out their duties there would be trouble.

There is an article here—perhaps Your Excellency will know something of it—it appears in the *Savali* of July, 1927, starting on page 4 to page 5?—Yes, that is right. I think you had better have my translation of it. I know all about it.

I just wanted to ask you. The third paragraph there says, "In the month of October last the lying prophet suddenly appeared in Samoa." Now, to whom does that refer? I have not mentioned any name, but I will be perfectly candid with you and say that in my mind I have Mr. Nelson.

Lower down it says, "The disciples and priests were brought to Apia from the back districts in motor-boats without paying fares, and were assembled at the synagogue of the lying prophet in Apia"?—By that time it should have been in the plural. I looked upon the Mau and the whole thing as a false prophet, and I tried to give a Scriptural description.

What did you refer to there as the "synagogue" of the lying prophet?—I referred to Lépea.

Further down in the same paragraph: "Instead, these moneys were expended for the support of the synagogue"?—That is, the support of the Mau.

It is not intended to be an insinuation that Mr. Nelson was using these collections?—Not in the slightest.

There was a review written by Your Excellency and forwarded to the Hon. the Minister of External Affairs, dated the 25th July, 1927, and in that you make this statement: "One person, with one object only, was the originator of the present trouble—namely, Mr. Nelson, the wealthy half-caste merchant, whose aim was apparently to increase his power and influence, particularly in Native matters, and so materially enhance his commercial interests." Do you remember that statement?—Yes.

On what grounds did you base your assumption that the movement was started purely by Mr. Nelson for commercial gain?—I am convinced that what I said then was true. I was quite satisfied in my mind that it was true, and I have since seen no reason to change my mind.

On what grounds do you form your opinion?—What is the specific point?

In the first place, it was started by one person, Mr. Nelson: why did you blame him purely and simply?—Because prior to the 15th October the Natives themselves informed me that they had

received communication to go to Mr. Nelson and talk to him about matters, out of which this trouble has arisen.

Did those Natives say from whom they had received those communications?—I will tell you one specific case. On the 14th October, 1926, I was coming up the coast with Mr. Griffin. When at Leulumoega, Aiono himself stated that a letter had gone down the coast there, calling upon his officials to go and discuss political matters with Mr. Nelson. From that and from other information at my disposal I formed the opinion that he was personally the originator of the movement.

This information that came to you—it came from Faipule and other Natives—you got nothing direct from Mr. Nelson himself?—He never came near me.

You had nothing to show in direct evidence that Mr. Nelson had ever sent out such messages, that they were to come and see him?—No, except the statements themselves. I personally have no direct evidence.

Then on what grounds did you base your statement: “One person, with one object”; also, “and so materially enhance his commercial interests”?—I believe that. I believe that he did this in order to get big power with the Natives and so get copra and so enhance his commercial gain. I had that opinion then and now.

Then there is this: “In order to add weight to his movement, Mr. Nelson adopted an unprecedented plan, which appealed to the vanity of certain chiefs, by forming a combined committee of Europeans and Natives to work together for political objects.” That committee was elected at a public meeting, was it not?—Probably it had been formally elected. I had received information from some that they did not know what was happening at the meeting—they did not know of the things that were put before them. The committee may have been formally elected, but I felt confident in my own mind that the members of the committee were prearranged and the election was prearranged.

Do you suggest that the meeting was packed, sir?—I do not know.

Anyhow, there was an election at a public meeting?—It is in the report that the election was there.

Before you wrote that paragraph, sir, what inquiries did you make from the Inspector of Police as regards those matters?—I merely asked the Inspector of Police to put in a report.

You state here that Mr. Nelson formed the meeting, and now you do not seem to be sure whether there was a public meeting or not?—That would be on record.

It is on record in the police record, but I want to know what inquiries you made before you wrote that particular paragraph?—I had each Inspector in before me.

Why did you not make it clear that the committee had been elected at a public meeting? Why did you put the whole responsibility on Mr. Nelson?—I have already explained that I believed then that it was true that the committee largely were nominated and fixed up before the meeting. That was my opinion then and it is at the present time.

Why, then, did you not put the true facts before the Minister: why did you not mention the fact of the election of the committee at a public meeting?—I think that that is explained in the police report. When one is writing a letter, one does not generally go into details. I was just giving a general view of the situation. It was an ordinary confidential departmental report or letter sent in in the usual manner once a month, and I did not go into details.

I conclude, however, that you endeavour to be correct?—Yes, and it is correct. I may have omitted certain details.

Then the next paragraph: “Apart from Mr. Nelson, the European section of this committee was composed of men whose only intention was apparently to increase either their political or commercial interests”?—That I still say is correct.

There was no specific grounds?—No.

Again: “I therefore warned them to cease their activities in regard to the Natives, but they unfortunately refused to do so and subsequently found themselves forced into a position of supporting Mr. Nelson in his strenuous efforts to disturb the Natives.” First of all, let us take the idea that they found themselves dragged into this position: had you any grounds for that?—Yes; I heard it both from Natives and whites—not first hand, because the members of the committee have kept away from me, but I am certain in my own mind that they got into a position they could not get out of.

You are referring to the European members?—Yes, and Natives, too.

The reason I mentioned the Europeans was because this is on European matters. To what “strenuous efforts” do you refer when you say that Mr. Nelson’s strenuous efforts have disturbed the Natives?—By the organization of the traders throughout the Territory: the traders getting messages and propaganda and giving *fono* meetings so frequently.

This was long after the Minister had left, you know?—Yes; but that is the story dealing with the situation right through: that does not refer to immediately after the Minister had left.

When did you suggest that these other European members started to find themselves in this unfortunate position of being dragged in to support?—I think, probably about a month or two afterwards, when they saw the Native trouble, and after seeing the attitude which the planters had taken up.

I see; this really refers to about that time?—Yes.

And what propaganda and circulars were you referring to when you say “strenuous efforts”? You say that there was propaganda and circulars: to which do you refer?—The stuff that was getting into the hands of the Native Department, and the batch of circulars I have already put in with my evidence.

That type of stuff? I just want to make it clear?—There was wild propaganda of all sorts. I do not say that Mr. Nelson was personally responsible for some of the wild stories that went around, but rumour seemed to suggest that this was the case.

I quite appreciate the position. Later on you say: "Mr. Nelson's committee, through his traders and certain Natives in receipt of material benefits." Who would that be?—I believed at the time that was correct, and I believed that the committee that was in Apia were receiving benefits, and I think Karauna's story of what was going on pretty well confirms that.

What sort of benefits do you suggest?—Food and that sort of thing.

You are suggesting that that was coming from Mr. Nelson personally?—No, I do not say it came from Mr. Nelson personally.

But you refer to Mr. Nelson?—He was the prime mover of the whole thing, and if it were not for Mr. Nelson the whole thing would go "phut."

Does Your Excellency mean there that you are referring to this food that the villages are sending into the delegates?—No; but it would help them a little. A Samoan who imagined he was a member of the big committee in Apia, where food was brought to him from the different out-districts, became very interested in his job and wanted to keep going.

Those were the material benefits that you suggest they were getting?—Yes; and they got cheaper rides on motor-launches.

And then later on you say, "I anticipated that my annual *malaga* around the islands, commencing in July, would end the trouble; but the demonstration of Natives organized by Mr. Nelson and his colleagues for the purpose of impressing the Minister on the day of his interview with the committees, followed by Mr. Nelson's speeches." What speeches are you referring to there?—That is the information in my possession.

Which speeches?—The speeches given in Lepea afterwards.

On what date were the speeches made?—I cannot say, but it would be after the general demonstration.

On the same day as the demonstration?—I cannot remember.

Did you get the information in detail from the police?—In detail. I cannot say that I got a detailed written report about it, but I got a general statement of what was happening. If you want to verify this you can get particulars from the police.

I was just wanting to obtain information as to the ground on which you got this information?—I would not have mentioned it there unless I thought it was true.

I do not suggest for one moment, Your Excellency, that you did not believe it, and all I wished to obtain was your ground for the belief. Then later on you say, "The agitation consequently spread rapidly after the Hon. the Minister's visit, and the European members of the committee now thought they would cease from further Native activities and safely allow the Native members of their committee to carry on the campaign alone." Did not the European members of the committee receive a letter from the Hon. the Minister telling them they were to have nothing further to do with the matter, and they advised you, in accordance with the Minister's request, that they were not going to have anything further to do with the matter?—We got that advice. I had information to the effect that certain European members did continue to supply the Natives with information to keep the pot boiling. They could have stopped the whole thing at that time if they had turned round and said, "Look here, stop all this trouble. Go back and obey your orders, and carry out the instructions of your *pulemu'us* and Faipule; stick rigidly to constituted authority and leave these matters in our hands, and obey the law and be loyal as you were before."

Then the reports you received from the police: did you not receive a report that they attended at Lepea and did that very thing, and advised them to go back and obey the law?—I did receive a report that they said to them, "Obey the law."

And you say that they still kept on?—Yes.

If they still kept on, why did you make a statement like this: "and the European members of the committee now thought they could cease from further Native activities and safely allow the Native members of their committee to carry on the campaign alone." That certainly conveys the impression that they had ceased, and you say that they had not. That being so, why did you write a sentence here which would convey the impression that they had ceased?—I believed at the time, with the information I had, that certain European members had said that all the Natives could carry on in their own way. That is what gave rise to that statement.

I think it is only fair to all the members of the European committee if you tell the Commission the names of those who were keeping the pot boiling, as you say?—Mr. Gurr has been keeping it boiling particularly well through the *Samoa Guardian*. I will leave it at that.

Proceeding with this report, there is a statement here defining the attitude of the Samoan members of the committee. To which committee do you refer: it would mean the Native sub-committee, would it not. When I say "the Citizens Committee" I mean the committee of Europeans and Samoans elected at the first meeting, on the 5th October?—They all appeared to be one to me. I do not know whether it was the sub-committee or the main committee.

Farther down we come to a reference to Fuataga and Tagaloa, where you proceed: "In order further to delay matters, the lawyer defending the case applied for an appeal to the Supreme Court in New Zealand, but the Judge, fortunately, did not allow this to interfere with the execution of the sentence. This appeal is really only a scheme on the part of the lawyer (Mr. Slipper), who is a new arrival here and does not understand Native problems. His attitude is helping the agitation, and he knows that such an appeal will not be upheld, but that the delay will give the Natives confidence in him." On what grounds did Your Excellency put that statement in that report?—I believed it to be absolutely true. At that time the Samoans were talking very freely about Mr. Slipper. Stories reached me in the usual way—

*The Chairman* : What is the value of all this ? What is the value of your question ? I do not see why you should invite any discussion about Mr. Slipper ?

*Mr. Baxter* : I wish the point to be cleared up.

*The Chairman* : I am not stopping you ; it is only a helpful statement that I am making to you.

*Mr. Baxter.*] Your Excellency knows, I presume, that a statement was made in Court here by Mr. Slipper, and that a letter was produced showing that the appeal was recommended by Sir John Findlay ?—I did not know that the appeal had been recommended by Sir John Findlay. I only knew that the Samoans said that their lawyer was going to get Fuataga and Tagaloa off, and that he was going to get Faumuina and Lago off Apolima, and making such statements, which created in their minds that all they had to do was to obey the instructions of their lawyer and never mind the orders of the Administrator : they were to take orders from Mr. Slipper. I assure you that that is what was in their minds at that time. I was so anxious that the European community should uphold their prestige that it caused me to ask Mr. McCarthy to speak quietly to Mr. Slipper and tell him that stories were being spread round about him. I further investigated Mr. Slipper's attitude towards the Samoans at that time, and I am sorry to say that he was talking too freely. I inquired into the case, and was informed that he was practically asking the Samoans to take the law into their own hands : " If the *papalagi* troubled them, then chuck them out." Here is the affidavit. Being exercised in my mind at the time, I made more inquiries, and satisfied myself that Mr. Slipper was—

*Mr. Baxter.*] This is not an affidavit ; it is only a statement made in the presence of the Crown Solicitor ?—Yes, made in the presence of the Crown Solicitor. My point is that I was satisfied that Mr. Slipper was making these statements, and I knew—

*The Chairman* : I cannot help thinking, as I told you before, Mr. Baxter, that the criticism of this statement and the grounds that the Administrator had for making it are of no value to us at all. How can it affect our judgment upon matters submitted to us.

*Mr. Baxter* : I am desirous of showing that there have been a number of statements made which tend to show that the operations carried on by this committee right through were of a seditious nature. These are denied. They are set out here, and my business—

*The Chairman* : Is it not enough for you to try to establish that the charges are not true ?

*Mr. Baxter* : It is, sir. But there is this aspect : this was a confidential statement that has got out, and I must show that it was not based on first-hand evidence, but on rumours.

*The Chairman* : I am not going to stop you. My suggestion was one which occurred to me from my old practice as a counsel, and as a cross-examining counsel. You quite understand that the Administrator said that this was a confidential document, intended only for the eyes of the Minister or the Minister's immediate advisers ; it was not intended for publication.

*Mr. Baxter* : But it got out, sir ; that is the trouble.

*The Chairman* : We are not concerned with that.

*Mr. Baxter* (to witness).] I would just like to ask you whether this next thing was based on rumour or not : " It revealed the seriousness of the treasonable plot being worked up by Mr. Nelson's committee, as I found that in nearly every district of this island there was one or more villages where the Natives had received instructions to passively resist their own authorities " ?—That was quite clearly given to me, that the whole scheme was not to obey the Government. It was more than sedition. It was more to create direct opposition to the Government.

*The Chairman* : I do not think this document should be put in. It is quite useless to us. It bears specifically upon Mr. Slipper, and might be unfounded.

*Mr. Baxter.*] I just want to know whether that was based on what you had heard from the Natives ?—What I heard and what I saw of the position in the country at the time. It was the direct result of the Mau committee, this disobedience of laws and orders.

You knew of no definite instructions coming direct from the Citizens Committee ?—Certainly not.

There is one point here—that is, in which you refer to certain men who were banished as being punished ?—That is only a question of phrasing. All banishments are made for the purpose of removing danger to the peace, order, and good government of the country or village.

There is a further report, dated the 25th July, 1927, regarding the disloyal attitude of the Natives ?—This will really be no hardship, as it is a mild form of punishment, providing it is not associated with banishment from the village, a form of punishment I wish to avoid unless absolutely necessary. I am, however, forced to award some punishment in such cases in order to uphold authority in the eyes of the Natives.

Were you regarding them as banishments or not ?—Yes, I was regarding them as necessary steps to ensure the peace, order, and good government of the Territory, which could not be restored unless I shifted them. I admit it is a punishment to them.

The Act of 1923—the amendment : it was intended that the local residents shall take some part in local legislation ?—Yes.

What steps were taken to assure that local residents elected would have some effective part ?—Do you mean what steps were taken to get representatives appointed to the Council ?

No ; when elected, did the Administrator take any steps to assure that they would have an effective say in the government of the country ?—The first step, I addressed them and asked these representatives to see me at any time on any matters for the welfare of the people they represented. I went further : I occasionally wrote letters to them on matters I wanted advice on, and was astonished to find after sending two or three letters—to receive replies that they did not like those methods, and those were matters outside legislative matters, but they concerned the welfare of Apia. They suggested that I should let them know if there were any matters that I wanted advice upon, and call a meeting of the Legislative Council. They seemed to misunderstand the function of the Legislative Council. Those were the two steps taken. The third step taken was by having a Legislative Council

meeting. They were notified from time to time of matters to be brought before that meeting, and asked if they had any matters to bring before it, or any motions that they wished to make.

Prior to a Legislative Council meeting do you generally discuss the position with the official members? Not always; I generally do, but it is not always done.

And at these discussions I conclude that it is decided who speaks?—At these discussions it is only procedure that is arranged, but they are told that they need only take certain action if the elected members remain silent. We prefer the elected members to have a full say.

And I suppose that they are directed how to vote on questions of Government policy?—I do not direct them how to vote. They fully recognize, that as Government members, it is their duty to uphold the Government's policy, and if they cannot uphold it, it is their duty to notify me.

If a matter crops up in the Legislative Council and it were a matter of policy, how would you indicate it?—I take it all matters brought up are matters of policy. All matters submitted by the Administration are matters of policy.

The Legislative Council Standing Orders—were they adopted by the Council themselves?—Yes.

At the first meeting, I think?—I do not remember.

Anyway, at the beginning of the Council?—Yes.

And they are abided by quite strictly in the Legislative Council work, are they not?—They are adhered to as far as possible.

The question of Natives on the Council has been raised: I think that at one time you were quite in favour of that?—Before putting the matter to the Faipule, until I got to understand the Samoans properly and got to know their viewpoint.

As a matter of fact, in a speech made in the Legislative Council in 1925 you expressed your regret quite considerably that the Fono of Faipule were not in agreement with your advice. You said that they considered this matter and it was freely discussed, and you hoped to get an affirmative reply, but it was in the negative?—As I explained before, the position has changed very much since then. Whatever my views were then, I have since found that I was wrong. The Natives would neither make suitable representatives on the Council nor do they want it. I have changed my views completely, and they are what I stated before in my statement.

Did not the Fono of Faipule pass a resolution in the June, 1923, Fono requesting you to place two Natives on the Council?—I do not think so. I do not remember that. June, 1923, would be my first Fono. I remember very little about it. I had just arrived here and held those views, but they were not what I said in 1925. I am sure now they will not apply. I think those views were just what I put into their heads. They were my idea. I had studied the position in Fiji, and, although I regret to say it, I believe that in these Native territories where they have Native representatives they are only dummies. They do very much better work in their own Native Councils. But I still thought that, as Fiji had Native representatives, it would be a good thing to try them out here. I confess that I put the ideas in the Faipules' heads myself. They do not want it, and it is a washout.

In 1925 you evidently had the same idea. Can you give any reason why the Natives should have changed their views from the expression of their views in 1923?—No.

After 1925 the Fono was doing more work, passing more resolutions: do you think that was satisfying them—that and the District Councils?—I think that after 1924 the Faipule studied governmental methods much more and got to learn their work—how their work fitted in better—because in 1923 I found the Fono of Faipule not functioning anything like it is to-day.

Do you think that the better functioning of the Fono and the type of resolution they are now passing is satisfying them, and they do not wish to go on the Legislative Council?—Yes, most probably.

It was decided at the Fono held at the beginning of this year that it would be a better idea of taxation to repeal the medical tax and increase the personal tax?—Yes; to consolidate them.

And that did not come before the Legislative Council to be enacted as an Ordinance until some time later?—No; we have not collected the tax yet.

I just wanted to know why it did not come before the Legislative Council in March?—There was no hurry. The tax is collected towards the end of the year, and it is not binding on me to hurry an Ordinance through. I was going away on a Commission to the New Hebrides, and I tried to shorten that meeting as much as possible, bringing up only such Ordinances as were necessary. This Ordinance has been put before the Legislative Council, and some months before the tax was due, so that the correct procedure has been carried out.

It was not, then, as some people consider, that, being passed by the Fono of Faipule, it was sufficient?—So far as the Natives are concerned, practically yes; because if the Faipule pass it and agree to it, and it is in the interests of the whole Native race, it is my duty as Administrator to see that it is pushed through. I am responsible for the peace, order, and good government of the Natives, and in the Legislative Council what is in their interests I must force through regardless of the views of the elected members.

That is one of the reasons of the majority in the Legislative Council?—Yes; to protect the Natives.

Turning to the Native Regulations, Order 4B, what I wish to know is this: are there any regulations to control the Faipule in the nomination of the chiefs?—No; I think that the chiefs control the Faipule themselves. The Faipule certainly—you refer to the limitation of numbers?

Yes?—I have myself noticed that these District Council meetings are very large, and nearly all the Ali'i and Faipule attend. Certainly no Faipule limits them.

There is no arrangement regarding the number of chiefs on the District Council?—Yes; as I have already explained, the Faipule cannot act on his own. If the chiefs wished to be on the District Council the Faipule would not refuse them. He would take them all.

Clause 10: In what way do you assure yourself that the Fono of Faipule is sufficiently representative of the District Councils?—I cannot say that I ask them to define the number of Village

Committees or village chiefs on the District Council. I leave it entirely to them. The Village Committees are organizations that I have set up for themselves. I have tried to lay a foundation for them to work on and to look after their own Samoan affairs; but I know that for some years they will not function perfectly, and that we cannot limit them to any definite number. That is why the Village and District Councils include all the Ali'i and Faipule.

I do not think that I made myself quite clear. This section refers to your approval of the by-laws. You satisfy yourself that—?—When the by-laws are sent in they are signed either by the Secretary of the Council, or by the whole Council. They are read by the Secretary for Native Affairs, and passed on to me. Anything involving money fines is not adopted without my approval.

They would all have to get your approval?—Yes; but I particularly note anything about finance.

Section 10 specifically provides that you should satisfy yourself that the meeting that passes by-laws is a sufficiently representative one?—I leave that entirely to my Secretary for Native Affairs, who, as I said before, can be absolutely trusted to watch the Natives' interests. I cannot personally look into every detail.

Does the same apply to this other requirement—that the subject of a resolution of a Fono be carried in accordance with the usages of Samoans in *fono*?—Well, one can rest assured that all those are done in accordance with their own usage. That is one advantage of the District Council—that they make resolutions in their own way.

When by-laws come forward do you make any inquiry?—I leave it to the Secretary for Native Affairs.

Turn to clause 14, Village Committees: "The Administrator may for the more convenient government of the villages in any district appoint Village Committees with such constitution as he thinks fit, and may, in addition to the executive powers conferred on such committees by these regulations, confer on them from time to time such further executive powers as he thinks fit. Such constitution and further executive powers shall be such as may be notified from time to time in the *Savali*." We have been told that there are Village Committees operating, and I wonder whether you can tell us the date of the *Savali* in which you set up the constitution?—No; I have not been to any one Village Committee. All I know is this: that about two years ago I went round on *malaga* and I asked the various villages what was the chief cause of their progress or contentment, and they nearly all told me it was the Village Committees, who were working together on the instructions that had appeared in the *Savali*. I have not appointed any individual members of a Village Committee. I allow them to appoint members in accordance with their own custom, but I define their duties.

Have you established any constitution?—No, no constitution. There is no fixed number, except the Ali'i and Faipule of the village.

Are the *pulenu'us* elected by the people or nominated?—They are selected by the people.

Do you remember that in 1923 you reduced the number of *pulenu'us* considerably by amalgamating the duties of various *pulenu'us*?—I remember having done something of that kind in a few villages.

In those cases you retired some of the *pulenu'us* and their duties were handed over to others?—Yes, their duties were handed to the *pulenu'us* of the village alongside.

In those cases the people of the village whose *pulenu'u* had been retired had not any real say as regards who would be the new *pulenu'u*?—No, they could not very well. I might say that those were places where there were scarcely enough people to warrant a *pulenu'u*.

You did not give them the option of deciding?—I cannot remember what was done. I left that to the Secretary for Native Affairs.

It would be as reported in the *Savali*?—Yes.

Regarding the Fono of Faipules and its work: do they merely pass resolutions, or do they pass regulations?—They pass resolutions. I will tell you the system. About a month before the Fono meets, the Secretary for Native Affairs sends out to the Faipule and asks them to hold District Council meetings, and asks them to submit matters for discussion at the Fono. These matters come in a tabulated schedule and are submitted to the Fono. The Fono will decide whether those matters will be agreed to or not as resolutions; and where there is any doubt I always say, "This matter has not been agreed upon. I wish you all to meet together in committee to-night and discuss this matter very carefully, and be prepared to-morrow or the following day to give me your definite resolution on these matters." And that is how the Faipule discuss these matters that come in from the various districts. They are considered most fully, without any influence from me. I usually aid them by exhortation, but beyond exhortation leave the matter to them.

Then they pass only resolutions, not regulations?—No. Those resolutions are then handed in to me. I give them to the Chief Judge. Some of them do not want coding as laws, because there is no penalty clause; they are mere exhortations. Others are sent, after the Judge has gone through them, to be coded as Orders in Council in New Zealand. There is quite a large number there now, but they have been held up on account of this trouble.

A number have come out by Order in Council?—Yes, I think so.

My reason for asking this is that in the Mandatory Report for 1926, page 9, under the heading "Native Legislation," it is stated "The Faipules assembled on two occasions during the year and passed Native regulations"?—That is a phraseology which the outside world would understand. If I went into details such as I have just given you the outside world would not understand.

On page 19, under the heading, "Administration of Justice," it refers to divorce as the result of legislation passed by the Fono of Faipules. It refers to *fa'a-Samoa* marriages?—That is phraseology for the outside world.

Do you not think that the outside world would be more likely to understand them as regulations, seeing that the word "regulation" is used?—No.

And then again in a report written by Your Excellency, in a memorandum for the Minister of External Affairs dated the 19th November, 1926, in the Joint Committee report, the first line, page 10: "The following is a summary of the regulations made by the Fono of Faipule"—They are really made by them. They are regulations passed by them, and only want the signature of the Governor-General. There is very little likelihood that they would be rejected.

Your Excellency will remember those small books that were published; these are the ones?—Yes.

The cover says, I think, "The Laws of Western Samoa"—That is true. Now I am going to explain. When I came here, in 1923, there was no guide for the Samoans. There was only a small book in which the duties of the *pulemi'u* and a few of the officials were set out, and they were obsolete. Therefore I set to work to have all these regulations and exhortations, affecting Natives, put together in the form of a *tulafono*, or law-book, which is their book and which they read, and to put in it a precis of the Samoa Act, particularly a precis of those sections affecting Native life; and that is the reason for those *tulafono* books. They are most useful and helpful.

Was this other phrase, "Approved of or assented to by the Administrator," in accordance with the wishes of the Fono of Faipule?—That is how the Samoans would read it. That is how they ought to be able to read everything. They appreciate being able to regard the Administrator as the man who controls everything.

Do you not think that having been called "Laws of Samoa," and having been approved of by Your Excellency in accordance with the wishes of the Fono, that it was quite likely that the Samoans would get the idea that the Fono was legislating and passing laws?—The Samoans would be delighted to think that it was so. The Samoans would love to feel that their own representatives actually made the laws, and if they did get those ideas it would not make any difference.

It would be quite reasonable for the Samoans to consider those regulations as legislation on the part of the Fono?—Quite reasonable.

A translation of one of these books here—

*The Chairman*: What is the purpose of all this?

*Mr. Baxter*: This is in accordance with our case. It has been claimed that the Fono of Faipule has been legislating.

*The Chairman*: What is the purpose of this lengthy document. I have been wondering what the cost to the country of printing will be?

*Mr. Baxter*.] On page 1, 7 (3), Your Excellency, you notice the word used there is "law." That would convey the impression that they have the power to legislate, would it not?—Yes; and I would be very pleased if it did convey that impression. The Faipules know that laws must be signed by the Governor-General in Council. I want to uphold the prestige of the Faipules as much as possible.

Turn to page 2, No. 5: "All complaints from a district to the Government must be through the Faipule, and the Faipule will have to forward same in a letter with his opinion as to the subject. It has then to be sent to the Secretary for Native Affairs; but all complaints in Savai'i must go through the Resident Commissioner in Fagamalo." Is there any other provision for complaints not forwarded by the Faipule?—I drew that regulation myself in order to try and decentralize the enormous amount of work of the Secretary for Native Affairs. I believe that the vast amount of work was responsible for Mr. Griffin's death. These regulations were made for the purpose of decentralizing the work, and if we could get many of the complaints put through the Faipules it would relieve the Secretary for Native Affairs and myself of a considerable amount of work. They still not only come to the Native Office with their complaints, but I find them on my steps at Vailima at 7 o'clock in the morning. There can be no question as to whether they have any chance of bringing up their grievances if they have any.

Referring, Your Excellency, to page 5, No. 4, under the heading "Cleaning of Villages," there is a fine fixed there: did the Fono fix that fine? And on page 6, under "Cemeteries and Burials of Deaths": were those regulations made by the Fono of Faipule?—They were passed as resolutions.

You will notice another fine fixed on page 9. Why were these passed by the Fono of Faipule, instead of the District Council?—The District Councils had not been set up then, and they looked to the Kovana and the Fono of Faipule for all regulations under which to work.

And that answer applies, I suppose, to all these?—Those resolutions were of the greatest value to the Samoan people. They have been a lead and a guide to them in village matters, and in general sanitary and other matters.

On page 10, Part 1, on the question of fines: those were, I conclude, fixed by the Fono of Faipule?—Yes, the Fono of Faipule fixed them. Prior to that all fines were paid to the Government. I arranged that three-quarters of the amount should go back to them, to the village funds.

Law 36 in the other volume, "Division of Land": It appears to be permissive, except when we come to law 10, which reads, "When a young man marries there shall be given to him one-eighth of an acre in the village upon which to build his house. That section of land shall be controlled by the Village Committee, and no rent shall be paid for it." As the whole of the village lands belong to—?—This is merely an exhortation and an instruction to endeavour to gradually educate and improve these people. We wish to get them to divide up the land among the *taulelea*. When a *taulelea* gets married he must have village land. We are endeavouring to make all land actually in the village village land, and not individual land. Every Samoan wants his bit of land in the village, and this is put there to help.

It says most definitely that every young man shall be entitled to it?—So he should be.

Then where the village land belongs to various families—?—Where it belongs to Samoan families, nothing is done unless they all agree. We have had several villages where the Ali'i and Faipule have agreed to do away with the family land in the village and make it communal.

Is not the purport of that to give the young man the right to expect to get it: it says he shall have it?—I expect he does. He expects to get land. I am telling you that this is practically an exhortation.

*The Chairman.*] The mistake seems to be that you have been including in this publication what is merely meant to be advisory, in addition to resolutions of the Fono of Faipules. That is all that can be said about it. No more can be said. Probably no concrete harm has been done at all?—It was only done for convenience.

*Mr. Baxter.*] I just wish to draw your attention to another typical example. Take resolution 40, referring to dogs and fines: that is merely a reiteration of the Ordinance?—Yes, but it is more convenient to them to have it in their *tulafono*.

But it has not been shown that these are not the same as the others—that they are not the laws of the Fono of Faipules?—It is not necessary to show it. All men want to know is what the laws are, and they are put in here for convenience. They happen to be the laws of the country.

*The Chairman.*] Mr. Baxter's objection is that you have included laws of the land which are enforceable, and also included with them something which is not the law of the land, which is only a recommendation from the Fono of Faipule. Had these been enforced, Mr. Baxter's case would have been complete?—It has been done for convenience in one book.

*Mr. Baxter.*] Do you not think, your Excellency, that by placing these laws together in one book without showing they are different the Samoans would be confused?—No, I do not think they are confused at all. It is a simple book, put in a simple way. They get confused with the Samoa Act.

Some of them are enforceable, and some are not?—It is stated where a penal clause is put in.

*Mr. Slipper.*] Have you, Your Excellency, made it a practice to inquire personally into the matters of banishments or not?—What do you mean: to deal with banishments personally?

Do you make it a practice of inquiring personally into banishments?—All banishments are brought before me by the Secretary for Native Affairs and I make myself cognizant of all the details, because I have always tried to be very lenient in these matters.

*The Chairman.*: You are at a disadvantage, Mr. Slipper, because when His Excellency gave his evidence this morning you were not here. He told us exactly the practice as regards these banishments. He said that he had adopted the system of having all suggested banishments inquired into separately by Faipules of different districts, and then considering their report and making up his own mind as to what his decision should be.

*Mr. Slipper.*] Can you explain how it comes about that in so many cases the Boards of Inquiry consisted of Toelupe, Asi-Mama, Aiono, and Fonoti?—We do not necessarily keep to those four. We prefer to use Faipules along this coast, extending from Mulifanua to Falefa, because they are easy to get at.

It is just a question of facility?—To some extent. They belong to different districts, and will not be prejudiced.

I have a list of the various banishments that have taken place prior to the visit of the Minister of External Affairs in June. I find there were fifty-four from 1922. Looking through the list, Your Excellency, I find this sort of thing: a man is charged with conduct provoking a breach of the peace; another is charged with petitioning against a Government official. Can you give any reason why these cases should not have been dealt with by the ordinary British Court?—Many of them are *fa'a-Samoa* offences.

Is that your only reason, sir?—I would say that that is the main reason. They were Samoan offences; and, furthermore, the Samoans are so accustomed to this form of punishment that you will find that if a light punishment is given—normally a month's imprisonment would be given for disturbing the peace, order, and good government—and the man went back again he would have a terrible time. The only way of settling it is by a temporary banishment until the parties become reconciled. I try to avoid it as much as possible.

I have before me one case, "Puipuia; conduct likely to provoke a breach of the peace, to wit, discussed and disclosed family genealogies"?—I would like to point out, Mr. Slipper, that I do not remember the details of these cases.

*The Chairman.*: Discussing and disclosing family genealogies, &c.: that is a *fa'a-Samoa* offence.

*Mr. Slipper.*: Can you give me any reason why the ordinary procedure of the British Courts should not have been acted on?

*The Chairman.*: The only cognizance the British Court takes in such a case is to obtain sureties of the peace, as you know. Why bother about the British Courts?

*Mr. Slipper.*] In the case of banishments, Your Excellency, you have stated that the conduct in question was likely to disturb the peace and order of the Territory: is that correct?—Yes.

Can you say whether these banishments have been successful in keeping order?—No.

They have resulted the other way, have they not?—No, they have not resulted the other way; but you will never get peace, order, and good government in Samoa while you have a Mau committee in Apia.

*The Chairman.*] Your Excellency is forgetting the fact that Mr. Slipper is directing his question to banishments prior to the Mau?—I would say that in every case, from what I know, banishments have been in the interests of peace, order, and good government of the villages or districts concerned. Unless prompt action was taken in some of these places, I believe there would have been feuds between the villages, and they might spread to the districts. The absence of feuds can be attributed to prompt action with regard to banishments.

*Mr. Slipper.*] Prior to the visit of the Minister here a number of these banishments had, in fact, brought about ill feeling and dissatisfaction in the Natives' minds?—Are you referring to banishments of some people made before—

I am referring to banishments since Your Excellency took over your duties here and up to June of this year?—I would say that up to the first public meeting that was not the case, Mr. Slipper.

You were, then, not aware of any unrest or grumblings on the part of the people?—I believe Lago Lago was the only one I knew of, and I was just about to arrange for his title to be given back to him, but when the trouble started I was holding it up temporarily pending an inquiry that Natives all around the country has asked for into the affairs of a company of which Lago Lago had been a director; otherwise he would have got back his title and there would have been no murmurings from him.

Your answer is that this is the only one you know of?—Yes, Lago Lago was the only one I knew of.

Your Excellency will remember that after the Tagaloa and Fuataga cases were heard the banishments were followed up by peremptory arrest outside the Court's functions altogether: is that correct?—They were followed up by arrest only after their failure to obey my order to go back to their villages. I think "banishment" is the wrong term to use. In nearly all cases since June these were merely ordering people to go back to their own villages. Before the meeting of the 15th October they would have obeyed my order: but now they would not obey my orders and did not respect my authority, and it was therefore necessary to arrest them and enforce my authority. There were not many arrested.

But there were some that were real banishments: Mata'u, Ainu'u, and Papali'i?—There were two or three. Ainu'u and Papali'i I dealt with in my statement this morning.

There is a provision in the Samoan Offenders Ordinance for dealing in the Courts with persons who do not obey Your Excellency's orders: why did you not bring these others into Court—Ainu'u, Papali'i and Mata'u?—I wanted to deal with them personally myself, and take all the blame and onus myself for all banishments since June. I did not want any one else to have any of the blame.

The question of Faipules arises in my mind as far as it concerns banishments. Are you satisfied that the Faipules use their position in considering banishments as it should be used?—What you mean is that they are quite impartial?

Yes?—I would say yes, absolutely, because from some of the reports I get I know how they try to bring about reconciliations.

May I ask you this; are the Faipules responsible to the people or to you—For what?

For their activities as Faipules?—They are responsible to the people and to me, and they have got obligations to serve their people and work for the good of their people, and if they do not carry out their instructions as laid down I dispense with their services. I tell them, "Remember you are the servants of the people. I am the servant of the people. You must work for your people." They all know that phrase.

Is there not a danger of the Faipule as a body, on the banishment question, being influenced by private, and personal, and village feuds?—That is hardly a fair question to put to me. There would be no more than with any other person. They may make mistakes, but from my knowledge I believe the Faipules act conscientiously and straight.

As far as Faipules are concerned, the one grave offence in Samoa is to say anything against the Faipule: is that correct or not?—Certainly not correct. The Samoan is too candid. He will speak up pretty freely. He is not afraid to bring his complaints forward.

Do you remember the question of the Faleapuna chiefs?—What do you refer to?

*Judge MacCormick.*] The case of Tialavea, was it not?—I do not remember the details of that.

*Mr. Slipper.*] One of the allegations was that one of these chiefs had told the Faipule that he was only the Administrator's child; and a further allegation was that the matter was brought before Mr. Griffin and they were asked to apologize and when they did not apologize they were banished?—I do not believe that is correct. It was dealt with by the Secretary for Native Affairs. From my knowledge that is not correct.

I suppose you know that in ancient times it was not the habit of any district or village authority to take away titles?—They banished them.

I am referring to titles, sir?—I am not quite sure of that. I cannot say that I know that definitely.

You cannot say that you are following any precedent?—Yes, they were taken away in Malietoa's time and in the time of the German Government.

The German Government is your precedent, then?—It is not new, but we have also got it in our laws.

Can you give me an example?—The German precedent is quite sufficient.

If you have not got it, you have not a precedent to act upon?—The German is sufficient.

You let it rest upon the German precedent, then?—We have got it in the law of 1900 in the German Ordinance.

*Judge MacCormick:* It is enacted by law in 1922.

*The Chairman:* That is good enough for us, is it not?

*Mr. Slipper.*] In your orders taking away titles you have not stated any definite periods?—No. I have not ordered any definite periods because I hope they will get their titles back quicker than they anticipated.

Your orders so far are orders taking away their titles for ever as they stand?—Yes, but that is not the intention.

That intention has not been expressed in the order, has it?—No.

Do you not admit that that would cause some dissatisfaction among the Samoans, that there was an indeterminate time for taking away titles?—No, I do not admit that. In cases where I took titles away—

But I am asking you whether the question of this written order being indeterminate as to the time would not cause a sense of uneasiness and injustice?—I do not think so. They have a pretty good idea that they will get their titles back, probably before a specified period of two years, say.

Have you ever given any utterance or published any document to give them that assurance?—No; I have made a statement that when the trouble was over I was quite prepared to pardon the Samoans, because I do not blame them for the trouble at all. I do not blame the Samoans for this trouble.

Do you admit that a Samoan's title is a very important matter to him?—Yes.

Do you think that the holding of his title affects his holding of land in any way?—It carries with it the land.

Is it not possible that where the title is taken away the family may appoint another man to the title?—I think it is possible, but it is not usual. I do not think that in cases like this, where they hope the trouble will terminate, that they will do this.

When you say that this is not usually done in these matters, you mean that they are so recent that we have not had enough experience to show what has been done?—Oh, no; the taking-away of titles has been going on since 1900—twenty-seven years ago—by law.

*Mr. Meredith.*] I wish to make it perfectly clear that the memorandum of the 25th July (see Exhibit No. 52A) was one of your usual confidential despatches to the Minister and was never intended by you to be published?—That is so.

In regard to the £100,000 loan, I think you have at various times after the original first political meeting explained the position to various assemblies of Natives?—That has been fully explained. A full explanation was given of that to the Fono of Faipules. At every Fono I have attended since—and they have been many—I have explained that £100,000 to them. I have received in reply expressions of appreciation for their understanding it. Furthermore, the Secretary to the Administration, Colonel Hutchen, took up this matter at the meeting of the Legislative Council in March last and made a full explanation.

And that full explanation was made in the presence of the three elected members?—Yes.

*The Chairman.*] Do you regard your official *malagas* as an important function of your administration?—Yes, the most important function of the year.

How often do you go?—I go round Upolu once and round Savai'i once, but I also make short periodical *malagas* to districts on important matters.

That enables you to keep in touch with the residents of Samoa?—Yes.

With their dispositions and complaints, if they have any?—When they air them very freely.

I want it put on record. We have not direct evidence on the point. About the time of the Minister's visit was there a large or small attendance of Samoans from outside Apia in Apia or in its vicinity?—There was a large attendance from outside of Apia in Apia itself.

Did you regard that as a danger to the community and contrary to the welfare of the community—remaining here, I mean?—I always do if they remain here. Their coming was in accordance with their usual custom of coming in to the boat-races on King's birthday, but a large number remained here.

Can you give me any idea of the number, from information received?—From information received, about five thousand outside Natives.

There was a very large number?—Yes.

Do you know that Colonel Tate had made a number of orders of banishment "during his pleasure"?—I did know.

You do not profess to be a lawyer?—No.

You have to act upon the advice of your advisers as to what your powers are?—Yes.

You know, of course, that the *matai* has the control of the family land?—Yes.

If the *matai's* title is taken away do the family lands still remain in the family?—In cases that have come under my notice the families have stayed behind and looked after the lands. In some cases they have gone away and been given land by their connections in their new village. What happens to the land in the village they have left I have never really been told.

We have been told by Mr. Lewis that the taking-away of the title does not involve forfeiture of the family land at all, and they just appoint a new head of the family?—I would suggest that the best evidence on that would come from the Samoans themselves.

I understand that all the officials of the Administration are appointed by the New Zealand Government?—Yes.

*Mr. Baxter:* I do not think His Excellency got your last question correctly, your Honour. I think His Excellency also has the power to appoint officials to the Administration.

*The Chairman.*] I suppose you have the power to appoint some officials?—Yes.

You are the representative of the New Zealand Government?—Yes. I have the power to make appointments, but they are referred to the Minister of External Affairs, except in the case of Natives.

TUESDAY, 25TH OCTOBER, 1927.

The Commission sat in Chambers at 8.15 a.m. to consider the application of Tuimaleali'ifano to give evidence before the Royal Commission. [See Appendix No. IV.]

*The Chairman:* Mr. Slipper, I notice that your letter does not comply with my request: you have evaded the most important conditions imposed in the letter. The conditions were that a written statement should be received from you showing the particular topic or topics within the purview of the Commission on which the applicant (Tuimaleali'ifano) desires to give evidence, and the nature of the direct evidence which he is able to give on the topics in question. We want facts and not opinions. You will also observe, Mr. Slipper, that the second ground of that paragraph is not dealt with in your letter. That is so, is it not?

*Mr. Slipper* : I am not able to quite agree with you, sir. What I apprehend is that there is no likelihood of any other Samoan desiring to give evidence. Your Honour mentioned recently about the question of the flood-gates being opened, and I quite appreciate it.

*The Chairman* : At the time the applicant made his application to give evidence I saw a Samoan in the room rising to make the same application and he was prevented from doing so by some of the other Samoans in attendance. I saw that with my own eyes.

*Mr. Slipper* : I was not aware of that, sir.

*The Chairman* : What do you say about the matter, Mr. Meredith ?

*Mr. Meredith* : I must say, sir, that I take strong exception to this man being brought in. The evidence which he could give could not in any way assist the Commission ; and, moreover, there have been opportunities over and over again by the various witnesses to give the same evidence, and the evidence which this man desires to bring forward is only a matter of repetition. If it were permissible to accept this evidence, then, of course, it would be open to others to do the same. There is a big feature with respect to this witness that has to be considered, and it is that he is one of the representatives of the two old kingly lines, and I say that if he is brought in, then Malietoa should be brought in, and that, no doubt, would revive the old bitter factions that existed in Samoa for years ; and that is the grave fear. If this man was able to give information that was substantially different from anybody else, and which would be of great assistance to the Commission, no objection would be raised ; but as he can give nothing fresh I must oppose the application to have this man brought in, particularly when it is realized that if he were brought in there is a great danger of Native political unrest. I can say with a full responsibility that I cannot see that this man can tender any evidence that has not already been given over and over again.

*The Chairman* : Do you say that there is a serious risk of old family or chiefly feuds being incited amongst the Samoans if either one of these two Samoans were to give evidence ?

*Mr. Meredith* : I take the responsibility of saying, after having made full inquiries, that that would be so. A new political split would probably arise, and that would probably bring a further cause of unrest in Samoa other than the one at present existing.

*The Chairman* : What have you to say to that, Mr. Slipper ?

*Mr. Slipper* : I am totally unaware of any facts upon which my friend can base that statement. Malietoa has a right to come here if the Commission will hear him. I have no knowledge of any political splits or faction fights that might result from this man being here. He expresses himself as a person who does not belong to the Mau, and has never had any association with the movement. As you are aware, he is one of the two Fautua. I can carry the matter no further, sir.

*The Chairman* : My colleague and I will confer now and later on we will deliver our judgment and opinions.

At this stage counsel withdrew.

On resuming at 9.5 a.m.,—

*The Chairman* : Mr. Slipper, with regard to paragraph (p) in your letter to me of the 24th instant, in respect to the ordered disinterment of the body of a Samoan boy at Tanugamanono, we would like to know whether that is a matter in which the applicant was personally concerned—that is, was he any relation ?

*Mr. Slipper* : That I cannot tell you, sir.

*The Chairman* : I must accept Mr. Slipper's statement that he does not know anything about it, and therefore I am content. We are of opinion that no good service can be done by admitting the applicant to give evidence at this very late stage of the inquiry. The Commission has been sitting now for some time, and it was only on Saturday last, or a day or so prior to that, that the applicant asked to have his evidence taken. It will be observed that Mr. Slipper has not given the Commission, as he was requested to do, a statement with respect to the direct evidence which the applicant was able to give upon topics within the purview of the Commission. Mr. Slipper has, however, referred to the topics, and we propose to deal with them seriatim. Paragraph 2 of his letter reads, " My client desires to record his views of the Mau and the growth of the Mau, and the relation of the Mau to the objections and complaints that have been made against the Administration." The Mau, the growth of the Mau, and the purpose of the Mau have been the subject of a vast volume of evidence which has been called, and, therefore, the views of the applicant as to the Mau can be of no assistance to the Commission. We want facts and not opinions, and we are satisfied that the applicant can add nothing further to our knowledge of the facts relating to the growth, purpose, and objects of the Mau. With regard to 3 (a), which relates to the meeting at Mr. Meredith's residence, I may say that the parties who have been before the Commission think that all the evidence relating to this meeting is before us and they have not desired to call the applicant. Indeed, only yesterday Mr. Baxter, the leading counsel for the petitioners, expressly dissociated himself from the applicant giving evidence. The evidence relating to the meeting at Mr. Meredith's house was intended to be used only for the purpose of showing that at that interview Mr. Nelson contemplated a joint meeting of the Europeans and Samoans at Apia. The matter seems to concern Mr. Nelson, and Mr. Nelson, by his counsel, does not desire that this witness should give evidence. We may add that we have all the information that we think is necessary to enable us to determine any question arising as to this meeting. The next paragraph (b) relates to the view of Mr. Slipper's client as to the attitude of Mr. Nelson in all these matters. That is a pure matter of opinion, which cannot be of any assistance to the Commission. In regard to paragraph (c), which reads, " Why my client signed a letter apparently expressing confidence in the Administrator." we presume that this refers to a letter, or to an address, presented to the Hon. Mr. Nosworthy dated the 1st June, 1927, on page 1 of the State parliamentary paper, A.-4B. This document has hardly been referred to at the hearing before the Commission, and we at once say that we do not propose to lay any stress whatever upon that document. It is, therefore, unnecessary to

receive explanations which the applicant may have for signing that address. Paragraph (*d*) of the letter reads, "The desire of my client's people to bring representations before His Excellency." We have had this matter over and over again. I do not know what the Commission has been doing if it has not been dealing with the representations which the Samoans desired should be brought before His Excellency and now before the Commission. Now, paragraph (*e*) reads, "The constitution of whatever examining Boards of Faipules may exist, and especially the Board of Faipules that sat in judgment on my client." That again relates purely to a matter of opinion. We have had ample evidence dealing with the constitution of the Board of Faipules, and I shall show presently we are not concerned with the Board of Faipules which sat in judgment, so it is said, on the applicant. With regard to paragraphs (*f*) and (*g*) I desire, first of all, to ask Mr. Slipper a question as to whether his client has any official duties to perform.

*Mr. Slipper* : Yes, sir, as Fautua.

*The Chairman* : That is not an answer to my question. What are his official duties as Fautua ?

*Mr. Slipper* : To advise His Excellency the Administrator.

*The Chairman* : Exactly, and when his advice is sought ?

*Mr. Slipper* : Yes.

*The Chairman* : Paragraphs (*f*), (*g*), and (*h*) read : "*(f)* Why my client's official position was suspended ; *(g)* My client's attitude as to his official position ; *(h)* The Administrator's attitude towards the Fautuas." These matters are not the subject of any complaint, nor was any evidence directed as to these matters. It is not clear that the Fautua nowadays has any definite duties to perform. As Mr. Slipper says, he only has the duty of advising the Administrator, and I presume that that advice is given when his opinion is sought. In our opinion, it can be of no service to the Commission nor of any service to the public to discuss the position of the Fautuas or to investigate any of the circumstances relating to what is suggested to have been a suspension of the applicant. We know nothing whatever about it. We are satisfied that no injury will be done to the public or to anybody by our abstention from dealing with these matters. Paragraph (*i*) reads, "Banishments and removal of titles." I do not know what we have been doing for the last few weeks if we have not been dealing in detail with the question of banishments and the removal of titles. Paragraph (*j*) reads, "The recent law providing for banishment to the Tokelaus for as much as two years" : What does that mean, Mr. Slipper ?

*Mr. Slipper* : You are aware of the provisions in the Act of this year ? [Copy of Act handed to the Chairman by Mr. Slipper.]

*Judge MacCormick* : The Samoan Amendment Act was passed by the New Zealand Parliament in 1927.

*Mr. Slipper* : Yes, sir.

*Judge MacCormick* : That means they can be sent to the Tokelaus as if they were part of Samoa.

*Mr. Slipper* : Yes.

*The Chairman* : This paragraph relates to the recent provisions of the amending Act of 1927. This Act was passed by the New Zealand Legislature, and it appears to us that the applicant can hardly give us any information to show the propriety or otherwise of that provision, if it be within the scope of the Commission. It is clear that any evidence which the applicant can give upon this point would be evidence of opinion and not of fact. Paragraph (*k*) relates to the abolition of Samoan customs. This has been the basis of most of the complaints which for the past five weeks have occupied the attention of the Commission, and any evidence upon this point would clearly be pure matter of opinion and not a matter of fact. The next paragraph (*l*) relates to the medical tax. Again, any evidence which the applicant would give must be a pure matter of opinion and not matter of fact. I may say that all the evidence so far relating to the medical tax has been pure matters of opinion, which, with Native witnesses, it was impossible to exclude once they were in the witness-box. Paragraph (*m*) reads, "The fact that the Faipules are not representatives of the people." This matter has been thoroughly discussed, and examination has been made as to the method and circumstances with respect to the appointment of each Faipule. It is clear that the applicant can add nothing to the information which has already been submitted to the Commission on this point. Paragraph (*n*) reads, "The number, in my client's opinion, of Government officials whose services are not warranted." Here again the matter must be one of pure opinion and not of fact.

*Judge MacCormick* : Mr. Slipper has been fair enough to say that it is a pure matter of opinion.

*The Chairman* : Mr. Slipper now says that this matter is put forward as a pure matter of opinion. Paragraph (*o*) reads, "The multiplicity of means for punishing Samoans." Again this is a pure matter of opinion and not one of fact. Paragraph (*p*) says, "The ordered disinterment of the body of a Samoan boy at Tanugamanono."

*Mr. Slipper* : Will you permit me to look up the details of this matter ?

*The Chairman* : We ought to be supplied with details. Mr. Slipper is unable to give any definite information as to precisely what the complaint is with regard to the disinterment of the boy in question. We have heard nothing of the matter before, and it can hardly be said to be an act of the Samoan Administration. We do not even know whether the applicant is a relative or is in any way concerned with that disinterment. It is perfectly clear that it would be impossible to expect the Commission to enter into an inquiry relative to such dispute. Paragraph (*q*) reads, "The desire of my client's people to have a share in their own Government." Again this is a pure matter of opinion, and it has been the subject of voluminous evidence. Paragraph (*r*) reads, "The indisposition of His Excellency to heed the suggestions of the two Fautuas." Again this is a pure matter of opinion. It would be almost improper for the Commission to put before the public the confidential communications on such matters, if any, which took place, between His Excellency the Administrator and his two official advisers. It is quite obvious that this is not a matter to which publicity should be given ;

and, moreover, it is clear that these communications are privileged at common law. I have felt that there is something unusual about this application, and what it is I have been unable to determine; but the circumstances are, as I have said, unusual. Why is that it this man did not come forward before? He had the opportunity of coming before the Commission, and he absolutely abstained until just recently from intimating that he wished to give evidence. Mr. Meredith, speaking with a full sense of responsibility, intimates that there is a possibility, if one Fautua is called, of factional disputes being raised in Samoa. We do not know whether that is so or not. It is, however, sufficient reason for us to exercise great caution in acceding to the application, and only to grant the application if we are clearly satisfied that the applicant can give evidence which will be of assistance to the Commission. On these grounds we decline, after the close of the case, to receive this evidence.

*Mr. Slipper*: May I be permitted to observe, sir, that while the activities of the Commission have practically resolved into the hearing of plaintiff and defendant—Mr. Meredith and Mr. Baxter are agreed in this—the fact is that under the order of reference any person can come in and give evidence.

*The Chairman*: No; surely you are talking without the book.

*Mr. Slipper*: I am talking with His Excellency the Administrator's direction in front of me, which says, "All persons desirous of bringing any matter or complaint before the Commission should either attend a sitting of the Commission or communicate with the Secretary."

*The Chairman*: That is an advertisement. It does not mean that every one who desires to give evidence can do so. The duty of any one who desires to give evidence is to interview the Secretary and give him information as to the character of his or their evidence, and then the Secretary submits the information to the Commission and we say whether it is relevant or not.

*Mr. Slipper*: Very properly.

*The Chairman*: You are incorrect in saying that this inquiry resolved itself into a procedure between plaintiff and defendant. Mr. Baxter and yourself have very properly taken upon yourselves to represent the discontented people in Samoa; is that not so?

*Mr. Slipper*: I am afraid I cannot quite agree with you, sir. It is the Mau.

*The Chairman*: Very well, the Mau. Outside the Mau this is the only person who wants to give evidence on his own initiative.

*Mr. Slipper*: So far as I know, sir.

*The Chairman*: I do not think that we need add anything further, Mr. Slipper.

#### EDWARD VICTOR TIBBO sworn and examined.

*Mr. Slipper.*] You are a marine engineer, are you not?—Yes, and a carting contractor.

You have an objection against the Administration as regards their controlling the engineering and transport work in Samoa?—Yes.

Is this work that you complain about under the control of the Administration, or is it a part of the reparation business of New Zealand?—That is the nature of the complaint. What I am anxious to find out is which is the Administration and which is the Reparation Estates. About four years ago the Engineering Department of the Public Works was different from the Crown Estates—they were two separate Departments. I was running one Department for the Public Works, and the other was the Crown Estates, controlled by another man. The accounts for the two Departments were separate matters. On the arrival of General Richardson the two Departments were merged and formed what is known as the Engineering and Transport Department, and this is classed as the Reparation Estates. What has become of the assets of the Public Works I have not been able to find out, and it affects me, because the Reparation Estates are controlling the Administration Engineering Department, inasmuch as no person or any official of the Administration can obtain transport or get any engineering-work done unless they get the sanction of the Engineer in charge of the Reparation Estates.

Do you know of any circular or publication from the Administration with respect to this?—There was a circular issued by the Administration to the effect that all transport in future for the Administration must be got from the Reparation Estates.

What effect has this upon private business?—The effect is that several lorry-owners and engineers are deprived to a certain extent of their existence—that is, there is no work for them, and there is no competition. They are not given an opportunity to tender for work from the Administration. They were up to twelve months ago, but now it is stopped.

Does that cover what you wish to say?—Yes, that is about the gist of it.

*Mr. McCarthy.*] Is it not a fact that tenders are frequently asked for?—I would not say "frequently."

Have you not tendered for any work?—Up to twelve months ago, yes.

Have you not had work?—Yes, I have had work from the Administration.

Has not the Public Works Department employed you?—Yes, several times previous to the merging. That is my complaint.

Even since?—No, I would not say that.

I mean ever since the Engineering Department has been taken over by the Reparation Estates?—There is no work done except by the Transport Department.

Is it not a fact that that "transport" refers to officials who use their cars on official business?—I am speaking with regard to trucking. The truck-owners are complaining, there being about six or eight of them.

Who are making the complaint?—Mr. Berking, Mr. Betham, Ah Mu, Hall and Campbell. Hall and Campbell complain that their engineering-work has been taken away.

Is it not a fact that the Reparation Estates do not undertake private engineering-work?—I admit that it is not their duty. The Reparation Estates have their own Engineering Department; but the Administration is controlled by the Reparation Estates, and no outsider gets a chance.

I do not think that is right?—Up to twelve months ago it was all right, but since the merging things have changed.

Is it not a fact that the whole of the Engineering and Transport Department is under the control of the New Zealand Reparation Estates?—Yes, it is the property of the Reparation Estates entirely.

And they do the repair work for the Administration?—For the Administration, yes.

And the officials' cars?—They are not quite at liberty to do that.

What private people do they do repairs for?—I have noticed Mr. Klinkmueller's car and Mr. Hufnagel-Betham's car there.

Mr. Hufnagel-Betham's car is used on official business?—Possibly, but it is his own private car.

How many times have you known Mr. Klinkmueller's car to be there?—About two or three times.

Is it not a fact that he took his car there because other people could not fix it up for him?—That is not the point, Mr. McCarthy. The point I am making is that they should not be allowed in. It is the principle of the thing that I am attacking.

Do you know of any others?—I cannot think of any others for the moment. I would not make that a plank.

Mr. Klinkmueller's car is really the only private one that you know has gone in there?—No.

What others?—I noticed Mologa Ah Mu's car there.

Was he not employed in the Engineering Department?—Possibly he was.

He is not employed there now?—No.

He was employed there for a considerable time, was he not?—Well, for two or three months.

Can you remember any other private work that was done there?—I have seen Mr. Wild's car there, and practically every one in the Administration who owns a car.

Is not Mr. Wild's car used on official business?—Perhaps. The point I wish to bring forward is that practically every one in the Administration has had his car fixed up in the Engineering and Transport Department, and that has been the subject of charges against the Administration.

Outside the officials, the only man you can mention is Mr. Klinkmueller?—I will say that.

*Mr. Slipper.*] These cars driven by officials like Mr. Hufnagel-Betham: can you tell the Commission whether those cars belong to the Administration or the individuals who drive them?—In the majority of cases they belong to the individuals who drive them. They are used on official business, and I believe a certain sum is given them each year as a transport allowance.

With regard to the management of the Reparation Estate in Samoa, who is the local manager?—Do you mean in regard to engineering?

I mean in regard to anything in connection with the Reparation Estates?—I should say that the Administrator is the head.

*Mr. McCarthy:* There is a Board of Control.

*Judge MacCormick:* We know that there is a Board of Control, but at present we do not know who is on it.

*The Chairman:* You are aware, Mr. Tibbo, that in our letter to you we intimated that we could not be of very much assistance to you. What occurs to me to be the most convenient course to adopt would be to ask Mr. McCarthy to forward a written reply from some official with respect to Mr. Tibbo's complaint. I would ask Mr. McCarthy to let me have that as soon as possible, and I will get the Secretary to submit it to Mr. Tibbo for any observation that he wishes to make. Does that course seem suitable to you, Mr. McCarthy?

*Mr. McCarthy:* Yes, sir.

*The Chairman:* And to you, Mr. Slipper?

*Mr. Slipper* (after reference to Mr. Tibbo): Yes, sir.

STATEMENT BY SECRETARY, SAMOAN ADMINISTRATION, IN REPLY TO MATTERS RAISED BY MR. E. V. TIBBO REGARDING ENGINEERING AND TRANSPORT DEPARTMENT.

The Engineering and Transport Department is the property of the New Zealand Government and administered as part of the New Zealand Reparation Estates. Originally both the Public Works Department and the New Zealand Reparation Estates Department had engineering-shops and transport depots, but for the purpose of economy and efficiency these were amalgamated on the 1st April, 1924, under the Engineering and Transport Department, which came under the Administration till 31st March, 1926, when it was transferred to the New Zealand Reparation Estates. Samoan Treasury funds received credit for the value of any Administration property that was transferred to the new establishment.

(a) TRANSPORT.

The policy followed since the 1st April, 1924 (and still being followed), has been to assist private lorry and car owners as much as possible, consistent with the public interest. The Department does not maintain sufficient transport to cope with the total needs of the New Zealand Reparation Estates and of the Administration, but only sufficient for ordinary routine work and to keep a check on local prices.

I am attaching a schedule, totalling £793, showing amounts paid to Mr. Tibbo for hire of his lorry by the Public Works Department between October, 1924, and October, 1927.

## Public Works Department.—E. V. Tibbo, Contractor.

				£	s.	d.
1924.						
Oct. 10-12	..	To Lorry-hire, as per voucher	169	Afega Road	..	13 17 6
Oct. 27-Nov. 8	..	..	165	Faleula Road, &c.	..	44 2 0
Nov. 17-19	..	..	183	..	..	18 2 0
Nov. 20-26	..	..	189	..	..	26 8 0
Nov. 27-Dec. 3	..	..	194	..	..	23 4 0
Dec. 4-10	..	..	211	..	..	26 4 0
Nov. 11-17	..	..	214	..	..	20 10 0
Dec. 18-24	..	..	216	..	..	10 10 0
Dec. 29-31	..	..	218	..	..	8 0 0
Dec. 31	..	..	223	..	..	0 13 6
1925.						
Jan. 3-7	..	..	228	Afega Road	..	6 8 0
Jan. 8-14	..	..	233	..	..	16 5 0
Jan. 16-21	..	..	241	..	..	10 2 0
Jan. 22-31	..	..	247	..	..	30 12 0
Feb. 2-7	..	..	259	..	..	21 0 0
Feb. 10-14	..	..	264	..	..	10 18 6
Feb. 17-21	..	..	270	..	..	20 2 0
Feb. 23-28	..	..	273	..	..	20 5 0
Mar. 2-7	..	..	288	..	..	21 14 0
Mar. 10-14	..	..	297	..	..	12 8 0
Mar. 16-21	..	..	302	..	..	17 4 0
Mar. 26-30	..	..	315	..	..	4 16 0
June 9-12	..	..	361	Ifi Ifi Road	..	11 4 0
June 13-15	..	..	391	..	..	1 12 0
Aug.	..	..		Malie Road	..	0 12 0
Aug. 26-Sept. 4	..	..		Sea-wall	..	16 10 0
Nov. 19	..	..		Hospital thatch	..	0 18 0
Dec. 15-19	..	..		Taufusi Road	..	34 10 0
1926.						
April	..	..		Sundries	..	9 0 0
Sept. 8-16	..	..		Main Coast Road	..	38 0 6
Sept. 21-24	..	..		..	..	27 11 6
Sept. 27-29	..	..		..	..	16 13 6
Oct. 4-14	..	..		..	..	29 8 0
Oct. 15-26	..	..		..	..	25 8 0
Nov. 11	..	..		(Betham & Tibbo) Vaiusu Road	..	49 0 0
Nov. 14	..	..		as per voucher, Vaiusu Road	..	3 0 6
Dec. 13	..	..		Savalalo Road	..	14 8 4
Dec. 13-22	..	..		Sea-wall	..	20 16 0
Dec. 13-31	..	Coral supplied, sea-wall	..	..	..	7 8 6
Dec. 15-31	..	Stones supplied, sea-wall	..	..	..	6 18 10
Dec. 29-31	..	Sand supplied, sea-wall	..	..	..	2 12 0
Dec. 18	..	Amount advanced, sea-wall	..	..	..	8 19 10
Dec. 11	..	Amount advanced, sea-wall	..	..	..	12 3 8
Dec. 23-Jan. 14, 1927	..	Lorry-hire, stones to sea-wall	..	..	..	19 10 0
1927.						
Jan. 15	..	Amount advanced, sea-wall	..	..	..	7 0 0
Jan. 24	..	Lorry-hire, stones, sea-wall	..	..	..	1 1 0
Jan. 24	..	Amount advanced, sea-wall	..	..	..	17 10 0
Jan. 25-Mar. 9	..	Lorry-hire, stones to sea-wall	..	..	..	5 8 0
April 22-30	..	Lorry-hire, stones to sea-wall	..	..	..	3 5 0
Sept. 20	..	Allowance, supervision work, sea-wall, &c.	..	..	..	20 0 0

£793 14 8

Large sums have been paid by the Public Works Department to other owners of private lorries, and in addition the Engineering and Transport Department itself paid the sum of £859 during the year ending the 31st March last for the hire of private trucks, vans, and cars to supplement its own transport. The Public Works Department do still continue to call for tenders for anything other than permanent transport work. In June last, for instance, tenders were called for the supply of sand for the Main Coast Road from Levi to Tuana'i. Amongst others, Mr. Tibbo signed a statement that he had read over the conditions of contract for this work. The amount paid by the Engineering and Transport Department for the hire of private trucks, vans, and cars for period 1st April, 1927, to 30th September, 1927, was £322. Probably the reason that private owners are receiving less transport work this year than last is that, whereas last year some £6,638 was spent from loan-moneys on roads in Upolu, this year the amount allocated from loan-money is £500 only, and transport of material forms a considerable portion of the cost of roads.

## (b) ENGINEERING.

The policy being followed in regard to motor-repair work is set out in the following letter, dated the 13th April last, addressed to Messrs. O. F. Nelson and Co., Ltd. :—

13th April, 1927.

Messrs. O. F. Nelson &amp; Co., Ltd., Apia.

DEAR SIRS,—

I am in receipt of your letter of the 9th instant, relative to the Engineering and Transport Department doing work for outsiders.

Although this Department as part of the New Zealand Reparation Estates Department, and therefore a commercial undertaking, is not in the same position as the Public Works Department, which is a public Department, still the present policy is that the Engineering and Transport Department should not do work for private individuals that can be done by local firms.

I have seen the Officer in Charge, Engineering and Transport Department, and he has promised to give me a list of what work has been done for the L.M.S. So far as he remembers, it was confined to repairs to an L.M.S. car which broke down just outside the Engineering Department's workshop, and to the fitting into a lorry (which the Mission had purchased from your firm) of some gears, which were also purchased from your firm. Other outside work was done on a lorry which the Hon. A. Williams had purchased from the Engineering Department, and which he complained had never been quite right. Other work is also sometimes done for local firms—as for instance, some lathe-work was done for your firm yesterday.

As regards cars belonging to officials of the Administration, where such cars are used on official business, the right to attend to these is reserved to the Engineering Department should the owners so wish. Probably, however, the Department's charges for this class of work are no less than that of local firms.

I can assure you that the Administration has no desire to interfere with local enterprise in this matter. The formation of the Engineering and Transport Department was forced upon us in the first place owing to there being no local shop that could attend promptly to all the Administration and Crown Estates motor transport and machinery. Your own firm's workshop, which was the only one in any way equipped for such work, had its hands full in attending to your own motor transport and marine work, and your own customers.

Yours faithfully,

J. W. HUTCHEN, Secretary.

The Officer in Charge, Engineering and Transport Department.  
For your information.—J. W. H., Secretary.

That this policy is in fact being followed is evidenced by the following statement from Mr. G. Klinkmueller, who is referred to by Mr. Tibbo in his evidence :—

*Re Complaint by Edward Victor Tibbo.—Statement by G. Klinkmueller.*

I sought the services of the Engineering and Transport Department on one occasion when I had a puncture just near the shop of the Department. At that time the engineer also adjusted my carburetter. On another occasion the wheel of my car broke; this was outside the Courthouse. I asked the Department for help, and the car was taken to the Engineering-shop. I was informed that repairs could not be effected unless I had authority from the Secretary. I did not get this authority, and did not try to. Mr. Ah Mu repaired the damaged wheel, and has ever since attended to my work. Previously I used the services of Messrs. Hall and Campbell, and Mr. Jones, private engineers, for my car repairs.

G. KLINKMUELLER.

REPLY TO STATEMENT FROM ADMINISTRATION.

To the Secretary, Royal Commission, Courthouse, Apia.

October 29th, 1927.

DEAR SIR,—

I am in receipt of communications in respect to certain charges which I have laid against the Administration. I find that they have no bearing on the matter under discussion, but are simply statements to the effect that I have been in receipt of remuneration from the Administration at various times for work done under contracts. In this statement I find that it is admitted that the Engineering and Transport Department is the property of the New Zealand Government and is administered as a commercial undertaking (*vide* paragraph 2 of letter to Messrs. O. F. Nelson and Co., Ltd). I submit that, as this Department is a commercial undertaking, it should conform to the rules regulating commercial undertakings, and, further, should not have any monopoly of Administration work in regard to transport and engineering. I refer you to the circular letter to Heads of Departments of the Administration published on the formation of the Engineering and Transport Department some time ago, in which it is stated that all transport for the Administration must be procured from the Transport Department (Reparation Estates).

In regard to paragraph (a), "Transport," in the statement in reply, I wish to state that the policy followed as stated since 1924 is not now being followed, and this has caused considerable ill feeling against the Administration by various truck and car owners, in addition to engineering-shop owners. If, as it is stated, this Department is the property of the New Zealand Government, then it is contended that they should conduct the Department under New Zealand rules in regard to their employment of the engineering staff. The present Engineer in Charge holds the dual position of Engineer in Charge of the Reparation Estates in addition to the position of Engineer in Charge of the Administration. It has been shown in evidence that the virtual manager of the N.Z. Reparation Estates and interests is in fact His Excellency the Administrator. It is true that there is a Board of Control, but it appears to be equally true that His Excellency controls the Board. The engineering fraternity of Samoa are not in a position to criticize the actions of the Engineer in Charge of the Reparation Estates, and are unable to ascertain just exactly where he commenced operations as Engineer or the Administration. This has been brought about by the unwarranted action of the Administration in amalgamating a private trading concern with the Administration of Western Samoa. Though the amalgamation is denied, and though it is alleged that New Zealand's enterprises in Samoa are things apart from the Administration, still the facts remain that New Zealand is the Mandatory Power, and that the difference between the Samoan Administration and New Zealand is no more than the difference between Tweedledum and Tweedledee.

In regard to the denial of Mr. Klinkmueller that he has been in receipt of extensive assistance for repairs to his car, I wish to point out that I do not lay any charge against one individual, but contend that the Department concerned have at various times done repair work for practically every Government official, contrary to paragraph 2 mentioned above. If the Department is, as stated, a commercial undertaking, they are at liberty to do work for any person, but not to monopolize the Administration in regard to their undertakings.

The circular letter referred to is No. of 19

This complaint is made by Messrs. Ah Mu, C. Gardain, A. Betham, R. P. Berking, Hall and Campbell, J. Gascoigne, F. Warren, G. E. L. Westbrook, O. F. Nelson and Co.; and E. V. Tibbo has been appointed verbally to place this matter before the Royal Commission for their opinion.

Trusting that this will terminate the matter, and with many thanks for your kind consideration,

Yours most respectfully,

EDWARD VICTOR TIBBO.

I HAVE to inform you that I have made application verbally to the Secretary of the Administration for the number of the circular letter referred to, and have been told by him that I am not at liberty to peruse it. The Commission will therefore understand why it is that the definite information is withheld which I wish to put before them, though I am most desirous of obtaining this information to support my charges.

29th October, 1927.

ED. V. TIBBO.

THURSDAY, 27TH OCTOBER, 1927.

*The Chairman* : Mr. Meredith, a chief named Tuala Tulo gave evidence, saying he was not served with an order, nor was any such order tendered to him. It was promised that that order would be put in. Could you produce it now ?

*Mr. Meredith* : Mr. McCarthy has investigated the matter, Sir.

*The Chairman* : Does it want any explanation ?

*Mr. McCarthy* : No, sir, except that this man refused to take the order when it was tendered to him. It was an order for arrest and banishment.

*The Chairman* : Is that on the affidavit ?

*Mr. McCarthy* : It is.

*The Chairman* : Very well, then, show it to Mr. Slipper, please.

[Affidavit shown to Mr. Slipper by Mr. McCarthy.]

*The Chairman* : Have you any objection to the admission of that order ?

*Mr. Slipper* : No, sir.

*The Chairman* : I sent for Mr. Allen this morning and told him that the Commission would require copies of the minutes of the two following cases : One case against three persons—So'alo Tini, Tu'u, and Pepe. The other case is against Tialavea (Tialavea and Tialavea Vevesi) and Savusa.

*Mr. Slipper* : May I ask, sir, what is the point ?

*The Chairman* : Defiance of the Board of Inquiry, and endeavouring to usurp the power of the Faipule, thereby causing trouble in the district.

*Mr. Slipper* : Your Honour suggests that you will require the original records.

*The Chairman* : Yes. I am going to ask permission of counsel to put in copies, because it seems unnecessary to break up the files.

*Mr. Slipper* : Yes, sir. I am certainly content to let your Honours peruse the original and, of course, take a copy.

*The Chairman* : Very well. Mr. Allen will see that copies are sent in to the Commission. [Put in : Exhibit No. 67.]

*Mr. Slipper* : I draw your Honours' attention, if you will permit me, to one case (Nos. 11, 12, and 13)—Amitunai, Tolova'a Tupu, and Leala Letafea. It was mentioned at Fagamalo. I will merely draw your Honours' attention to the precis here, which seems to show that the persons in question were banished by order of Mr. Biggwither.

*The Chairman* : What is the inference from that ?

*Mr. Slipper* : Well, of course, it is not under the hand of the Administrator in terms of the Samoan Offenders Ordinance, 1922.

*The Chairman* : It is a mere precis. Produce the orders in the case referred to, please. [Put in : Exhibit No. 68.]

GEORGE STAFFORD RICHARDSON further examined.

*The Chairman.*] Sir George, I wish to call your attention, first of all, to two passages in the evidence of Mr. Nelson. They appear on pages 222 and 224 of the evidence in cross-examination. The question was put by Mr. Meredith : " I think, Mr. Nelson, prior to your leaving, you were on the greatest terms of friendship with the Administrator ? " The answer was : " Well, we were socially friendly ; we did not agree about many political matters and I did not refrain from telling him about these " (page 222). On page 224 there were two questions put to Mr. Nelson by myself : " There is no trace in any of the letters referred to in the letters written by Sir George Richardson and yourself which show any disagreement between you and him on important matters of administration ? " The answer is : " I spoke to him about banishments, but on every occasion when I had spoken to him about matters that he did not agree with he led me to believe and understand that he did not want to discuss them with me." Sir George, the Commissioners understand that the inference from these answers is that there were disagreements between Mr. Nelson and yourself, prior to his departure from Samoa, on important matters of administration : what have you to say about it ?—There was no disagreement on important matters whatever. In the first place, in regard to referring matters to me, it was customary for Mr. Nelson to come to me in my office and put any matters that he wished to bring to my notice before me personally. It was my practice at all interviews with him and other people to give them written replies. I know of one case only where he spoke about banishments. This case was one of the many referred to me some years ago—I cannot say whether it was two or three years. It was a case of banishment in the village in which I know Mr. Nelson is personally interested, near his old home. He complained to me about three cases of banishment. As far as I can now remember, I gathered the impression from him that he did not understand the reason for a special committee of Faipule to investigate those cases. I thought that he considered that these Faipule had too free an authority to inquire and punish, which was not the case. I replied to him that I certainly would go into these matters, which I did [See exhibit No. 69.] I found the case in question a rather serious one, and one likely to disturb the peace and good order of that district—Safotu and Safune. Both the Secretary for Native Affairs and the Resident Commissioner were interviewed by me on those cases in which Mr. Nelson was interested, and I assured myself that the matter had been fully inquired into—more fully than was usual—and that there was no alternative but to carry out the banishment, which was then ordered. But the general policy of banishment, this was not discussed, only those particular cases.

Did Mr. Nelson at any time before his departure from Samoa discuss the general policy of banishments at all with you ?—No, not general policy. I will say that in the Legislative Council, in regard to the disagreements which are referred to, that is true. I got disagreements from not only Mr. Nelson, but from the other members, too. They are the ordinary political disagreements on matters put before the Council, and everything they say in that Council is referred by me to the Minister in New Zealand. As to my being friendly with Mr. Nelson, that is perfectly true.

We do not wish to deal with that at all. Just one other question—I will put the matter to you distinctly : What do you say as to whether Mr. Nelson ever discussed with you outside the Legislative Council any important matter of Native policy on which he disagreed with you ?—I remember only one case, and that was very early in my regime here, when, being interested in the question of the education of the Native race, I was endeavouring to get information from every source I could as to what was the best policy of education for the Natives. I did not tell him, at the time, of my policy, but I discussed with him the question as to whether we should teach the Natives English, my views

being that in the higher schools, in order to educate the required number of Natives for the administration of this country, we should teach in English, and in all the schools round the country we should teach in the Samoan language, but also teach them English—not educate them in English, but teach them English, so that they should have a working knowledge of the language to enable them to trade and carry on their work with the European community. I do remember his saying at that time—I cannot remember the exact words—that I had better go slow, as he did not agree with the Natives being taught English. Other than this, I assure you that no big policy question has ever been discussed between myself and Mr. Nelson.

*Judge MacCormick.*] I would like to ask one question, which I should have asked the other day. In Mr. Nelson's evidence given on the 11th October (page 223), he refers to a letter which he received from Mr. Westbrook, in which it was stated that there were thousands of coconut-trees being cut down for one thing and another: is that a correct statement?—An absolutely untrue statement, Sir.

That is not Mr. Nelson's statement, it is the statement of Mr. Westbrook?—I quite understand. It is absolutely untrue.

*The Chairman.*] I myself think that there ought to be an explanation of the cutting-down of the coconut-trees?—I can only give you my impression at the time. There was criticism, I know, made by Mr. Westbrook, of the cutting-down of the coconut-trees in the village just at the back here. That was part of the policy of the remodelling of villages. I did not force the remodelling on any village; they have been merely exhorted to do so, and if they so desire they can remodel on the lines laid down by the Native Office. Apia Village decided to remodel their village, and there was a number of coconuts in the way—they were where the *fales* were to be put—and without asking the Native Office they cut down those trees and proceeded to start to remodel the village, there being a number, I would say, of not more than ten or twenty trees. The village has not been remodelled as a result of this trouble: it is really in the same position to-day as it was at that time, and can be seen to-day. Other than that, I know of no suggestion which could give rise to Mr. Westbrook's statement. He lives at Apia and goes very little outside Apia, and that, I think, is the reason for his statement.

*The Chairman:* Mr. Baxter, you are at liberty to cross-examine.

*Mr. Baxter:* I do not wish to do so, sir.

*Mr. Meredith:* In the matter of the Safune banishments referred to by Sir George, it is a matter of correspondence, and I can put the correspondence in.

*The Chairman:* Correspondence between whom?

*Mr. Meredith:* Between Mr. Nelson and the Administrator.

*The Chairman:* Let me look at it; I have not heard of this correspondence before, have you, Mr. Baxter?

*Mr. Baxter:* I have not, sir.

*The Chairman (to Mr. Meredith):* You should show it to Mr. Baxter as a matter of form. At any rate, it relates only to the Safune banishments.

[Correspondence put in: Exhibit No. 69.]

#### CLOSING ADDRESSES OF COUNSEL.

*Mr. V. R. Meredith:* May it please your Honours, before discussing the general position of facts I would like to read a statement made in the despatch forwarded in 1892 by Sir Berry Cusack-Smith, then British Consul, to Lord Salisbury, which reads: "When discontented, the white residents have always retaliated by stirring up intrigues, revolts, and wars among the Natives. When contented, the white residents take no interest whatever in Native affairs except commercially, and would leave the white officials a free hand in dealing with Native matters. Without the moral support of the white residents I believe that no Samoan Government can ever be successful." Those remarks, made thirty-five years ago, have considerable significance now, and it is to be noted that when read to Mr. Gurr, one of the European members of the committee in this case, he concurred that the opinion expressed by Sir Berry Cusack-Smith was correct. Sir, I might briefly survey the position as I understand it to be before October, 1926. The outstanding facts which I would like to refer briefly to the Commission are these: The present Administrator left for New Zealand in November, 1925. On his departure he received addresses of congratulation and affection and esteem from all parties, both European and Native, including amongst the signatories thereto the members of the present European Committee. He returned in February, 1926, and was received with the same expressions of esteem, friendship, and loyalty. The Governor-General visited Samoa in May, 1926, and wherever he went he was met with addresses expressing loyalty to the Government and appreciation of the endeavour of the New Zealand Government on behalf of Samoa—expressions that indicated that throughout the islands there was contentment and satisfaction with the existing conditions. Mr. Nelson left Samoa in February, 1926, and returned in September.

*The Chairman:* Did Mr. Nelson go abroad?

*Mr. Meredith:* Yes, sir, he went to Australia and New Zealand.

*The Chairman:* I do not call that abroad. Did he go beyond Australia?

*Mr. Meredith:* No, not past Australia.

*Mr. Baxter:* During that trip, sir, it was only to Australia and New Zealand that Mr. Nelson went. It was a health trip.

*The Chairman:* He was absent for about seven or eight months?

*Mr. Baxter:* Yes, sir.

*Mr. Meredith:* During Mr. Nelson's absence, so far as the Administrator knew—either from his own personal observations or from the reports of his officials—the condition in Samoa was satisfactory

and the Natives contented. During Mr. Nelson's absence the relations of friendship which admittedly had existed between him and Mr. Nelson continued, and this is clearly indicated by the nature of the correspondence which has been put in and which will speak for itself. Not only that, but indicative of the feelings of friendship held by the Administrator towards Mr. Nelson, and his understanding that those sentiments were reciprocated, the Administrator gave him many letters of introduction to make his (Mr. Nelson's) visit as pleasant as possible whilst he was away, including letters of introduction to the Minister of External Affairs and the Prime Minister of New Zealand, where Mr. Nelson was calling on his way home. Mr. Nelson arrived in Samoa, and at the express invitation of Mr. Gurr the Administrator attended a public reception given to Mr. Nelson and there made a speech expressing his regard for Mr. Nelson. That speech is before the Commission, so I do not propose to deal with it in detail. Mr. Nelson replied, wishing the Administrator success in his administration and expressing the greatest admiration and esteem of himself and the citizens for the Administrator, and voicing sentiments that undoubtedly implied that every assistance would be given to the Administrator and to Lady Richardson to carry on the excellent work that had been done in Samoa. This Commission is not concerned with the ethics of the matter. I merely state this as a fact that has now been disclosed: that at the time that those speeches were made by General Richardson on the one hand, and replied to by Mr. Nelson on the other, Mr. Nelson not less than a fortnight before had admittedly made allegations against the Administrator to the Prime Minister in Wellington; and, further, had practically only a week earlier, at a meeting in Mr. Sam Meredith's house, arranged to launch a wholesale attack on the Administration and the Administrator, part of the arrangement being to draw into the agitation the Natives. Now, before dealing in detail with that incident, might I briefly sketch what was the condition of Samoa at the date of Mr. Nelson's return. Politically, they had a system, organized and perfected by the present Administration, whereby all matters of interest to the Samoans came through from the Village Council; thoroughly discussed there and agreed on, they were then sent on to the District Councils and discussed and a decision arrived at; then sent on to the Fono of Faipules for further discussion, and, if agreed on, sent on to the Legislative Council. The Faipules have all stated—and there seems to be no evidence to the contrary—that that mode of political reference and consideration of the Samoans of their affairs was an entirely satisfactory one to the Samoans, and was working with the greatest smoothness. The health of the community was excellent, and it is perfectly clear that the ravages of yaws and hookworm, which had formerly caused suffering and loss of life in Samoa, had been taken in hand and checked by the Medical Department under previous Administrators, and the campaign against the disease has been further successfully carried on under the present Administrator. Child-welfare work had been instituted, and was functioning satisfactorily. The vital statistics show that the birth-rate was increased and the death-rate decreased, and that the population was rapidly increasing. All losses as a result of that terrible epidemic of 1918, which swept this country in common with almost all other countries in the world, were made up, and the rate of increase was such that the population would double itself in about twenty-nine years. Water-supplies, electric light, sanitary conveniences, and various modern matters for the comfort and health of Samoa were instituted, and were highly appreciated by the Samoans. On the commercial side the Samoans were being taught the value of improved methods of producing copra, and arrangements were being made to see that they obtained a better price for their copra by placing at their disposal the marketing organization of the Reparation estates. A steamer was at that time in the process of building for the purpose of providing speedy and efficient transport for their bananas and other food products, so that in the future there should be increased wealth to the Samoans and an economic advantage to every individual in Samoa. I do not wish to load the Commission with references to all the evidence on this point, but the evidence of Toelupe, Aiono, Tagaloa and the other Faipule is typical, and indicates the recognition of the material progress made. That was the position on the return of Mr. Nelson. Everything was working smoothly, and there was every indication of increased prosperity, comfort, and happiness to the Samoans; and, as far as the Administrator knew from his own observations and from the words that had been spoken to him at various meetings and gatherings by Mr. Nelson and others, the political atmosphere was calm and there was no suggestion of any unrest. As I mentioned before, sir, at the time of Mr. Nelson's reception a meeting had been actually held at Mr. Meredith's house. Of this we did not know—nor could it be brought before the Commission until we got as far as the evidence of Lago Lago—that such a meeting had been held. I think I am justified in saying this: I, naturally, in examining Mr. Williams and the other European witnesses, questioned them with a view to ascertaining what arrangements had been made to bring the Natives into this trouble, and an opportunity was given to every one of them to come forward, had they wished to be frank, and this only—that each of them wished to convey to the Commission that the coming of the Natives to that first meeting in the Market Hall was merely a matter of coincidence; that the Natives had heard of the meeting casually in the street and had attended, and it was not until we heard the evidence of Lago Lago, when he gave the information—I do not know whether he did so through inadvertence or not—that we knew anything about this meeting in Mr. Meredith's house; but it is clear now that the European members of this committee arranged that meeting with certain notice, and at that meeting arranged a programme which showed a deliberate intention to foment trouble amongst the Natives. At the meeting there were present the three elected Councillors of the Legislative Council, together with Mr. Meredith; and the Natives present were Faumuina, Tofaeono, the two Fautuas (Malietoa and Tuimaleali'ifano), and Lago Lago. As will be seen from the evidence of Tofaeono at page 177, a motor-car was sent for Tofaeono and Malietoa, who happened to live in the same neighbourhood. Although no information is available as to whose car that was, Tofaeono had said that no fare was paid for that ride, so it is suggested that the people concerned deliberately had sent for these two Samoans with a view to bringing them into this matter. At page 178 Tofaeono gives some details of the meeting:—

“Which of the people there suggested that the meeting should be held?—Then the members of the Legislative Council arranged for a meeting to be held in the Market Hall, and this was agreeable to us.

“Did they arrange that it should be for Europeans and Samoans, or both of them?—Yes.”

Later he was asked:—

“Have you confidence in the wisdom of the Europeans on the Citizens Committee?—I have in them, yes.”

Tofaeono also states that he thought that the only reason why he was taken along to the meeting was because he was a man of great influence and standing, but that he himself had no particular grievance. Faumuina in his evidence at page 158 gives evidence of the arrangements made for this joint committee and states on page 158, “I was appointed to make a speech.” He was appointed to be the speaker on behalf of the Samoans at the meeting. Now, it is admitted by Mr. Nelson on page 226 that he contemplated joint action, and also that this is the first occasion on which in the history of Samoa there has been joint action of Europeans and Samoans in an agitation of this kind. Strangely enough, Mr. Nelson suggests that while speaking in New Zealand he had completely forgotten all about this meeting (page 217). The inference to be drawn from the facts of the holding of this meeting are so clear that no further comments are required from me. The objects of that meeting, of course, are a matter of common-sense, and need no further comment from me; but we can carry the matter much further in the evidence of Mr. Brewster (page 330), on which page there are details of a conversation between Mr. Williams and Mr. Brewster. Mr. Brewster, as you will remember, said that he was going to help Mr. Williams in his election to the Legislative Council. Before the first public meeting Mr. Williams asked Mr. Brewster if he was going to be at this meeting, and Mr. Williams told him that they were having the Samoans at that meeting, and said that with the Samoans at their backs they could do anything. At a further discussion with Mr. Brewster (on the same page), in asking Mr. Brewster to come to that meeting, he said:—

“You should be there. We are having about five hundred Natives. We will be strong enough, but without them we could do nothing, and we must get rid of that man.

“Who was the man referred to?—The Administrator.”

So there is direct evidence of an admission and statement by Mr. Williams before the first meeting that they had deliberately organized to have the Natives there, and that the purpose of having the Natives there was to enable them to effect a purpose—whatever it was—which they could not otherwise effect without invoking the assistance of the Natives and having them at their backs. According to Mr. Williams, the reason for so incorporating the Natives was to assist in an attack aimed at the Administrator. We have, further, the evidence of Mr. Cobcroft on page 331. Mr. Cobcroft, you will remember, was one of the planters who attended the first public meeting, not understanding that Native affairs were to be interfered with, and thinking that it was a meeting for the legitimate bringing of matters affecting planters and other commercial interests, for the advancing of Samoa generally, before the Minister at his arrival. You will remember that Mr. Cobcroft's evidence was that after the first meeting, finding that the Natives were going to be brought into the matter, and finding that Native affairs were going to be discussed, he took strong exception to such, and intimated at the first meeting of the committee that he and Mr. Meyer were going to have nothing to do with it; and Mr. Nelson's reply, as well as the reply of Mr. Williams, is significant: “They” (the Government) “were the first people to bring the Natives into the political arena, when they used them as a lever to bring in prohibition. We have as much right to use them as they have.” This evidence was supported by Mr. Meyer, who was the following witness. This, coupled with the conversation between Mr. Williams and Mr. Brewster, added to the fact of what happened at the actual meeting, leaves, I suggest, but only one conclusion, and that is that the Natives were being made a catspaw for the purpose of giving strength to the agitation being brought forward by the European committee. If it need any further proof, I might call the attention of the Commission to this: we know now that the advertisement for the first public meeting was put not only in the newspaper, but was advertised in Samoan at Mr. Meredith's picture-theatre. That is in the evidence of Mr. Meredith at page 78. He informed the Commission that the majority of his patrons at the theatre in question are Samoans, and it is futile to suggest that that advertisement was put in for any other reason than to attract the Samoans, as it would be perfectly useless to put such an advertisement on the picture-screen as an inducement to the whites to come by putting it in Samoan. We have a further example of the determination of Mr. Nelson and the others associated with him to keep the Samoans embroiled in this agitation, because in the second meeting, doubtless you will remember, the Administrator—having been approached by various of the chiefs, as he has stated in his evidence, to have this agitation of the Natives terminated, and he himself seeing the danger of the joining-up of Europeans and Samoans in matters of this kind—sent a letter down to that meeting, which letter Mr. McCarthy read. This letter was, I suggest, a very correct summing-up of the position and a very proper request to make to the Europeans. In that letter the Administrator stated that he had not the slightest intention to gag criticism, but he asked the Europeans not to join with the Natives in a discussion on Native affairs, because it was, and is, well known to every one that such would naturally lead to trouble. Just how true his view was is indicated by the position of unrest in Samoa at the present time. Regarding the letter to which I have just referred, a consideration of Mr. Nelson's speech to that meeting will indicate clearly that he had no intention of allowing the meeting to comply with the Administrator's request. It is known that Mr. Nelson is, in Samoa, and particularly with the Natives, a man of great influence. He has himself admitted that that is so, and it is also a matter of common knowledge. Whatever Mr. Nelson said at that meeting would have been agreed to, and it was in Mr. Nelson's hands at that time to have either acceded to the request or refused to have acceded to it. A perusal of his speech clearly indicates that he did not take the opportunity to stop the matter at that stage, but deliberately allowed the meeting to go on. We have, further, the subsequent acts of the European committee as an indication of the fixed

determination to act with the Natives, or, rather, through the Natives. We have it in evidence that after these meetings the Mau *fonos* were repeatedly addressed by the European members. This is admitted in the evidence of Mr. Gurr on page 186, Mr. Williams on page 73, and Mr. Westbrook on page 83; and the result of that evidence is that these three gentlemen and Mr. Nelson spoke repeatedly to the Mau *fonos*. Mr. Nelson himself took an active part in forwarding the Native petition, which was signed in March, 1927, and in Mr. Nelson's evidence (page 219) he states that the Native petition "had been submitted to the full meeting of the Citizens Committee, and we read it through, approved of it, and after making some erasions (I thought there was some reference to things which happened long ago which we thought should be cut out) the petition was then typed, read out to the Natives by myself at the request of the Citizens Committee, and signed." So that right up till March the Citizens Committee was fathering the agitation and the petitions of the Mau. Mr. Meredith, on page 82, states that the Citizens Committee is still associated with the Mau movement. Alipia (page 98) states that Mau *fonos* were held at Lepea and Tuaeфу—that is, Mr. Nelson's residence—and that Mr. Nelson was the chairman at these meetings, and that Messrs. Williams, Smyth, and Gurr spoke at these meetings and told them that the Mau was good. These are just a few references; there are others showing these gentlemen were present at these Mau *fonos*, but I quote just a few. Further references of their active fostering of the Native agitation is indicated by the fact that Mr. Smyth acted as the first treasurer of their funds. That is indicated by Mr. Williams on page 72. Mr. Meredith on page 81 states that since July he has acted as their treasurer—from July up to the present date—and it would appear as if those funds will assume considerable proportions, because in the evidence of Fiu Tuipala, on page 214, the levy being made is 10s. per *matai* and 5s. per *taulealea*. Mr. Nelson's traders clearly were being used in the disseminating of literature and propaganda and the collecting of money. This is admitted in the evidence of Kruse on page 88, wherein he stated that he was collecting on the instructions from Messrs. Nelson and Co., that he was distributing Mau literature, and that the Mau people were carried at half rates on Mr. Nelson's boats. Also, in the evidence of Timu (pages 309-10) is given the details of the operations of Mr. Allen, one of Nelson and Co.'s traders, where he (Timu) says: "Mr. Allen made a speech and said, 'Now that we have finished our discussion with respect to the other matter, I will now talk to you about this, and I will now tell you that there is a Mau organized or established by Mr. Nelson and a committee. I have some papers in connection with this movement. If any one wishes to join the Mau they can do so, and I will send the newspapers from Safune to this store. There is nothing against the law—in other words, there will be no violation of the law in this movement.'" He then proceeded to get signatures of those wishing to join the Mau. Then, we have other active operations proved and admitted. I would like to call the Commissions' attention to one particularly—that is, the circulars that were sent to Savai'i for distribution by Faumuina and Matau, which circulars purported to be an outline of what happened at the political meetings, but which contained expressions (I have not the copy with me, but it is before the Commission) referring to the cruel and oppressive laws on the Samoans, and also referring to oppression and tyranny—expressions which have been admitted by Mr. Williams on page 73 to have been much too strong language to use, and also admitted by Mr. Meredith on page 81 that it would be improper to address such words to the Samoans. Those circulars were prepared by Lago Lago and revised by Mr. Nelson: that is contained in Lago Lago's evidence at page 153 and admitted by Mr. Nelson at page 238, when he said that he takes full responsibility for those circulars. We have two other factors to which I think I should refer the Commission as indicating Mr. Nelson's determination to let the matter go on. Your Honours will remember that in the Native petition great objection was made respecting Toelupe's speech in reference to the emblems of sovereignty. That petition was approved by the European committee—it is admitted—and read over to the Samoans by Mr. Nelson. It is thus impossible for them to say that they were not aware of that ground of the petition; and I do suggest this: that it is also impossible for Mr. Nelson and the other members of that committee to say otherwise than that ground of complaint is perfect rubbish. They, as educated Samoans, all know that the presentation through Toelupe was an act of courtesy, and that the Samoans, in coming to the conclusion that it was anything else, were simply hopelessly wrong and talking what was merely nonsense. If these gentlemen had any regard for their own responsibility to the Natives it was their plain duty then and there to point that out to the Samoans and explain the position to them. They not only allowed these misguided people to remain in a state of ignorance, but they actually encouraged them in it. They allowed the Natives to consider they were in danger of having surrendered their country to New Zealand, and they make this a second ground of complaint in their petition. There is one other matter to which I wish to refer, and that is the question of a statement in the *Samoa Guardian* referring to Mr. Nelson's return with a certain *kava* title. It is not suggested that Mr. Nelson was responsible for that in any way—he was absent from Samoa. Mr. Gurr was asked the question about this matter, and he takes the full responsibility for everything that is issued in the *Samoa Guardian*. The whole point of that publication is what impression it would convey to the mind of Samoan readers; and we have the evidence of Toelupe—and it is not contradicted—and of the various other highly responsible Samoans of various ages and wisdom, and they have all given the same answer—namely, that any Samoan reading that issue of the *Guardian* and seeing the combination in that article of the two *kava* titles—one the *kava* title of the Administrator and the other the *kava* title of the Resident Commissioner of Savai'i—could take only one meaning from it, and that was that the Governor had fallen and was to be replaced by Mr. Nelson. Mr. Gurr has been in the islands all his life, and he claims to know the Samoans; he knows their ideas, their customs, and their language, and would be fully aware of the effect of such a publication on the Native readers amongst whom this paper is circulated. I would now refer to those acts which I may term to be the subsequent acts of the European members of the committee, showing that, having launched the Committee with the intention of using the Natives, at no stage did they intend to let the Natives out,

and accordingly must take full responsibility for anything that has happened as a result of their operations. The question was asked them by me as to whether they had taken any steps recently to undo what they had done, and the reply I received from Mr. Nelson was that he had had no time, and he admits at page 239 that he had taken no steps. Now, sir, I will pass on to the next point which I wish to place before the Commission, and it is that all these gentlemen knew perfectly well what they were doing. This is admitted by all of them. If you refer to Mr. Nelson's evidence at page 228 it will be seen that he admits the Samoans to be suspicious. He admitted that once their suspicions were aroused such suspicions were not easily allayed. On the same pages he says that he knew the whole facts of the Lauti incident—what gave rise to it and what was the result of it—and that the trouble in that case was an intimation to the Natives that certain details of finance had been concealed from them by the German Government. The European members all candidly admit that they knew that it was dangerous to stir up unrest in the Natives. Mr. Williams, on page 71, and Mr. Nelson, on page 230, says this, and this, I think, is of some importance:—

“ You knew that they would take what you said and accept what you told them as being true did you not?—Only after they had examined us and found it to be worthy of their confidence.

“ Had they not examined you before and found you worthy of their confidence?—Yes.

“ So that when you put forward those reports you had their confidence?—Yes.

“ And you knew that they would rely on you?—Yes.”

And, of course, this feeling of confidence of the Natives in the European members was definitely expressed in the last paragraph of the Native petition, which says, “ We wish to express our full confidence in all the work of the Citizens Committee of Samoans and Europeans, especially the reports which they handed to the Administrator by the wish of the Minister.” It is therefore perfectly clear that Mr. Nelson and the others knew that the Natives would rely on them and believe in them, and that the Natives had at various times assured them that they did believe and had confidence in them. Now let me briefly examine the personnel of the committee. We have Mr. Nelson. He is the chairman, and he is a man admittedly of large business affairs, of experience and knowledge of financial matters, and also well aware of the customs and viewpoint of the Natives. It is not upon him to suggest that any errors that were made were made as the result of a lack of knowledge or of experience. Mr. Gurr is a man claiming to be an accountant, presumably with a knowledge of figures. He has been living amongst the Natives all his life; he has been concerned in Native troubles before, and, as was admitted on page 185, was mixed up in the one day's war, being counsel for Malietoa. Mr. Westbrook, another man who has lived amongst Natives all his life; Mr. Smyth, an experienced business man, who apparently has been in business here and been sufficiently successful to retire; and Mr. Williams, another business man in Samoa. Furthermore, three of these gentlemen are members of the Legislative Council, with all the avenues open to them to get accurate information as to any facts which they thought it their duty to place before the Natives. I would also like to point out that there is one fact which is significant, and it is there are two previous occasions on which there have been petitions and applications to move the existing government to another form of government—namely, the petition to Germany in 1910 and the petition of 1921. We find on the first occasion that the petition was signed by Mr. Nelson and Mr. Westbrook—the other men who signed that petition are either dead or have left Samoa—who are active parties in the present petition; and in the second petition, of 1921, it is clear from the evidence of Aiono (page 291) and Fonoti (page 280) that Mr. Nelson supplied the stiffening behind that petition, in telling them at interviews with them to be of great heart and not to give way, but to go on with the petition. In the present situation, the third trouble, Mr. Nelson is the chairman of the European committee, and the man who has taken the responsibility practically of advising the Natives and of seeing that their Native petition—signed in March, 1927—went through. A consideration of the personnel of the committee does not allow them to claim that they are uneducated or ignorant of Natives, or permit the excuse that they did not know the responsibility which they were taking and did not know the probable results of what they did. In such circumstances they had placed on them the gravest responsibility of taking care that everything they put before the Natives, even if they went to the length—which I suggest they should not have done—of interfering with the Natives, was accurate, and this particularly so as they had at their disposal every facility for being accurate. I do not propose to go into details of the reports that were issued, because they have been fully dealt with in cross-examination, and I think I am right in saying that it falls to the lot of few witnesses to be forced to admit such a mass of errors made as did Mr. Gurr; but it has been admitted by Mr. Gurr and others that the Finance Report was framed deliberately to show the Samoan Administration in an unfavourable light as compared with Fiji and Tonga in regard to expenditure, and one would have hardly expected such a total disregard for care in the preparation of these figures. Shocking as this was, one of the worst features of the report is that on page 18, A.—4B, in reference to the £100,000 loan. The gravaman of that allegation, of course, is that it was virtually a charge of fraud on the part of the New Zealand Government—a charge which is and must be absolutely false, to the knowledge of every man who put his name to that report. It is impossible for men like Mr. Smyth and Mr. Nelson to talk about the mortgagee taking as security his own property and not the property of the mortgagor. That is so obvious that it is impossible to see how business men dare take the responsibility of letting a thing like that go out. If they were so hopelessly ignorant as to that position, Messrs. Nelson, Williams, and Westbrook, as Legislative Councillors, must have known the position. The liability for the payment of loans is set out in their own Act. If they had any respect for themselves in looking after their own duties they would have walked to the Administration offices, where they probably call every day, and asked about the position; but, instead of doing that, they allowed this statement to go forward to the Natives. In the evidence of Faumuina it will be seen that Mr. Nelson translated at the meeting these reports to the Natives, and he said at page 159 that what was troubling him was

the £100,000 loan. Other matters in reference to that report that were allowed to go forward as the considered report of business men are equally discreditable to their accuracy and their sense of responsibility. Practically every figure of comparison which has been quoted between Samoa, Fiji, and Tonga is incorrect. An opportunity was taken of getting the Fiji and Tongan figures verified by the respective Treasurers, which put the matter beyond all question. The only observation I wish to make is that, with the whole of the information that was available to these gentlemen in the Fiji and Tongan reports and blue-books, there is not the slightest excuse for any one of these errors being made, and the slightest care and ability on the part of any of them would have prevented their having ever been made. It is difficult to understand the errors in that report. They are so hopelessly wrong that one would think that there could be but three possible explanations for such reports ever going forward—firstly, that they were intended wilfully to mislead; secondly, that, knowing the results, they were criminally careless in sending them out; or, thirdly, that the men who compiled them were so devoid of intelligence as to be unable to do the simplest thing correctly. The last, I may say, appears to me not to be open to these particular gentlemen. Now, taking into consideration their business experience, it is important to note what is the reply of the European committee and the explanation offered when they are faced with the position as to what they have done and said. It is indeed pitiable to think that men claiming to be responsible citizens, speaking for certain portions of the inhabitants of Samoa, should be placed in the position of having to admit what they have admitted. Mr. Gurr, who takes the primary responsibility, admits now that all the figures and facts were wrong and that he did not check them, and does not even know how he made the mistakes. Mr. Smyth, a business man, and who was the joint author of this report, has come all the way from New Zealand to give evidence, and the only evidence he could give was that this report which he signed and fathered was not checked by him and he did not know anything about it. He admitted that he allowed these reports to go forward to these simple-minded Natives regardless of the effects and without taking the trouble to see that the figures above his signature were either right or wrong. It would not seem as if Mr. Smyth had the slightest knowledge of business or business affairs, as the merest glance through the reports would have put him on his guard even if he did not take the proper steps to check them through before signing them. Mr. Nelson, the man of larger affairs, said that he did not read them and had had no time to check them, but presumed that they were right. It appears that the reference to the public works struck him, but even that he did not take any steps to verify. His knowledge, as a Legislative Councillor, of the finances of this country seems to have been sadly lacking when his attention was called to public matters and the £100,000 mentioned in this report. Busy as he is, and busy as he has been, giving interviews to the press and inflammatory accounts of what has happened in Samoa, he could find time for all that—time for trips to New Zealand and for continuing this agitation—but he has never had one half-hour to find out the accuracy of what was above his signature, nor to verify his premises at the outset, or to see whether or not it was the truth he has been telling the world and Samoa: he has not had time to spend one half-hour for this. There could have been no justification, even if it was only at the first meeting in October, that certain matters might have been overlooked and the strictest care not taken. The matter is far worse than that. These reports have been brought forward time after time. It was stated when the Minister was interviewed in June, 1927, that "the representations of the Citizens Committee, as contained in the reports before you, have been prepared by the wish of the people of Samoa; they were approved by them; they were submitted to the Administrator last December with their knowledge and consent, and they are now handed to you on their behalf." This will be found at page 25, A.—4B; and at page 26 of the same paper Mr. Nelson says, "The people have passed through a very trying time since the committee's reports were prepared. It has been a terrible ordeal; but the reports remain as they stand, and they are now submitted to you in their original form, just as they were handed to the Administrator last December. They emanate from the very hearts of the people, and were only put into legible form by the Citizens Committee whom they elected for the purpose." The Natives were allowed to sign their petition, in the last paragraph of which they stated that they had full confidence in the reports of the committee. The whole of that time that these reports, shrieking with falsehoods and inaccuracies, have been in the possession of these gentlemen not one of them has had either the interest or the sense of responsibility to see if they were true. So much for the Financial Report. With regard to the Medical Department Report, I wish to make some comment on it. That report is grossly unfair to the officers of the medical administration; but that, however, is a personal matter, and is not, I suggest, anything like so serious as the other phases which may arise from that report: I refer to the humanitarian side. It is obvious that no medical service can operate in a Native community unless that service has the co-operation and confidence of the Natives, and no report could have been framed in any words so calculated to shatter that confidence as was this Medical Report. "We," they say, "want a Medical Department that commands respect and confidence, not one which creates more or less ridicule"; and I make bold to say that if the result of that report being sent through the Natives causes the Natives to lose confidence in the medical administration, and if yaws and hookworm and other diseases should arise in this Territory, any suffering which may be caused by such lies directly at the door of the gentlemen who promulgated that report. In respect to the Medical Department there can be no argument, and there can be no justification for the comments they have made. They have all lived in this community, and the visible results of the medical administration here are around them, and, as is, I think, stated by one of the Faipule, "The skin of our children is now all clean." I understand that yaws, a loathsome disease to look at, is practically cleared in this Group, and hookworm is practically eradicated, as a result of the work that has been done; and we have the testimony of two experts, fortunately, in this instance, who hold up the medical administration of Samoa as a model to all the tropical countries in the world, and they say that New Zealand has solved the question as to whether a Native race can

be saved from decline. The medical gentlemen who are responsible for those results are the gentlemen who have been referred to as objects of contempt and ridicule by the members of the European committee—men who have no medical knowledge and who apparently must have closed their eyes to the facts; and those of them who were members of the Legislative Council declined to take any notice of the official data at their disposal. It seems difficult to understand that the report was framed in the terms it was. One is driven to the conclusion that the report is brought forward either because of personal animus against one or more of the officials, or of crass ignorance. Now, further in this report, referring to figures, there is a most misleading statement—so misleading, in fact, that one must think it deliberate—and that is in connection with the number of in-patients handled by the European nurses. A perusal of the figures there quoted leads one to the inference that the European nurses attended to only a small number of in-patients in their year's work. It is impossible to understand how such a statement could have been arrived at unless it were deliberately intended to mislead the Natives. Mr. Williams, the compiler of the report, under cross-examination, withdrew the allegations he made, and publicly apologized for making them. He further promised to put the matter right with the Natives. I trust he will do so. Now I propose to briefly touch on the question of inaccuracy in the report of the Legislative Council. That report is Mr. Nelson's. Mr. Nelson said that he relied on every one else for the other reports, but this is the one he himself prepared; but we still find it is incorrect, and Mr. Nelson, when faced with the position, admits that it is incorrect, and informed the Commission that he got his information from a newspaper, which, I understand, he now has lost; so that even where he is directly personally responsible Mr. Nelson finds himself in no better plight than the other European members of the Citizens Committee. Of course, the serious aspect of all this is the effect that such misleading, loosely made statements may have on the Native mind. We have now got some idea of the effect which they have had by the evidence that has been given by the members of the Mau, and I would like to briefly refer the Commission to one or two of them to establish that point: The evidence of Ama on page 322, where Anapu made a speech and said that their trouble was finance. Faumuina on page 159 said, "I thought the European figures were correct; that was why I endorsed them"; and in A.—4B Faumuina said (page 30), "Where is our money going to?" Those are Faumuina's own words to the Minister. On page 159, to show the effect on the Native mind by these statements which were being sent out, Faumuina says that he believes that the Government here is spending more money than is being spent in Fiji and Tonga, and that all the members of the Mau were afraid that New Zealand might take over Samoa for debt; also, on page 159, there is this important sentence: that he did not believe the Administrator when the Administrator explained about the loan to him:—

"And did you not believe what the Governor told you on that occasion?—I did not believe it on this account: because he said that New Zealand does not want any money from Samoa, and if New Zealand sees that Samoa is unable to pay it back she will remit the loan. But we are quite satisfied that there is no interest being paid on that loan to New Zealand. That is the reason why I did not believe him."

This just shows the damage which was done by information being sent out by these gentlemen in the way in which they did send it out—that when the Natives did receive an authoritative statement from the Administrator himself, giving them full information and facts, they were not then prepared to believe him. AINU'U at page 167 states he holds the same opinion as Faumuina. TOFAEONO on page 177 says the same thing. Some of the steps taken by the leaders of the Mau movement after the two political meetings are described in a statement made by Matau in an interview with the Administrator, of which a shorthand note was taken. This is before the Commission, attached to the Administrator's evidence. The Natives, it is clear, who had collected in Apia did not go home after the first two meetings, and a big committee was set up for the purpose of forwarding propaganda from Apia to the various districts; and it is equally clear that as a result of the institution of that committee and its operations, and the transmission of inflammatory literature, the Mau movement rapidly grew and disaffected the Natives in almost every part of Upolu and Savai'i. When the Natives were requested to leave Apia they declined so to do, and when given written notice by the Administrator to leave Apia and go back to their villages they refused to obey, and the result of that refusal was the issue of the present banishments, to which I propose to refer later. As the movement grew, the views of the disaffected Natives became more clearly defined, and from a state of contentment and satisfaction with the Administration there has, as a result of the committee, grown up in the minds of a large number of Natives various fancied grievances. The views of the Mau at the present time can be shown by reference to the evidence of a few witnesses. TAMASESE (page 93) was asked: "Do not the *papalagi* members of the committee guide the work of the Mau?" And he replied, "That is a fact when the two sides join together." TIALAVEA (page 115) was asked by Judge MacCormick the following question: "Whom do you look on as the head of the Mau movement in Apia?" and his reply was, "Mr. Nelson." At page 93 Tamasese says that the principal object of the Mau is self-government of Samoa by the Samoans, and the same reply is given in the case of ALIPIA at page 100 and of MOLIO'O on page 111. Indeed, Mr. Nelson (page 243) admits that he is not surprised that this should be so. At page 134 TIALAVEA VEVESE considers that the Samoans should have the right to fix their own taxes and to say how the money is to be spent. LAVEA at page 139 advocates self-government for the Samoans. TAGALOA at page 136 and TAMASEU at page 138 respectively gives the same opinion, and Tamaseu on the same page states that they would do what they liked in regard to the payment of taxes. As evidence of the operations of the Mau committee in Apia, AELUA LAUVAI at page 108 of the Native evidence states that he told the Administrator that the Mau committee in Apia issued instructions to the various districts, and TUIATUA at page 193 stated that the Mau committee had taken the place of the Government officials. Now, sir, I submit there was no unrest of any kind prior to October, 1926. This is established from the

evidence of the Administrator and the Resident Commissioner at Savai'i, speaking as a result of their observations on their respective *malagas*. This is admitted by Mr. Williams at page 71, and is supported in the evidence of Toelupe and various other Faipules. We are, therefore, now in a position to consider what is the result of the operations of this movement. We find that the direct result is that, as far as the Mau people are concerned, the Government has practically ceased to function, and Government officials are openly defied. Practically the country is on the brink of revolution. The *pulefa'atoagas'* directions are openly disobeyed. This evidence is given in regard to Upolu by Saipaia at page 261 Leta'a at page 263 and Palelei at page 264. Their evidence states, first, that their instructions to plant bananas and new coconuts and to clean plantations have been disobeyed, and that the plantations are becoming overgrown with weeds and no proper fruit-supplies for the future are being planted. They have been told that their instructions are not being carried out because of instructions received from the Mau committee at Apia. Similar evidence has been given in respect to plantations by the District Inspectors—that is, the European Inspectors. In the first place, this was given by Mr. Brodie at page 312 in respect to Savai'i, and also by Mr. Stehlin at page 310 and the succeeding pages. Their evidence is to the same effect—namely, that all instructions have been defied by the Mau people, with the result that the plantations are seriously going back, and this disobedience will entail in the future severe losses to the district. Mr. Connor gave similar evidence on pages 328/9 regarding the conditions operating at Aleipata. He also points out that there is another serious factor—namely, that, as a consequence of the neglect to carry out instructions to plant bananas, when the new ship which has been built for the purposes of the banana-export trade arrives there will not be sufficient fruit forthcoming to give her a cargo. The same position of defiance has arisen with regard to the *pulemi'us*. The evidence of certain *pulemi'us* was called as representing the whole class of *pulemi'us*, and their evidence was to the effect that the Mau Natives were refusing to search for beetles, refusing to pay taxes, and stating that this was on account of instructions received from the Mau committee in Apia. The evidence of the *pulemi'us* called was to the effect that the organization was in opposition to the Government generally. Similar evidence was given by the *pulemi'us* in Savai'i, and their evidence is exactly on the same lines as that of the Upolu *pulemi'us*. Similarly, the District Councils are rendered, to a great extent, inoperative because the Mau members are declining to attend the District Councils for the discussion of those matters which should be referred to the District Councils from the District Committees and later forwarded for further discussion by the Fono of Faipule. It is obvious that if this condition of affairs be allowed to continue, and the District Councils do not function, then the whole political system whereby the Fono of Faipules is given the opportunity of finally discussing matters affecting the Samoans will become inoperative. The evidence of members of the District Councils is given by Pune at page 259, Seinafo at page 260, Puliau S. at page 260, and Inu at page 261. The evidence of these four men was corroborated by thirty-one members of their respective District Councils. The *malagas* of the Resident Commissioner in Savai'i, Captain Bell, are at the present time ineffective; *vide* his evidence at page 314, where he states that *malagas* cannot be carried out, as they are useless. Sir George Richardson has said the same thing, and both agree that one of the most important functions that the Administrator and the Resident Commissioner at Savai'i have to perform are the periodical *malagas*, which give them the opportunity of keeping in personal touch with the Natives, discussing in their villages matters of direct interest to the Natives, and giving opportunity for the ventilation of any complaint and grievance which they have, and thus generally acquiring all the necessary information for effectively carrying on the Administration. The *malagas*, as I said previously, are useless because the Mau people have been forbidden by the committee to attend. Further evidence of the effect of the Mau in crippling the functioning of the Government is given in the evidence of various Faipules. For instance, Mata'afa, at page 277, says, "The Mau people will not pay taxes, gun license, and dog-tax; will not search for beetles, neglect plantations, and the condition of the district is awful." Fonoti at page 281 says, "I am very sorry for them because they do not, or did not, attend the last District Councils. They have opposed the Fono at the Village Councils and they do not wish to obey one thing, and they did not attend the *malaga* of His Excellency when he went round." Toelupe at page 284 says that there is difficulty of carrying out the duties of a Faipule since the Mau started. He also refers to the failure to search for beetles, and states that they have appointed their own *pulemi'us*; that the coconut-trees are badly damaged as a result of the failure to search for beetles; that no complaints are brought before the District Councils; that no respect is shown to the Administrator on his *malagas*; that the plantations of the Mau people are not attended to or looked after, and that all work is stopped. Logo at page 293 was asked the following question: "Do they obey your instructions and the instructions of the Government officials?" and his answer was that they had rejected the laws. At page 293 Seiuli says, "The Mau people are refusing to obey my *pulemi'us* the same as other *pulemi'us* are disobeyed." On the same page he was asked, "Are they treating you with the disrespect personally?" and his reply was, "They respect me according to the Samoan custom, but official instructions they do not obey." He was further asked, "Do you have any trouble with visiting Mau people in your district?" and his reply was, "Yes, trouble happens." He was also asked, "Do they make noisy displays in your village?" and he answered, "Yes, they discharge firearms."

*The Chairman*: The witness also said, Mr. Meredith, that there had only been one occasion on which firearms had been discharged.

*Mr. Meredith*: Yes, sir. Salanoa on page 294 said that the Mau people refused to obey the *pulemi'us* and refused to obey official instructions. Tainau on page 294 said that the Mau people refused to obey all Government orders. At page 296 of the evidence Leilua Siavi'i said, "Did not notice unrest until October, 1926"; and the same witness in the course of his evidence said, "Plantations neglected, beetles increased, births and deaths not reported, refuse to accept

summons, refuse to pay fines, benefits being wiped out since Mau started." He also said at page 298, "Mau people neglected their plantations in a very bad way." Tapusoa at page 303 and Sua Latu at page 305 gave evidence to the same effect. I do not propose to quote any further witnesses in connection with this phase of the matter, because it is sufficiently established in the evidence that has been given that at the present time a certain section of the Samoan community is defying the law and the country is practically on the verge of revolution.

Banishments: I wish now to refer to the system of punishment which has been followed, concerning which questions have been raised. These punishments have been loosely referred to as "banishments," a most misleading term, as the majority of the orders were merely instructions to an individual to return home to his own village and remain there. In respect of a few orders only the individual was ordered to remove from his own village to another village where he had friends or relatives. I also wish to call attention to what was known as the old *fa'a-Samoa* practice amongst the Samoans in regard to banishments. In that connection I respectfully direct your attention to a book written by the Rev. Mr. Stair on old Samoan customs, which I submit would be accepted as an authoritative work on this particular subject. At page 70 on his book, "Old Samoa," the following occurs:—

The *tulafale* were a very powerful and influential class, the real authority and control of districts being frequently centred in them. They were the principal advisers of the chiefs. The orators were usually selected from their number. The *fo*, or titles of districts, were always in their gift, and they had the power, which at times they did not scrupulously use, of opposing and banishing an obnoxious chief.

*Mr. Slipper*: May I ask whether this is relevant, because the question of banishment does not go back to 1892.

*The Chairman*: You have constantly asked the question about it.

*Mr. Slipper*: Yes, sir, because my friend brought it up.

*The Chairman*: It is relevant now. You cannot object to it, and you should have objected to it earlier.

*Mr. Meredith*: On page 91 of the Rev. John Stair's book, "Old Samoa," it is outlined what the form of banishment was, and I quote the following:—

In the judicial proceedings of the *fono*, the punishments may be classed under two heads, *O le Sala*, and *O le Tuu*, the former consisting of the destruction of houses, live-stock, and plantations, with, at times, the seizure of personal property and banishment; the latter consisting of personal punishment. The severe punishment of *O le Sala* was usually inflicted by the whole available force of the district awarding it. Sometimes it was tamely submitted to, but at other times resistance was offered, if the culprits felt themselves strong enough to do so, when desperate encounters followed; and these at times gave rise to general wars. The *Sala* was also at times inflicted by one family upon another, if the aggrieved party was strong enough. This, although irregular, was connived at by the leading members of the community; but if the punishment was considered excessive they would then interfere. One great evil attending this mode of punishment was that at times the whole family, or even district, suffered for the offence of one of its members; so that not only did all suffer from the loss of property, but when, as was sometimes the case, banishment, *fa'ateva*, was added to destruction of property and dwellings many suffered from the punishment.

The *fa'a-Samoa* banishment not only included the driving-out of the village of the particular person banished and his family, but the destruction of his property and everything he had. He was practically sent out into the world to find a new home for himself and his family. This matter is dealt with historically in the evidence of Mr. Lewis, and therefore I do not propose to traverse that at length, except to call the attention of the Commission to the fact that the last king, Malietoa, in his laws of 1892 recognized this form of punishment. At page 2 of Mr. Lewis's evidence on banishments the following section is set out:—

If the King is aware of any Samoan being disobedient to the Government, or doing anything by which the peace and good order of the country is compromised, it is left to the discretion of the King to order him from his place to some other place in Samoa, and to determine one or several places with which he may have intercourse and boundaries which he shall not transgress; also the number of years his banishment shall last, not exceeding ten years.

The particular form of punishment complained of at the present time was incorporated by Malietoa in his laws of 1892, and from that time on a modified form of banishment has been perpetuated in Samoa. It is a method of punishment long known to and understood by them. As the matter is dealt with at length by Mr. Lewis, I do not propose to trace its history. I understand that a suggestion has been made that there has been harsh treatment of certain particular Natives. Mr. Allen has analysed the various banishments which have taken place since the present Ordinance came into force, in 1922, during the term of office of the present Administrator's predecessor. The result shows that since the making of the Ordinance there have been 112 orders made against 103 people: of these, 53 were made under ordinary normal conditions, and have no reference to this political trouble, and of that 53, 20 arose out of domestic troubles (that is, quarrels amongst the members of a family), 25 for village and district troubles, and 8 following on criminal offences. Dealing now with the complainants, we find there were 14 complaints lodged by members of the family, 26 by the Village and District Councils, and 13 by the Crown, making a total of 53. In a further analysis showing the form of inquiry, we find there were 26 cases inquired into before Boards of Inquiry, 16 before the Secretary for Native Affairs or Native Court, 6 before the Resident Commissioner, 2 before the High Court, and 3 before the Administrator—making the same total of 53.

*The Chairman*: What do you mean by "Native Court"?

*Mr. Meredith*: The Native Court, I understand, sir, is a branch of the High Court presided over by the Secretary for Native Affairs.

*Mr. Baxter*: If I may just mention the position, sir, the Secretary for Native Affairs is a Commissioner of the High Court, and, as such, sits as a Commission.

*The Chairman* : Yes, thank you, Mr. Baxer.t

*Mr. Meredith* (continuing) : Now, the actual orders issued in these 53 cases, sir, are as follows : Titles only were removed in 9 cases, deprivation of title together with banishment in 22 cases, banishment only in 21 cases, 1 case of mere restriction to keep off a certain area. A further analysis showing the years over which these 53 orders were spread shows us that in 1922 there were 3 orders issued, in 1923 there were 7 ; in 1924 there were 16, and in 1925 there were 20, in 1926 there were 6, and in 1927 there was but 1. Of these there are current at the present time 9. On the second class of orders issued, and which are referable to this political agitation, 59 orders have been made against 50 individuals, and it is noticeable that of these 50 individuals 42 of them merely received orders to leave Apia and return to their own villages, and in only 8 cases has there been an order to move from their own village to another village. Of these 59 orders 19 are current at the present time. In these cases no Board of inquiry was set up. You will remember that the Administrator stated that he took the responsibility of dealing with those matters personally owing to the unfortunate position the Faipules would be placed in if the matter had to go through them. Now, of those 50 individuals, 8 appeared before the Administrator ; 39 were issued with notices to appear, but did not appear ; and there were 3 cases where it was doubtful whether they received notices or not.

*The Chairman* : What were those three cases : were they cases of the individuals being ordered to leave Apia, or what were they ?

*Mr. Meredith* : They were orders to leave Apia.

*The Chairman* : It means the records are deficient ?

*Mr. Meredith* : Yes.

*The Chairman* : How many of these orders were enforced ? I understood only one or two were enforced.

*Mr. Meredith* : It would be better if I were to have them extracted, sir.

*Judge MacCormick* : It is rather material to know how many of these forty-six persons who were subjected to these orders were penalized, or how many of them had the orders enforced against them ?

*Mr. Meredith* : You mean by action of some kind.

*Judge MacCormick* : Yes. We have had no evidence from the Administrator that action was taken, and it is common ground that the bulk of the notices were not given effect to, and that notices only were issued and no action was taken. What we are desirous of ascertaining is how many of these notices were enforced ?

*Mr. Meredith* : I will have particulars taken from the police records and supplied to the Commission ; but I am unable to give you the necessary answer at the present time by reason of the fact that I have not that data in my possession. The observation I wish to make in regard to that is that some suggestion has been made that the making of these orders was an arbitrary or an improper use of the powers of the Administrator. My reply to that is this, and I suggest it is a sufficient one : At the time these orders were made Samoa was rapidly drifting to a state of revolution. The Mau committee had been set up in Apia ; its operations were well known—that it was sending seditious propaganda throughout Samoa, inciting disobedience to officials in the different parts of the islands. To have allowed this state of affairs to continue would have meant the stoppage of functioning of the whole governmental machinery in Samoa. It was clearly a time of crisis. All information was in the knowledge of the Administrator. He had the results of his own personal observations while on *malaga*. He had daily reports from his responsible officials—the Resident Commissioner of Savai'i, the Inspector of Police, and the Secretary for Native Affairs—as to what was taking place in Apia and the outlying districts, and who were the individuals actively controlling the movement. He had also the advantage of information which he received from various loyal Natives. All these factors enabled him to be thoroughly seized of the position, and of putting himself in the position of being satisfied as to whether it was in the interests of peace, order, and good government of Samoa that any orders should be issued under the Ordinance. He could see the advancement that had been made by the Samoans as a result of the reforms of the past few years being swept aside. He saw the Samoans split into two sharply divided factions. Up to that time there had been no actual breach of the peace and no outbreak against order, but there was nothing to say and nothing to show that at any moment that state of affairs might not cease to exist, and violence, even bloodshed, and other forms of serious trouble be the consequence. Such trouble was inevitable if some steps were not immediately taken to uphold constitutional authority. The obvious thing to do was to dissipate the Mau committee, the members of which had been idling in Apia for seven months, doing nothing but live on the hospitality of their friends and spread disaffection through the Native population. This was the position with which the Administrator was faced when he took steps the which he did. Under the Ordinance the Administrator is required to be satisfied before making the order that it is in the interests of peace, order, and good government. I submit to the Commission that it would be difficult to suggest any set of circumstances when it was more necessary in the interests of peace, order, and good government that these men should be removed from Apia. We have, as you are aware, the Administrator's own statement as to what knowledge he had and what steps he took to satisfy himself as to the responsibility of the men before the orders were issued, and the legality of his actions cannot be questioned. As to the suggestion of harshness, to show how ridiculous such a suggestion is might we not consider what was actually done. Taking into comparison the practice of the old Samoan days as to banishments and what was done by the German Administration in the case of the Lauti incident, it must be recognized that these men were treated with the greatest leniency. It is not disputed they had been in Apia for seven months and had been actively engaged in fomenting strife and dissension, and the only thing they suffered was to have an order made ordering them to return to their own village and remain there. That, may it please your Honours, was the only form of punishment that in the majority of cases was meted out to Samoans taking active steps to bring a country to the verge of

revolution. It is true that eight were removed to other villages ; but there were special circumstances in each of those circumstances requiring severer punishment. The fact of sending the Natives concerned back to their own villages removed them from a centre of unrest in Apia. They were told that if they had any complaint to make they would have the opportunity of making those complaints to the Administrator personally on his *malaga*. So they have not even a grievance that they were being prevented from making such complaints, if they had any. The object of ordering these men back to their villages was twofold—first, to prevent them from making further trouble ; second, to force them to return to their own work and take care of their own plantations and villages, which were being sadly neglected. It was obvious that if the unrest amongst the Natives continued there would be a complete stoppage of work, which would set back the progress of the island for many years.

*The Chairman* : Did not these men sign a defiant letter to the Administrator ?

*Mr. Meredith* : Yes.

*The Chairman* : Have you found out how many of them were included in this defiant letter ?

*Mr. Meredith* : I take it you are referring to the letter of the 20th June ?

*The Chairman* : Yes ; I have copies here.

*Mr. Meredith* : Prior to the issue of the main batch of what we may term political banishments the position was that there was this committee in Apia. A letter was sent to a large number of them advising them to go home, and that the Administrator would see them in connection with their complaints on his *malaga*. A further letter was written by these men on the 25th June, indicating that they would not go home ; and a further letter was written by eighteen of them on the 5th July, stating definitely that they had no intention of going home—that they were members of the Mau Committee and that they intended to remain in Apia. I may say that fourteen of them had already had an order issued against them before they wrote the letter referred to. The position was that seventy or eighty of them had written their intention of not leaving Apia, and definite orders for removal were made against those who were reported to be the recognized leaders of the trouble. Orders had been made against them to go home, but these orders were not obeyed, and fourteen of the eighteen signatories to the later letter were men who had previously been ordered to go home and had refused to obey the order. That was the position with respect to that matter. To have accepted the attitude adopted by these particular Natives would have been tantamount to admitting that the control by the Administrator had ceased. Before passing from this subject I would like to call the attention of the Commission to the fact that many of the Samoans who are now objecting to banishment orders themselves support the principle when it comes to a question that they themselves require someone to be banished. I refer you to the evidence of Ale Lui at page 87, where he admits that he asked for the banishment of two boys ; and he made a reply to me that the banishment in that case was not wrong, because the two boys concerned were “up against him.” Similarly, Tamasese agreed, when that portion of Ale Lui’s evidence was read to him with respect to the banishment of these boys, that under the same circumstances he would have asked for them to be banished. May I also point out that Tialavea at page 114 admits that it is Samoan custom to send away a man if he causes trouble. Faumuina at page 160 admits that it is the proper procedure to send a man away if he causes a disturbance in the village, and at page 160 admits that he had asked for a man to be banished, which man was so banished. In the evidence of the Administrator there is a statement that Faumuina was the head of a deputation of other chiefs that waited on the Administrator and expressed their approval of the banishment of Tamasese.

Copra : Passing from the question of banishments to some of the other matters that have been raised, I propose to deal but briefly with them. In regard to the question of copra, it is clear that in Samoa the merchants by arrangement amongst themselves fix the price to be paid to the Natives, and only one price is paid, irrespective of quality. This is clear from the evidence of Mr. Brady (pages 15-21), Mr. Dowling (page 23), and Mr. Voight (page 26). It is admitted by Mr. Dowling at page 23 that the Natives have to accept the price offered to them by the traders. The evidence of Colonel Hutchen shows the steps taken to persuade the Natives to improve the quality of the copra they were producing. It is obvious that if Samoan copra could obtain a higher reputation in the world’s markets it would command a higher price and more money would be received by the Samoans for their copra. As a result of the efforts of the Administrator an improvement had been made to a certain extent in the copra produced ; but the Natives were complaining that they were receiving no material benefit as a result of this by reason of the fact that only one price was being paid for copra, whatever the grade, and that the price was fixed by the traders. As a result of these various requests, put through the Fono of Faipules, copies of which are attached to the evidence of Colonel Hutchen, the machinery of the Reparation Estates was placed at the disposal of the Natives for the marketing of their copra. As there is no loss in any case attaching to the Samoan Administration, it would seem that there can be no possible complaint in any event by anybody if the New Zealand Government cares to place its machinery at the disposal of the Natives. It is admitted by Mr. Dowling that the Natives had no machinery of their own at their disposal to get rid of their produce. It was suggested that the amount advanced by the Administration was too high. It is difficult to see what that has to do with the private traders. Fortunately, a perusal of Colonel Hutchen’s evidence will show that the last account sales with respect to the sale of a consignment of copra which was sent to London are satisfactory, and that there will be an appreciable bonus accruing to the Natives on top of the amount already advanced. In any case, the matter is summed up in an answer given to me by Mr. Nelson at page 239, to the effect that if the Reparation Estates are making these advances it is nobody-else’s business.

*The Chairman* : The Reparation Estates are not making advances ; that is quite clear. It is perfectly clear that the Government takes the risk of the advances.

*Mr. Meredith* : The Samoan Administration, I understand, do not bear the loss if any loss occurs, and any loss would be stood by the New Zealand Government as owners of the New Zealand Reparation Estates, and not the Samoan Administration.

*The Chairman* : I understood it differently.

*Mr. Meredith* : That, I understand, is the position, sir. So far as the Samoan Government is concerned, in any event no loss falls on it ; but happily the preliminary experiment that has been made in this case has shown that the criticism levelled at the advances is unfounded, in that there is a sufficient margin to cover them. Further, of course, the matter is now only in an experimental stage, and if it were found that the margin of safety was not sufficient it would be merely a matter of altering the margin in future shipments. May I point out, further, to the Commission that it is not the intention or desire, as has been stated, of the Administration to interfere in the copra business, and so long as the Natives are receiving a good price from the traders as a consequence of an improvement in the quality of the copra produced, so far as the Administration is concerned it is perfectly satisfied to leave the matter to the traders. After having induced the Natives to go in for the improved methods, and after receiving complaint after complaint from the Natives that they were not getting any benefits from it, and that no facilities were put forward to get an improved price, it was compelled to step in, otherwise the efforts of the Natives to improve the copra would cease.

*Legislative Council* : So far as the Legislative Council is concerned, the suggestion put forward is impracticable and unworkable. The suggestion put forward, as I understand it, is that there should be an elected Council in which the elected members would be equal in number to the official members, with, of course, the casting-vote in the Administrator, and subject also to the proviso that in any case where the unofficial and official members were voting on opposite sides the matters should be referred to the Hon. the Minister in New Zealand. That, I submit, would be an absolute farce, and it would be impossible for any Administrator to act under such conditions, as it would render him perfectly powerless and reduce him to the merest cipher. I may say also that this course would be dangerous, particularly when it is suggested that three of the unofficial members would be Samoans, who would be easily subjected to influence, and who in most cases, especially those of finance, it would be impossible to expect would have any clear understanding of the position. The result would be that they would side with the people whose influence they happened to be under ; and if it happened to be that of the elected European members these members would be in the position of holding up all Government business, as matters of every kind would have to be referred to New Zealand for decision. This would be an impossible and ridiculous position. I do not propose to carry that matter any further, because the proposal shows the absurdity on its own face.

*Medical tax* : With respect to the suggestions made relative to the medical tax, it is clear that the statement in the reports that the Natives have always objected to this medical tax is untrue, because there has been placed before the Commission in the statement of Dr. Hunt the actual written consents from the various districts, and there is also evidence that in those cases where written consents were not put in there was verbal intimation on the succeeding *malaga* of the consent of the other districts. I suggest that this question of the medical tax is simply made a stalking-horse for complaint. There have been produced a few malcontents who gave evidence of dissatisfaction. One must, of course, expect a few malcontents in every community, but against the evidence of these few there is the definite consents in evidence of the controlling bodies of the districts. The matter has also been discussed by the Pono of Faipule at various times, and the only requests that have come in from the districts have been requests for reduction. The matter came up for discussion recently, when the personal tax and the medical tax were joined in one tax, the result being that a reduction of 4s. per head was made in the total tax previously payable under these two heads. It is obvious that certain of the Natives do not understand the position. They do not appreciate that for the purpose of having effective preventive medical services certain charges have to be made on the whole community, and it is impossible to run any such services, provide hospitals, educate the staff, and take steps to prevent the outbreak of disease without having some such form of tax. They do not understand that such a tax is chargeable in every civilized country, and it is suggested that it would be much better if the European members of the Citizens Committee had recognized these facts and explained the position to the Natives. With regard to the attack on the Faipules, I do not propose to traverse all these attacks and the answers thereto. I have had a statement prepared, which I trust is complete, wherein it sets out the complaints and the reference to the places where they have been answered, and if it would be of any assistance to the Commission with respect to any particular complaint I would be pleased to place it before you.

*The Chairman* : We would be pleased to receive it.

*Mr. Meredith* : I will have it typewritten.

*The Chairman* : We have prepared our own statement about it.

*Mr. Meredith* : It is in manuscript at the present time, but, as I say, I will have it typewritten.

*Appointment of Faipules* : Another matter which I desire to deal with is in regard to the appointment of the Faipules. This matter is dealt with in the evidence of Mr. Lewis, and it is clear from that, and also from the evidence of the Administrator, that there cannot be anything in the suggestion that the present Administrator has adopted any unusual or arbitrary method in the appointment of the Faipules. He has followed out the system that was in vogue — namely, in Colonel Tate's regime. The Administrator has in every case taken the opinion of the Secretary for Native Affairs, and he has ascertained that the appointment will be agreeable to the Ali'i and Faipule of the district, and has accordingly made the appointment ; and, furthermore, on subsequent *malaga* he has ascertained personally with respect to those appointments whether they were approved of. In the later cases of three of the Faipules he has actually obtained the signatures of the Ali'i and Faipule before making the appointment ; so that the latest procedure adopted by the Administrator is to get the consent certified to before making the appointment. He further points out, and so also does Mr. Lewis, that there may be an objection to this scheme which he has attempted to bring into operation. In the case of the latest appointment to be made this appointment has been held up for eighteen months

because the Ali'i and Faipule have not been able to come to a unanimous decision about any one man, and it would seem that they prefer the former system—namely, that the first suggestion of the appointment of the Faipule should come from the Administrator and, they subsequently confirm his suggestion. However, the general position is that the Administrator in all recent appointments has obtained the actual consent of the Ali'i and Faipule before making it, and in such a position there cannot be the slightest suggestion that the Faipule has not been chosen by the people themselves.

“Fine mats”: In regard to the question of “fine mats” the position is clearly set out in the evidence of Mr. Lewis, and it is clearly shown that there is no prohibition on the giving or selling of “fine mats,” but that the only prohibition is in respect to big *malagas* associated with the presentation of “fine mats at ceremonial functions.” The matter of prohibiting these *malagas* was on trial for three years. The three years has not yet expired. The latest resolution, passed by the Fono of Faipule in 1926, and which is published in the *Savali* in July, 1926, sets out the position exactly. The resolution reads:—

“It is the resolution of His Excellency the Administrator and the Fono of Faipule that the regulations concerning ‘fine mats’ shall be continued as commenced in 1923 until the full term of the experiment has expired. No change has been made in that regulation. *Malagas* for the exchange of ‘fine mats’ and property, and also death feasts, are prohibited; but it is permitted to use ‘fine mats’ for the following objects: (1) The building of houses; (2) the building of boats or the purchase of boats; (3) presentation to parents in a weak state or about to die; (4) disinterment and reburial (not more than two mats); (5) gift to a widow just after her husband’s death (not more than two mats); (6) for buying and selling; (8) for the payment of work done.”

The serious results of these *malagas* has been explained by Toelupe. In the Imperial white-paper to which I referred this morning there is a quotation from an address of King Malietoa wherein he prohibits the playing of cricket matches on exactly the same grounds. At page 16 of the paper in question he says: “I am of opinion that this” [the game of cricket] “should be forbidden, else nobody would think of useful work. From it results the shortness of food and the impossibility to think of ways and means to earn money for paying taxes to the Government and for paying debts to the merchants. By it the work of teaching the young generation is also obstructed.” Apparently this habit of the Samoans of making lengthy excursions, visiting neighbouring villages, to the neglect of their own necessary work, has been a matter that has exercised the minds of their rulers for a very considerable time.

Cancellation of licenses: In regard to the cancellation of licenses, presumably issued to traders, I dealt with that matter fully yesterday morning, and I do not propose to add anything further to what I said then.

Prohibition: With respect to this matter the attitude taken up by the Administration is this: it is the duty of the Administrator to carry out the terms of the mandate and the policy of the Mandatory. That policy is laid down in the Samoan Act, and he feels that he should not enter into a discussion in respect of this policy before this Commission.

Subdivision of land: The question of the subdivision of land is dealt with in the Administrator’s evidence, showing that the matter of subdivision is entirely optional with each particular village. As the decision rests in each case with themselves, it seems difficult to see any reasonable basis of complaint.

Conclusion: In conclusion, I would submit that in this inquiry the doors have been opened wide to allow every possible form of grievance to be ventilated, if any existed. The original series of complaints set up in the committee’s report were all based on either a gross misstatement of fact or a misapprehension of the true position. Many other grievances, more or less personal in character, have been brought forward here—most of them fantastic and not worthy of serious consideration. Any others having a semblance of foundation have been satisfactorily explained. In every community one must expect to find a certain percentage of the population with a grievance, and human nature is the same in Samoa as elsewhere. The surprising thing is that whenever one with a complaint against the Administration is invited to come forward nothing with any genuine foundation can be produced. On the other hand, I trust I can say with confidence that there has been brought before the Commission the very substantial advancement that has been made in Samoa under previous Administrations and continued under the present, and the appreciation of those advantages as expressed in the evidence of the leaders of the Natives themselves. To recapitulate the steps in the way of progress and reform, I could mention among others (1) the elimination of tropical diseases, yaws, and hookworm; (2) control of epidemics; (3) institution of preventive medical services, extension of hospital services, schools, and education facilities; (4) provision for water-supplies, electric-light schemes, institution of proper sanitary arrangements in villages; (5) roading schemes completed; (6) institution of system for remodelling villages; (7) improved methods of producing copra, and facilities provided for marketing of such; (8) provision of steamer to enable bananas and fruit produce to be profitably marketed; (9) institution of system enabling Samoans to discuss and bring forward any matters affecting their welfare by the chain of *fonos* from the Village Committee, through the District Councils, the Fono of Faipule, and finally either to the Legislative Council or to the Minister of External Affairs, this system providing the Samoans with preliminary education in self-government qualifying them in later years to undertake greater responsibilities in this direction. For all this there is no advantage to the Administrator personally or to the Administration. If the Samoans obtain more money for their copra, the Administrator gets none of it; if the Samoans are healthier in body, he is none the richer; if the Samoans become better educated, live in greater comfort and under more sanitary conditions, he personally does not benefit at all. He only has the satisfaction of feeling that in improving the conditions of the Samoans he is but carrying out his duties as the Administrator of the mandatory. Similarly, the New Zealand Government gains nothing

by the administration of Samoa. On the contrary, it has given of its land to the Samoans to be subdivided amongst various villages; it has handed over for the advancement of education and health in Samoa a large part of the profits derived from the New Zealand Reparation Estates. These matters are not unappreciated by the thinking men amongst the Samoans. Toelupe and others compare the conditions now with the past. Might I adopt the words of Aiono, who describes the work of the Administration as "all gold"? This being so, the question naturally arises, Who is responsible for the condition of unrest that exists in Samoa at the present time? There is no question that there is a condition of grave unrest. The Natives are divided into two factions, all necessary work has virtually ceased, governmental authority is defied by a large section of the community, plantations are rapidly going back, and, at the best, some time must elapse before conditions revert to normal. The economic loss with which Samoa is faced will be large indeed, and that is a bill that has to be paid in the future. All these unfortunate conditions spring directly from the Mau movement. It is equally certain that this movement would never have come into existence, let alone grown and spread through the islands, if the European members of the committee, for purposes of their own, had not determined to draw the Natives into their dispute. To achieve that object they sowed seeds of distrust in the fruitful soil of the naturally suspicious Native mind by means of reports so inaccurate, false, and misleading that these reports must stand as a permanent record to their discredit. Three specific questions have been referred to the Commission. In respect of No. 1 I can only repeat that no complaint has been made that has not been definitely refuted by satisfactory evidence. As to No. 2, it is difficult to ascertain from the evidence tendered in what way the Administrator or the officials have exceeded their duty in the exercise of the authority entrusted to them, or have failed to exercise their respective functions honestly and justly. The only evidence called that might be suggested to support any such allegations are—(a) That the appointment of the Faipules has been arbitrary; (b) that the issue of the banishment orders arising out of the present agitation have been without jurisdiction. As to (a), the ordinary practice has been adopted by the present Administrator in his earlier appointments, and in the later appointments the actual consent in writing of the Ali'i and Faipule have been obtained. As to (b), the Administrator only acted on full information in a time of crisis. No evidence has been called to show any act in excess of jurisdiction or not *bona fide* in the case of any other official. As to No. 3, it is submitted that it would be unsafe to abrogate in any way the powers to require a Samoan to remove for a definite period from one place in the islands to another. It is essential that the trouble-makers must be removed from the scene of his operations. The procedure known as banishment is one known to the Samoans and is in accordance with their ancient customs, and could only be abolished if some severe form of punishment by way of imprisonment be substituted therefor.

*Mr. F. D. Baxter:* May it please your Honours, it will not be necessary for me to review at length the whole of the evidence that came before this Commission, nor to refer to every matter or complaint which was brought before you. I desire only to deal with the main issues and salient points. The first matter to which I desire to refer is the Government interference in the copra trade. The copra business is the main consideration in this country, and the merchants are certainly entitled to consideration where copra is concerned. The copra trade was established and carried on by the merchants; it was the merchants who set up the system of conveying it to other countries, and as a consequence of that production merchandise has come in. There is a certain amount of risk and expense and very often a loss as a result of this business. Furthermore, for the purpose of carrying out the purchasing of copra they have invested hundreds of thousands of pounds in this country in the belief and with the assurance that they would get the protection that was due to them through the payment of taxes, and if the Government comes into the business it is a breach of faith on its part. The only possible justification that there can be for Government interference would be either that the merchants were exploiting the Natives or that the merchants had refused to join in a reasonable scheme for the increase in the quality of the copra; but, sir, that the merchants have not exploited the Natives is perfectly clear by the figures which have been produced by the witnesses. I submit that there is no necessity for me to traverse those figures by reason of the fact that they are before the Commission, and they show clearly and distinctly how much profit the merchants make on a ton of copra, and show also that the Natives have been receiving fair and just treatment. My learned friend Mr. Meredith mentioned a little while ago that quite recently account sales have been received which showed a handsome profit to the Natives. That may be so; but that might be only one sale in connection with that shipment. May I say, in passing, that the merchants in purchasing copra have to take a figure which they have reason to believe is somewhere near what they are likely to get? It works both ways—that is to say, while they do not go up to meet an occasional rise, they do not come down to meet an occasional fall in the market. Nor can it be said that the merchants refused to join in with the Government in any scheme for the improvement of the copra. There is not one tittle of evidence to show that the merchants were in any way consulted with respect to the matter—in fact, they were never given the chance of discussing the proposal; and when the Chamber of Commerce wrote asking for details, and showed that they were prepared to discuss the question and join in with the Government if a reasonable scheme could be devised, the only answer they received was that the Administration was satisfied that the merchants were not paying the Natives sufficient for their copra. As a matter of fact, His Excellency the Administrator admitted that he had never found out exactly what the overhead charges and expenses of the merchants were. It has been pointed out by Colonel Hutchen in his evidence that only a small quantity of copra has been bought—about 100 tons; but it must be presumed that the scheme is going to grow, because the Government has stated that the idea of its scheme is to increase the quality of the copra in Samoa. I submit that if the scheme is going to be of any value at all the Government will have to increase the value of the whole of the copra, and not in connection with small lots, and therefore I do not think

that the Government would be able to confine its operations to the four present points where it is dealing with the copra. Even if the Government wishes to carry out its present intention, it is only reasonable to suppose that the Natives will, in the other districts, bring pressure to bear on the Government to open up buying-points in their districts with a view to taking advantage of the scheme; and I submit that the Natives are entitled to do this if one district is receiving any benefits. It is not denied by the merchants that it would be to the advantage of the country to have an increase in the quality of the copra, but in obtaining an increased quality one class of the community should not be made to suffer to the advantage of the rest of the community. What the Government should have done, if it wished to increase the quality of the copra here, was to have called the merchants together and discussed the position with them, and to have seen as to whether or not it was possible to have arranged a scheme among them. If the price question had been the trouble—and I think it would have been—then it would have been justifiable for the Government to have subsidized first-grade copra until that copra had established such a reputation on the London market that it would need no further subsidy.

Legislative Council: Passing from the question of copra to that of the Legislative Council, I wish to point out that the Legislative Council was set up under the Samoan Amendment Act, 1923—that is, the Legislative Council in its present form. Under section 48 (b) of the principal Act, read in conjunction with section 6 of the Samoan Act of 1923, we find that provision is made for non-official members on the Council to be elected, or nominated, or purely elected, or purely nominated, as the Governor in Council determines; and also that the number of those non-official members is to be not more than six, the number of official members. The Samoan Legislative Council (Elective Membership) Order, 1923, section 4, provides for three non-official members, and no provision is made for nominated members. I submit that one of the principles of satisfactory government is to allow the Government to give expression of opinions consistent with stable government, and it is therefore suggested that the non-official members should be equal in number to the official members, with the exception, of course, of the Administrator, who would be the Chairman. Such a possibility is contemplated by the Act itself when the provision is made that the number of non-official members shall not exceed the number of official members. The equality in numbers would, I submit, assure a fuller consideration of all matters brought forward; whereas the present system is dangerous, because the party which has a majority is so sure of its overwhelming weight that it leaves the opinions of the other party entirely out of consideration as something that it need not worry about. There is also more likelihood of amicable working if the non-official members were nearer in number to the official members, and in consequence their opinions would be bound to have more weight. Knowing that their opinions, if the proposal which I have outlined was put into operation, would have more weight than is the case at the present time, and realizing that they would not be in the minority, they would give more consideration to their work, because they would realize that their opinions would receive more consideration, and this would create a greater sense of responsibility on their behalf, and the country would benefit from receiving not only the official opinion but the well-considered opinions of persons who are looking at matters from a different point of view to what is purely official. Nor can it be said that by a system of government which has both official and non-official members in the Legislative Council to the same number would the stability of the Government be affected. If at any time an equality of votes arose, then the casting-vote of the Administrator would be available to secure the stability of the Government in such manner as he saw fit. It has been said that this suggestion is ludicrous. I cannot see that it is any more ludicrous than, or that it is as ludicrous as, the present position. The Administrator is the person who is responsible for the government of this country; he is the man who initiates the laws, and he is the man who fixes the policies. At the present time we have a Legislative Council with six official members and three non-official members, and the Administrator has said that the six official members will vote according to the policy, and he has said also that any matter introduced by the Administration is a matter of policy. We have, therefore, at the present time the position that the Administrator is controlling everything entirely on his own, and that any matter which is introduced by him is a matter of policy and those official members are to vote with him. Why not allow him to accept the responsibility himself when he brings these things forward—that is to say, let him accept the responsibility by giving his casting-vote? In such a case, however, it would be advisable, if his casting-vote changes the law, to refer the matter to the Minister of External Affairs for consideration and revision. The point of delay has been brought up, but that is not a new principle in Samoa. If we look at the Samoa Amendment Act of 1927 we find that the position is fully covered. There is a provision already made in the Act for the reference of a matter from Samoa to New Zealand. Now, it is to be presumed that no matter that would come before the Legislative Council is likely to be more urgent than a deportation question. No man would be deported unless there was some urgent and substantial reason why he should be deported, and therefore it is not desirable to have more delay than is necessary. It might crop up that emergency legislation would be essential. Where such is the case there is always the Order in Council procedure—that is to say, information can be sent through by wireless and an Order in Council can be issued in New Zealand and become effective at once. But that is not a new procedure, by reason of the fact that this course was followed by the Hon. the Minister of External Affairs while in Samoa on his visit in June last, when he forwarded a wireless communication and had an amendment put through with respect to the immigration order providing for the deportation of permanent residents. I also wish to deal with the question of Natives on the Legislative Council. The Legislative Council, as you are aware, is the only legislative body in Samoa. The Samoans constitute the bulk of the community and they pay the bulk of the taxes, and therefore they are interested in the working of the Legislative Council, and it seems only fair that they should have some say in its deliberations, and we are of opinion

that the Samoans are competent to sit on the Legislative Council. This has not been seriously contested by the Administration, and I cannot see how it could be. The Administrator himself, in a statement made in the Legislative Council in 1925, said that he had striven to get the Faipules to agree to have two members on the Legislative Council, but he regretted that they would not agree to it. It will be seen, therefore, that even the Administrator thought that the Samoans were competent to be represented on the Legislative Council. Further, the Fono of Faipules virtually legislates, and the District Councils are passing by-laws, so it is quite clear that the present Administrator is of opinion that the Samoans are competent of being represented—or, rather, of sitting—on the Legislative Council, and are also competent of considering and discussing matters such as laws and by-laws. There would be no risk of any faulty legislation going through, because there would be a majority of European members, who could control matters until the Samoans had passed out of the period of education that was necessary on the Legislative Council. Another point is that the Legislative Council that I suggest would provide for a true expression of opinion of the country. Now, it is suggested that there are in Samoa two classes—namely, Europeans and Samoans; but there is in reality also a third class, who belong to both races. This class mixes freely and on equal terms, and is of the same intellectual standard as the people of both the other races—namely, whites and Natives. Through the channel of communication set up by these half-castes mixing among the Europeans and the Natives the thoughts of the one travel to the other—probably quite unwittingly on the part of the half-castes; but they do travel, and amongst those thoughts do travel the democratic idea of government. It is essential to get the best organization out of the country, and provision should be made to have this combined racial thought, and this can only be done by putting Samoans on the Council, because the half-castes can represent only the Europeans and be represented by Europeans. When I say that Samoans should be on the Council I go no further than that. The manner of their selection and election is not a matter for one man to decide, but it is a matter upon which careful discussion should be made and experiment to work out a satisfactory scheme upon which the Samoans could be placed on the Council on satisfactory terms. My learned friend, in passing, made a surprising suggestion—that the Samoans would probably vote with the elected members of the Council. It is hard to see why any Administration which is carrying out its duties properly has any reason to fear that the elected members would influence the Samoans away from the official members. The elected members, if they are looking after the interests of the country, would be looking after their own interests, and I should think that the Native members would be more likely to remain with the Government officials than with the non-official members of the Council. There is another aspect that I want to bring forward, and it is that even the Council as it is at present constituted could be made to work much more satisfactorily if the system suggested by me were given effect to, and, moreover, it would probably be made to satisfy a large number of the wants of the country. At the present time there is a permanent majority and a permanent opposition. At the present juncture the elected members have no real say in the Council at all. Somehow or other, there has been allowed to grow up a Government party and an Opposition party, and the result of that method is a foregone conclusion. This makes the Council a farce—an absolute farce. I submit that there is far too much procedure with respect to the Standing Orders. There are ten members of the Council, and I submit that if they were to do away with the present procedure and act in the capacity of committeemen, and went about matters as is the custom with respect to round-table conferences and discussed matters freely, and did away with all this elaborate question-time and following certain procedure, as I have already said, like committeemen, all the opinions would be probably listened to and everybody would be satisfied, and this would be in the interest of the wishes and opinions of the official point of view, and also of the view of the non-official members. While on the question of the Legislative Council there is one other small point that I wish to bring under the notice of the Commission, and it is with respect to the question of His Honour the Chief Judge having a seat on the Legislative Council. I merely mention this matter because it is a matter of principle, and not that there is any question about the present Chief Judge, because everybody has confidence in him; but it seems very wrong that legislation should come before a body on which is seated the Chief Judge, who will probably have to try that legislation and before whom interpretation of the legislation is going to be sought. It seems hard to believe that any man under those circumstances can be expected to sit on the Legislative Council one day and argue the point and go into the Court next day with a thoroughly unbiassed mind. Moreover, I am unable to hold with the argument that a lawyer is absolutely essential on the Council while it is sitting. As we are all aware, everything is drafted beforehand, and the presence of a lawyer is not essential on the Council, and any matters to be drafted could be sent out, especially when it is realized that it is not such an elaborate affair—this little Legislative Council of ours.

I wish to now call your Honours' attention to the point of finance. It has been shown that the committee admits that quite a number of the figures submitted by the Citizens Committee are incorrect. It has been suggested by the Administration that these figures have been deliberately put in these reports incorrectly. It has been said that this has been done for the purpose of misleading the Natives. The suggestion is only a suggestion; there has been absolutely no attempt to prove it. There was absolutely no evidence called to prove that any Natives have been misled. Certainly some Natives said something about the salaries of officials in other islands being lower than they are here, but that is perfectly true. Further, the statements submitted were long, involved, and complicated. They were read out once at the committee meeting, and once at another meeting. No Europeans hearing those statements read out could possibly remember the details of them. It is not as if the reports were printed, published, and broadcasted where they could have been used for reference. Further, these reports were prepared by the people for submission to the Minister, and

it is unbelievable that the committee would have deliberately placed themselves in a position where they were sure to get a very severe rebuff and so weaken their whole case and complaints. Reference is also made to a statement regarding the loan of £100,000 and the Crown Estates being foreclosed on to pay for it. My learned friend Mr. Meredith very carefully read a paragraph out of the report; but he very carefully refrained from reading the following paragraph, which places a different aspect on the whole statement regarding the £100,000 loan. As far as can be said, there is no deliberate attempt to mislead. The paragraph reads as follows: "This last paragraph is not, probably, in accordance with facts, but the committee is seeking certain information which at present is not disclosed to the committee, and this paragraph has been inserted with the particular view for putting the committee right where it may be in error." Further, the report was almost immediately handed to the Administrator and was for delivery to the Minister. I cannot believe that any person endeavouring to mislead the Natives, or any other person, would have made misrepresentations so glaring, so apparently clear, to anybody that only glanced through the report. There is not one tittle of evidence to show that any Samoan was misled by that report, despite the suggestions of the Crown. Some Samoans said that they feared that New Zealand would take over Samoa, but there has never been any suggestion that any Samoan has thought that New Zealand had taken over the Crown Estates. When they refer to the possibility of New Zealand taking over the whole of Samoa they have not got in mind this report; they have in mind their motor-cars and their "fine mats" which they have left with the traders to secure credit. It has been proved clearly that no section of the Samoans themselves placed any importance on that paragraph at all. These reports were handed to the Administrator. The Administrator said he would read them through. That would strike his eye as quickly as anything else in the report, but he did not bother to correct it or call upon the committee to correct it. Furthermore, it went to the Minister. The Minister came here and said nothing about it. No remarks were made about that until the reply was received from the Minister in Wellington. It was dated the 12th July. If there was a possibility of a serious situation arising by the Natives being misled by the infamous paragraph in this report, surely the Administrator would have corrected the report at once, and not allowed himself to be used as a postmaster, which was the term he used, I think. And, although the report was intended for the Minister, he would certainly be justified in correcting that. It is most certain that the Minister would not come down here, hold an interview, and not bother to mention it. Referring to finance itself, the real complaint contained in that report is not that a certain figure is too high or too low, or a certain expense is too high or too low. The complaint underlying the report was that the expenses of running and carrying on the work of the Administration here were too high. No other meaning can be read into it at all. That being the case, so long as we stick to proving our complaints, I submit that we are entitled to prove our allegations by other figures. The evidence of Mr. Smyth sets forth certain figures, but there are one or two which I wish to mention. For the year ending the 31st March, 1926, the excess of expenditure over revenue was 8s. 10d. per head. In the estimates of 1926-27 the excess of expenditure over revenue was 10s. per head. This shows an increase from 8s. 10d. to 10s. For the year 1925, according to the Fiji blue-book, they had a surplus of 8s. 6d. per head, so even on the correct figures Samoa still appears in a bad light, and this is what my learned friend complains about—placing Samoa in a bad light. Regarding finance, I suggest that one of the troubles in the financial position is the lack of proper control of public funds. An Auditor comes from New Zealand once a year for a month. During that month he has the whole work of the Administration and the work of the New Zealand Estates upon which to satisfy himself. It must be very apparent that the task is beyond him, and, as has been stated, he only does the more important portion of it. We also have here a local Auditor. This gentleman we have absolute confidence in; but the trouble with him is this: that all he can do is to inspect and go into matters thoroughly. This man makes his report to the man who really controls the money—namely, the Administrator. This can have no effect on the expenditure and judicious handling of the finances of the country. There must be a close and continuous check on the expenditure and the manner in which the money is handled. It is not sound as a business proposition to allow the Administrator, whoever he may be, to have full power to practically control the whole of the revenue of the country. Of course, dishonesty is very unlikely and would be discovered, but extravagant expenditure is likely to be experienced with the best of men. An official may be eminently suitable for the bulk of the work without having a business training and a knowledge of finance. It was for this reason that a Board of Control was suggested. The suggested Board would control the expenditure and see that it was carried out in a proper and efficient manner. It would be quite proper to suggest such a Board, but the personnel, duties, and powers would have to be fixed by experts in the control of public funds.

Passing from finance, I wish to refer to Native affairs. To my mind, the most striking evidence, on the whole, of Native affairs is the opposition put up to the suggested reforms, such as the medical tax, "fine mats," and the proposed division of Native lands. This opposition is real and definite, and existed long before the 15th October and the commencement of the Mau. The Natives themselves say that, and even the remits that were produced by the Administration itself, showing that the Faipules were carrying out their duties, show that complaints about these very matters were being brought forward long before the commencement of the Mau or the holding of the first meeting. I think that due consideration by reasonable people must show that the country has benefited largely from the medical services here, and it is essential that we have a fixed revenue for medical services. Regarding "fine mat" *malagas* and the division of land, if the time were ripe and conditions were favourable it would probably be in the interests of the country to prohibit the "fine mat" *malagas*, which must be expensive and time-wasting. The dividing-up of land would probably increase the production of the country. Why has there been such strenuous opposition? The answer lies in this, I think: that the Administration, when they have considered a matter beneficial to the Natives,

have brought it in without any consideration for the spirit or feelings of the Natives. No new law or resolution should be introduced in a community capable of expressing itself unless and until it has gone through a period of preparatory education, so that when the new law is introduced it will be hailed as a benefit and not resented as an innovation. Now, if the Administrator had made proper inquiries regarding "fine mats" and the division of lands he would have found that there was opposition, and he should then have started in to prepare the country for these reforms by educating the children in the schools and by other methods educating the people up to the acceptance of these reforms. Of course, the Samoan division of land is not yet law, but it has been made the subject-matter of a resolution by the Fono of Faipules. It appears in the handbook of laws, and most probably will become law, and there are likely to be some who will regard it as law. Mr. Meredith used the term this morning, "The giving of 'fine mats' is not prohibited, but the making of big *malages* is prohibited." It is expected that it will take some time to educate the Natives away from their old customs. Traditions will cling, and it is certain that the chiefs—*matais* and *tulafales*—are going to oppose the law, for it is going to affect them personally. It is probable that it could not be wholly done away with until the present generation has come to the stage where they themselves control local Native affairs. Turning from these matters, I wish to make reference to Native Regulations (Samoa) Order. This Order created new political divisions in the country. It also provided a procedure for the District Councils, Village Committees, and specifies the duties of these parties. It provides for *ex officio* members of the District Council, and, in particular, for the chairmanship of the District Council to be occupied by the Faipule of the district. Such an alteration would of necessity require that the people be educated up to it. But there is another aspect. The Faipule, prior to the passing of this Order in 1925, had been merely an adviser of the Administrator and the channel through which the Administrator communicated with the people. It is quite possible that in this capacity he met with approval and gave satisfaction to the Natives; but this Order created an entirely different state of affairs. The Order gave to the Faipule extended powers—it made him Chairman of the District Council and the principal man in the district; and, further, the practice was growing up of regarding the Faipule as the authorized representative of the district on the Fono of Faipule for the purpose of considering laws and the passing of resolutions. Under those circumstances, I submit, the district should have been given an opportunity of showing whether or not the Faipule was acceptable to them in the carrying-out of the new duties which this Order gave to the Faipule. Furthermore, many of these Faipules have been in office for some years, and it is quite possible that the Natives were satisfied with them at the time they were appointed; but since that time they have lost the confidence of the people, whether it is right or wrong. This failure on the part of the Government to submit the question to the chiefs and orators has caused a great part of the trouble in the land at the present time. Plenty of them would resent, and did resent, the situation. They considered the Faipules, who were merely advisers, were pushed into a position of power and domination without reference to those whom they regard as the natural representatives of the Samoans, and whom they consider had the right to some say as to who should preside over the District Council. There is another striking phase of the Samoan evidence, and that is the number of complaints made against the Faipules by the Samoan witnesses called. Every Samoan witness called, no matter on what subject he was called, when asked if he had any complaint against the Faipule had some. Many were trivial and unimportant, and a number were denied by the Faipule, and others do not concern the Commission at all. I do not propose to go into the merits—

*The Chairman:* Will you mention one complaint that is not trivial?

*Mr. Baxter:* I do not think I can mention one that is not trivial, and that is what impresses me. It is evident from the very fact that these trivial complaints have been made that the Faipules are disliked and distrusted by the Samoans. If the Faipules had the confidence of the Samoans, and were liked and trusted by them, then these trivial complaints would not be brought up against them; but that dislike and distrust caused the Samoans to bring forward these complaints. The Mau cannot be blamed for that, because these complaints of the Natives are not natural to the Mau, and from the diversity of the matters which they cover and from the personal nature of the majority of them it is clear that the Mau did not suggest them. It comes back to the same thing: the Natives consider that the Faipules are put in power by the Administrator and are removable only by the Administrator and obey the instructions of the Administrator, and are consequently Government officials. This is a serious state of affairs, which the Government could have prevented, I submit, at the time they brought in the Order had they sought the opinion of the districts and had they kept in touch with Native opinion through other channels than the Faipules. It is serious, because, under the present system of government, if the Natives have no confidence in the Faipules, then it is impossible for the government to be satisfactory. This feeling of dislike for the Faipules has been intensified by the attitude which the Administrator has adopted. The Administrator has insisted that the Faipules are the leaders of the Samoans and must be treated as such, and that the Fono of Faipules is the only body authorized to speak on behalf of the Samoans. There is no need for me to labour this point at all. I will merely refer to circulars issued by the Administrator which already show the attitude the Government has taken in regard to the Fono of Faipules and the Samoans. I first refer you to page 35 of the Joint Committee Report: "No doubt you have heard of the meeting held by certain people in Apia in which they raised faults against the Faipules, giving uncivil statements criticizing the said body before the Europeans and Samoans. Every Samoan individual who was present at that meeting and who heard what was said against some of the leaders of his own race—the Faipules—but did not stand up and speak with a heart of patriotism against such uncivility, ought to feel ashamed now, and should have expressed his sorrow before his Faipule and district for not defending the respect of Samoa." Also, at bottom of page 36, a circular to every village in Samoa, dated the

4th January, 1927: "I wish that every Samoan should be fully aware of this: the New Zealand Government will not consider such a committee, and that I am directed by the New Zealand Government to inform you that no other authority than the Fono or Faipule is authorized to confer with the New Zealand Government on Samoan affairs." This shows distinctly the attitude of the Samoan Government towards the Faipule. To them this attitude could only mean one thing—that, so far as the Government was concerned, they would listen only to the Faipule, and that complaints against the Faipule would not be listened to. This led to a loss of confidence in the Government. While mentioning Native matters, I wish to refer to the Native handbooks of laws. It is probably quite a good idea to publish in convenient form the laws of Samoa for the guidance of the Natives; but these books are more than that. The cover reads, according to the evidence of His Excellency the Administrator, "Laws of Samoa, approved or assented to by His Excellency in accordance with the Fono of Faipule." These covers convey only one meaning—that there is nothing in those books which is not law. They also convey a further meaning—that all these laws have been approved of by His Excellency after, and not before, the assent of the Fono of the Faipules had been given. There is no necessity to stress the fact that the Fono of Faipules has not the power to legislate yet; but the Faipules have presumed to fix the duties of officials, to pass by-laws which should have been passed by the District Councils, to fix penalties in the shape of fines, and in particular to pass resolutions. On page 1, subsection 7 (3), they have provided that the Faipules can make laws regarding health and other matters of that nature; while the volume shows that it is really, for the most part a restatement of laws, together with resolutions of the Fono of Faipule which have not yet become law. There is no indication which are laws and which are resolutions, which have to be obeyed, and which do not have to be obeyed. I submit, therefore, that the Faipules have exceeded their duties when, without any authority, they have passed resolutions in the form of laws and fixed fines. I also submit that the Administrator has exceeded his duty by approving of resolutions in the form of laws, resolutions fixing fines, and approving of the publication of books where laws and resolutions appear in the same form. The cover and the form of the book suggest that the Administrator wishes the Samoans to think that the Fono of Faipules is legislating and that the resolutions were really laws.

I wish now to deal with the growth of the Mau, which my learned friend dealt with at some length this morning. It seems to me that in contemplating this portion of the case the whole thing has to hinge on one question: How has the present unrest and dissatisfaction been created? Has the Citizens Committee deliberately created the troubles and used the Natives for its own ends without any real cause, or has the Administration, by tactless government, caused the present situation? A careful consideration of the evidence will, I think, clear the Citizens Committee. In September, 1926, Mr. Nelson returned from New Zealand after having had an interview with the Prime Minister, the Minister of External Affairs, and Sir Maui Pomare. At this interview he gained the impression that Mr. Nosworthy was coming to Samoa. Consequently on his return he met the other elected members, and the three of them consulted the representatives of the Citizens Committee as to what course should be followed to collect material for presentation to the Minister on his arrival. The other gentlemen consulted were all Europeans, with the exception, perhaps, of one or two who were at the party at Mr. Meredith's, which I intend to refer to later. They agreed that the proper course was to call a public meeting to ascertain the wishes and feelings of the people. Before the meeting was called there was an "afternoon" at Mr. Meredith's house at Vaiusu. This was held soon after Mr. Nelson arrived in Samoa, and he was invited to this party to meet the two Fautuas, Tuimaleali'ifano and Malietoa. At this "afternoon" Mr. Nelson, at the request of these two chiefs, told them what had happened in New Zealand and discussed politics with them. It has been suggested that this was part of the scheme to inveigle the Natives into a scheme for the benefit of the Europeans. There has been no evidence whatsoever to prove that. All the evidence shows is that at that meeting Mr. Nelson stated that they would be entitled to put their grievances up to the Minister of External Affairs, and also to probably discuss whether a meeting should be held. Mr. Meredith follows a surprising course by blaming my witnesses for not answering questions not asked. Had he asked the question he would have elicited the answer; but to leave them to say what steps were taken prior to the Mau only bears out what Mr. Nelson himself said—that he did not regard the meeting as of any importance: he regarded it purely as a social matter at which political matters cropped up and at which they were discussed. However, it does not matter if they were discussed or not. Nothing happened at it, and they were just told that they could appear if they liked at this public meeting. This public meeting was called on the 15th October, 1926. Natives were certainly present, but there is no evidence to show that the attendance of any Natives had been solicited before that meeting. The meeting was quite orderly, entirely loyal, and in every way constitutional. Papers were read, but they contained nothing that should not have been read, and were only for the purpose of stimulating discussion. Some Natives spoke, but they only voiced their own grievances, and those referred to ancient customs. At this meeting a committee was elected consisting of Europeans and Samoans. Nothing has been shown to the contrary. This committee was elected to prepare reports for presentation to the Minister. There is nothing serious in that. That the meeting was innocent by nature can be judged by the fact that Mr. Meyer, one of the Government witnesses, was one of those who recommended calling the meeting, and was one of those who accepted a seat on the committee. Mr. Cobcroft also accepted a seat on the committee and spoke several times. The second meeting was called on the 12th November, 1926. There is no evidence that at the first meeting there was any disturbance in the country at all. His Excellency says so. Yet as soon as the second meeting was called the Government resented it very strongly. The police were there in considerable force. The police report shows that the names of those that attended were taken down, and a letter from the Administrator was read in a way not likely to soothe down public feeling. If

there was any difficulty, the action of the Government was unfortunate. The public of Apia at that time considered the presence of a large body of police and the reading of this letter as an attempt to scare them from holding a meeting. If such a letter was necessary, then I suggest that it would have been much more advisable and a much more courteous course for the Administrator to have addressed that letter to the chairman and left him to read it. Such course would not have, perhaps, savoured so much of the reading of the Riot Act. Mr. Meredith suggests that Mr. Nelson was at fault—that he had great influence and that he could have stopped the meeting from going on. Well, perhaps if a little bit of courtesy and consideration had been shown it would not have gone on. This was followed by an unfortunate action regarding the Natives. Tofaeono was dismissed from his position in the Administration. Other Natives were called before the Administrator in the presence of the Fono of Faipules and were warned. This circular, in conjunction with the letter read at the meeting, was not the type likely to quieten the Natives, but was more calculated to disturb them and annoy them. It was known that the Natives were complaining against the Fono of Faipules. The Administrator wrote these two letters that I refer to. In the letter read at the meeting, which appears in Appendix I, he says, "Unwarranted attacks, however, on the Faipules, the leaders of the Samoan race, cannot be passed over by me without it being misunderstood by the Natives. I wish certain persons to clearly understand that." And lower down, the fourth paragraph from the bottom, "To the Natives, I wish to inform them that they have the fullest freedom to bring their complaints before the Government by the proper channels. I cannot, nor can the New Zealand Government, receive complaints from the Natives save those coming through their own properly constituted channels, such as the District Councils and Fono of Faipules." This was bound to have disturbed the Natives, for they were complaining against the Fono of Faipules and the Faipules themselves; and yet they were told that the only complaints which would be heard would be those which came through the Faipules. Indirectly the Administrator has agreed that this was a foolish course to follow, for in his evidence on page 390 he says:—

"Did you know at that time that some of the complaints—I do not say whether they were sound complaints or not—of the Natives were against the Faipule themselves?—I did not hear of any."

"Had you known that some of the complaints were against the Faipule and the Fono of Faipule itself, I conclude you would not have wished to convey the impression that their complaints must come through the Fono of Faipule?—No."

He says he did not know that there were any complaints against the Faipules, and says that if he had known he would have taken different steps; and yet he did not, for in his own letter (Exhibit No. 64) he says, "No doubt you have heard of the meeting held by certain people in Apia in which they raised faults against the Faipule, giving uncivil statements criticizing the said body before the Europeans and Samoans. Every Samoan individual who was present at that meeting and who heard what was said against some of the leaders of his own race—the Faipules—but did not stand up and speak with a heart of patriotism against such uncivility, ought to feel ashamed now, and should have expressed his sorrow before his Faipule and district for not defending the respect of Samoa." That letter was written immediately after the meeting. This letter says, "I cannot, nor can the New Zealand Government, receive complaints from the Natives, save those coming through their own properly constituted channels, such as the District Councils and the Fono of Faipules." The Administrator has indirectly admitted following a wrong course there, because if he had known there were complaints he would have followed a different course, and this letter that I have just read shows that he did not. These actions at the meeting and after the meeting—the reading of this letter, the presence of the police, the circular sent out afterwards—caused the first real ill feeling in this community. The banishing of chiefs to Savai'i, the taking away of titles, the circular of the 4th January, 1927, which is printed as Exhibit No. 65, wherein it is stated that the New Zealand Government will meet nobody but the Fono of Faipule, were not calculated as likely to lessen the ill feeling. In fact, the result was very different. The outside districts, knowing of the excitement going on, and receiving these circulars from the Administration, and not knowing what was actually going on, sent delegates into Apia. They arrived and stayed at Lepea. Later on they formed a sub-committee; yet no attempt was made by the Government to get to the root of the trouble and find out what was wrong. The main duty of the Government is to maintain and hold peace in the country, and when trouble arises like this the only real consideration is to find out what the trouble is. If they were real complaints they should be dealt with and settled, but to adopt the attitude that they would listen to no complaints except those coming through the Fono of Faipules was not likely to help matters at all when he knew there were complaints. Such would be likely to be regarded as repression. During all this time there was nothing irregular done by the committee, nothing seditious—nothing done so far and nothing intended. There is not one bit of evidence to show that the committee was, or any member of the committee was, guilty of sedition or disloyalty. It is certainly true that a number of Native witnesses have said that they wished to break away from New Zealand. These statements are made after eighteen months of excitement, and ill feeling, and bitterness, and it is well known that every movement has attached to it a minority of radicals who are anxious to go further than the real leaders. The movement cannot be blamed for these radicals as long as it does not let them lead in its councils. Matters were carried on without any disturbances pending the arrival of the Minister, who they thought would settle matters. After the Minister's visit matters were made much worse. The Minister's attitude in refusing to hear the people angered the community. Threats of deportation which followed his leaving, general charges of disloyalty, self-seeking, and gain on the part of the Europeans—all without foundation—stirred up the community more. These charges of sedition were particularly trouble-making, for the members felt that they had done no wrong, and when they asked for details they were not supplied. They were only answered by the Administrator's letters, which indicated that he was satisfied that they

were guilty of sedition. Such loose statements on the part of a responsible Administration had the effect that one would expect in a community of this nature. Further, matters were kept in a state of turmoil by banishments and threats of banishment; also, the Minister by his letter isolated the Europeans away from the Natives, and the Administrator by his banishments removed from the control of the Natives the more responsible chiefs who had been in the movement from the beginning, and who knew what the real objects and intentions of the movement were. This left the matters in the hands of young and inexperienced Natives. Certainly at this time the Administrator offered to see the Natives in their districts. This was too late. If he had done this at the beginning something could have been done, but to do it at the eleventh hour was too late. They had been stirred up by the apparent impossibility of getting their complaints heard, and they decided that they would hang on in Apia until they were heard. Mr. Nelson and Mr. Smyth therefore decided to proceed to New Zealand and place matters before the Government. Here, again, the Government made another unfortunate move: immediately these gentlemen got their passports they received the letters referred to in Exhibit No. 51A. This was indeed a very foolish move, and I cannot understand that anybody, taking into consideration the state of the country at that time, could read into these letters anything other than a threat that "if you bring your complaints to New Zealand you have a chance of being deported when you return." It was certainly not calculated to settle any ill feeling in the country. Then we come to the worst period of all. Just after these gentlemen left, banishment order after banishment order was issued: there were about forty-six in one month. It was a time of crisis, but it was a crisis created by the Government and not by the country. Removals were followed by arrests, and arrests by handcuffs, and the whole lot followed by deadlock. When Pasia refused to be arrested the Acting-Secretary to the Administration, Chief Judge Woodward, interfered. His interference settled matters. He asked them to bring forward their complaints and come through him to the Administrator. This was more than the eleventh hour. The trouble had got to the stage where this offer to consider complaints and his statement that no further banishments would be issued was only said after the men had created such a serious situation by refusing to obey banishment orders. During this period everything was fear and excitement in Apia, and it was feared that the Administration would do something to stir the Natives further. To my mind, it is astounding that something did not happen. I do not believe that the Europeans would have stood for it. Supposing there was a general strike in Auckland, and that the Government, without trial, arrested the leaders, one after another, and deported them down to the South Island—to Dunedin, say: I do not believe the strikers would stand for it, particularly when the Government had not the force to see the order was carried out. It speaks highly for the Samoans' respect for law and order that trouble did not arise at that time. All this trouble arose only because the Europeans and Natives decided to prepare complaints and bring them before the Minister. If at the beginning tactful and sympathetic handling had been dealt out the matter would have been forgotten now and nothing come of it; but the refusal to hear the Natives except through the Faipules, the Government attitude towards the second meeting, the refusal to allow delegates to go to New Zealand, the general sense and feeling, as far as the Samoans were concerned, that nothing not approved by the Faipules would be heard, created the position that the country is in at the present time. It is useless to say that the European members of the committee are to blame for this, and that they should have foreseen that such a state of affairs would arise. They thought merely to collect information for the Minister in charge of this Administration, and it was impossible for them to have anticipated such surprising action on the part of the Administrator.

*Mr. T. B. Slipper:* May it please your Honour, the first matter for me to mention briefly is that of the existing law regarding the prohibition of liquor. The matter that has been placed before the Commission has been non-contentious. I called what I thought was fairly strong evidence expressly from the old residents of Samoa and representatives of the Samoan race. A great deal more evidence could have been called, but it did not appear to be necessary. The important fact is that no evidence has been called to the contrary. My committee does not bring forward a definite scheme in the matter; it feels that it would be somewhat of a presumptuous step. There is before the Commission Mr. Braisby's report, and also the report made by a number of the officials of the Administration, and not made for the purpose of this Commission, but made before for some earlier purpose. Having that before you, my committee suggests that you will be able to make a report to the New Zealand Government, and if you can do that in favour of lifting prohibition to some extent use will, no doubt, be made of that detailed statement. With regard to the cancellation of trading licenses, that matter has been before the Commission, and Mr. Meredith has abandoned any attempt to establish any right in the direction of these cancellations, so that there appears to be no need to say much about that matter, except to add that the practice as commenced and existing for some time shows the danger of penalizing any person without a proper hearing, and my submission is that there must be at least these three things—(a) a definite charge, (b) sworn evidence, (c) the right to cross-examine. Now, as to the deprivation of titles, it is plain that a considerable number have been taken away, but in no case that I can recollect did the order state the period for which the deprivation should continue; and it is admitted by His Excellency that the matter of a title to a Samoan is a very serious one, and that it carries the right of land with it. It was admitted by His Excellency that his intention was for a relatively early restoration—perhaps in the course of two or three years; but it was further admitted by His Excellency that by no utterance had he conveyed that intention to the Natives, and when I asked His Excellency whether he did not think that this ignorance on their part would cause grave dissatisfaction his answer was in the direction of saying he did not know. The deprivation of titles went along more or less sporadically; but I notice Mr. Meredith refers to a time—that is any time, apparently, after the birth of the Mau—when apparently everything was going smoothly. Evidence has been given by a number of witnesses that they had grievances two or three years before

the Mau commenced, in October, 1926; indeed, some go so far as to go back to 1918—after the epidemic. Comparison has been made of the Administration to-day with olden times, and reference has been made to historical documents. May I, sir, refer to a document in the correspondence with respect to the affairs of Samoa presented to both Houses of Parliament in 1885-89 by command of Her Majesty. This is a letter written by Malietoa, and he says: "In the month of September of last year their rule began" [that was, the rule of Tamasese and Brandeis]. "They appointed the Taimua and Faipule, who remained with them at Mulinu'u, and they appointed Governors for every district. The following different things have caused us to turn away from those two, who were elevated by the German Government to be the heads of our Government. . . . They deported some chiefs and rulers to a distant country without any trial whatever." That was signed by Malietoa and addressed to Rear-Admiral Fairfax, and dated 3rd October, 1888. In making a comparison with olden times it appears from the evidence that the Samoans did not make a practice of taking away titles. It will also be remembered that His Excellency admitted the possibility of the title of a *matai* being given to some other person while suspended from him, and, while that gift would be by the family of that *matai*, the deprivation would be by His Excellency; and it is to be noted, too, that His Excellency admitted that he was relying on a German precedent. Now I come to the question of the banishees. It is convenient for us to use the word "banished" in respect of orders for removal, but, of course, the Commission are quite aware of the fact that a number have been ordered to return home. It has been suggested by the Crown that these orders to return home were necessary for the peace, order, and good government of Samoa. There is no evidence before the Commission of any such need, except the opinion of His Excellency; and the whole facts show that there was no outbreak nor deeds of violence, no suggestion of an epidemic, no shortage of food—nothing whatever to call for these peremptory orders to leave Apia and return home. What may have been in His Excellency's mind may have been of the very best intention, but the proof that his idea was incorrect lies in the fact that there has been produced no evidence from the time of June to the present day to that effect. We have it that not only banished chiefs but chiefs who were ordered home were permitted to come to Apia to have their evidence investigated, and they have been here for five weeks, and at the request of Mr. Meredith. I stated that I knew of no further reason why they should stay here, and they obeyed the order and went home. This shows that there was no need for this legislation and for the exercising of the powers of the Samoan Offenders Ordinance. Mr. Meredith stated that at the time these things were done the country was drifting into a state of revolution. I am entitled to say that he is unable to produce any evidence to warrant him making such an extreme statement. It is clear that there were grievances—imaginary or real—and it is clear that there was a disposition to develop a unified and political mind; and it is also clear that these orders were made against those persons who decided to take part in political discussions of a perfectly orderly nature. I need not refer to the constitution of the Mau after what my learned leader has said. Mr. Meredith said that His Excellency had information requiring him to take the action he took. It is not clear, I submit, to the Commission what information he had, and it is not clear that His Excellency has always been well informed. There are examples of his statements that are admissions on his part that he was incorrectly informed, which leads us to the further question of the need of special action on the part of the Administrator. Instead of resorting to the ordinary action of the Court, it has been stated in Parliament in New Zealand that it might be that immediate action would be necessary. It is not for me to contradict such an hypothesis, but it must be pointed out that there is not one scrap of evidence that there was any such emergency at all; and I would point out that the Court could have dealt with all the charges against the banishees. I further claim that if that had been done there could have been no grounds for complaint that the people had been banished without trial. It has been alleged by His Excellency that a banishment is not a punishment; but he stated distinctly in a letter to the Minister that it was a punishment—indeed, Mr. Lewis said that it was certainly a punishment. I submit that there was no need to go outside the Court in dealing with these matters. The Commission has an official record of these banishments, and I desire to call your attention to No. G1563—Aimasi (Exhibit No. 58). If your Honours will look at the last paragraph, it says that the defendant was directed by Mr. Griffin to remain away from Satapuala for six months and to return home. No order of banishment was made. The spirit underlying banishments has expressed itself in the amending Act of the 5th August, 1927, and there we find that it is possible for the Administrator, authorized by the Governor-General in Council, to deport Europeans for five years and Samoans for two years. We find also that the deportation of Samoans can be to the Tokelau Islands. I say nothing about the deportation of Europeans, because I perceive that it has been omitted from the order of reference.

*The Chairman*: There is no case at present. There was one in the case of Hunt and Gordon.

*Mr. Slipper*: It is to be noted in regard to this legislation that there was already a provision in the Samoan Act for the exile of a culprit convicted in the Court. It is submitted that this legislation was unnecessary, and was merely an irritant to the Samoans. The evidence in support of that consists of the fact that since this legislation was passed on the 5th August the Mau has continued its activities, which are purely political. Every member has taken part in committee work and carried on just as before this legislation, but nothing has been done to him, so that apparently his activities since the 5th August have not been calculated to come within the purview of this Act; and if it is clear that the activities of the Mau were not more than—if anything, less—before this Act was passed, these facts suggest a strong basis for my suggestion that there was no necessity for that legislation to be passed. We have seen that the banishments prior to the visit of the Minister were for a variety of reasons. I have already stated that, in my opinion, most of them could have been taken in the Court. It is to be noted that there are about sixty-one, all told. Some are questions of the loss of title only. There are fifty-three on this list, and eight on the list following June. I refer

to the question of any hardship that may have happened to persons banished. It is not to be taken as correct, for it is not correct, that all of these banished chiefs have been sent to relations to live *fa'a-Samoa*. Some do not live *fa'a-Samoa*; some live *fa'a-papalagi* (European)—they live and support their dependants in a European way. No provision has been made for the maintenance of the banishees, nor for their dependants left behind. It is correct to say that in many cases wives and children were left behind without the ordinary protection that would be afforded by the fathers who were banished. It is also correct to say that most of the offences were offences that could have been very well contested in the ordinary Court of law. There were other observations that I intended making, but after listening to the very comprehensive remarks of my leader I need not make any more.

*The Chairman*: This concludes the sittings. It now remains for the Commission to report to His Excellency the Governor-General.

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# EXHIBITS.

## EXHIBIT No. 1.

### BURNS, PHILP (SOUTH SEAS) CO., LTD.: ACTUAL CASH OUTLAIN IN PURCHASE OF COPRA.

	21c. "A" District, near Apia. On shrinkages.			22c. "B" District. On shrinkages.			23c. "C" District. On shrinkages.			24c. "D" District. On shrinkages.			3c. Within Apia Boundary.	
	10%.	12½%.	15%.	10%.	12½%.	15%.	10%.	12½%.	15%.	10%.	12½%.	15%.	10%.	15%.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Paid to Natives .. .. .	12 6 6	12 6 6	12 6 6	11 4 1	11 4 1	11 4 1	10 1 8	10 1 8	10 1 8	8 19 3	8 19 3	8 19 3	8 19 3	8 19 3
Shrinkage .. .. .	1 4 8	1 10 10	1 17 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 17 11	0 17 11	0 17 11	0 17 11	1 6 11
Bagging and shipping .. .. .	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0
Traders' commission .. .. .	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0
Insurance to Apia .. .. .	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0
Insurance to Apia .. .. .	1 2 6	1 2 6	1 2 6	1 3 6	1 3 6	1 3 6	1 8 0	1 8 0	1 8 0	1 11 4	1 11 4	1 11 4	1 11 4	2 4 10
Freight at 12s. 6d. per 1,000 lb. ..	15 13 8	15 19 10	16 6 0	14 10 0	14 15 7	15 1 2	13 9 10	13 14 10	13 19 11	12 8 6	12 13 0	12 17 7	13 2 0	13 6 6
At Apia Wharf .. .. .	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6	0 0 6
Wharfage in .. .. .	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0	0 5 0
Discharging and cartage to shed ..	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0	0 2 0
Insurance in shed .. .. .	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10	0 1 10
Labour — weighing, bagging, marking, and stacking .. .. .	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1	0 2 1
Cartage out .. .. .	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8	0 15 8
Bags (17 to ton) .. .. .	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7	0 1 7
Plus 10 per cent handling and loss ..	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0	0 1 0
Twine and needles .. .. .	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0
Export duty .. .. .	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0	0 6 0
Lighterage .. .. .	18 9 4	18 15 6	19 1 8	17 5 8	17 11 3	17 16 10	16 5 6	16 10 6	16 15 7	15 4 2	15 8 8	15 13 3	15 17 8	16 6 8
2½ per cent. shrinkage in shed on above (less £1 6s.) .. .. .	0 8 7	0 8 9	0 8 11	0 8 0	0 8 1	0 8 3	0 7 6	0 7 7	0 7 9	0 6 11	0 7 1	0 7 4	0 7 3	0 7 5
Total f.o.b. cost .. .. .	18 17 11	19 4 3	19 10 7	17 13 8	17 19 4	18 5 1	16 13 0	16 18 1	17 3 4	15 11 1	15 15 9	16 0 7	16 4 11	16 9 7
Shrinkage in transit (5 per cent.) ..	0 18 10	0 19 2	0 19 5	0 17 8	0 18 0	0 18 3	0 16 8	0 16 11	0 17 1	0 15 6	0 16 1	0 16 4	0 16 3	0 16 6
Freight .. .. .	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0	3 10 0
Weighting .. .. .	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0	0 8 0
Insurance (10s. 6d. per cent.) .. ..	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8	0 2 8
Brokerage and commission (1 per cent. on, say, £26 2s. 6d.) .. .. .	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3	0 5 3
Exchange on proceeds (say, £22 3s. 11d.) .. .. .	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0	0 9 0
Total cost .. .. .	24 4 4	24 11 0	24 17 7	22 18 11	23 4 11	23 10 11	21 17 3	21 3 21	2 7 22	20 14 2	20 19 5	21 4 6	21 8 9	21 13 8
Profit per ton .. .. .	1 18 2	1 11 6	1 4 11	3 3 7	2 17 7	2 11 7	4 5 3	3 3 19	11 3 14	5 8 4	5 3 1	4 18 0	4 13 9	4 8 10
Last market price .. .. .	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6	26 2 6
Return of profit equals .. .. .	7½%	6%	4½%	12½%	11%	10%	16½%	15%	14%	20%	19½%	18½%	18%	17%
														6½%

N.B.—The 2½ per cent. shrinkage in shed is not actual, but is allowed by the Customs to save reweighing. This percentage added to the percentage of shrinkage in transit should approximate the actual shrinkage of other shippers.

The above cost does not include—Rent of extra copra-sheds, £8 per annum; tax on copra-sheds, £2 per annum; Copra-buyers' license, 2s. 6d.; commissions paid to extra copra-buyers, 4s. 6d. per ton; proportion of traders' wages, which are £10 per month; interest on capital value of station properties, sheds, plant, and utensils; cost of station boats and lighters, and maintenance of same; tax at 10s. and £1 respectively on above; proportion of insurance on station properties at £1 10s. per cent.; interest on capital outlay in copra-shed properties in Apia, and insurance on same; interest on money expended in purchase of copra; proportion of Apia office supervision; proportion of Sydney office supervision.

SHRINKAGES ON COPRA PURCHASED AT TRADING-STATIONS (these figures are taken from the last squaring at each station).—*Upolu*: Luatuanuu, 4-26 per cent.; Solosolo, 10-38 per cent.; Samusu, 10-38 per cent.; Saleamua, 10-88 per cent.; Lalomua, 15-48 per cent.; Lepa, 11-87 per cent.; Aufaga, 13-24 per cent.; Lotofaga, 15-34 per cent.; Salani, 13-15 per cent.; Satalo, 16-35 per cent.; Vaoval, 16-35 per cent.; Saleaka, 14-72 per cent.; Saleaka, 13-59 per cent.; Fagamalo, 10-12 per cent.; Fagamalo, 10-12 per cent.; Safotu, 9-94 per cent.; Sasina, 16-60 per cent.; Sataua, 10-98 per cent.; Salealupo, 11-56 per cent.; Salealofa, 10-87 per cent.; Salealofa, 13-9s per cent.; Siufaga, 6-80 per cent. (usually 9 per cent.); Faga, 13-77 per cent.; Lano, 8-16 per cent. (usually 11-5 per cent.).

## EXHIBIT No. 2.

## MORRIS, HEDSTROM, LTD.

## 1. SCHEDULE SHOWING COST AND PROFIT TO TRADING-STATIONS ON SAVAI'I FOR COPRA PURCHASED AT THE CURRENT PRICE OF 2½ CENTS PER POUND AND CREDITED AT THE RATE OF £16 PER TON C.I.F. APIA.

	£	s.	d.
Buying-price per ton at 2½ cents per pound .. .. .	10	1	8
Trader's commission at 4s. per 1,000 lb. . . . .	0	9	0
Average shrinkage between date of purchase and shipping (11 per cent.) .. .. .	1	2	2
Sewing-twine, needles, &c., per ton .. .. .	0	1	0
Freight to Apia at 12s. 6d. per 1,000 lb. . . . .	1	8	0
Insurance to Apia .. .. .	0	1	3
Charges for labour—weighing, bagging, sewing, and loading to vessels .. .. .	0	9	0
Inward wharfage .. .. .	0	0	6
Proportion of trader's wages (say, 50 per cent.) .. .. .	0	10	0
	<u>£14</u>	<u>2</u>	<u>7</u>

Profit to station, £1 17s. 5d. per ton.

NOTE.—The above does not take into account the following: Salary of European Station Inspector, constantly employed; head office overhead charges for management; rental of copra-shed sites (the minimum rental permitted by Administration is £8 per annum); proportion of store rental; interest on cash at stations for copra purchases; interest on capital cost of buildings; fire insurance on buildings; repairs and maintenance of sheds, lighters, &c.; taxes for lighters and extra copra-sheds.

## 2. SCHEDULE SHOWING COST AND PROFIT TO TRADING-STATIONS IN APIA DISTRICT FOR COPRA PURCHASED AT THE CURRENT PRICE OF 3 CENTS PER POUND AND CREDITED TO THE STATIONS AT £16 PER TON DELIVERED IN APIA.

	£	s.	d.
Buying-price per ton at 3 cents per pound .. .. .	13	8	10
Traders' commission at 4s. per 1,000 lb. . . . .	0	9	0
Average shrinkage in weight between date of purchase and delivery to Apia (7½ per cent.) .. .. .	1	0	2
Cost of sewing-twine, needles, &c. .. .. .	0	1	0
Cartage to Apia, per ton .. .. .	0	10	0
Charges for weighing, bagging, and delivery to lorries .. .. .	0	5	0
Proportion of traders' wages .. .. .	0	10	0
	<u>£16</u>	<u>4</u>	<u>0</u>

NOTES.—(1) The difference in rate of shrinkage between local stations and Savai'i is owing to the more frequent clearances from sheds. (2) Trading-stations in 3-cent area are not showing any profit on copra purchases. (3) The above does not take into account any of the charges enumerated in Schedule 1 for additional charges against copra.

## 3. SCHEDULE SHOWING CHARGES AGAINST NATIVE COPRA CREDITED TO OUR TRADING-STATIONS AT £16 PER TON C.I.F. APIA, TO THE SELLING-POINT IN EUROPE.

	£	s.	d.	£	s.	d.
Cost c.i.f. Apia .. .. .				16	0	0
Average shrinkage in store (5 per cent.) .. .. .	0	16	0			
Export tax .. .. .	1	0	0			
Lighterage .. .. .	0	6	0			
Cartage, lorry-hire inwards and outwards .. .. .	0	3	0			
Labour discharging from coastal vessels—rebagging, reconditioning, sewing, marking, stacking in shed, and reloading for export .. .. .	0	6	6			
Cost of sacks, twine, &c. .. .. .	0	17	6			
Insurance in shed, based on average storage of six weeks .. .. .	0	1	6			
Interest .. .. .	0	3	0			
Proportion of ground-rent for shed .. .. .	0	1	0			
Proportion of capital value of buildings .. .. .	0	0	6			
				<u>3</u>	<u>15</u>	<u>0</u>
Total cost f.o.b. Apia .. .. .				19	15	0
Exchange at sixty days on selling-price .. .. .	0	10	0			
Freight to Europe .. .. .	3	10	0			
Insurance in transit .. .. .	0	2	6			
London brokerage and commission (1½ per cent.) .. .. .	0	7	9			
Landing-charges in Europe .. .. .	0	1	6			
Shrinkage en route at 3 per cent. on £20 .. .. .	0	12	0			
Head office charges for selling (covering all cabling charges, &c.) .. .. .	0	5	0			
				<u>5</u>	<u>8</u>	<u>9</u>
				<u>£25</u>	<u>3</u>	<u>9</u>

NOTE.—The above does not take into account any of the following charges: Salary of European overseer constantly employed on produce; overhead charges for management; fire insurance on buildings, repairs and maintenance, plant and buildings; loss on working-expenses of vessels engaged in copra-freighting; petty charges against shipments; wastage and losses of sacks.

## EXHIBIT No. 3.

P. C. FABRICIUS, LTD.

District, &c.	Purchase Price.	Station Expenses :	Half Trader's Salary and his Commission.	Freight to Apia.	Shrinkage from purchase to arrival Apia.	Cost in Vessel alongside Wharf. Apia.
		Shipping, Boot-hauling, Twine, Books, Messengers, &c.				
	Per Ton.	Per Ton.	Per Ton.	Per Ton.	Per Ton.	Per Ton.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Manono ("A" district)— 10 pfg. per pound	11 4 0	0 11 6	1 3 6	1 2 6	1 12 0 (12½%)	15 13 6
Falealili ("B" district)— 9 pfg. per pound	10 1 8	0 8 1	0 18 8	1 11 4	1 8 9 (12½%)	14 8 6
Matautu and Safotu ("C" district)—8 pfg. per pound	8 19 3	0 11 5	1 6 3	1 11 4	0 19 9 (10%)	13 8 0
Average for three districts						14 10 0
Discharging coastal vessels, carting, refilling, and reconditioning sacks, weighing, charge of Customs weigher, wharfage, &c. . . . .						0 4 6
Sacks (17 to 18 per ton), marking and replacing of damaged sacks . . . . .						1 0 0
Average storage charges in export-shed per ton for about nine weeks between steamers . . . . .						0 3 0
Average storage insurance in export-shed per ton for about nine weeks between steamers . . . . .						0 1 6
Export duty, which is paid on 2½ per cent. more weight than is sold . . . . .						1 0 6
Shipping-charges (which are higher if copra has to be carted from other sheds) . . . . .						0 6 0
Freight to Europe (which is higher on account of our smaller quantities) . . . . .						3 12 6
Marine insurance to Europe, ½ per cent.; brokerage and commission, 1½ per cent.; shrinkage from time of weighing into Apia shed till weighing out in Europe, 5½ per cent. (7½ per cent. on average selling-price of £25 10s.) . . . . .						1 18 3
European small expenses for weighing, rebate, extra insurance, &c. . . . .						0 3 0
Exchange on transfer of £20 per ton from proceeds . . . . .						0 4 9
Six months' interest for average capital outlay of £16 per ton . . . . .						0 12 9
Total expenses from coastal vessel in Apia to realization of selling-price . . . . .						9 6 9
Plus average landed cost in Apia alongside wharf as above . . . . .						14 10 0
						£23 16 9

In these costings no allowance is made for lease of stations or land on which own stations are erected; repairs and depreciations of station buildings, copra-houses, station-boats, utensils; fire risk at stations and marine risk on way to Apia; cables for quotations, and for arranging sales, &c.; allowance for bad debts through traders giving advances in copra; or for excess shrinkages irrecoverable from traders.

## EXHIBIT No. 4.

CHAMBER OF COMMERCE OF WESTERN SAMOA.

Apia, Samoa, 18th May, 1927.

The Secretary, Administration of Western Samoa, Apia.

SIR,—

We have been directed by our Chamber to lodge its emphatic protest against the Administration's interference in trade, by its policy in buying allegedly superior copra at rates far in excess of those able to be paid by licensed copra-buyers. Our Chamber considers that the Administration's scheme is unfair and unjust; it has been proved impracticable, and in its application there has been a disregard of existing laws and regulations. Furthermore, some of the consequences that are already apparent, and others that must ensue, seem to have received no consideration whatsoever.

It has been stated that the New Zealand Reparation Estates are handling the work for and on behalf of the Agricultural Department. We would respectfully ask, Is the officer who has been weighing at Fagamalo an employee of the New Zealand Reparation Estates or a member of the Administration service? In any case, are we correct in assuming that the New Zealand Government, through the New Zealand Reparation Estates, is not being reimbursed for the time, &c., expended by its servants in the buying (retreating in some cases), bagging, storing, and shipping from the buying-points, the freight to Apia, and the many charges incurred here in supervision, storing, shipping, insurance—all of which charges merchants, in the ordinary course of business, have to bear?

There are certain regulations in force which, if not adhered to, a trader cannot obtain a license to sell his goods and buy copra, yet it appears that these regulations are ignored by your Administration, which, although collecting taxation and licensing to trade, does not give that protection which the payers of licenses and taxes are justly entitled to. Can there be the regard for a country's laws if the Government itself does not keep them? Not only are the Trading Regulations and Copra Ordinance unobserved, but even the law in respect to the observance of holidays has been broken by one of the officers engaged in buying copra—done, too, under the eyes of one responsible

for the law and order of a large number of Samoan people. Even under the direct control of the Estates' managers, and of officers whose duty before was to inspect the copra bought by traders, it has been found that much of the copra taken delivery of by them has not been up to the standard required, and has been sold locally. Further, the right quality has only been obtained in some cases by the plantation manager retreating the copra, presumably at the expense of the Government or the New Zealand Reparation Estates. Even now, we understand, this manager is lending the Natives the trays belonging to the plantation. Will these actions help to achieve the result which the Administration is apparently endeavouring to obtain—viz., to get the Samoans to make at their own expense, labour, and interest, a quality of copra superior to the general production, and obtain a better price accordingly? With the trouble experienced, despite concentration of buying and expert supervision, does it not show clearly the difficulties experienced by those whose business it is to buy copra not only in one or two centres, but throughout the length and breadth of the two islands?

Our Chamber is very much concerned at the inevitable consequences to the country if this scheme is gone on with. We already find that one of the Agricultural Inspectors has been taken from his usual work, which embodies amongst many other duties the necessity of frequent inspection of Native plantations and of the copra in stations and sheds, to buy Native copra, and another Inspector is to take up the buying in the Faasaleleaga district. Surely the result—the growth of the beetle, neglect of the plantations, the making of an even poorer quality of copra in those places not accessible to the Government buyer—can be seen. And the same will apply to the Estates if the managers, who are responsible officers and accordingly well paid, have to neglect their ordinary duties, which we may assume, if properly and conscientiously carried out, fully occupy their time. There is evidence already on one plantation to warrant this concern.

Briefly, we would summarize the position, as it appears to our Chamber, in the following questions:—

- (1) Has the Administration proved to its satisfaction that the merchants and those concerned with copra are not paying a fair price for the same?
- (2) If it has, is it aware that this opinion is not shared by all its responsible officers?
- (3) If the Administration considered that a fair price was not being paid and there was no incentive offered for better-quality copra, why was not the position discussed with those responsible and an endeavour made to discover a solution of the problem?
- (4) Why is the Administration setting up a false value for Native copra, when the many overhead charges, such as managers' and inspectors' salaries, rents, labour, taxes, licenses, office salaries and expenses, &c., are not being taken into consideration?
- (5) Is it just that merchants and traders should have to bear taxation when the means of earning the taxation is being taken away from them?
- (6) Is it just that merchants and traders should have to erect and maintain suitable store buildings, and keep sufficient stock and ready cash, before obtaining a license to trade, whilst the Administration both trades without a license and does not honour its own regulations?
- (7) Are members of the Administration entitled to break the law in regard to the observance of statutory holidays?
- (8) Will the Administration admit the impossibility of plantations managers and Agricultural Inspectors being able to carry out the duties for which they are paid by the New Zealand Reparation Estates and the country and at the same time attend to the work entailed in buying Native copra?
- (9) Admitting the impossibility, must it not also admit the imminent danger to the country generally through the lack of supervision and inspection, by the neglect of Native and Government plantations, the spread of the beetle, and a decline in the quality of the copra, which, through inaccessibility, cannot be delivered to the Government buyers?
- (10) Finally, we have to ask if the Administration countenances the imposition of fines by a certain Faipule, who has made it a *tulafono* that all copra must be washed and then weighed by the Government.

We have been informed that a fine of 4s. is imposed upon any one not obeying this regulation.

This Chamber believes that the copra merchants and others interested are, and always have been, intent upon maintaining the quality of Samoan copra. Furthermore, it is of the opinion that, considering the heavy expenses entailed, the Natives have always received a fair price for their produce. This has been exemplified during the past few months, in which the London market has been as much as £4 lower than is usual at this period; nevertheless, the price for Samoan copra has been reduced by only £2 5s. per ton, whereby, so we have been informed, merchants have had to be content with merely getting their outlay back again, and at times the state of the market was such that even this seemed doubtful. Again, the local reduction was not made until some time after the decline at Home, as it was hoped to avoid, if at all possible, any reduction in the rate which had existed for so long.

In conclusion, we have been assured by those concerned that they are always willing to meet the Administration to discuss any matter relating to copra, and would welcome any practicable scheme that would ensure a better product, meriting a better price. Awaiting your reply,

We are, yours faithfully,  
CHAMBER OF COMMERCE OF WESTERN SAMOA.

Administration of Western Samoa, Apia, Samoa, 2nd September, 1927.

The President, Chamber of Commerce, Apia.

DEAR SIR,—

With reference to the Secretary's memorandum dated 19th May, in reply to your letter of 18th May, 1927: His Excellency the Administrator has now had an opportunity of discussing the matters referred to therein with a large number of Natives representing every district in Upolu and a few districts in Savai'i, and he finds they are in no way changed in the attitude they have taken up for the past four years in their urgent requests for the Government to assist them to get a higher price for their copra. They blame the Government for their not receiving the same price for their copra as the Natives receive in Tutuila and other islands of the Pacific, and so place this Administration in the position of having to assist them, where possible, to market their products in order to remove their discontent.

As previously explained to you, the Administration efforts are directed only to (1) improving the quality of Native copra, (2) enhancing the price for superior copra, without which the Natives will not take the trouble to make a high standard quality. The Administration does not wish or intend to buy Native copra, but merely to assist those Natives who desire to do so to ship their copra to oversea markets. Those Natives who do this should be able to increase their purchasing power and so benefit generally the trade of this Territory.

It is not proposed to discuss the various questions in your letter, some of which are based on false assumption, and all arise out of the first question—as to whether the Administration has proved to its satisfaction that the merchants and those concerned with copra are not paying a fair price for same. The answer to this question is that the Administration is satisfied that a fair price has not been paid to the Natives for good-quality copra.

Yours faithfully,  
W. H. WOODWARD, Acting-Secretary.

## EXHIBIT No. 5.

O. F. NELSON AND CO., LTD. : ESTIMATED MARKETING COSTS OF COPRA PER TON.

	Copra purchased in			
	Apia: 3c. (12s. 100lb.)	"A" District, 2½c. (10s. 100lb.)	"B" District, 2¼c. (9s. 100lb.)	"C" and "D" Districts, 2c. (8s. 100lb.)
2,240 lb. . . . .	£ s. d. 13 8 10	£ s. d. 11 4 0	£ s. d. 10 1 7	£ s. d. 8 19 3
Shrinkage in sheds (10 per cent.) . . . . .	1 6 11	1 2 5	1 0 2	0 17 11
Station handling . . . . .	..	0 9 0	0 9 0	0 9 0
Trader's commission (4s. per 1,000 lb.) . . . . .	0 9 0	0 9 0	0 9 0	0 9 0
Freight to Apia (per 1,000 lb.) . . . . .	..	1 2 5*	1 8 0†	2 4 10‡
Marine insurance . . . . .	..	0 2 0	0 2 0	0 2 0
F.W.A. (free at wharf, Apia) . . . . .	..	14 8 10	13 9 9	13 2 0
Wharfage (per ton) . . . . .	..	0 0 6	0 0 6	0 0 6
Handling from wharf to shed . . . . .	..	0 5 0	0 5 0	0 5 0
Labour in shed, rebagging and stacking . . . . .	0 2 6	0 2 6	0 2 6	0 2 6
Shrinkage from station to Apia (2½ per cent.) . . . . .	..	0 5 6	0 5 0	0 4 6
Insurance in shed . . . . .	0 3 0	0 3 0	0 3 0	0 3 0
Stacked in sheds . . . . .	15 10 3	15 5 4	14 5 9	13 17 6
Loading and cartage for overseas shipment . . . . .	0 3 0	0 3 0	0 3 0	0 3 0
Bags and twine (17 sacks to ton) . . . . .	0 18 6	0 18 6	0 18 6	0 18 6
Ligherage . . . . .	0 6 0	0 6 0	0 6 0	0 6 0
Export duty . . . . .	1 0 0	1 0 0	1 0 0	1 0 0
Shrinkage in sheds (4 per cent. on £26) . . . . .	1 0 9	1 0 9	1 0 9	1 0 9
Bank charges on draft (1 per cent. on £20) . . . . .	0 4 0	0 4 0	0 4 0	0 4 0
F.o.b. Apia . . . . .	19 2 6	18 17 7	17 18 0	17 9 9
London charges—				
Freight (70s. per ton) . . . . .	3 10 0	3 10 0	3 10 0	3 10 0
Superintending, weighing, &c. . . . .	0 0 9	0 0 9	0 0 9	0 0 9
Marine insurance . . . . .	0 2 4	0 2 4	0 2 4	0 2 4
Interest on draft and freight (1 per cent. on £23 10s.) . . . . .	0 4 8	0 4 8	0 4 8	0 4 8
Brokerage (1½ per cent. on £26) . . . . .	0 7 9	0 7 9	0 7 9	0 7 9
	23 8 0	23 3 1	22 3 6	21 15 3
Shrinkage in transit to Europe (3 per cent.) . . . . .	0 15 7	0 15 7	0 15 7	0 15 7
	24 3 7	23 18 8	22 19 1	22 10 10
London price of last sales . . . . .	26 0 0	26 0 0	26 0 0	26 0 0
Profit . . . . .	1 16 5	2 1 4	3 0 11	3 9 2
Equal to . . . . .	7 %	8 %	11½ %	13 %

\* At 10s. † At 12s. 6d. ‡ At £1.

The foregoing figures do not include the following overhead charges: Interest on proportion of capital value of stations, copra-sheds and utensils; cost of maintenance of station boats and lighters; tax of £1 and 10s. on boats and lighters; proportion of insurance of stations and sheds at £1 10s. per £100; interest on cash used in the purchase of copra (say, £5,000 per month); rent of extra copra-sheds (£8 per annum); tax on extra copra-sheds (£2 each); copra-buyers' licenses (2s. 6d. each); wages of extra copra-buyers (4s. 6d. per ton weighed in); proportion of traders' wages (say, two-thirds of £10); proportion of head office expenses, including salaries, cables, &c.; rent and insurance of copra-sheds in Apia; proportion of Customs clearance charge of 10s. per boat per trip; risk of decline in market.

## EXHIBIT No. 6.

RETURN SHOWING AMOUNT OF LIQUOR ISSUED ON PERMIT BY POLICE FOR MONTHS OF FEBRUARY AND APRIL, 1920.

	February.	April.		February.	April.
Whisky (bottles) . . . . .	162	839	Cherry brandy (bottles) . . . . .	..	24
Brandy (bottles) . . . . .	12	164	Cherry bitters (bottles) . . . . .	..	21
Rum (bottles) . . . . .	3	166	Peach cordial (bottles) . . . . .	2	..
Gin (bottles) . . . . .	54	429	Whisky (cases) . . . . .	15	154
Wine (bottles) . . . . .	749	10,015	Beer (cases) . . . . .	73	124
Liquers (bottles) . . . . .	6	129	Rum (cases) . . . . .	..	..
Vermouth (bottles) . . . . .	19	172	Gin (cases) . . . . .	1	54
Benedictine (bottles) . . . . .	..	3	Wine (cases) . . . . .	..	31
Creme de menthe (bottles) . . . . .	..	7	Wine (barrels) . . . . .	3	37
Creme de cocoa (bottles) . . . . .	1	1	Wine (gallons) . . . . .	..	88
Sparkling wine (bottles) . . . . .	24	18	Peach cordial (gallons) . . . . .	..	3
Champagne (bottles) . . . . .	12	16	Beer (bottles) . . . . .	306	..
Cherry whisky (bottles) . . . . .	..	..			

A. L. BRAISBY.

## EXHIBIT No. 7.

## RETURN SHOWING LIQUOR OFFENCES FOR PERIOD 1920-1926 (INCLUSIVE).

(Compiled from Police records.)

Offence.	1920.	1921.	1922.	1923.	1924.	1925.	1926.
Manufacturing liquor .. ..	..	..	2	22	11	6	10
Liquor found in occupied premises .. ..	..	..	6	3	..	2	..
In possession of liquor .. ..	..	..	3	4	4	6	2
Importing liquors .. ..	..	6	2	6	1	1	1
Concealing liquor .. ..	..	..	..	1	..	..	..
Selling liquor .. ..	..	..	2	4	1	3	1
Breach of Distillation Act .. ..	..	3	6	2	3	2	..
Consuming methylated spirits .. ..	..	..	5	30	18	1	11
Supplying liquor to Samoans .. ..	4	..	..	..	..	..	..
Drunkenness .. ..	8	1	5	14	8	4	5
Samoans consuming liquor .. ..	20	1	7	..	6	..	..
	32	12	38	86	52	25	30

A. L. BRAISBY, Inspector, Police and Prisons.

Police and Prisons Department, Apia, 26th September, 1927.

## EXHIBIT No. 8.

## SPIRITUOUS LIQUORS IMPORTED INTO WESTERN SAMOA FOR PERIOD 1916-1927.

				Spirits.	Wines.	Ale and Stout.
				Gallons.	Gallons.	Gallons.
Calendar year .. ..	1916	..	..	3,027	2,834	19,132
.. ..	1917	..	..	2,518	4,728	18,991
.. ..	1918	..	..	2,838	6,666	19,095
.. ..	1919	..	..	1,504	11,446	21,388
.. ..	1920	..	..	541	1,926	5
Financial year ending 31st March, 1922 .. ..	..	..	..	83	16	..
.. ..	1923	..	..	204	50	122
.. ..	1924	..	..	529	70	598
.. ..	1925	..	..	1,276	90	889
.. ..	1926	..	..	986	143	1,391
.. ..	1927	..	..	393	163	2,483

## IMPORTATIONS OF "ALL-IN-ONE" INTO WESTERN SAMOA, PERIOD 1922-1926.

"All-in-one" was first imported 1st June, 1922.

				Cases.	Value.					Cases.	Value.
1922 .. ..	..	..	..	57	£192	1925 .. ..	..	..	..	385	£940
1923 .. ..	..	..	..	311	£950	1926 .. ..	..	..	..	482	£1,071
1924 .. ..	..	..	..	292	£876						

## MEDICINAL LIQUOR.

The total of medical permits issued for the September quarter, 1927, is 232, which represents the following monthly supplies: 296 bottles spirits, 56 bottles wine, and 720 quart bottles ale or stout.

## EXHIBIT No. 9.

## ALCOHOLIC LIQUOR IN WESTERN SAMOA.

16th May, 1927.

His Excellency, General Sir George S. Richardson, K.B.E., C.B., C.M.G., Administrator of Western Samoa.

YOUR EXCELLENCY,—

A reference made by Your Excellency at a meeting of heads of Departments prior to your visit to the New Hebrides to the subject of liquor in Samoa has been taken by us to indicate the possibility of your bringing before the Hon. the Minister of External Affairs a proposal for a change of the law on this subject, if you were satisfied that such a change is for the benefit of Samoa. Accordingly, since that meeting, we, your departmental heads, being ourselves satisfied that a change is desirable, have met again, with official permission, to discuss privately and formulate proposals which have the concurrence of us all and which might be of some assistance to Your Excellency. The object which we have had in mind in framing the proposals now submitted herewith is not a selfish one. It is, in short, to help Your Excellency to make this Territory a happier one for both Natives and Europeans. That object, we think, can be accomplished by an amendment of the law in the following directions:—

First, to ensure the more effective prevention of the supply of intoxicating beverages to the Natives, as required by Article 3 of the mandate.

As it at present stands the law, though in intention a good one, is ineffective to prevent either Natives or Europeans from obtaining and consuming intoxicating liquor. It permits the manufacture of liquor containing up to 3 per cent. of proof spirit. This is the outstanding weakness. By the use of a concoction called "All-in-One," which has for some time been imported into Samoa in huge and increasing quantities, it is easy, with the addition of sugar and water only, to make an intoxicating liquor resembling beer, locally called *fa'a mafu*. Unless the amount of sugar is carefully regulated the percentage of alcohol in this *fa'a mafu* beer rises above the legal 3 per cent. The addition of extra sugar ensures an excess of alcohol and gives the drink a "kick," which is its only recommendation among its devotees. The manufacture of *fa'a mafu* beer from "All-in-One" not being prohibited by law, the police cannot interfere with it except on those rare occasions when they are able to obtain samples exceeding the legal percentage. This is generally possible only after, and as a result of, cases of drunkenness coming under their notice. It is practically impossible in outlying districts. We have no doubt whatever that, in spite of the efforts of the police, a great deal of over 3 per cent. *fa'a mafu* beer is habitually made and consumed, particularly by the young half-caste population. In proof of this we refer Your Excellency to the figures of the importation of "All-in-One" for the year 1926—viz., 485 cases. It is estimated that it is sufficient to brew 28,875 dozen quart bottles of *fa'a mafu* beer. The total white population of the Territory, as Your Excellency knows, is about 446, and this concoction is not a favourite one among them.

We also quote the report of the Collector of Customs, who on his inspection of trading-stations last year found that "All-in-One" was stocked in the majority of stores throughout Samoa, including those situated in places where there were no whites living in the vicinity. "All-in-One" is used for no other purpose than the manufacture of *fa'a mafu* beer.

The prohibition of the importation of "All-in-One" would not alone suffice to prevent brewing, as other products of the country can be, and sometimes are, used in substitution for it. Spirits also can be, and are, manufactured from pawpaws and cocoa, though the difficulty of distillation and the efforts of the police have prevented the manufacture of spirits becoming a menace. The only course, therefore, to ensure that the spirit of the mandate will be carried out effectively in the future seems to be to prohibit absolutely, as we suggest in the following proposals, the brewing or preparation of any fermented or alcoholic liquor whatever.

Secondly, by allowing a more liberal and reasonable, though a strictly controlled, use of alcoholic liquor by those persons of European and mixed race who can use it without detriment, to overcome the hostility to the Administration and its activities which the present law arouses.

The law is, rightly or wrongly, regarded by many people as a just grievance. If it were amended to allow them to obtain a quantity of liquor sufficient, but no more than sufficient, for their own personal and reasonable consumption, it would command the support of these people, and the Administration would receive from them more co-operation in its efforts for the good of the Territory, and particularly in its efforts to prevent drinking among the Natives and others to whom it is detrimental.

We draw Your Excellency's attention to the fact that under our proposals the total permits issued by the Board would probably be under four hundred. The General Report for 1926, page 26, shows the European population to be 637. Of this number probably at least one hundred would not apply for permits, they having no taste for liquor; a further fifty or so would be rendered ineligible by their police and Court records; and another one hundred at least would be lacking in the qualifications set out in clause 5 of the proposals.

In conclusion, and in order to show our sincerity in the matter we would impress on Your Excellency the necessity for clause 9, which refers to penalties for offences. These we consider are sufficiently drastic to deter would-be offenders from taking risks in trading in alcoholic liquor of any kind. We have made no mention of penalties in connection with brewing, feeling satisfied that this will be dealt with by the Law Department in the event of any change being made in the present system.

Attached herewith please find schedule of before-mentioned proposals.

I have, &c.,  
R. J. C.,

For Heads of Departments of the Samoan Administration.

SUGGESTED SCHEME BY HEADS OF DEPARTMENTS OF THE SAMOAN ADMINISTRATION FOR THE ISSUE AND CONTROL OF ALCOHOLIC AND FERMENTED LIQUOR IN THE TERRITORY OF WESTERN SAMOA.

1. *Brewing.*—That the brewing of any fermented or alcoholic liquors whatsoever be absolutely prohibited throughout the whole Territory of Western Samoa, except by special license, and that the importation of preparations primarily intended for the manufacture of alcoholic beverages be absolutely prohibited.

2. *System of Issue.*—That the method of procuring liquor be by permit only.

3. *Board of Control.*—That a permit Board of Control, consisting of official members of the Administration, or official and non-official members, be set up for the purpose of issuing and controlling permits. The members of the Board to be appointed by the Administrator and to hold office during his pleasure. Non-official members to receive remuneration as decided by the Administrator.

4. *Liquor Controlled by Permit Board.*—That the Permit Board have control of spirituous and fermented liquors within the Territory of Western Samoa, with the exception of liquor required for medical purposes, and that the maximum amount which the Board shall have power to grant shall be the equivalent of 2 reputed quarts of spirits per week; and for purposes of this clause 1 of spirits = 3 of wine = 9 of ale or stout.

5. *Eligible Persons.*—That every person registered and living as a European with one-half European blood or more and who is twenty-five years of age or over shall be eligible for consideration by the Board, but not *ipso facto* entitled to a permit. For the purposes of this Act the term "European" does not include Chinese coolie labourers.

6. *Medical Permits.*—That the Medical Department continue to issue medical permits at their discretion.

7. *Tourists and Overseas Shipping.*—In the case of tourists the following shall apply:—

(a) Round-trip passengers, no permit whatsoever.

(b) Stay-over tourists and visitors to be issued with reasonable requirements by and at the discretion of the Collector of Customs, who will report his actions in the matter to the Board at its next regular meeting.

(c) The officers and crew of overseas shipping remaining in port for more than three days to be supplied by the Collector of Customs with reasonable requirements out of the ship's stores for consumption on the ship only.

No liquor to be supplied to the members of any crew from Government stores for consumption ashore. Liquor issued for consumption on the ship on no account to be brought ashore.

8. *Control and Importation of Liquor.*—That the Collector of Customs be the authorized person for the control and importation of liquor under the authority of the Board.

9. *Penalties for Offences.*—That any person found supplying liquor to Natives or unauthorized persons shall, upon conviction by the High Court, be imprisoned without the option of a fine for a minimum of twelve months; and any Native or unauthorized person receiving liquor shall receive the like punishment; and any person convicted by the High Court of any offence committed whilst under the influence of liquor shows himself to be an unfit person, and that the record of the conviction shall be reported to the Board, who will take such action as it may think fit.

## EXHIBIT No. 10.

## GREAT FON0 OF WESTERN SAMOA.

THE Fono was held in the Market on the night of Friday, 15th October, 1926. This was the first Fono ever held where white people and Samoans combined. This Fono was called by three members of the Legislative Council. Chairman, Taisi Nelson.

*Decisions.*

1. That a document be prepared setting out the matters of dissatisfaction among all people in Samoa, and to be conveyed to the New Zealand Government.
2. That a committee consisting of six Samoans, six whites, and the three Legislative Councillors be appointed.
3. That a wireless message be sent to New Zealand asking that the Minister be sent to Samoa in November.
4. That the following matters be recorded:—
  - I. That Faipules (F.P.) be appointed on the Legislative Council.
  - II. (a) That the accounts (money matters) of the Government of Samoa be inquired into; that the white officials be decreased, and their salaries.
    - (e) That the debt of the Samoa Government to New Zealand be inquired into: where has this money gone?
  - III. The appeal of the white people for the reestablishment of their custom concerning liquor.
  - IV. (a) The appeal of the Samoans against the cruel oppressive despotic authority of the Government in taking away titles of chiefs' names and the banishment of chiefs to villages other than their own.
    - (e) That the Samoans are dissatisfied with the hospital tax.
    - (i) The distress of the Samoans because of the many cruel oppressive despotic laws prohibiting some of their important Native customs.
    - (o) The strong restrictions on customs that give prestige to the Ali'i and Faipule, such as "fine mats."
    - (u) The prohibiting of Samoans of other villages from living in Apia, where they get work, whether married or not.

## SECOND FON0 OF WESTERN SAMOA.

Held in Market on Friday night, 12th November, 1926. Chairman, Taisi Nelson, assisted by George Westbrook and Williams. White committee: S. Meredith, Smyth, Gurr, and Baxter. Samoan committee: Faumuina, Afamasaga, Tuisila, Alipia, Aimu'u, and Tofaeono. Number present—663 Samoans and whites.

The Chairman was about to commence the Fono when an objection was made by the Governor. A letter from His Excellency the Governor was read by the Secretary of the Administration, and the Samoan version read by Laupue.

Speech by Chairman explaining the law as between the Governor and the Government. An exhortation to obey the law on all sides but to carry on the Fono. Many Samoan chiefs added to the opinion of the Chairman, as did whites. On showing of hands many hundreds voted for holding the Fono. Six voted against it. The Fono was accordingly proceeded with.

*Resolutions.*

1. As instructions have been received from New Zealand that the Minister would not arrive until May, it was decided to send a deputation of the committee in January to convey the matters to the Government of New Zealand.
2. Samoans and whites to contribute voluntary towards expenses of deputation, such to be carried out honourably. (The Solosolo people gave at once £3 and Moanau of Mulifanua gave 2s.)
3. The committee to decide who shall go on this deputation.
4. That a wireless message be sent to New Zealand, to receive the deputation in January, 1927.
 

Having communicated with New Zealand, the following reply has been received: "The deputation would be received, but matters must first go through the Governor and Faipules." This has been done. Another wireless was sent to the Government of New Zealand conveying the thanks of the committee and country for this courteous reply received. This matter is done with true love for the country: no desire to cause trouble with any one, but with the desire to straighten out things of dissatisfaction to the country. The committee was not appointed by a village or district but represents the whole country. We wish to go in accordance with the law and the maintenance of peace on all sides. The prayer is that God may be with us and guide us, that a dignified status for the country may be attained. Subscriptions will be received at *Nelson's offices* for deputation expenses until 31st December, 1926.

Matafele, 18th November, 1926.

## EXHIBIT No. 11.

## LETTER FROM G. E. L. WESTBROOK TO JOHN E. WRENCH, OVERSEAS CLUB, LONDON.

UNDER separate cover I am forwarding you two Samoan newspapers, 28th August and 4th September. The first gives a full account of the Prince of Wales's visit, and the other flag-hoisting in Samoa.

You will notice my two letters of the "Samoa Reserve Force," which I think shows up the whole situation here, and the feeling of discontent that is prevailing now that New Zealand is governing this country under mandatory control, and it is the universal wish, both with Natives and Europeans, that the country come under the jurisdiction of the British Foreign Office. There is general dissatisfaction all along the line the way the place is being governed.

The Government here have seized all German properties and deported all the German residents, giving them an order on the German Government for payment. The property is now run by the Government here as the "Crown Estates," and everything is in a general mess. The Government have started their own store in opposition to the merchants and traders. They are running the butchery, barber's shop, cold storage, and the hotel, all against private enterprise. An export duty has been imposed on copra of 20s. per ton, and 40s. per ton on cocoa-beans. Nearly all the British plantations are in bankruptcy, and are either in the Administrator's hands or in the hands of the Public Liquidator. There are men here holding high positions, colonels, captains, majors, &c., who have not even had the experience that we had twenty years ago—ever heard a shot fired in anger. The place is overloaded with Government officials, who are always asking for an increase of salary and claiming tropical allowances. Some of them have more than trebled their former New Zealand salaries while their mates have been away risking their lives on the various battle-fronts where the war was won, not in Samoa.

The Natives are dissatisfied, and presented a petition that some of the obnoxious officials should be removed; this petition they were persuaded to withdraw. Does it not stand to reason that the Natives should be dissatisfied when they lost nearly a quarter of the whole population through the epidemic of last November twelvemonth? Many of those in office have no sympathy with Samoa or the Samoans; their only wish is apparently to "make hay while the sun shines." I have heard them described as "carpet-baggers," arriving with a small one and leaving with a bigger one. Money has been wantonly wasted on what was needed, and many things for the benefit and prosperity of the country neglected.

Misleading reports are made comparing the value of the imports and exports with the German time, which of course is not fair, as the value of the goods imported have increased in value from 3 to 500 per cent., and the export of cocoa and copra have increased from 200 to 300 per cent.

The best thing that could happen to Samoa would be for an experienced Administrator to be appointed, who would be allowed to select a few of his heads of Departments (not in any way to be hampered) from Wellington, New Zealand, come down to Samoa, join up with the residents of these islands who fully understand the situation, and make Samoa a prosperous and paying concern. If this was done everybody would get a fair deal, the Natives would be satisfied, and the country would go ahead and prosper. As it is, the price of all property (landed) is falling in value, there being no competition from outside, and no new arrivals, except Government officials—many of whom cannot stand the climate—and a lot of money is wasted in conveying them backwards and forwards to New Zealand.

Why are not the Crown Estates put up for sale the same as the German properties in the Tongan Islands? This would bring people into the country as well as capital, which is sadly needed to save the country from ruin and disaster.

Now that the Germans have been deported we have lost some of our best customers, who were far more liberal in their expenditure than those who have taken their place, and are going to hold on to all they can get until such times as this country comes under proper control, and the residents here receive some kind of representation.

Fancy a town like Apia not being allowed a Municipal Council, and people of no influence being nominated by Colonel Tate to sit on the Governor's Council. All the Council meetings are apparently (Privy Council) held in secret, as there is never any record published of the meetings. The meetings are not the same respectful Natives that you met on your visit to Samoa, as they have been taught to acknowledge nobody except a man in uniform.

Enclosed please find a copy of a circular letter preparing the New Zealand Chambers of Commerce *re* a deputation that was leaving Samoa to try and gain their assistance.

During the whole period of the war, and practically up to date, the New Zealand public have been kept in ignorance as to what was going on in Samoa, as for a long time everybody's correspondence was censored, while those in power here were able to write flourishing reports to headquarters depreciating the efforts of others and giving glowing reports in favour of themselves, and the good they themselves were doing, &c.

Yours faithfully,

G. E. L. WESTBROOK.

## EXHIBIT No. 12.

### WESTERN SAMOA (FORMERLY GERMAN SAMOA): HOW NEW ZEALAND ADMINISTERS ITS MANDATE FROM THE LEAGUE OF NATIONS.

By S. H. MEREDITH (Samoa).

WHEN in 1918 the Allies emerged victorious in the Great War and the enemy had to sue for peace, the question of dealing with the overseas possessions of the Germans was settled under the Treaty of Versailles, 28th June, 1919. It was then decided that "a mandate should be conferred on His Britannic Majesty, to be exercised on his behalf by the Government of the Dominion of New Zealand, to administer German Samoa." Under that solemn covenant with the League of Nations the "degree of authority, control, or administration" which New Zealand could exercise was clearly defined, and New Zealand agreed "to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the Territory." Slavery, forced labour, traffic in arms, compulsory military training, and the supply of intoxicants to the Natives was prohibited by the mandate, which also provided that, subject to the "maintenance of public order and public morals, the Mandatory (New Zealand) shall ensure in the Territory freedom of conscience." The Mandatory must furnish an annual report of its trusteeship to the League of Nations, and any disputes arising out of the administration must be submitted to the Permanent Court of International Justice. New Zealand having accepted the mandate, German Samoa passed from the military occupation and martial law of the war period to a new era of peace administration by New Zealand, under which neither New Zealand nor Britain *possesses* Samoa. The League of Nations can agree to return it to Germany at any time, if the majority of signatories see fit. New Zealand now holds it in trust for the nations of the world, and the manner in which New Zealand is carrying out its solemn obligations may be learned from the following brief summary of the situation in Samoa:—

In 1921 the New Zealand Parliament passed an "Act to make provision for the Government of Western Samoa," and within its sixty-two pages and 376 sections are found full provision for everything needed (and many things which were not) in the way of Laws. But the one glaring, wilful, and obvious omission was the total absence of any right for the people of Samoa (Native or European) to a voice in the government of the Territory, or a say in the levying and spending of the revenue raised from them.

The method of government provided by New Zealand is by Ordinance. The Administrator, "acting with the advice and consent of the Legislative Council, may make laws (to be known Ordinances) for the peace, order, and good government of the Territory," and has the same power to levy taxes, rates, tolls, dues, &c. Any Ordinance passed comes into force at once and does not require the approval of the New Zealand Government, which, however, has the power of vetoing any Ordinance within one year of its passing into effect.

The wise proviso quoted above would appear to prevent any possibility of an Administrator becoming a tyrant or a dictator, as he can do nothing without the consent of the Legislative Council. But under the 1921 Act this Legislative Council must be composed of—(a) Not less than four official members, being officers of the Samoan Public Service appointed by the Governor-General; (b) unofficial members (not more in number than the official members) appointed by the Governor-General. The president was to be the Administrator—or his representative. This meant, of course, that the so-called Legislative Council was composed of a majority from the administrative staff of public servants, with others selected from citizens approved of by the Governor-General. There was no provision whatever for any representatives to be elected by either the Europeans or Samoans, who contributed all the revenue.

This institution (which a Lenin or a Mussolini would envy) meant that His Excellency was the Government, the Administrator, the Prime Minister, the Cabinet, and the Speaker. But as Administrator he could make no Ordinances nor levy any taxes without the advice and consent of a legislative body composed of a majority of the public servants (under his orders) and some citizens selected (in effect) by himself.

Naturally this initial attempt of New Zealand to do its duty to Samoa under the mandate was not received in the Territory with unbounded enthusiasm by either Europeans or Samoans, and some citizens promptly declined the honour of becoming a member of this unique body. Dissatisfaction was so loud all over Samoa that two years later the New Zealand Parliament passed an amending Act (of 1923) which increased the number of "official" Legislative Councillors to not less than six, and provided that the "unofficial" members (being not more in number than the "official" members) might be elected or nominated members, or partly elected and partly nominated members, as the Governor-General of New Zealand from time to time determines. At the present time the Council consists of six "official" M.L.C.s, holders of offices in the Samoan Public Service and three M.L.C.s elected by the Europeans of the Territory.

To appease the discontent among the Samoans who had previously been given no voice in their government the Samoan Amendment Act, 1923, set up a Native Advisory Council to be known as the Fono of Faipules, under which the Administrator could select a body of Samoan representatives to advise him on purely Native affairs. This 1923 Act was considered a great advance on the Samoans' hard climb towards self-expression, self-determination, and self-government for those inhabitants and settlers to whom the Territory really belongs, whether the flag of Germany, the three Big powers, the League of Nations, or New Zealand, waves over Apia as a symbol of "protectorship." But while the Act passed by the New Zealand Legislature in 1923 gave the Administrator power to appoint such number of Faipules (Native representatives) as he thought fit to the Fono which would advise him, the same Act also laid down that no "Native shall be appointed as a Faipule who is not qualified in accordance with existing Samoan usage and custom to occupy the position of Faipule in any Council or body having advisory functions." If this proviso in the New Zealand Act of 1923 meant anything at all it made it mandatory that the Faipules must be chosen according to the centuries-old traditions which had governed their election in past times.

In considering this provision for a Fono of Faipules it must be remembered that the Samoans are a proud, intelligent, dignified race of Polynesians, who in their limited island area, through the ages, had handed down from one generation to another an elaborate social system of self-government to which every Samoan submitted as a matter of course. As the result of long experience, this social system had its roots in the family (or clan), represented by the *matais*, from the combination of families into villages or settlements came the union of villages into districts, until the combined districts became an island under a king: a process of evolution in the social system which is not unfamiliar to a student of English, Irish, or Scotch history.

Hereditary traditions and rights as to caste, authority, and precedence were as jealously guarded in Samoa, and observed as strictly, as in any Royal Court of Europe before thrones went into the melting-pot, and when European domination was first established in Samoa by Steinberger in 1874 the initial central Government was brought into harmony with these traditions. The first Native Parliament consisted of an Upper House of fifteen sacred chiefs, whose hereditary privileges over their tribes were fully recognized, and a Lower House of Faipules was then elected with due ceremony by the Samoans in the various villages and districts.

But, while the New Zealand Act of 1923 provided that no Faipule should be appointed by the Administrator unless qualified in accordance with these ancient customs and usages, the ancient traditions and practices among the Samoans have not only been ignored, but have been treated with a contempt and disregard which can only be attributed to the lack of knowledge of a new Administration with a large staff of public servants who know nothing of these traditions. The best evidence of this is the fact that thirty districts out of a total of thirty-three have repudiated the status of the Faipules selected solely by the Administration. The Samoans regard these Faipules as mere nominees of the Administration, who act without any district or tribal authority.

A person who claims that the members of the present Fono of Faipules set up in Samoa are qualified representatives of the Natives merely proclaims his innocence of Samoan traditions, hereditary rights, customs and usages. The treatment accorded to sacred and hereditary chiefs for some time past, and the brutal attempt to smash up the ancient traditions which controlled Samoan social life for scores of generations past, is sufficient to make the Natives' old-time champion of their cause, Robert Louis Stevenson, turn in his grave on the heights of Vailima above his old home, which is now the Government House.

The ruthless manner in which this coercion and suppression is being carried out under the present Administration is provided for by an Ordinance dated 11th September, 1922:—

#### AN ORDINANCE TO CONTROL CERTAIN SAMOAN CUSTOMS.

WHEREAS by a Proclamation made by the Imperial German Governor dated the sixteenth day of September, one thousand nine hundred and one, the Samoan Natives were forbidden themselves to exercise the custom of local banishment: And whereas powers in that behalf were thereafter exercised by the said Imperial German Governor: And whereas by a Proclamation dated the twentieth day of March, one thousand nine hundred and sixteen, and by a regulation dated the twelfth day of February, one thousand nine hundred and eighteen, made by the Military Administrator of Samoa, provision was made for the manner in which applications for local banishment should be dealt with, and the above-recited Proclamation of the sixteenth day of September, one thousand nine hundred and one, was declared to be in force and its operation was extended: And whereas it is desirable to make the law plain in respect of powers concerning titles: Now, therefore, this Ordinance is made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoan Act, 1921.

1. This Ordinance may be cited as the Samoan Offenders Ordinance, 1922.

2. No Samoan person, whether he be a chief, orator, or Government official, shall expel or take any part in expelling any person from his village or district, under a penalty of imprisonment for a term not exceeding one year.

3. If the Administrator is satisfied that the presence of any Samoan in any village, district, or place is likely to be a source of danger to the peace, order, or good government thereof, the Administrator may, by order signed by him, order such Samoan to leave any village, district, or place in Samoa, and to remain outside of such limits for such time as the Administrator shall think fit, and by the same or any subsequent order the Administrator may order such Samoan to reside in any place specified in such order.

4. When the Administrator in pursuance of the authority conferred by this Ordinance has ordered any Samoan to leave any village, district, or place, he may by the same or any subsequent order, if he is satisfied that such a course is necessary in the public interest, and whether default has been made in compliance with such order or not, authorize the arrest of such Samoan and his removal from such village, district, or place to such other place as may be specified in the order; and thereupon any constable may, without warrant, arrest such Samoan and remove him from such village, district, or place and take him to such other place specified in the order.

5. If any Samoan is found in the village, district, or place defined in any order under clause three hereof in breach of such order after the expiration of such term as may be specified in the order he shall be guilty of an offence, and liable to imprisonment for a term not exceeding one year.

6. (1) The Administrator may from time to time, if he is satisfied that such a course is necessary for the peace, order, and good government of Samoa, or of any part thereof, by order signed by him directed to any Samoan, prohibit the use by such Samoan of any Samoan title or titles named in such order for such time as the Administrator may think necessary.

(2) Any Samoan who after any such order has been served on him uses any Samoan title in breach of such order shall be guilty of an offence, and liable to imprisonment for a term not exceeding one year.

7. Any order made by the Administrator under this Ordinance may be at any time revoked by the Administrator.

8. For the purposes of this Ordinance the word "Samoan" shall have the meaning given to it in section three of the Samoa Act, 1921.

9. No prosecution for any offence under this Ordinance shall be heard save by the Chief Judge of the High Court of Western Samoa.

Assented to this eleventh day of September, one thousand nine hundred and twenty-two,

[L.S.]

R. W. TATE, Administrator.

It needs but an intelligent perusal of this Ordinance (authorized by the New Zealand Act of 1921) to see that it deliberately revives all that was vicious, and worse, in the German regime, without any of the redeeming virtues of some good work which our former enemy admittedly did for Samoa. Under this Ordinance

("made by the Administrator with the advice and consent of his Legislative Council") sacred and hereditary chiefs have been arrested, arraigned, and condemned without trial of any sort. They have been deprived of their hereditary titles, taken from their family homes and banished to other districts, and ordered to assume a name other than that they had a full legal claim to—all this because they held the impression that under New Zealand flag they had a right to criticize the Administration governing them and to discuss various matters of vital interest to Samoa. There is abundant evidence to prove beyond cavil that high-caste Samoans who refused to recognize the "Faipules" selected by the Administration as being true or real representatives of the Samoans have been dragged into submission or silence, under threats of being deprived of their titles and banished from their villages—this without trial or right of appeal, although the New Zealand Act of 1921 makes every provision for dealing with offences ranging from disorderly conduct, rebellion, or sedition to high treason, after proper trial.

The widespread discontent with the extraordinary administration of His Excellency resulted in the Hon. O. F. Nelson, the senior elected M.L.C., interviewing the Prime Minister of New Zealand (Right Hon. J. G. Coates) in Wellington in August, 1926, when the Minister of Internal Affairs (Hon. W. Nosworthy) and the Hon. Sir Maui Pomare were present. Mr. Nelson stated the case to the Ministers and received a sympathetic reply, and the interview ended with the Prime Minister promising that the Hon. Mr. Nosworthy would go to Samoa by the October steamer and investigate the complaints.

The Hon. Mr. Nelson returned to Samoa and reported the result of his Wellington interview, following which the three elected M.L.C.s convened a public meeting to arrange for submitting the grievances of Natives and Europeans to the Minister at his forthcoming visit in a proper form from representative quarters. This meeting (15/10/26) was attended by 250 Europeans and Samoans, and it was then learned that the Minister had postponed his promised trip. The meeting decided to wire the Minister respectfully and urgently requesting reconsideration of the postponement.

The public meeting, with the Hon. Mr. Nelson, M.L.C., in the chair, then elected a Citizens Committee, consisting of the three elected M.L.C.s, six Europeans (representatives of the merchants, traders, and planters), and six Samoan chiefs (representing the Native interests), to draw up reports on the various subjects to be discussed with the Minister. The meeting then adjourned, and the wire urging the Minister to reconsider his postponement was handed into the Administrator's office next day (16th October). As no reply from Wellington had been received by the 27th October the Committee drafted another wire, which was handed in but not sent, as the Administrator explained that a reply to the wire of the 16th October had been received several days previously and been "promptly" sent to the chairman (Hon. Mr. Nelson), but "evidently went astray." An inquiry into the cause this loss was promised, but the result has not yet been published. Later, in a letter, the Hon. Mr. Nosworthy explained that his reply to the telegram urging him not to postpone his promised visit had "apparently been lost in transit between the Administrator's office in Apia and your [Hon. Mr. Nelson's] office." That so important an official document from the Minister could be "lost" in a few hundreds yards in Apia does not speak too highly of the messengers employed by the Administration.

However, the Minister announced that it was "impossible" for him to keep his promise to visit Samoa in October (or November), but "looked forward with pleasure to meeting the citizens of Samoa in May next." (Nothing was said of any urgent private or public business in New Zealand which made it "impossible" for the Minister to meet the Samoans as promised.)

Following this protracted postponement of the promised visit from the Minister, a second meeting of citizens was convened by the committee to consider the position and receive reports from the sub-committees set up. This was held on the 12th November, 1926, when 663 Europeans and Samoans attended. Before the meeting was opened a deliberate attempt was made by the Administrator to suppress the meeting and gag a free expression of public opinion. The Acting-Secretary to the Administrator presented a letter from His Excellency to the chairman asking that a message from him to the meeting should be read and translated. The message stated that His Excellency took no exception to free speech and honest criticism, but the unwarranted attacks on the Faipules, the leaders of the Samoan race, could not be passed over by him. He wished the Europeans present to leave Native affairs alone, and asked the Samoans at the meeting to keep clear of the European affairs. He also wished it clearly understood that he did not approve of any meeting which mixes Native and European politics together.

In spite of the veiled but sinister suggestion in the message from the Administrator, and the police surrounding the hall, only seven withdrew, and the remaining 656 citizens proceeded to consider the committees' reports, and approved of the same. It was then decided by the meeting that, as the Minister could not come to Samoa to meet the committee the committee would go to New Zealand to meet the Minister, and a resolution was carried unanimously respectfully requesting that the Hon. Mr. Nosworthy be asked to receive a representative delegation from Samoa, to arrive by the January steamer and present reports to him on subjects affecting the vital interests of the Territory.

These reports, which has been carefully drawn up by sub-committees fully qualified to consider the various subjects, referred to agriculture and labour, finance, medical, legislature, Native affairs, and prohibition. These reports were fully considered by the meeting, and afterwards submitted to the Administrator for submission to the Minister in New Zealand in advance of the deputation's visit. Matters affecting purely Native affairs were also translated and submitted for the consideration of the Fono of Faipules selected by the Administration and other Samoans interested.

This action was taken by the Citizens Committee in a hearty and loyal response to a telegram from the Hon. Mr. Nosworthy that he was prepared to receive the delegation in January, but would not consider the citizens' representations until they had been submitted to His Excellency for report, and anything affecting Native affairs similarly submitted to the Fono. The Minister also referred, somewhat vaguely, to "an opportunity of personal consultation with His Excellency during my forthcoming visit."

This radiogram from the Minister was received on the 16th November, and in view of the "lost" telegram and the "impossibility" of the Minister being able to reach Samoa before May, the "forthcoming visit" was not considered seriously, but the clear and definite statement of the responsible New Zealand Minister that "I will be prepared to receive delegation in January" was accepted in all good faith, and appointments were made at the meeting for a delegation to proceed to New Zealand in acceptance of the Minister's agreement to receive them. The delegation was composed of two elected M.L.C.s (the Hon. Mr. Nelson and the Hon. Mr. Williams), with Mr. S. H. Meredith and six Samoan chiefs. The Minister was thanked for his telegram, and an assurance sent him that all representations prepared for the delegates would be submitted to the Administrator.

Following on this decision of the committee to send a delegation to New Zealand which numbered six Native Samoan chiefs and three Europeans, a campaign of coercion and intimidation was immediately launched against the Samoan chiefs who had been elected to represent the Natives. These chiefs were visiting their Native districts after the meeting and asking support for their visit to New Zealand when the Ordinance already referred to met them in full blast, and they were at once notified by the police that passports would not be granted them to leave Samoa to meet the Minister in New Zealand. Further, they were arraigned under the Ordinance quoted and disciplined.

These chiefs found every instrument of the law which could be used against them for asserting their rights to voice the grievances of the Samoans was being applied to its utmost, and the elected M.L.C.s wired the Minister on the 7th December strongly protesting against this arbitrary enforcement of the Ordinance. The only reply was, on the following day, that the Minister would be guided by the advice of the Fono of Faipules, then in session (the very body of alleged Native representatives whose *bona fides* and credentials were being challenged by the chiefs).

To this telegram of the Minister of the 8th December the Committee replied next day that the Faipule nominated by the Administrator were not recognized by hereditary right or organic law, and were partisans performing the will of the Administrator. To this the Minister would only reply that he "relied on the Fono of Faipules for his guidance in Native affairs." To the Minister's reply the committee despatched a long telegram on the 6th January, 1927

advising him that his confidence in the Administrator and Faipule would not correct abuses and grievances. The committee declared their loyalty and desire for friendly relations, but claimed that the Minister was declining to accept the popular vote and the Administrator was forfeiting all confidence in the New Zealand trusteeship. The Citizens Committee claimed the right of petition, and would use every endeavour to prevent any breach between the populace and the Administration.

To this long telegram the Minister replied that he was not prepared to receive the Samoan members until he was assured that their views on Native matters were endorsed by the Fono of Faipules. But he would "shortly be visiting Samoa." To this the committee could only repeat their assurance that the Samoan delegates were approved by the Samoan people, and ask the Hon. Mr. Nosworthy "Will you receive them or not?"

The result was a reply, locally, under the Ordinance referred to in this report, and the persecution, suppression and intimidation without trial is still proceeding in Samoa. The writer, one of the European members of the delegation, proceeded to Auckland with the files, reports, and records of the matters referred to and obtained legal advice as to the position. In reply to representations from the Samoan Committee's legal advisers in Auckland, the Minister again evaded the issue, and now seeks shelter behind the plea that he can come to no conclusion without a reference to his official advisers in the Territory which he is arranging to visit in the "near future."

Such is the present-day position. The Samoans were promised a visit by the representative Minister in New Zealand for last October, then it was November, then he found it "impossible" to carry out his promise till "May next," then he would be going down "shortly," now, in the 27th January, he is "arranging to visit Samoa personally in the near future." He promises that he would receive a delegation from Samoa in January, as requested by the Citizens Committee. So soon as the delegates are named the Native members of the delegation are persecuted under an indefensible Ordinance, and refused permission to proceed to petition the responsible Minister in New Zealand.

The citizens of Samoa have therefore no other course than to appeal to the public of New Zealand, and their elected representatives, for a rudimentary measure of justice which is at present denied them, and the right to present any grievances in a respectful form to the Government of New Zealand, which has accepted from the League of Nations the solemn obligation of administering Samoa in the best interests of its inhabitants.

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### EXHIBIT No. 13.

#### POLICE *v.* TAGALOA AND OTHERS.

[TELEGRAM.]

To Slipper, Apia. Wellington, 11th August, 1927.  
COUNSEL says Ordinance 1922 *ultra vires* and advises appeal. He is writing you this mail.  
O. F. NELSON.

Apia, 11th August, 1927.

Judge McCarthy, Crown Solicitor, Apia.

DEAR SIR,—

*Police v. Tagaloa and Another.*

I have to notify you that this morning I received from New Zealand the following radio referring to the above case: "Counsel says Ordinance 1922 *ultra vires* and advises appeal. He is writing you this mail." As far as I am aware, counsel is Sir John Findlay, K.C. It is now almost certain that I shall proceed with the appeal and I therefore advise you as early as possible of the position. Doubtless I shall approach the Court at an early date to fix security for costs.

Yours,  
T. B. SLIPPER.

Wellington, N.Z., 11th August, 1927.

T. B. Slipper, Esq., Solicitor, Box 35, Apia, Western Samoa.

DEAR SIR,—

*Re Inspector of Police v. Tagaloa; Inspector of Police v. Fuataga.*

Our Sir John Findlay has considered the questions raised in these two cases. He is of opinion that the Statute of Edward I which confirmed Magna Charter and which precludes punishment without trial was in force in England on the 14th January, 1840, and was in force in New Zealand on the passing of the Samoa Act, 1921. He considers that the Samoan Offenders Ordinance, 1922, is *ultra vires* both because it is repugnant to the provisions of the Imperial statute above-mentioned and because it provides for a form of punishment impliedly forbidden by the Samoa Act, 1921. Sir John considers the methods of punishment mentioned in the Samoa Act, 1921, are exhaustive, and that your point about the omission of flogging and whipping is a sound one. Sir John considers you should appeal in both cases.

We regret that time does not permit of our advising at greater length, but as the mail closes in a short time we cannot. We return herewith the judgment, copy of the Ordinance above referred to, your notes of argument, and the notes of evidence. We presume you will take the necessary steps now to obtain leave to appeal, give security, and prepare and transmit the record.

Yours faithfully,  
FINDLAY, HOGGARD, COUSINS, AND WRIGHT (per D. R. HOGGARD).

**EXHIBIT No. 14.****TRADING LICENSES.**

In the matter of the Taxation, Licensing, and Revenue Amendment Ordinance, 1924, and in the matter of Henry Hunkin, of Sapunaoa, trader.

PURSUANT to the power vested in me by clause 2 of the abovementioned Ordinance, and being satisfied that the holding of a trader's license by the above-named Henry Hunkin, of Sapunaoa, prejudicially affects the peace, order, and good government of the Territory of Western Samoa, I do hereby order that the trading license of the said Henry Hunkin be and the same is hereby cancelled as from the 20th day of August, 1927.

Dated this 20th day of July, 1927.

GEO. S. RICHARDSON, Administrator.

Administration of Western Samoa, Apia, Samoa, 25th June, 1927.

*The Taxation, Licensing, and Revenue Amendment Ordinance, 1924.*

WITH reference to the recent efforts made to disaffect the Natives in your district and to influence them to support an organization in opposition to the Government, thereby endangering the peace, order, and good government of the Native race of this Territory, I am directed by His Excellency the Administrator to inform you that he is in possession of certain information which necessitates you being called upon to show good reason why your license to trade in this Territory should not be cancelled.

Please forward your reasons direct to me as early as possible.

T. H. BATES, Collector of Customs and Taxes.

To Mr. H. Hunkin, Trader, Sapunaoa.

14th July, 1927.

The Collector of Customs, Customhouse, Apia.

DEAR SIR,—

I have received your letter of 25th June. It reached me on 9th July. I cannot quite make it out unless it means that some one has been saying something bad about me. If so will you please let me know what was said and who said it? I will then be in a position to answer. I cannot do this now as I do not know what there is against me. I have done nothing wrong.

Yours faithfully,  
H. HUNKIN.

**EXHIBIT No. 15.****TRADING LICENSES.**

Administration of Western Samoa, Apia, Samoa, 22nd July, 1927.

Messrs. O. F. Nelson and Co., Ltd., Apia.

DEAR SIR,—

I enclose herewith orders signed by His Excellency the Administrator cancelling trading licenses of H. Hunkin, trader, of Sapunaoa, and Ale Lui, trader, of Fusi, Safata, in the employ of your firm, as from 20th August, 1927.

Kindly acknowledge receipt of these orders.

Yours faithfully,  
T. H. BATES,  
Collector of Customs and Taxes.

In the matter of the Taxation, Licensing, and Revenue Amendment Ordinance, 1924, and in the matter of Ale Lui, of Fusi, Safata, trader.

PURSUANT to the power vested in me by clause 2 of the above-mentioned Ordinance, and being satisfied that the holding of a trader's license by the above-named Ale Lui, of Fusi, Safata, prejudicially affects the peace, order, and good government of the territory of Western Samoa, I do hereby order that the trading license of the said Ale Lui be and the same is hereby cancelled as from the 20th day of August, 1927.

Dated this 20th day of July, 1927.

GEO. S. RICHARDSON, Administrator.

22nd July, 1927.

The Collector of Customs, Apia.

DEAR SIR,—

We have for acknowledgment your letter of even date, enclosing orders signed by His Excellency the Administrator cancelling trading licenses of Mr. Henry Hunkin, trader, of Sapunaoa, and Mr. Ale Lui, trader, of Fusi, Safata, as from 20th August, 1927.

Yours faithfully,  
O. F. NELSON AND CO., LTD.:  
W. M. BURNETT, Secretary.

**EXHIBIT No. 16.****TRADING LICENSES.**

Administration of Western Samoa, Apia, Samoa, 25th June, 1927.

*The Taxation, Licensing, and Revenue Amendment Ordinance, 1924.*

WITH reference to the recent efforts made to disaffect the Natives in your district and to influence them to support an organization in opposition to the Government, thereby endangering the peace, order, and good government of the Native race in this Territory, I am directed by His Excellency the Administrator to inform you that he is in possession of certain information which necessitates you being called upon to show good reason why your license to trade in this Territory should not be cancelled.

Please forward your reasons direct to me as early as possible.

T. H. BATES, Collector of Customs and Taxes.

To Mr. J. Kruse, Trader, Faga, Savai'i.

Faga, 6th July, 1927.

To the Collector of Customs, Apia.

DEAR SIR,—

I am in receipt of your memo. *re* taxation, licensing, &c. I beg to state that I am not aware of having committed myself, as my business kept me employed all the time, without troubling with political matters. I hope this declaration will be satisfactory.

I am, &c.,  
J. E. KRUSE.

Administration of Western Samoa, Apia, Samoa, 16th August, 1927.

I, GEORGE SPAFFORD RICHARDSON, Administrator of the Territory of Western Samoa, being satisfied that Mr. J. Kruse, the holder of a license to trade in Fa'asaleleaga, has acted prejudicially to the peace, order, and good government of the Territory of Western Samoa, do hereby, under the authority conferred upon me by section 2 of the Taxation, Licensing, and Revenue Amendment Ordinance, 1924, order that the license held by the above-named person shall be and the same is hereby cancelled as from 16th September, 1927.

GEO. S. RICHARDSON, Administrator.

To the Collector of Customs, Apia.

Administration of Western Samoa, Apia, Samoa, 16th August, 1927.

Messrs. O. F. Nelson and Co., Ltd., Apia.

DEAR SIR,—

I am directed by His Excellency the Administrator to advise you that the license to trade of J. Kruse, Faga, Savai'i, is cancelled as from 16th September, 1927. I enclose copy of order from His Excellency for the information of Mr. Kruse, and I would ask you to please acknowledge receipt of same.

Yours faithfully,  
T. H. BATES, Collector of Customs and Taxes.

17th August, 1927.

The Collector of Customs and Taxes, Apia.

DEAR SIR,—

We are in receipt of your letter of yesterday's date advising that the license to trade of Mr. J. E. Kruse, of Faga, Savai'i, is cancelled as from the 16th September, 1927, and also enclosing copy of order from His Excellency.

Yours faithfully,  
O. F. NELSON AND CO., LTD.  
..... (Secretary).

**EXHIBIT No. 17.****TRADING LICENSES.**

Administration of Western Samoa, Apia, Samoa, 25th June, 1927.

*The Taxation, Licensing, and Revenue Amendment Ordinance, 1924.*

WITH reference to the recent efforts made to disaffect the Natives in your district and to influence them to support an organization in opposition to the Government, thereby endangering the peace, order, and good government of the Native race of this Territory, I am directed by His Excellency the Administrator to inform you that he is in possession of certain information which necessitates you being called upon to show good reason why your license to trade in the Territory should not be cancelled. Please forward your reasons direct to me as early as possible.

T. H. BATES, Collector of Customs and Taxes.

To Mr. Charles Hellesoe, Saddler, &amp;c., Saleufi, Apia.

27th June, 1927.

The Collector of Customs and Taxes, Customhouse, Apia.

DEAR SIR,—

I have your letter of 25th June. Any alleged "recent efforts to disaffect the Natives in my district and to influence them to support an organization in opposition to the Government," &c., are not and never were any concern of mine.

You no doubt recognize that it is quite impossible for me or any one else to "show good reason" why my license to trade in the Territory should not be cancelled, until I have been made aware of some charge that I should answer. The only reasons I can give at present are that (1) I was born here and have lived here most of my life; (2) I am and always have been a law-abiding citizen; (3) I am an honest man and tradesman; (4) I have had a license since about 1914; (5) my current license fee is paid; (6) I have done nothing that I am aware of to entitle the authorities to cancel my license. Your letter refers to "certain information." If you will kindly place that information in my hands at once, or in any other clear and sufficient manner let me know what I am asked to answer, I shall comply with all possible speed. Until I know of something that is held or alleged against me, I am of course quite helpless. The whole proceeding appears to me to be most extraordinary.

Yours faithfully,  
C. HELLESOE.

**EXHIBIT No. 18.****BANISHMENT ORDER.**

[Translation of Mr. Griffin's Letter to Tamasese.]

Department of Native Affairs, Samoa, 15th March, 1924.

HIS EXCELLENCY yesterday learned of your disobedience of his order with reference to the removal of the hedge. I am instructed to give you to 5 p.m. on this date within which to remove this nuisance. You are therefore hereby notified.

H. S. GRIFFIN.

**TAMASESE: BANISHMENT ORDER.**

[Translated Precipis of Order of Banishment and Loss of Title.]

Dated 24th March, 1924. Banished from Island of Upolu to reside and remain in Island of Savai'i. Ordered to refrain from using the title of Tamasese. No period mentioned either for banishment or title. In future to use the name of Lealofi.

**EXHIBIT No. 19.****BANISHMENT ORDER, ETC.**

Administration of Western Samoa, Apia, Samoa, July, 1927.

*Order of Banishment and the Place of Exile in accordance with the Law against those who create Trouble, 1922.*

I, GEORGE SPAFFORD RICHARDSON, Governor of Western Samoa, am satisfied that: the residing of Alipia (Samoan Native) in the Island of Upolu (with the exception of the Village of Vaiusu) will be a source of danger to the peace and good will and to the good order of the administration of the said island. I therefore, according to the power conferred on me in section 3 of the said law, hereby give orders that the said Alipia should leave forthwith the district of Tuamasaga (excluding the Village of Vaiusu) and every other district in the Island of Upolu, and to remain in the Village of Vaiusu within the period of twelve months, commencing from the date of this order; also, I am quite satisfied that this order is proper for the welfare of every person, and it is issued in accordance with section 4 of the said law, that Alipia should be arrested and be conveyed to the Village of Vaiusu as stated in this order.

Dated this 16th day of July, 1927.

GEO. S. RICHARDSON, Governor.

To the Chief of Police and all constables in Samoa.

**ADMINISTRATION OF WESTERN SAMOA.**

To Alipia, Leulumoega.

ACCORDING to the power conferred on me by the law, I hereby made this order to you as follows: You are now disallowed to further use the title of Alipia, and that you will be called by your first name, Siaosi.

GEO. S. RICHARDSON, Governor.

Dated this 16th day of July, 1927.

**EXHIBIT No. 20.****BANISHMENT ORDER, ETC.**

Administration of Western Samoa, Apia, Samoa, 16th July, 1927.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of one Umaga (a Samoan Native) within the Islands of Savai'i and Upolu (save and except in the village of Satalo) is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the power conferred on me by clause 3 of the said Ordinance, order that the said Umaga forthwith leaves the Island of Upolu and remain outside the said island, and outside all other districts in the Islands of Upolu and Savai' (save and except the Village of Satalo), and remain in the said Village of Satalo for a period of twelve months from the date of this order; and furthermore, being satisfied that such course is necessary in the public interest, do hereby, under clause 4 of the said Ordinance, authorize the arrest of the said Umaga and his removal to the Village of Satalo as herein specified.

Dated this 16th day of July, 1927.

GEO. S. RICHARDSON, Administrator.

To the Inspector of Police and all officers of police in Samoa.

**ADMINISTRATION OF WESTERN SAMOA.**

To Umaga Pau, of Leulumoega.

By virtue of the powers me thereunto enabling I prohibit the use of the title Umaga by you, the person originally known by the name of Pau.

GEO. S. RICHARDSON, Administrator.

Dated the 16th day of July, 1927.

**EXHIBIT No. 21.****BANISHMENT ORDER.**

Administration of Western Samoa, Apia, Samoa, 18th September, 1924.

*Order for Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Fala, a Samoan male of the Village of Fa'atoialemanu, Upolu.

I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of you, Fala, within the district hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that within ten days from the date hereof you leave the district of Tuamasaga in the Island of Upolu, Western Samoa, and reside and remain in the Village of Lefaga, in the Island of Upolu, Western Samoa, during my pleasure; and furthermore, you will cease from using the title Fa'amau Sili, and will in future be known by your original name of Fala.

Witness my hand, at Apia, this 18th day of September, 1924.

GEO. S. RICHARDSON, Administrator.

**EXHIBIT No. 22.****BANISHMENT ORDER.**

Administration of Western Samoa, Apia, Samoa, 18th May, 1925.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Molio'o, a Samoan male of the Village of Faleapuna, Upolu.

I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of you, Molio'o, within the district hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that you leave the district of Faleapuna, in the Island of Upolu, in Western Samoa, within seven days from the date hereof, and that you remain and reside in the district of Aleipata, in the Island of Upolu, in Western Samoa, during my pleasure; and, furthermore, that you cease from using the title Molio'o, and in future be known by your original name of Saoletai.

Witness my hand, at Apia, this 18th day of May, 1925.

GEO. S. RICHARDSON, Administrator.

## EXHIBIT No. 23.

## INQUIRY INTO THE COMPLAINTS MADE BY THE CHIEFS AND ORATORS OF FALEAPUNA AGAINST FONOTI, F.P., BEFORE THE COMMITTEE OF FAIPULES.

The District Committee of Fagaloa is also called.

Tuesday, 16th November, 1926.

*Aiono* : Exhortation. Can it be reconciled ?

*Savusa* : It is now reached to the day appointed ; we could not do anything.

*Toelupe* : We will proceed with the case, and you are to explain clearly the five charges which you made against Fonoti.

*Tialavea Faitete* : (1) Appointment : We have asked him for a Fa'amasino. The answer was, " All right, I will ask the Governor." We believed that he is working for us. (2) Application for Molio'o to be pardoned : He asked what is our opinion about Molio'o, and Tialavea, P.N., replied, " Well, let us discuss about that." The discussion was ended, and our letter was handed to him. Fonoti said, " All right, when the Governor arrived I will let him know." Up to the present time nothing has been done, and Molio'o was not pardoned. Fonoti has made a promise during the time of Tauaa's case ; stated, " When we reconciled he can bring Molio'o on the following week." (3) He is no use to the village affairs. (4) He is no use to the Church affairs. (5) Lie (a), in Molio'o's case, our village was not remodelled, (b) he told our village to wait still, but he will do it and advise us of the result. We were not advised at all.

Fonoti was called. The District Committee of Fagaloa—namely, Su'a, Olaaiga, Fea, Satiu, Alai'a, Filiane, Palelei, and Punua—were also called.

*Toelupe* : Fonoti, will you answer to these charges against you : (1) The appointment.

*Fonoti* : This is the practice when an application is made to be sent to the Governor : it will then be sent there. The reply we received, that Falefa Village will get the appointment, and that will include Falefa, Lufilufi, and Faleapuna.

*Tialavea Faitete* : It is correct. During the time of this application we heard a bad remark which Fonoti has said : " No one is entitled to that appointment." Those were the words said by Fonoti to Ta'inau, and Ta'inau told to me.

*Fonoti* : I do not remember such conversation with Ta'inau.

*Toelupe* : Do you suggest to call Ta'inau ?

*Tialavea, F.* : Thanks.

*Toelupe* : When was that conversation ?

*Tialavea, F.* : In July, 1925, in the Church of Lufilufi.

*Toelupe* : Did you ask Fonoti about it ?

*Tialavea, F.* : No.

(2) Application for Molio'o :—

*Fonoti* : I have submitted the petition of our village together with my petition to Mr. Griffin, and Mr. Griffin sent for me. I came there, and Mr. Griffin told me that the Governor agreed to it, but wait for a few days until the question about the land is settled (that is, the land of Falefa and Lufilufi). I do not wish to speak about that matter because of the Falefa people.

*Savusa* : Why was not our village notified ?

*Fonoti* : It is rather difficult, because Faleapuna is Falefa.

*Savusa* : He should not fear about that. Announce it, and then make a warning.

*Fonoti* : I have asked Savusa and Pasui about Molio'o, but they replied, " Never mind about him ; what he can do when he comes ? "

District Council :—

*Fea* : He explained about Faleapuna leaving the District Council and not attending the reception to the Governor.

(3) Village affairs :—

*Fonoti* : That is not clear.

*Tialavea, P.N.* : It is about the work of digging the drain and the swamp, and work on the road to the plantation.

*Sevuli* : Did you tell Fonoti about that ?

*Tialavea, P.N.* : No.

(4) Church affairs :—

*Fonoti* : My opinion is that my brother and his children are there.

*Toelupe* : We are not judges for Church affairs ; leave that to the Churchmakers.

(5) Lie :—

*Fonoti* : With regard to houses, the committee understand about that. The Governor has pointed out the site for the village, and that is the position. About the case of Tauaa and my wife and Faleapuna, I have forgotten the reason why I did not go to Saleufi.

*Aiono* : Exhortation.

*T. Laupus* : Read the evidence.

*Toelupe* : The case is adjourned until Tuesday, 23rd November, 1926. You are to return and try to settle your trouble. Can you apologize to your Faipule, because you have charged him without reason ?

Please, the committee wishes to call Tainau, F.P., Tialavea, Faitete, and Fonoti to appear on a suitable day.

T. LAUPUS, Secretary to the Committee.

I hereby certify that the above is a true and correct copy of the original translation and that such translation is a correct one.—R. H. ALLEN, Native Department.

## CHIEFS AND ORATORS OF FALEAPUNA v. FONOTI, F.P.

23rd November, 1926.

Tainau, F.P., of Lufilufi, is not present ; he went to Aleipata.

*Toelupe* : Address of thanks. Opportunities were given to you to settle this matter. Many words from the Bible applied to this matter : " Peace is a good thing." No village or family can remain in good position if they are disunited.

*Savusa* : Address of thanks. You were waiting to hear what settlement will be. May you please, with regard to an apology to Fonoti or reconciliation between us, we absolutely refuse to do those suggestions.

*Toelupe* : Your request is that Fonoti be dismissed and removed from Faleapuna, but we were unable to find any reasonable charge against Fonoti to be reported to the Governor from all you have brought in.

*Fonoti* : I am sorry to say before you that we could not have a settlement. These things were not known to me. I am very sorry. I love my people, but they are now in a different position. I could not do anything to satisfy them, because they have not placed their complaints to the Secretary for Native Affairs through me in accordance with the law, but they themselves came direct to Secretary for Native Affairs.

*Toelupe* : What can Fonoti do to satisfy you ?

*Tialavea, F.* : The days are over ; we cannot do anything. We will not revoke our dissatisfaction.

*Toelupe* : What we desire to do, we do ; let the Faipules be leaders of prosperity in order to prosper others. Our inquiry is finished.

*Tialavea* : Do what you wish in your decision. We will be quite satisfied with it. We are tired of coming so often.

*Decision.*

The opinion of the Committee of Faipule will be forwarded to His Excellency the Administrator for consideration. The committee find that there is absolutely no proper ground for their complaint against the Faipule (Fonoti). They showed disrespect to His Excellency the Administrator in regard to these matters (charges): (a) They have not put their complaint to the Faipule to be passed by him to the Secretary for Native Affairs; (b) they refused to remodel the village in accordance with the instruction of the Administrator; (c) the strong urging of the Faipule to have Molio'o returned; (d) defied the committee in regard to the conciliation with the Faipule, whom they charged out of malice; (e) not attending the reception to the Governor at Fagaloa.

1. The appointment of *pulevu'u* is to be taken away from Tialavea, because he did not properly uphold his position.
2. The *malai* titles of Savusa Fa'avela, Tialavea Faitele, and Tialavea Vevesi to be taken away from them.
3. Send away from Faleapuna to their families—Savusa to his family in Tuana'i and Tialavea Faitele to his family in Falefa.
4. A fine in money should be inflicted on the whole village, if agreed to by the Governor.

We are the Committee of Faipule,  
TOELUPE, AIONO, SEIULLI, and ASI MAMA.

I hereby certify that the above is a true and correct copy of the original translation and that such translation is a correct one.—R. H. ALLEN, Native Department.

Faleapuna, 8th October, 1927.

To His Honour Mr. Lewis, S.N.A.  
YOUR HONOUR,—

We write the following petition to your Honour: In the matter concerning the oppressive rule of Salatai, who has given the title of Pouli without the knowledge of the family of Molio'o: this matter referring to Salatai is already before the Government, in that he is still under Government punishment, he having been deprived of the title of Molio'o, and that he has no further authority in matters concerning the family of Molio'o. Therefore we petition to your Honour, cannot an authoritative order of the Government be made holding up the title of Pouli, and preventing its use by that young man Setu? This is all.

Soifua.  
MOLIO'O LOI.                      SEUVAIPOLA.  
SAVUSA.                              LENIU.  
TIAVO.

I certify that the foregoing is a true translation of the original document.—R. H. ALLEN, Accountant, Native Department.

Faleapuna, 8th October, 1927.

His Honour Mr. Lewis, Secretary for Native Affairs.

WITH respect we bring before your notice the matter of the unjustified action of Salatai, who was deprived of this title of Molio'o by authority of the Governor. Nevertheless he has done a thing that will cause a breach of the peace of the family and also of the village. He has bestowed the title of Lepouli upon the *uaile'ale'a* Setu. We object to his making use of that name. Because of this we pray as follows: It is the desire of the family in conclave that Salatai shall not return to tend the family at Faleapuna. He should be removed altogether, as he is person who does unjustified things, causing a breach in family peace. Farewell.

We are the family in conclave:

TAAVELE.                              SIVAIPOLOA.  
TISELA.                                LENIU.  
TIAVO.

I certify that the foregoing is a true translation of the original document.—R. H. ALLEN, Accountant, Native Department.

**EXHIBIT No. 24.****BANISHMENT ORDER.**

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Tialavea, F., a Samoan male of the Village of Faleapuna. I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of you, Tialavea, F., within the village hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that within seven days from the date hereof you leave the Village of Faleapuna, in the Island of Upolu, in Western Samoa, and reside and remain in the Village of Falefa, in the Island of Upolu, in Western Samoa, during my pleasure; and, furthermore, that you cease from using the title Tialavea, and in future be known by your original name of Faitele.

Witness my hand, at Apia, this 29th day of December, 1926.

GEO. S. RICHARDSON, Administrator.

FAITELE,  
Tes. 31, 1926.

**EXHIBIT No. 25.****BANISHMENT ORDER.**

Administration of Western Samoa, Apia, Samoa, 27th April, 1925.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Moananu Fa'afai, a Samoan male of the Village of Mulifanua, Upolu. I, GEORGE SPAFFORD RICHARDSON, Administrator of the Territory of Western Samoa, being satisfied that the presence of you, Moananu Fa'afai, within the district hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that within ten days from the date hereof you leave the district of Aiga-i-le-Tai, in the Island of Upolu, Western Samoa, and remain and reside in the Village of Lotogo, in the Island of Upolu, Western Samoa, during my pleasure; and, furthermore, that you cease from using the title Moananu, and in future be known by your original name of Fa'afai.

Witness my hand, at Apia, this 27th day of April, 1925.

GEO. S. RICHARDSON, Administrator.

MOANANU.

**EXHIBIT No. 26.****DECISION MADE BY THE COMMITTEE OF MULIFANUA VILLAGE.**

THE Committee has decided to report to Your Excellency the Administrator as follows:—

As it is well known that troubles in Mulifanua were always caused by Moananu and Fa'ateaina, we desire that you will use your power and remove them from Mulifanua.

*Charges.*

1. Fa'ateaina has continually discussed genealogies. He opened the genealogy of Leiataua and stated that the title of Leiataua is not a Manono title, but was obtained in Savai'i. Please note that the Leiataua genealogy is a sacred one, and no one in Manono is permitted to talk of it, because the title is guarded by Manono and many Samoans. (One discussing this title is liable to immediate attack, as it is a "protected" title.)

2. Fa'ateaina has opened the genealogy of Ifopo and stated that they are strangers and not the proper heir to the title, Moananu being the proper heir. We have had patience because of the Government; you are aware of the punishment (*fa' a-Samoa*).

3. Moananu and Fa'ateaina have opened the genealogy of Tauti, *pulemu'u*, stating that he is of Nofalo'i and does not belong to Mulifanua.

4. Moananu and Fa'ateaina have discussed the genealogy of Toa.

*Decision of the Village Committee of Mulifanua.*

The committee has decided to petition Your Excellency the Administrator.

*Charges.*

1. Moananu has cast aside the desires of the committee. Moananu opposed and brought to the Government a matter which had already been agreed and decided upon by the family in conclave and the village.

2. Moananu has used insulting language to Mau'u, which has broken the peace.

We conclude our letter with the following opinion: May it please Your Excellency, we desire that Moananu and Fa'ateaina be sent away from Mulifanua.

Chiefs and Orators of Mulifanua

TOGIA POUVI.	TAULA, L.	MAUMASI.
LEULUAI.	VAITIUOLA.	IFOFO.
FUATIA.	MAU'U.	TONIA.
TAUTI.	TAUTI, P.N.	TAULA, T.
FUANOFONOFO.	MAUGATU.	FALEFAU.

1st March, 1925.

Your Honour, Mr. Griffin, Secretary for Native Affairs.

All these names are chiefs and orators of Mulifanua, and who confirm those matters concerning Moananu and Fa'ateaina which have been reported to you. Long life.

THE CHIEFS AND ORATORS OF MULIFANUA.

I certify that the foregoing is a true translation of the original document.—R. H. ALLEN, Accountant and Inspector, Department for Native Affairs.

**EXHIBIT No. 27.****BANISHMENT ORDER.**

Administration of Western Samoa, Fagamalo, Savai'i, 27th July, 1923.

To Moananu, F.M.P., Sato'alepai.

I HEREBY order you and your *malaga* party to leave Matautu and proceed at least as far as Lealatele to-day. You are not to stay in this district any longer, nor are you to stay in Salcaula. You have broken the law by making this *malaga*, and you are to return to Mulifanua as soon as possible.

G. BIGG-WITHER, Resident Commissioner of Savai'i.

**EXHIBIT No. 28.****BANISHMENT ORDER.**

Administration of Western Samoa, Apia, Samoa, 11th June, 1925.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Autagavaia, Samoan male of the Village of Palauli, Savai'i.

I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of you, Autagavaia, within the village hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that within ten days from the receipt of this notice by you you leave the Village of Palauli, in the Island of Savai'i, in Western Samoa, and reside and remain in a village in the district of Itu o Tane, in the Island of Savai'i, in Western Samoa, during my pleasure; and, furthermore, that you cease from using the title Autagavaia and in future be known by your original name of Siaupiu.

Witness my hand, at Apia, this 11th day of June, 1925.

GEO. S. RICHARDSON, Administrator.

**EXTRACT FROM MINUTE OF INTERVIEW WITH MR. GRIFFIN.**

8th June, 1925.

*Autagavaia*: Remembers the occasion when he appeared before His Excellency with the F.P. Remembers H.E.'s decision that he would not be punished now, but that if at any time the Faipule reported him for causing trouble he would be dealt with summarily; that H.E. would not again give him the opportunity of apologizing.

Trouble occurred in the village: I apologized for these troubles as ordered by the F.P. I *ifo'd* (i.e., made an abject apology) to the village. I do not know why the F.P. has reported me. I apologized on Friday, 29th May, to the village.

I certify that the above is a true copy of extract from the minute of the interview as quoted above.—R. H. ALLEN, Accountant, Native Department.

## EXHIBIT No. 29.

## CORRESPONDENCE WITH MAU.

[TRANSLATION.]

Lepea, 21st June, 1927.

To His Excellency George S. Richardson, Administrator of Samoa.

YOUR EXCELLENCY,—

We, the undersigned, are the committee elected by the Mau of Western Samoa to act on its behalf.

Since we placed our grievances before the honourable Minister we have remained in Apia at the wish of our country. Those who have dispersed have done so by order of Your Excellency, which was issued through Lago Lago and the Chief Faumuina of Lepea on the 14th June, 1927.

We, the representatives for Western Samoa, pray to Your Excellency as follows :—

With reference to your orders to Faumuina and Lago Lago to depart for Apolima, we pray Your Excellency to have patience until we have an opportunity of placing our views before you for your consideration.

(a) Faumuina and Lago Lago obeyed your orders and caused the people to disperse although they wanted to remain.

(b) The Mau was not founded by Faumuina and Lago Lago, but they only took part as members of the committee so elected by Western Samoa. Therefore they can only obey your orders, but they cannot disperse the people or alter the wish of the people which they represent.

(c) We who are part of the main body of the Mau feel this way : We, the main body of the Mau, think that we should ask for an investigation before our representatives are deported. Also the penalty should fall on us all (who are the main body of the Mau), but should not fall on individuals such as in the case of Faumuina and Lago Lago, because they are only representatives and we are the main body.

(d) There is likely to be a disturbance of the peace if the deportation takes place before an investigation is made to clear up the matter for the benefit of the people.

This petition is also made on behalf of Pasia, Tofilau, Tagaloo, &c. In our opinion the whole body of the Mau should be penalized and not individuals, because these individuals were working at the wish of the Mau of Western Samoa.

We trust that we shall have your opinion on this letter before the orders are carried out.

We are your humble servants, but representatives of the Mau of Western Samoa :

TUIMAVAVE, M.	TOFAEONO.	TAGALOA.
J. TO'OMALATAI.	VA'AFUSU.	VAELUU.
T. TAMASEU.	SOLIA, N.	T. FAAMATUAINA.
TOFA.	LUAMANU TOFA.	LEUA, M.
LIMU.	VUI, P.	ALE.
TUATO.	ASI SAGAGA.	ATANOA.
TAFEA.	TUFUGA.	LEUTELE.
MASOE TAFE.	FAL.	LANAI.
TUAOI AUTANAVAIA.	MELEI.	ALIPIA.
VELE.	UNA.	UNE, G. P.
MATAMUA.	PUAALATAMAI.	MAMEA, I.
PATU, P.	SITA.	LAVEA.
TUISILA.		

Office of Native Department, Samoa, 23rd June, 1927.

IN reply to your letter to His Excellency the Administrator, I am requested to state that His Excellency is very pleased to receive the letter which you and other Samoan chiefs have written.

The subjects you have mentioned are receiving careful consideration, and it gives His Excellency great pleasure to know that you wish to meet him.

I am asked to tell you that His Excellency the Governor will be glad to meet you, and, as he will commence his *malaga* round Upolu on Monday next, he will soon be in your district, and hopes to meet you together with the Faipule. You may then bring up any subject you wish. It is His Excellency's delight to meet and discuss matters with the Samoan people, and he always makes a practice of accepting the invitation of a district or a village to come and explain any matter. Therefore if you wish to see His Excellency when on his *malaga*, arrangements will be made accordingly.

FRANK G. LEWIS, Secretary for Native Affairs.

[TRANSLATION.]

Lepea, 25th June, 1927.

To His Excellency the Administrator of Western Samoa, Apia.

YOUR EXCELLENCY,—

We beg to reply your letter of 23rd instant through Secretary for Native Affairs.

We have been feeling very good and thankful when we received and read your letter, but we have also again another feeling, and it come to our minds that we must advise Your Excellency as to the following :—

(a) We did write a letter and sent to Your Excellency, and it was a letter of the whole Samoan Mau. The selected Samoan committees have been signing all their signatures on that letter.

(e) We received your reply, but you did not send replies straight to us who written the previous letter and give trouble to some persons who are the same as the others Samoans belonging to the Mau.

(i) We did request Your Excellency to meet you before the High Court or in your office in Apia before the dispersing of those who have been ordered to return home, but you ordered some of us to return home and you said that you will meet us there.

We therefore write you again, as it seems to us that Your Excellency did not quite understand about our decision that was forwarded, so we beg to forward our opinions to Your Excellency, as thus: (1) All punishments received by each person who has already been punished must be put all upon us, as we are representatives of the whole Samoan Committee (Mau). (2) We wish to have investigation before we are going to be punished.

We beg to request for some food-supply to be given by the Government for Faumuina and Lago Lago, who are now treated as prisoners and living in a place the same as a gaol, like Tuvao.

Very respectfully, your obedient servants—

Name.	Residence.	Name.	Residence
1. LAVEA .. ..	Safotu.	41. MELEI .. ..	Lotofaga.
2. ALIPIA .. ..	Leulumoega.	42. GISA .. ..	Tufu.
3. TU'ISILA .. ..	Mutiatele.	43. MATOFAI .. ..	Aaopo.
4. LAGAIA .. ..	Palauli.	44. FIU .. ..	Letui.
5. AINU'U .. ..	Apia.	45. FITIOALO .. ..	Safotu.
6. M. SALETAI .. ..	Mutiatele.	46. TIMU'A .. ..	Safotu.
7. P. LE'AUPEPE .. ..	Faleasi'u.	47. TAITO .. ..	Manase.
8. TUAO .. ..	Matautu Lefaga.	48. FAALAVAA'A .. ..	Safotu.
9. TUILETUFUGA LIMU .. ..	Apia.	49. FAUMUI .. ..	Safotu.
10. AUTAGAVAIA .. ..	Palauli.	50. UTUMAPU, T. .. ..	Safotu.
11. FIU .. ..	Sili.	51. TALIA'U .. ..	Lepea.
12. NOTOA .. ..	Taga.	52. MAMEA .. ..	Safune.
13. LEOTA .. ..	Gautavai.	53. MOANA .. ..	Safune.
14. TALO .. ..	.. ..	54. TAULEALEA .. ..	Safune.
15. AUTAGAVAIA .. ..	Palauli.	55. TUGAGA, M. .. ..	Safune.
16. TAMASEU, T. .. ..	Apia.	56. LOTU .. ..	Safune.
17. FAVALO .. ..	Apia.	57. AUA .. ..	Safune.
18. TAMASEU, F. .. ..	Apia.	58. TATEA .. ..	Sala'ilua.
19. TUFEO .. ..	Solosolo.	59. TUIMAVAE .. ..	Solosolo.
20. TULIA .. ..	Gataivai.	60. TUATI .. ..	Sala'ilua.
21. FAITAU .. ..	Sataua.	61. PAA'A .. ..	Foa.
22. SU'A .. ..	Sataua.	62. ALE .. ..	Toamua.
23. TUTAU, T. .. ..	Asau.	63. TOFA .. ..	Saipipi.
24. SILIA .. ..	Falcalupo	64. TOFILAU, F. .. ..	Iva.
25. FUIONO .. ..	Falcalupo.	65. MATAMUA .. ..	Salelologa.
26. VAOLITO .. ..	Sataua.	66. PASIA .. ..	Safotulafai.
27. LEUTELE .. ..	Falefa.	67. LUAMANAVAE .. ..	Salelologa.
28. NUA .. ..	Moata'a.	68. TUA'IMALO .. ..	Matautu Apia.
29. FA'I, S. .. ..	Noiafu.	69. LUALUA .. ..	Asaga.
30. ASIATA .. ..	Satupa'itea.	70. VA'AFESU .. ..	Sa'asa'ai.
31. FUATAGA .. ..	Lalomanu	71. ASI, V. .. ..	Moata'a.
32. MANUI'E .. ..	Saleaula.	72. TOFAONO .. ..	Vaiala.
33. SEUAMULI .. ..	Fagamalo.	73. LAUOFO .. ..	Luatuanu'u.
34. FETAUA'I .. ..	Satupa'itea.	74. TAGALOA .. ..	Saluafata.
35. TALEU .. ..	.. ..	75. TAUASA .. ..	Matautu Apia.
36. VELE .. ..	Lepea.	76. MOANANU .. ..	Matautu Apia.
37. FALEALILI .. ..	Tufutafoc.	77. TO'OMALATAI, S. .. ..	Matautu Apia.
38. SITA .. ..	Lotofaga.	78. INU .. ..	Lufilufi.
39. SAUVAO .. ..	Faleasi'u.	79. LAGAIA .. ..	Palauli.
40. LEMAUGE .. ..	Lotofaga.	80. TUAO, T. .. ..	Lefaga.

Office of Native Department, Samoa, 30th June, 1927.

IN reply to your letter to His Excellency the Administrator, I am requested to state that His Excellency is very pleased to receive the letter which you and other Samoan chiefs have written.

The subjects you have mentioned are receiving careful consideration, and it gives His Excellency great pleasure to know that you wish to meet him.

I am asked to tell you that His Excellency the Governor will be glad to meet you, and as he commenced his *malaga* round Upolu on Monday last, he will soon be in your district, and hopes to meet you together with the Faipule. You may then bring up any subject you wish. It is His Excellency's delight to meet and discuss matters with the Samoan people, and he always makes a practice of accepting the invitation of a district or a village to come and explain any matter. Therefore if you wish to see His Excellency when on his *malaga* arrangements will be made accordingly.

WM. BELL,  
For Secretary for Native Affairs.

[TRANSLATION.]

Apia, Samoa, 5th July, 1927.

His Excellency General Geo. S. Richardson, K.B.E., Administrator of Western Samoa, Apia.

YOUR EXCELLENCY,—

We, the selected representatives for the whole of Western Samoa in the matter of the Mau, with due respect, advise Your Excellency of our opinions, which are endorsed by all Western Samoa, and which are as follows:—

As we have now been separated from our European brother members of the committee by an order from Your Excellency, we feel now that we are not absolutely satisfied in that it is now eight months, and Your Excellency has not investigated the matters about which we are dissatisfied. The following are the most important opinions agreed to by us which we wish to place before Your Excellency:—

(a) While we have been supporting the Mau in order to bring before Your Excellency matters about which we are dissatisfied, Your Excellency has absolutely disregarded us—the whole country. Therefore we, the proper representatives of the whole country, will no longer assist in matters of administration until a proper investigation has been made regarding our matters.

(b) We formed the Mau and continued to support all the laws of the Government for the past seven months, but in doing that we have belittled ourselves in your opinion. Therefore we have decided to remain gathered together in Apia until we receive the decision which we are expecting, and none shall depart until the answer we are waiting for shall be received.

(c) These ideas will be upheld by all the people in the Mau in the country. Therefore, if any of the people in the country disobey any orders and Your Excellency deems it right to punish them, throw the punishment on our shoulders—that will be on the whole country.

We conclude, with due respect, we are,

LAVEA KOMITI FAATONU.	MOANANU.	LEAUPEPE.
TUISILA KOMITI FAATONU.	MOLIO'O.	LEUTELE.
LAGAALA KOMITI FAATONU.	ATANGA.	FUONO.
ALPIA KOMITI FAATONU.	SUMULETO.	TAGALOA.
AINU'U KOMITI FAATONU.	TILIALA.	ASIATA.
TOKA.	TU'U.	PASIA.
J. TO'O.	TAFEA.	LAUFOFO.
FUATAGA.	TUFUGA.	LEATO.
SEUAMULI.	TUAO, T.	

### EXHIBIT No. 30.

#### BANISHMENT ORDER.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Leilua Avau, a Samoan male of the Village of Safotulafai, Savai'i.  
I, GEORGE SPAFFORD RICHARDSON, Administrator of the Territory of Western Samoa, being satisfied that the presence of you, Leilua Avau, within the village hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that within fourteen days from the date hereof you leave the Village of Safotulafai, in the Island of Savai'i, Western Samoa, and remain and reside in the Village of Iva, in the Island of Savai'i, Western Samoa, during my pleasure; and furthermore, that you cease from using the title Leilua, and in future be known by your original name of Avau.

GEO. S. RICHARDSON, Administrator.

Witness my hand, at Apia, this 23rd day of November, 1925.—W. M. B.

### EXHIBIT No. 31.

#### AVAU AND THE LEILUA FAMILY.

Fusi, 2nd November, 1925.

To His Excellency the Governor, and the Secretary for Native Affairs, and the Resident Commissioner.  
WE, the family of Leilua, have honour and respect for the Government of Great Britain. We forward before your respected Honours our petition that the Government will show love, and order that L. Avau drop our title and return to his own family, as he desires to break the peace of this family and the principal chief, Leilua Faipule. To day, the 2nd November, 1925, our statements have been given before the Faipule of Fa'asaleaga; and now we again pray, have compassion, respected Excellency—send this man to his own family, and leave the title of Leilua, otherwise this peaceful family will be spoiled.

Long life.

The family in conclave. We are—

1. LEILUA, F. P.	4. L. TITA'E.	7. PAU, P. N.
2. LEILUA LEO.	5. L. TEMI.	8. LEILUA KAVIUNI.
3. L. FAGUPO.	6. T. LEILUA TUA.	9. L. IELI.

I hereby certify that the foregoing is a true translation of the original document.—R. H. ALLEN, Native Department.

Safotulafai, 2nd November, 1925.

To His Excellency the Governor, and the Secretary for Native Affairs, and the Resident Commissioner: Greetings.  
WE have to-day investigated the matter concerning Avau and the family of Leilua, of Safotulafai. It is apparent to us that he desired to kill some one, break the law, and abused Leilua, Faipule—witness the many bad statements he has hurled at Leilua, Faipule. We know that Leilua, F. P., has endeavoured to prevent new debts being contracted and to have old debts liquidated, but Avau has placed many difficulties in the way of the Faipule's instructions to the village and the district.

We find that Avau is in the wrong, and has not behaved befittingly before this inquiry. We have received a petition from the whole of the Leilua family requesting Your Excellency the Administrator, the Secretary for Native Affairs, the Resident Commissioner, and the Faipules to remove this man Avau and send him to his other family, and drop the title Leilua, otherwise the family peace will be disturbed by this man.

We are forwarding this matter for a decision.

Long life. We are—

1. TAIMALELAGI, Faipule.	3. UNASA, Faipule.
2. SUA L., Faipule.	4. SUA M., Faipule.

I hereby certify that the foregoing is a true translation of the original document.—R. H. ALLEN, Native Department.

### EXHIBIT No. 31A

#### VEVESI: PROHIBITING USE OF TITLE TIALAVEA.

ADMINISTRATION OF WESTERN SAMOA.

To Tialavea Vevesi, of Faleapuna.  
By virtue of the powers me thereunto enabling, I prohibit the use of the title Tialavea by you, the person originally known by the name of Vevesi.

GEORGE RICHARDSON, Administrator.

Dated the 29th day of December, 1927.

**EXHIBIT No. 32.****BANISHMENT ORDER.***Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Tagaloa, a Samoan male of the village of Saluafata.  
 I, JAMES WILLIAM HUTCHEN, Acting-Administrator of Western Samoa, being satisfied that the presence of you, Tagaloa, within the Island of Upolu (save and except in the Village of Saluafata in the said island) is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that you forthwith leave the district of Tuamasaga I Matu, on the Island of Upolu, and remain outside the said district and outside all other districts in the Island of Upolu (save and except the village of Saluafata, in the Island of Upolu), and reside in the said village of Saluafata for a period of three months from the date of the signing of this order.

J. W. HUTCHEN, Acting-Administrator.

Witness my hand, at Apia, this 5th day of July, 1927.

**EXHIBIT No. 33.****INFORMATION.**

In the High Court of Western Samoa.—Between A. L. Braisby, informant, and Tamaseu, defendant.  
 A. L. BRAISBY, of Apia, Inspector of Police, informs the Court that he has just cause to suspect and does suspect that Tamaseu, of Apia, did on the 20th day of June, 1927, at Apia, in the hearing of a number of Samoans, speak the following words: "We will not obey orders of the Government; we will not search for beetles; we will not pay taxes; we do not attend any more at district meetings held by the Faipule"—or words to the like effect, such words being calculated or likely to undermine the authority of the *pulenu'u*, the Faipule, and other Native authority, contrary to clause 3 of the Maintenance of Authority in Native Affairs Ordinance, 1927.

Dated this 13th day of July, 1927.

A. L. BRAISBY, Inspector of Police.

**EXHIBIT No. 34.****CLAIM OF TIMU: RESISTANCE OF MAU.**

Department of Native Affairs, Apia, Samoa, 24th August, 1927.

The Resident Commissioner, Fagamalo.

[TRANSLATION.]

Safotu, 24th August, 1927.

I WRITE with due respect to your Honour in connection with the claim of Timu, to which case are called Faoa, Faleiva, and Olo. I wish to point out that evidently your Honour the Resident Commissioner does not know the wish of the Mau of Samoa, that everything in connection with the Court or law will be resisted, such as the present Court case. Thus I write to inform your Honour, please, these boys will not attend the Court owing to the decision of the Mau. Thus I have forbidden the boys to go. That is my advice.

Soifua.

LAVEA (COMMITTEE) OF THE MAU.

**EXHIBIT No. 35.****BANISHMENT ORDER.**

ADMINISTRATION OF WESTERN SAMOA.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Savusa, a Samoan male of the village of Faleapuna.  
 I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of you, Savusa, within the district/village hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that within seven days from the date hereof you leave the district/village of Faleapuna, in the Island of Upolu, in Western Samoa, and reside and remain in the district/village of Tuanai, in the Island of Upolu, in Western Samoa, during my pleasure; and, furthermore, that you cease from using the title Savusa, and in future be known by your original name of Tauvela.

Witness my hand, at Apia, this 29th day of December, 1926.

GEO. S. RICHARDSON, Administrator.

**EXHIBIT No. 36.****BANISHMENT ORDER.**

ADMINISTRATION OF WESTERN SAMOA.

*Order under the Samoan Offenders Ordinance, 1922.*

To Faumuina, a Samoan male of the Village of Lepea, at present in the Island of Savai'i.  
 I, GEORGE SPAFFORD RICHARDSON, Administrator of the Territory of Western Samoa, being satisfied that the presence of Faumuina within the Island of Savai'i is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that you the said Faumuina do forthwith leave the Island of Savai'i and reside and remain in the Village of Lepea, in the Island of Upolu, for the period of three months from the date of this order.

Dated this 25th day of November, 1926.

GEO. S. RICHARDSON, Administrator.

## EXHIBIT No. 37.

LETTER FROM FAUMUINA AND LAGO LAGO TO HIS EXCELLENCY THE ADMINISTRATOR OF WESTERN SAMOA: PROCEEDINGS OF MAU.

[TRANSLATION.]

His Excellency Sir Geo. S. Richardson, Governor of Western Samoa.

YOUR EXCELLENCY,—

We, the undersigned, continue to pay our respects concerning the message from the Minister of External Affairs which you conveyed to us in Mulinu'u on 14th June, 1927.

At 4 o'clock on the afternoon of that day chiefs and orators of the Mau assembled in Lepea, and the proceedings were as follows:—

1. Lago Lago stood up and reported to them the order of the Minister of External Affairs to himself and Faumuina. 2. The chairman of the *fono* rose and gave a clear report of all that was happening, including the letter which the European committee had received. He conveyed the wishes and decision of the committee as to what should be done, as follows: "Chiefs and orators, representing the largest section of the Samoan community, you who are classed together under the name 'the discontented,' hear the wish of the committee. The business you came here for is now concluded—King's Birthday celebrations, welcome to the Minister of External Affairs. Therefore, return now to your homes and attend to your regular work, and wait hopefully concerning our complaints placed before the Minister of External Affairs. The committee beg you to maintain peace and harmony, as you have done from the beginning up to the present time, and pray that with God's help the foundations of our cause may be established for the future."

3. Faumuina rose and spoke strongly supporting the statement of the chairman and committee, and tried to comfort and explain and satisfy the gathering, asking them not to be angry because of the special instruction that he and Lago Lago had received as though the Mau was only the concern of themselves, or that they two were more important than the rest, especially the four other members of the committee.

4. The assembly, out of respect to Pasia, agreed that he should first respond. Pasia thanked the committee and chairman for their work in bringing their subjects before the Minister, but, replying to the suggestion that the Mau should now disperse, such was not their view. They should remain together still and await the verdict from New Zealand. If the storm smote them, let it strike them all together. That was their true desire.

5. The chairman again rose and made another address, further explaining the wisdom and correctness of the committee's resolution. He used strong words in order that they would be contented and obey.

6. Various representatives from each district then contended to make known their dissatisfaction and their districts' opinions. The following spoke: Veletaloola (Tuamasaga), Leoli (Aana), Tu'u'u (Siumu), Lavea (Le-ali'i-o-le-itu), Asiata (Satupaitea), Inu (Atua), Autagavia (Palauli). All these speeches showed their opposition to the order concerning us two, as though we controlled the Mau, and we both tried to change their wrong opinions and make clear that we were as ourselves, unchanged, and had not left the Mau.

7. We point out that it was not only at this gathering that we both worked for the fulfillment of the order, but we very carefully explained to many chiefs and orators the real meaning of the wisdom of obedience to the order.

Your Excellency the Governor, you now have the report of the both of us to carry out the high order of the Minister, but we ask you to further hear our statement concerning the heavy burden that is placed upon our backs:—

(a) We begged of the committee and chairman that they would stand together with us and make known this special order, because doubtless the league would rise in anger and oppose it.

(e) We both could not change the minds of the league, but the Spirit of God; nevertheless we both worked faithfully together with the committee and the chairman in accordance with our appointment at the public meeting in the Market Hall last year.

(i) We are both happy to use the wisdom God has given us for others (as you have frequently advised us) when we see the good way set up by the committee, in accordance with customs of great Governments—for people to express their dissatisfaction with their Government—that this should be a step in Samoa's education.

(o) Many districts were in the habit of expressing in their addresses to Your Excellency matters on which they were not satisfied, and also Faipules. Thus it is evident that for a long time they have been complaining and bearing up under their discontent, and it is not long since they have joined with the committee to find a new way for them to express their discontent.

(u) Our hearts are full of surprise at the harsh and threatening treatment towards us, while no proper investigation has been made by you, or no trial held, that both sides may be heard in accordance with British justice and in accordance also with the chief law of the Kingdom of God.

(f) We would express to Your Excellency that our fear and groaning are before God because of what now is apparent—namely, that, no matter whether for good or bad, whether satisfied or not with any operations of the Government, such as the great *mamalu* given to Faipule or other officials, we are still to obey and continue.

(g) We both beg to point out further: Let not the blame for matters on Samoan affairs be charged to the European committee, for no Samoan or no man anywhere in the world is ignorant of how to show dissatisfaction, but because of some being unaccustomed to expressing themselves before dignitaries, and lest they transgress the law and propriety, the European committee was used as a means.

Thus Your Excellency hears our reply to the order of the Minister, together with our statement in which we both have expressed our own real thoughts as directed by the Spirit of God, and we remember the parable of Jesus which says: A visitor arrived at a certain man's house at midnight, and he got up and went and knocked at the door of the store where bread could be bought. He wanted bread for the visitors who had just come to his house. His request was not heeded at first because it was so late at night, but the man continued knocking persistently, until at last the storekeeper got up and opened the door and sold him the bread.

We close our humble report with great respect.

Your humble servants,  
FAUMUINA.  
LAGO LAGO (T. AFAMASAGA).

I certify that the foregoing is a true translation of the original document.—R. H. ALLEN, Accountant, Native Department.

## EXHIBIT No. 38.

MEDICAL TAX.

[TRANSLATION.]

Vaiusu, 27th August, 1923.

His Excellency the Administrator of Western Samoa.

WE, the Ali'i and Faipule of Faleata respectfully inform Your Excellency as follows: Your notification regarding the medical tax is accepted with pleasure. That is our reply to Your Excellency. Live long!

ALI'I AND FAIPULE OF FALEATA:  
SEIULI, F.P.

I hereby certify that the above is a true copy of the original—ROBT. H. ALLEN, Accountant, Native Department.

**EXHIBIT No. 39.**

## DIVISION OF LAND: DECISION OF DISTRICT COUNCIL.

District Council of Faleata, 22nd April, 1925.

*Decisions of the District Council to be brought before the Fono of Faipule and His Excellency the Governor.*

[EXTRACT.]

It is the desire of this district that uncultivated land shall be divided as is done in Tonga. The Government shall control such division of land and distribute to each taxpayer an area (his acres) to work.

SEIULI, British Faipule.

I hereby certify that the foregoing is a true translation of the above copy of the original document—R. H. ALLEN, Accountant and Inspector, Department of Native Affairs.

**EXHIBIT No. 40.**

## FALEATA DISTRICT COUNCIL: DISTRICT LAWS.

*Appeared—Sciuli, F.P.; Aulacenui, P.N.; Nu'u, P.N.; Faumuina—representing the Faleata District Council.*

The following district laws were passed by the Council in September, 1924.

1. Every man, woman, and child in Faleata to pay 1s. for the maintenance of the Council and the furtherance of its work.

2. Any one who does anything to break the peace of Faleata will be brought before the Council for inquiry. If the charges are proved he will be banished from the district.

3. All the *tauleleu* are to obey the authority of the *matai*. The result of disobedience will be banishment.

4. All must obey the curfew bell at 10 p.m. Any offenders to be fined by the Village Committees.

5. Every person to obey the call of Faumuina to the Fetu. To be brought before the Secretary for Native Affairs, or the Samoan Fa'amasino, at Faumuina's discretion.

A. B. ROSS, Assistant Secretary, Native Affairs.

I certify that the above is a true and correct copy of the original minute.—R. H. ALLEN, Native Department.

**EXHIBIT No. 41.**

## BANISHMENT ORDER, ETC.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Ainiu'u Tasi, a Samoan male of the Village of Apia.

I, SIR GEORGE SPAFFORD RICHARDSON, Major-General, K.B.E., C.B., C.M.G., C.B.E., Administrator of Western Samoa, being satisfied that the presence of you, Ainiu'u Tasi, within the islands of Upolu and Savai'i (save and except in the Village of Malie, in the Island of Upolu) is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that you forthwith leave the Village of Apia, on the Island of Upolu, and remain outside the said village and outside all other villages in the islands of Upolu and Savai'i (save and except the Village of Malie, in the Island of Upolu), and reside in the said Village of Malie for a period of twelve months from the date of the signing of this order.

Witness my hand at Apia, this 20th day of July, 1927.

GEO. S. RICHARDSON, Administrator.

## ADMINISTRATION OF WESTERN SAMOA.

To Ainiu'u Tasi, of Apia.

By virtue of the powers me thereunto enabling, I prohibit the use of the title Ainiu'u by you, the person originally known by the name of Tasi.

GEO. S. RICHARDSON, Administrator.

Dated the 20th day of July, 1927.

**EXHIBIT No. 42.**

## BANISHMENT ORDER, ETC.

*Order of Local Banishment under the Samoan Offenders' Ordinance, 1922.*

To Papalii Ulu, a Samoan male of the Village of Apia.

I, SIR GEORGE SPAFFORD RICHARDSON, Major-General, K.B.E., C.B., C.M.G., C.B.E., Administrator of Western Samoa, being satisfied that the presence of you, Papalii Ulu, within the islands of Upolu and Savai'i (save and except in the Village of Vaialele, in the Island of Upolu) is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that you forthwith leave the Village of Apia, on the Island of Upolu, and remain outside the said village and outside all other villages in the islands of Upolu and Savai'i (save and except the Village of Vaialele, in the Island of Upolu), and reside in the said Village of Vaialele for a period of twelve months from the date of the signing of this order.

Witness my hand, at Apia, this 20th day of July, 1927.

GEO. S. RICHARDSON, Administrator.

## ADMINISTRATION OF WESTERN SAMOA.

To Papalii Ulu, of Apia.

By virtue of the powers me thereunto enabling, I prohibit the use of the title Papalii Ulu by you, the person originally known by the name of Faasiusiu.

GEO. S. RICHARDSON, Administrator.

Dated the 20th day of July, 1927.

**EXHIBIT No. 43.****BANISHMENT ORDERS, ETC.****NOTICE.**

Administration of Western Samoa, Faa'ali, Apia, Samoa, 20th July, 1927.

To

You are hereby summoned to appear at the Native Office, Mulinu'u, on Tuesday, the 26th day of July, 1927, at the hour of 9 o'clock in the forenoon, to show cause (1) why your title should not be taken away, and (2) why a banishment order should not be made against you.

Dated this 20th day of July, 1927.

SECRETARY FOR NATIVE AFFAIRS.

This notice sent to all persons named hereunder: Tofaeono Vaiala; Tuala Tulo Lepea; Tevaga Patasala Leauva'a; Sala Setasiu Leauva'a; Tuala Faraniko Leauva'a.

**ADMINISTRATION OF WESTERN SAMOA.***Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of one Tuala Tulo (a Samoan Native) within the islands of Savai'i and Upolu (save and except in the Village of Lealatele) is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the power conferred on me by clause 3 of the said Ordinance, order that the said Tuala Tulo forthwith leave the Island of Upolu and remain outside the said island and outside all other districts in the islands of Upolu and Savai'i (save and except the Village of Lealatele), and resides in the said Village of Lealatele for a period of twelve months from the date of this order; and, furthermore, being satisfied that such course is necessary in the public interest, do hereby, under clause 4 of the said Ordinance, authorize the arrest of the said Tuala Tulo and his removal to the Village of Lealatele as herein specified.

Dated this 28th day of July, 1927.

GEO. S. RICHARDSON, Administrator.

To the Inspector of Police, and all officers of police in Samoa.

This is the order mentioned and referred to in the annexed affidavit of Corporal Aiono, sworn to before me this 26th day of October, 1927, at Apia.—A. B. L. R. TATTERSALL, Registrar.

This is the order referred to in the attached affidavit of Corporal Fonoti, sworn at Apia this 25th day of October, 1927, before me—A. McCarthy, Judge, Apia.

In the matter of the Royal Commission, and in the matter of one Tualo Tulo.

I, AIONO, of Apia, Corporal Native Police at Apia, make oath and say:—

1. That attached hereto is the order under which the above-named Tualo Tulo was arrested and banished to Savai'i.

2. That Corporal Fonoti and myself effected the arrest.

3. That I read over the order to Tualo and explained it to him, and he fully understood the same; that at the same time I tendered him a copy in the Samoan language for his own information, and he refused to take the same.

4. That the said Tualo was escorted by Corporal Fonoti to Savai'i.

CPL. AIONO.

Sworn at Apia, this 26th day of October, 1927, before me—A. B. L. R. Tattersall, Registrar, High Court, Apia.

In the matter of the Royal Commission, and in the matter of one Tualo Tulo.

I, FONOTI, Corporal of the Native Police at Apia, make oath and say:—

1. That attached hereto is the order under which the above-named Tualo Tulo was arrested and banished.

2. That Corporal Aiono assisted me in connection with the arrest, which took place on the 1st day of August, 1927. Tualo was taken by me in the launch "Mulifanua" to Fagamalo, where I delivered him to Resident Commissioner.

3. The order was read over in the Samoan language to the said Tualo Tulo, and he understood fully the purport of the order.

4. Other people were present at the time of the arrest and understood what was being done.

5. Tualo was inclined to resist the order at first, but after a talk with us he agreed to come with us without any trouble.

6. The Samoan copy of the order was handed in to the station sergeant at Apia after execution of the order.

FONOTI, CPL.

Sworn at Apia, this 25th day of October, 1927, before me—A. McCarthy, Judge, High Court.

**EXHIBIT No. 44.****BANISHMENT ORDER, ETC.***Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Matau Karauna, a Samoan male of the Village of Apia.

I, SIR GEORGE SPAFFORD RICHARDSON, Major-General, K.B.E., C.B., C.M.G., O.B.E., Administrator of Western Samoa, being satisfied that the presence of you Matau Karauna within the islands of Upolu and Savai'i (save and except in the Village of Papa, Sataua, in the Island of Savai'i) is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that you forthwith leave the district of Tuamasaga on the Island of Upolu, and remain outside the said district and outside all other districts in the islands of Upolu and Savai'i (save and except the Village of Papa, Sataua, in the Island of Savai'i), and reside in the said Village of Papa, Sataua, for a period of twelve months from the date of the signing of this order.

Witness my hand, at Apia, this 20th day of July, 1927.

GEO. S. RICHARDSON, Administrator.

**ADMINISTRATION OF WESTERN SAMOA.**

To Matau Karauna, of Apia.

By virtue of the powers me thereunto enabling, I prohibit the use of the title Matau by you, the person originally known by the name of Karauna.

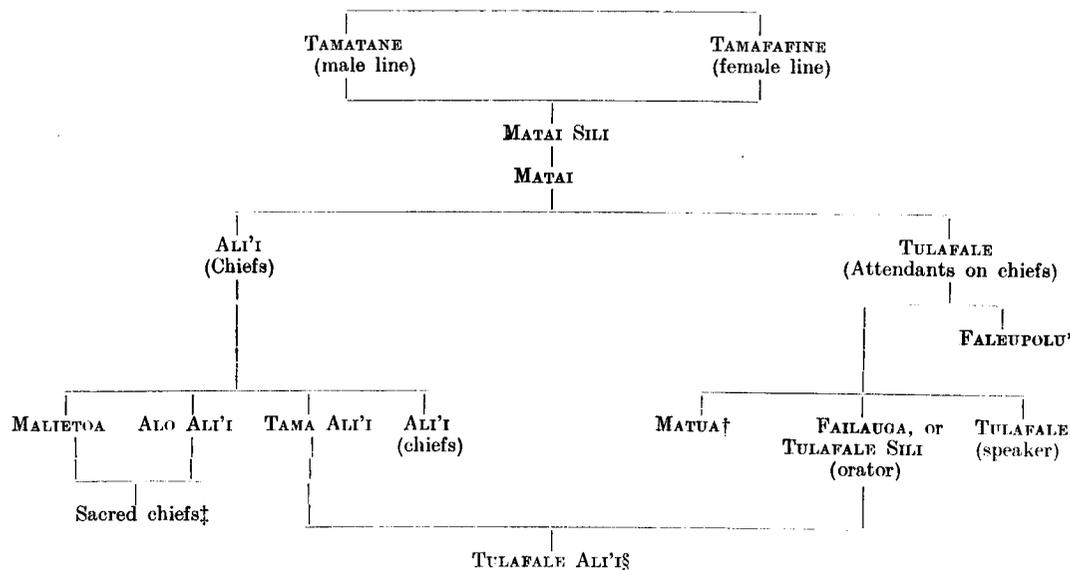
Dated the 20th day of July, 1927.

GEO. S. RICHARDSON, Administrator.

## EXHIBIT No. 45.

SHOWING THE SOCIAL DIVISIONS OF SAMOA ORIGINATING FROM THE FAMILY BASIS, WHICH INCLUDES BLOOD RELATIONS, ADOPTION, COLLATERAL BRANCHES, AND VOLUNTARY SUBJECTION.

## AIGA: THE SAMOAN FAMILY.



\* The *faleupolu* is the select *tulafale* attached to high chief and the *laumua* (capital).

† The *matua* are few, and they possess extensive powers over the Samoans.

‡ Upon the sacred chiefs the *Ao* or princely titles may be conferred. They are: *Tulafua*, *Tulaana*, *Gatoaitete*, and *Tamasoaalii*. If one of these sacred chiefs obtains the whole four titles he is entitled to the kingship of Samoa. *Malietoa* title is not an *Ao*, but one of significant standing and honour.

§ The *tulafale ali'i* is a chief who has taken the name of a *tulafale* and gives him stronger powers.

In all Samoan assemblies and functions there should be a chief with his *tulafale* to represent their village or district. This does not apply to a *tulafale sili* or to a *matua*; these can stand alone at meetings.

## EXHIBIT No. 46.

## EXPENDITURE OF FIJI AND SAMOA COMPARED.

	Fiji.				Samoa.			
	Expenditure (Blue-book).		Expenditure, Year ended 31st March, 1926.		Estimated Expenditure 1926-27.			
	Total.	Per Head.	Total.	Per Head.	Total.	Per Head.	Total.	Per Head.
Permanent charges .. .. .	£ 35,552	s. d. s. d. 4/2 —1/6	£ 6,385	s. d. s. d. 3/2 —1/3	£ 7,700	s. d. s. d. 3/10—1/5		
Administrator, Government House, and Legislature .. .. .	4,658	—/6 —1/2	4,934	2/5 —1/2	5,000	2/6		
Secretariat .. .. .	10,775	1/3 —1/4	2,394	1/2 —1/3	2,120	1/- —3/4		
Native affairs (Fiji as District Administrator) .. .. .	23,088	3/8 —5/8	16,740	8/4 —1/2	16,650	8/4		
Treasury and Audit .. .. .	12,566	..	2,118	..	2,200	..		
Post Office and Savings-bank .. .. .	27,689	..	4,951	..	5,300	..		
Radio .. .. .	..	..	6,731	..	4,450	..		
	40,255	4/8 —7/8	13,800	6/11	11,950	6/-		
Customs, taxes, and Marine .. .. .	14,400	1/8 —1/3	10,218	5/1 —1/3	9,550	4/9 —3/10		
Justice .. .. .	7,680	—/10—7/8	2,650	1/3 —9/10	2,740	1/4 —2/5		
Police and Prisons .. .. .	26,484	3/1 —1/3	7,969	3/11—3/4	7,750	3/10—1/2		
Health .. .. .	48,520	5/8 —1/2	25,762	12/10—1/2	25,000	12/6		
Agriculture .. .. .	40,320	4/9	3,187	1/7 —1/8	3,250	1/7 —1/2		
Chinese .. .. .	..	..	1,640	—/9 —5/6	1,790	—/10—3/4		
Education .. .. .	28,462	3/4 —1/6	9,130	4/7	9,700	4/10—1/5		
Miscellaneous .. .. .	55,785	6/8	11,952	5/11—3/4	7,400	3/8 —2/5		
Lands and Survey .. .. .	7,840	—/11	2,372	1/2 —1/4	2,400	1/2 —2/5		
Public Works—General and maintenance .. .. .	58,369	6/10—1/3	17,668	8/10	14,400	7/2 —2/5		
Public Works—New works .. .. .	10,643	1/3	8,887	4/5 —1/3	6,100	3/- —3/5		
			145,688		133,500			

## EXHIBIT No. 47.

## FALEFA LAND.

EXTRACT FROM MINUTE IN *re* FALEFA LAND.

Secretary of Native Native Affairs, Samoa, 20th April, 1925.

ALI'I and Faipule of Falefa (chiefs and orators) appeared before His Excellency this morning, and after His Excellency's address and instructions the meeting adjourned for fifteen minutes. Upon reassembling the Ali'i and Faipule (chiefs and orators) of Falefa withdrew their objection to surveying their land and apologized for what they had done, and promised to obey the orders to have the land surveyed.

H. S. GRIFFIN.

(NOTE.—Present at this meeting were Leutele, Alaia, P.N., Moeono, Iuli, P.N., Faaonu'u, Salanoa, Taua'a Lelafu, and about fifty others.

I hereby certify that the foregoing is a true copy of that portion of the original minute which appertains to the question of Falefa land.—R. H. ALLEN, Accountant and Inspector, Department of Native Affairs.

Apia, Samoa, 5th May, 1925.

Memo. for His Excellency the Administrator, Apia.

*Re Falefa Land.*

HEREWITH I have the honour to report as follows concerning the Falefa land matter :—

Court grants 925 and 931 were originally owned by an American company, and were sold to the late G. Kunst. These were sold, as per papers enclosed, on the 30th April, 1908, to the German Government, on trust for the Natives of Falefa, Falevao, and Lalomauga ; but previous to this date negotiations had been entered into between the Mormon Mission and the Kunst Estate agent, whereby the mission agreed to purchase and, as a matter of fact, paid all or part of the purchase-money. Before the transfer was effected, however, the mission people agreed to withdraw in favour of the Falefa Natives, and hence the transfer to the German Government in 1908. Mr. Voigt, the representative of Kunst, does not remember details—neither do the present representatives of the mission ; but the explanation is, I think, that the mission applied for two leases (see Nos. 3 and 4 of details of title in Mr. Klinkmueller's letter). The proposal than was that these should be granted as fully-paid Court leases to the mission, and they, in compensation, would buy the Court grants referred to—Nos. 925 and 931—and convey same to the Natives, the prospective lessors. The leases, however, were objected to, and were never completed, and then the Natives requested the German Government to assist in purchasing the two Court grants on their behalf. The certificate "A" shows that the Government advanced the money, and was, it is alleged, repaid by the Falefa Natives, and the lands were transferred to the Government. These lands are well known to me, and are situated half-way between Falefa and Falevao, and are quite distinct from the lands ordered by Your Excellency to be surveyed for Lufilufi and Falefa : the presumption is that the receipt produced by the Natives for payment of the lands referred to Court grants Nos. 925 and 931 only. There can be no doubt about the location of these grants, and a Native can no more alter the location than could a European holder of the title.

The only doubt at present in my mind in connection with this case is as to whether the Mormon Mission was repaid the money which they paid to the Kunst Estate ; but this does not affect the present ownership of the lands in Court grants 925 and 931. However, the president of the mission is writing to headquarters to get such information as may be there available. Although the representative of Kunst says he transferred the lands in these grants to the mission, no records exist of such, and the presumption is that before recording the transaction other arrangements were entered into whereby the transfer was enabled to be made directly to the German Government for the Falefa Natives.

I enclose herewith letter and enclosures referring to title from Mr. Klinkmueller, whom I engaged to assist in tracing the titles.

NORMAN H. MACDONALD, Licensed Surveyor.

I certify that the above is a true and correct copy of the original.—R. H. ALLEN, Native Department.

Apia, Samoa, 28th April, 1925.

Norman H. Macdonald, Esq., Apia.

DEAR SIR,—

*Re* properties of the Mormon Mission : I have searched the Samoan land records and the files of the Court. Joseph F. Smith, of Salt Lake City, as trustee in trust for the Church of Jesus Christ of Latter-day Saints, is registered as owner of two pieces of freehold land :—

- (1) Court grant No. 281 : Land called "Uta" and "Alitia," in Saluafata : 293 ha. 53 a. 59 qm. (See plan in file D 262.) This land is bounded in the east, south, and west by land of Salanoa and Tagalao ; in the north by the property described under No. 2. Former owner, D.H. and P.G. Conveyed to Joseph Smith on the 17th February, 1906. Purchase price, 25,000 m.
- (2) Court grant No. 327 : Land in Saluafata, called "Uta" : 52 ha. 66 a. 38 qm. (See plan in file D 190.) This land is bounded in the south by the property described under No. 1, and as to the rest by land of Salanoa and Tagalao. Former owner, Gustav Kronfeld. Conveyed to Joseph Smith on the 17th February, 1906. Purchase price, 5,000 m.
- (3) *Uncompleted*.—Leaschold agreement concerning the land "Leifilemutua" and "Taleva" : 86 acres. Preliminary agreement dated the 20th January, 1905, between Faifai of Manunu and the Church of Jesus Christ of Latter-day Saints. Seutatia Salanoa Muliufi objected against the lease. The parties were notified. No further motion was filed. (See file XIV, 117.)
- (4) *Uncompleted*.—Leaschold agreement concerning the land called "Aalaitia" : 30 acres. Preliminary agreement dated the 12th February, 1906, between Salanoa and the Church of Jesus Christ of Latter-day Saints. Pulepule and Faifai objected. The parties were notified. No further motion was filed. (See file XIV, 130.)

Yours, &c.,  
G. KLINKMUELLER.

I certify that the above is a true and correct copy of the original.—R. H. ALLEN, Native Department.

Apia, 28th April, 1925.

Norman H. Macdonald, Esq., Apia.

DEAR SIR,—

Re Lands "Alatui" and "Vaiala," acquired by the Falefa Village.

I beg to enclose copies of Court grants No. 925 and 931. From the entries in the Samoan Land records is shown that these properties were conveyed to G. Kunst on the 12th April, 1901, and afterwards to the Government on the 30th April, 1908. The certificate, filed with D. 303 (page 3), shows that the said properties are held in trust for the Village of Falefa. A translation of the certificate is attached. It is not shown by the records of the Court where the Falefa people did finally raise the sum of 6,860 m. (equal to about £340).

Yours, &amp;c.,

G. KLINKMUELLER.

I certify that the above is a true and correct copy of the original.—R. H. ALLEN, Native Department.

[TRANSLATION OF PAGE 3 OF FILE D 303.]

Imperial Governor of Samoa.

J. No. 6210/11.

*Certificate.*

The village of Falefa has acquired the properties called "Alatui" and "Vaiala," situate in Falefa (Court grants Nos. 925 and 931) from the beneficiaries in Kunst's estate. To enable the village to pay the purchase price they received from the Fiscus of the Protectorate of Samoa a loan of 6,860 m. The properties have been conveyed by protocol dated the 30th April, 1908, by Kunst's beneficiaries to the Fiscus. The Village of Falefa has now repaid the loan of 6,860 m., therefore the Fiscus is now holding the properties only in trust for the Village of Falefa. In the name "Falefa" are also included the inland villages Falevao and Lalomauga, as far as it belongs to Falefa.

Apia, the 22nd day of November, 1911.

THE ACTING IMPERIAL GOVERNOR: SCHULTZ.

Correct translation.—Apia, 28th April, 1925.—G. KLINKMUELLER.

I certify that the above is a true and correct copy of the original.—R. H. ALLEN, Native Department.

**EXHIBIT No. 48.**

DISTRICT COUNCIL, VAA-O-FONOTI, FAGALOA.

[EXTRACT.]

2. THE surveying of any village should be made by the instruction of Ulualoifaiga, F.P., and committee must do the work; follow to a plan or a map made by the Government. The building of houses of any village should be built by the people of the same village. Any village or any body disobedient to this rule must be punished.

4. The question *re* the dividing of Samoan lands should be forwarded to Faipule Fono for a right result. The wish of Fagaloa district is that to survey their lands by the authority of Ulualoifaiga, F.P. The committee should be instructed to divide among the people lands which are fit to plant coconuts. It does not matter whether plenty or little—give to each taxpayer one piece of coconut land for a plantation.

I hereby certify that the above is a true copy of translation of extracts from the original document.—R. H. ALLEN, Native Department.

**EXHIBIT No. 49.**

Lepa, 19th February, 1927.

His Excellency the Governor, Father of Samoa.

YOUR EXCELLENCY,—

We retain due respect for Your Excellency, and would advise upon the following matter:—

We have completed the discussion of the matter regarding a Faipule for us, as was expressed by Your Excellency. The result of our deliberations is as follows: The chiefs and orators of our district unanimously agree that Tupuola of Aufaga shall be our Faipule. This discussion was carried out in harmonious agreement.

In confirmation of our satisfaction we sign herewith. Farewell.

## THE CHIEFS AND ORATORS OF LEPA:

AUELUA, F.	FATALOFA, P. N.
PULETIU, P. N.	FAALOTOI, F. M. P.
TAOAI.	LOLOFIE.
SAGALE.	MALIE-LEGAOI.
TUILAEPA.	L. L. AUELUA.
TAGO, U. P. N.	TAGOA'I.

I certify that the foregoing is a true translation of the original document.—R. H. ALLEN, Native Department

## EXHIBIT No. 50.

O. F. NELSON AND CO., LTD.: ACCOUNTS.

Estimated Marketing Costs of Copra per Ton.

	Copra purchased in Apia at 3 Cents (12s. per 100 lb.)	Copra purchased in "A" District at 2½ Cents (10s. per 100 lb.)	Copra purchased in "B" District at 2½ Cents (9s. per 100 lb.)	Copra purchased in "C" and "D" Districts at 2 Cents (8s. per 100 lb.)
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Trader's salary .. .. .	0 15 0	0 10 0	0 10 0	0 10 0
Trader's commission (4s. per 1,000 lb.) .. .. .	..	0 8 11	0 8 11	0 8 11
Nominees' commission, &c. .. .. .	..	0 2 0	0 2 0	0 2 0
Handling, bagging, and loading, &c., at station (4s.) .. .. .	..	0 8 11	0 8 11	0 8 11
Unloading at Apia, 2s. 6d.; cartage to store, 2s.; and unloading at store, 6d. .. .. .	..	0 5 0	0 5 0	0 5 0
Weighing, rebagging, and handling at store, Apia .. .. .	..	0 2 6	0 2 6	0 2 6
Freight to Apia .. .. .	..	1 2 5 (at 10s.)	1 13 7 (at 15s.)	2 4 10 (at 20s.)
Losses on coastal craft and station boats .. .. .	..	0 2 0	0 10 0	0 15 0
Marine insurance to Apia .. .. .	..	0 2 0	0 2 0	0 2 0
Wharfage at Apia .. .. .	..	0 0 6	0 0 6	0 0 6
Shrinkage at station .. .. .	..	1 2 5 (at 10%)	1 5 2 (at 12½%)	1 6 8 (at 15%)
Transit shrinkage from station to Apia .. .. .	..	0 5 6 (at 2½%)	0 5 0 (at 2½%)	0 4 6 (at 2½%)
Fire insurance in shed .. .. .	0 1 9	0 1 9	0 2 0	0 2 3
Rent of sheds and copra-shed licenses .. .. .	..	0 5 0	0 5 0	0 5 0
Purchase price .. .. .	13 8 10	11 4 0	10 1 7	8 19 3
Cost landed in Apia .. .. .	14 5 7	16 2 11	16 2 2	15 17 4
Shrinkage at shed in Apia .. .. .	1 10 0 (at 10%)	0 16 0 (at 5%)	0 16 0 (at 5%)	0 16 0 (at 5%)
Storage in Apia (two months) .. .. .	0 6 0	0 6 0	0 6 0	0 6 0
Fire insurance (two months) .. .. .	0 2 0	0 2 0	0 2 0	0 2 0
Loading and cartage to wharf .. .. .	0 3 0	0 3 0	0 3 0	0 3 0
Lighterage to overseas steamers .. .. .	0 6 0	0 6 0	0 6 0	0 6 0
Sacks and twine (17 sacks to ton) .. .. .	0 19 0	0 19 0	0 19 0	0 19 0
Export duty .. .. .	1 0 0	1 0 0	1 0 0	1 0 0
Cost f.o.b. steamer .. .. .	18 11 7	19 14 11	19 14 2	19 9 4
Freight to London .. .. .	3 10 0	3 10 0	3 10 0	3 10 0
Insurance to London (½ per cent. on £30) .. .. .	0 3 0	0 3 0	0 3 0	0 3 0
Brokerage and commission of London agent (1½ per cent. on £26) .. .. .	0 7 10	0 7 10	0 7 10	0 7 10
Shrinkage in transit (2½ per cent. on £21) .. .. .	0 10 6	0 10 6	0 10 6	0 10 6
Bank exchange on thirty days sight draft (2½ per cent. on £21) .. .. .	0 10 6	0 10 6	0 10 6	0 10 6
Interest on draft and freight (1 per cent. on £24 10s.) .. .. .	0 4 11	0 4 11	0 4 11	0 4 11
Weighing, sorting, stacking, and arbitration .. .. .	0 5 0	0 5 0	0 5 0	0 5 0
Interest on money for purchaser from producer to date of shipment .. .. .	0 3 9	0 3 9	0 3 9	0 3 9
London Market .. .. .	24 7 1 26 0 0	25 10 5 26 0 0	25 9 8 26 0 0	25 4 10 26 0 0
Net profit .. .. .	1 12 11	0 9 7	0 10 4	0 15 2

## Copra Outturn, 1925.

CONSIGNMENTS TO EUROPE.

Date.	Consignment.	Quantity.	Net Proceeds, London.
1925.		Tons. cwt. qr. lb.	£ s. d.
Mar. 20 .. .. .	No. 205 .. .. .	860 16 3 26	20,711 12 1
May 20 .. .. .	No. 206 .. .. .	1,023 15 0 25	24,165 7 6
June 27 .. .. .	No. 207 .. .. .	907 1 3 27	21,904 2 3
Sept. 12 .. .. .	No. 208 .. .. .	1,274 3 0 27	31,477 18 2
Dec. 7 .. .. .	No. 209 .. .. .	1,079 10 3 18	26,775 14 3
		5,145 8 1 11	125,034 14 3

## COPRA ACCOUNT.

Dec. 31.		£ s. d.	£ s. d.
By Sales as above .. .. .		..	125,034 14 3
To Purchase price .. .. .		106,162 7 2	..
Copra sacks .. .. .		4,962 0 0	..
Local expenses .. .. .		12,832 0 0	..
Estimated net profit on copra on hand .. .. .		600 0 0	..
Gross profit .. .. .		8,524 14 3	..
By Copra on hand, 31st December, 1925 .. .. .		..	8,046 7 2
		£133,081 1 5	£133,081 1 5

## COPRA PROFIT AND LOSS ACCOUNT.

Dec. 31.							£	s. d.	£	s. d.
By Gross profit .. .. .									9,124	14 3
Overestimated net proceeds, consignments 208/209 .. .. .									246	7 7
'Surplus on consignments, 202/204 .. .. .									104	9 7
To Arbitration allowance .. .. .							119	19 2		
Net profit .. .. .							9,355	12 3		
							<u>£9,475</u>	<u>11 5</u>	<u>£9,475</u>	<u>11 5</u>

## Copra Outturn, 1926.

## CONSIGNMENTS TO EUROPE.

Date.		Consignment.		Quantity.		Net Proceeds, London.	
				Tons cwt. qr. lb.		£ s. [d.	
1926.							
Feb. 18 .. .. .	No. 210 .. .. .			832	10 3 14	20,364	0 1
April 30 .. .. .	No. 211 .. .. .			798	0 0 8	19,050	2 3
Aug. 20 .. .. .	No. 212 .. .. .			1,613	4 3 7	35,560	18 10
Oct. 20 .. .. .	No. 213 .. .. .			827	15 2 21	16,680	3 11
1927.							
Jan. 27 .. .. .	No. 214 .. .. .			706	18 0 21	14,725	14 0
				4,778	9 2 15	106,380	19 1

## COPRA ACCOUNT.

Dec. 31, 1926.						£	s. d.	£	s. d.
By Sales as above .. .. .								106,380	19 1
To Purchase price .. .. .						93,841	3 2		
Copra sacks (78,173) .. .. .						5,261	0 3		
Local expenses .. .. .						8,071	12 9		
By Difference between estimated and actual net proceeds, 212/214 .. .. .								1,183	3 3
Gross profit .. .. .						3,515	6 2		
Copra on hand, 31st December, 1926 .. .. .								3,125	0 0
						<u>£110,689</u>	<u>2 4</u>	<u>£110,689</u>	<u>2 4</u>

## COPRA PROFIT AND LOSS ACCOUNT.

Dec. 31, 1926.						£	s. d.	£	s. d.
By Gross profit .. .. .								3,515	6 2
To Overestimated net proceeds, consignments 208/209 (1925) .. .. .						246	7 7		
Loss on Crown Estates copra .. .. .						637	2 7		
Arbitration allowances on consignments 210/211 .. .. .						217	12 1		
Net profit .. .. .						2,414	3 11		
						<u>£3,515</u>	<u>6 2</u>	<u>£3,515</u>	<u>6 2</u>

## Branches and Stations.

## SHRINKAGE AND OUTTURN, 1926.

Branches and Stations.	Shrinkage, 1926 (Twelve Months).				Outturn, 1926 (Twelve Months).	
	Per-centage.	Weight.	At per Cent.	Value.	Net Profit.	Gross Loss.
<i>Savai'i.</i>						
Safune Branch—		lb.		£ s. d.	£ s. d.	£ s. d.
1. Faleolo Station .. .. .	13 $\frac{9}{10}$	14,942	10s.	74 12 2	..	104 1 11
2. Maugaloa Station .. .. .	13 $\frac{1}{16}$	58,138	10s.	290 13 10	389 12 6	..
3. Sasina Station .. .. .	16 $\frac{1}{4}$	32,135	10s.	160 13 6	112 13 11	..
4. Matautu Station .. .. .	15	28,787	10s.	143 18 8	..	4 15 1
5. Safotu Station .. .. .	14 $\frac{1}{10}$	36,963	10s.	184 16 4	0 19 1	..
6. Asau Station .. .. .	7 $\frac{3}{8}$	9,219	10s.	46 1 10	35 2 0	..
7. Sataua Station .. .. .	11	24,074	10s.	120 7 5	45 8 4	..
8. Falealupo Station .. .. .	11 $\frac{3}{4}$	26,776	10s.	133 17 7	14 13 3	..
Salailua Branch—						
1. Satuiatua Station .. .. .	17 $\frac{3}{4}$	44,880	12s.	269 5 7	..	309 0 10
2. Samata Station .. .. .	13	36,322	12s.	217 18 10	..	160 16 7
3. Neiafu Station .. .. .	17 $\frac{3}{16}$	43,150	12s.	258 18 0	..	191 12 7
Palauli Branch—						
1. Vaitoomuli Station .. .. .	15 $\frac{3}{8}$	39,192	11s.	215 11 1	220 1 5	..
2. Faaala Station .. .. .	12	19,207	11s.	105 12 9	..	63 3 11
3. Satupaitea .. .. .	13 $\frac{3}{8}$	17,121	11s.	94 3 4	..	35 9 5
4. Tufu Station .. .. .	13 $\frac{1}{2}$	38,965	11s.	214 6 1	4 7 11	..
Faasaleleaga Branch—						
1. Faga Station .. .. .	12 $\frac{7}{8}$	33,291	11s.	183 2 0	194 11 4	..
2. Saasaai Station .. .. .	16 $\frac{7}{8}$	46,330	11s.	254 16 4	84 6 9	..
3. Lano Station .. .. .	17 $\frac{1}{8}$	57,060	11s.	313 16 7	119 11 5	..
4. Tuasivi Station .. .. .	12	36,602	11s.	201 6 2	82 16 0	..
5. Eve Eve Station .. .. .	14 $\frac{1}{2}$	25,679	11s.	141 4 8	..	9 3 4
6. Lalomalava Station .. .. .	17 $\frac{1}{4}$	25,456	11s.	140 0 1	..	112 1 0
7. Iva Station .. .. .	11 $\frac{1}{4}$	34,418	11s.	189 5 11	53 17 3	..
8. Salelologa Station .. .. .	13 $\frac{1}{4}$	23,686	11s.	130 5 6	..	96 8 0
Total Savai'i .. .. .		752,393		4,074 14 3	1,358 1 2	1,086 12 8

*Branches and Stations—continued.*  
SHRINKAGE AND OUTTURN, 1926—*continued.*

Branches and Stations.	Shrinkage, 1926 (Twelve Months).				Outturn, 1926 (Twelve Months).	
	Per-centage.	Weight.	At per Cent.	Value.	Net Profit.	Gross Loss.
<i>Upolu.</i>						
Aleipata Branch—		lb.		£ s. d.	£ s. d.	£ s. d.
1. Malaela Station .. ..	12 $\frac{1}{8}$	52,484	11s.	288 13 3	..	5 7 7
2. Amaile Station .. ..	16 $\frac{3}{4}$	21,455	11s.	118 0 0	287 17 7	..
3. Vailoa Station .. ..	13	43,713	11s.	240 8 5	32 4 0	..
4. Lepa Station .. ..	13 $\frac{3}{8}$	17,165	11s.	94 8 1	15 16 4	..
5. Aufaga Station .. ..	16 $\frac{1}{8}$	20,985	11s.	115 8 4	..	164 9 11
Falealili Branch—						
1. Sapunaoa Station .. ..	14 $\frac{1}{2}$	22,369	11s.	123 0 6	..	71 6 11
2. Lotofaga Station .. ..	15 $\frac{1}{8}$	36,530	11s.	200 18 4	..	27 3 6
3. Samuilalo Station .. ..	16 $\frac{1}{4}$	26,683	11s.	146 15 1	..	72 17 6
Safata Branch—						
1. Mulivai Station .. ..	16 $\frac{5}{8}$	44,943	11s.	247 3 9	..	4 1 7
2. Siumu Station .. ..	11 $\frac{3}{8}$	26,900	11s.	147 19 0	94 2 1	..
3. Fusi Station .. ..	14 $\frac{7}{8}$	33,786	11s.	185 16 6	103 18 10	..
4. Lefaga Station .. ..	13 $\frac{1}{8}$	64,337	11s.	354 7 0	377 19 10	..
North Upolu Branch—						
1. Mulifanua Station .. ..	6 $\frac{1}{2}$	5,225	12s.	31 7 0	59 15 7	..
2. Magia Station .. ..	32 $\frac{7}{8}$	43,002	12s.	258 0 3	..	62 1 2
3. Fasitoo Station .. ..	9 $\frac{3}{8}$	9,579	12s.	57 9 6	..	13 11 11
4. Faleasi'u Station .. ..	10 $\frac{1}{2}$	10,559	12s.	63 7 0	..	10 5 7
5. Saleimoa Station .. ..	10 $\frac{1}{4}$	10,032	12s.	60 3 10	27 3 11	..
6. Vaimea Station .. ..	6 $\frac{1}{4}$	1,952	14s.	13 13 3	..	28 2 7
7. Falefa Station .. ..	10 $\frac{3}{8}$	23,205	12s.	139 4 7	..	83 8 9
Total Upolu .. ..	..	514,904	..	2,886 3 8	998 18 2	542 17 0
<i>Totals.</i>						
Savai'i Stations .. ..	..	752,393	..	4,074 14 3	1,358 1 2	1,086 12 8
Upolu Stations .. ..	..	514,904	..	2,886 3 8	998 18 2	542 17 0
		1,267,297	..	6,960 17 11	2,356 19 4	1,629 9 8

*Working Accounts of Motor-vessels for 1926 (Twelve Months).*

		Loss.
"Siliafai" (1st January to 5th July, engine-room) .. ..	Total loss by fire on 5th July, caused through explosion in .. ..	£ s. d. 147 7 1
"Sina" .. ..	.. ..	251 6 1
"Jessie" .. ..	.. ..	368 16 11
"Calmar" .. ..	.. ..	759 16 7
"Fasitoo" .. ..	.. ..	385 19 1
		£1,913 5 9

**EXHIBIT No. 51.**

CORRESPONDENCE BETWEEN THE MINISTER OF EXTERNAL AFFAIRS, HIS EXCELLENCY THE ADMINISTRATOR, AND THE CITIZENS COMMITTEE.

Department of External Affairs, Apia, Samoa, 13th June, 1927.

Hon. O. F. Nelson, Chairman, Citizens Committee, Apia, Samoa.

DEAR SIR,—

I telegraphed to the Right Hon. the Prime Minister a report of my interview with your committee on Saturday, and advised him that, in my considered judgment, it was necessary to take prompt and drastic action if the present attempt by the European members of your committee to disaffect and disunite the Samoan people did not at once cease.

I have now to inform you and your European associates that I am in receipt of a reply from the Prime Minister to the effect that—(a) Clause 6 of the Samoa Immigration Order is being amended to enable the Administrator, if so directed by His Excellency the Governor-General in Council, to order any person to leave Samoa in any of the cases provided for in the clause; and (b) I am to warn Mr. Nelson, Mr. Williams, Mr. Westbrook, Mr. Smyth, Mr. Gurr, and Mr. Meredith that the New Zealand Government must, pursuant to the mandate for Western Samoa, exercise its power to deport any or all of you from this Territory unless you and your associates abstain from your present course of action.

In accordance with my final warning given to you on Saturday, you must not only forthwith cease from your present activities with regard to the Native people, but satisfy His Excellency the Administrator that you are doing your utmost to undo the trouble that you have already caused. This is my last word to you.

Yours faithfully,

W. NOSWORTHY, Minister of External Affairs.

(Forwarded through His Excellency the Administrator.)

Department of External Affairs, Apia, Samoa, 13th June, 1927.

Hon. O. F. Nelson, Chairman, Citizens Committee, Apia, Samoa.

DEAR SIR,—

I have your letter of even date requesting, on behalf of your committee, that permission be given for a deputation to visit New Zealand for the purpose of petitioning Parliament with respect to Samoan affairs.

I do not propose to consider any further matter from your committee until I know what action you and the European members of your committee intend to take pursuant to my final warning on Saturday to cease your present agitation in the attempt to disunite and disaffect the Samoan people, and to undo the trouble you have already caused.

Yours faithfully,

W. NOSWORTHY, Minister of External Affairs.

(Forwarded through His Excellency the Administrator.)

Apia, Samoa, 17th June, 1927.

His Excellency the Administrator, Apia.

YOUR EXCELLENCY,—

I would request you to advise the Hon. the Minister of External Affairs that I duly received his letter of the 13th instant regarding an amendment to the Immigration Order, 1920, and that I have informed the other gentlemen mentioned in the letter of its nature.

We are all entirely at a loss in endeavouring to understand the reasons for, or the necessity of, such a law as that which has been brought into force on the recommendation of the Minister. We know of no state of affairs which justifies the providing for the deportation of permanent residents without any form of trial or right to be heard.

The Citizens Committee has consistently followed the policy of showing full respect to all duly promulgated laws and of having every regard for properly constituted authority. In accordance with this policy we have requested the Natives who assembled to learn the Minister's decision to return quietly to their homes and to respect the law. To avoid any mistake we addressed a letter to them, a copy of which is enclosed for your information. You will notice that we have worded it in a manner calculated to persuade them to disperse quietly.

From the nature and tone of the Minister's letter it is evident that your Government suspects us—Messrs. Williams, Westbrook, Smyth, Gurr, Meredith, and the writer—collectively and individually, of disloyalty and of seditious utterances. Such charges cannot but come as a surprise to men who have not knowingly transgressed, who have considerable stakes in the country, and whose material well-being depends upon a stable Government for that country. We feel that facts must have been wilfully or unintentionally misrepresented to you. We would therefore respectfully request Your Excellency to acquaint us of the details of our alleged transgressions, so that we may be given the opportunity to clear ourselves in your eyes and take such steps as may be necessary to protect ourselves in the future.

I have, &c.,

O. F. NELSON, Chairman, Citizens Committee.

Apia, Samoa, 17th June, 1927.

His Excellency the Administrator, Apia.

YOUR EXCELLENCY,—

Further to my letter of to-day's date, I have to advise you that on receipt of the Minister's letter of the 13th instant in answer to the Committee's request for a delegation to proceed to New Zealand, the European section of the Citizens Committee was immediately called together and the attached letter to the Samoan people was decided upon and duly signed. Shortly after this was done the second letter from the Minister of the 13th instant advising the committee of the amendment to the Immigration Order, 1920, came to hand, and it was then decided that the European section of the Citizens Committee meet the Samoan chiefs on the same day and personally acquaint them with the position that had arisen through the orders of the Minister. The Citizens Committee then and there did all that was possible to get the Natives to disperse to their homes peacefully and act according to the wishes of the Minister.

I have, &c.,

O. F. NELSON, Chairman, Citizens Committee.

Apia, Samoa, 18th June, 1927.

To His Excellency the Administrator, Western Samoa.

YOUR EXCELLENCY,—

We, the undersigned signatories, respectfully offer to you the following facts and opinion :—

1. We are the European members of the Citizens Committee.
2. In accordance with instructions from the Hon. the Minister of External Affairs of 13th instant to the Hon. O. F. Nelson, we have ceased from activities with regard to the Native people as therein requested.
3. As you are already informed, we have taken all steps possible to disperse the people and keep the peace. We are confident that up to the present we, with the co-operation of the chiefs, have been successful in these matters.
4. We are now aware of Your Excellency's Proclamation of the 15th June, 1927, which Proclamation appears to have been made public for the first time to-day. We note that it is printed in large type and in the Samoan language evidently intended for distribution amongst the Samoans.
5. We ask leave to say that in our earnest and considered opinion the distribution and publication of this Proclamation is reasonably likely to create unrest and result in possible violence. We regret exceedingly that we feel it our duty to you and to ourselves to say this. We believe that the best means of preserving the peace is to let well alone.

We have, &c.,

O. F. NELSON, M.L.C.

ARTHUR WILLIAMS, M.L.C.

G. E. L. WESTBROOK, M.L.C.

S. H. MEREDITH.

A. G. SMYTH.

E. W. GURR.

20th June, 1927.

To the Citizens Committee, Apia.

GENTLEMEN,—

Two letters have just been received from the Administrator in reply to correspondence from us, and it is important that the Citizens Committee (European Section) should meet at 3 p.m. to discuss these letters, and if necessary reply to them. I am inviting Mr. Baxter to be present.

Yours faithfully,

O.F.N., Chairman.

To Hon. A. Williams, Hon. G. E. L. Westbrook, E. W. Gurr, Esq., S. H. Meredith, Esq., A. G. Smyth, Esq., F. D. Baxter, Esq.

Apia, Samoa, 20th June, 1927.

Hon. O. F. Nelson, M.L.C., Chairman, Citizens Committee, Apia.

DEAR SIR,—

1. In reply to your letter of 17th June, I have to inform you that a copy thereof has been forwarded to the Hon. Minister of External Affairs for his information.

2. Your statement that you are at a loss to understand the reasons or necessity for such a law as that recently brought into force, and that you know of no state of affairs which justifies the deportation of persons who have been responsible for causing disaffection amongst the Natives, is not consistent with the information recently given to the Hon. Minister by Mr. Westbrook—one of the members of your committee—who stated that not since 1900 had there been such a serious crisis in this Territory.

3. If the Minister is led to believe this information conveyed in a letter to him by a prominent member of your committee, he is certainly justified in taking the steps he has done. Furthermore, I am perfectly satisfied, and no one knows better than yourself, that you and the European members of your committee are solely responsible for creating that crisis.

4. Your statement that you had every regard for properly constituted authority is not borne out by facts, for you and your committee totally disregarded the warning issued by such authority as far back as November last, and members of the organization you have set up have persistently worked against the authorities ever since that time by spreading false information around the islands, with a view to making the Natives dissatisfied with their Government and to ignore their own authorities and look to the Mau as an organization or Government which would lead them.

5. You are fully aware that in no other country in the world where the Natives are in a corresponding stage of development would Europeans be allowed to act in the way you have done. You were aware that the Government responsible for the care of the Samoan race did not approve of your action; furthermore, in your capacity as a Legislative representative of the European community you were told very definitely by me in March last that a continuation of your attempts to disturb the Natives would not be tolerated.

6. In spite of these facts you and the members of your committee have obstinately unheeded the warnings of the authorities who are responsible for the peace, order, and good government of the Natives, and have continued to disregard what you knew to be the right course of action in the interests of the Native race, as well as in the interests of the European community.

7. You mention the care you have taken to convey to the Natives that have been disaffected by your organization the wishes of the authorities in order that they might disperse quietly, but I am fully aware that the instructions contained in that letter do not agree with those given verbally to the Natives, some of whom have been so influenced by your committee that they are now more disaffected than formerly.

8. No backward Native race can be administered by two organizations, the one trying to develop and uplift them, and the other endeavouring to disaffect them, which is the position in Samoa to-day. It should therefore be no surprise for you and the members of your committee to learn that the Government, after nine months' patience and repeated warnings, has decided that, in the interests of the Natives, the time has arrived for action.

9. It may be true that some of those concerned have considerable stakes in the country, as it is well known that some persons have greatly accumulated their interests in Samoa while under the protection and administration of the very Government they have endeavoured to stir the Natives up against. This, however, does not give those persons any advantage in the eyes of the law over those who have lesser or even no personal interests at stake in this country.

10. As to the details of your alleged transgressions which you ask to be supplied with, it is unnecessary for me at the present stage to supply you with the mass of details in my possession. After what the Hon. Minister has already told you it should be sufficient for me to say what you already know—viz., that the organization you have set up amongst the Natives, and for which you are primarily responsible, has done its utmost to spread sedition amongst the Samoan people and disaffect them. It has circulated lies about the Government and the Native authorities to such an extent as to fully justify action against those responsible. As to the steps necessary to protect yourselves in the future, they are all included in the Hon. the Minister's instructions to undo the harm you have done. I am well aware of the various agencies which you can, if you will, employ for this purpose, and am waiting to see them so employed.

Yours faithfully,

GEO. S. RICHARDSON, Administrator.

Apia, Samoa, 20th June, 1927.

Hon. O. F. Nelson, M.L.C., Chairman, Citizens Committee, Apia.

DEAR SIR,—

In reply to your letter of 18th June signed by yourself and your colleagues of the Committee which has been responsible for disaffecting a number of Natives:—

Para. 2: I am not satisfied that you have ceased from activities in regard to the Native people, or that you have endeavoured to rectify the harm you and your colleagues have done, as instructed by the Hon. Minister of External Affairs.

The verbal instructions given to Natives by members of the Mau, and the tone of certain articles circulated amongst Samoans in the newspaper edited by a prominent member of your committee, go to prove that previous warnings are being unheeded, and appear to indicate that you have no intention of carrying out the spirit or letter of the Minister's instructions.

Para. 5: I am pleased to note that you have, after nine months' agitation against the Government, considered that you have a duty to me, as the responsible authority for the care and government of the Natives in this Territory, and whose peace and progress has been disturbed by you and your committee.

If the Natives that you and your committee have disaffected are in such a state of mind that they are likely to use violence after learning the contents of the Proclamation referred to, it goes to prove that you and your committee have been guilty of a very serious crime, for which you will be held personally responsible.

Yours faithfully,

GEO. S. RICHARDSON, Administrator.

22nd June, 1927.

His Excellency the Administrator, Apia.

YOUR EXCELLENCY,—

On behalf of the European members of the Citizens Committee I have to acknowledge your letter of the 20th instant. Under the same date you wrote me another letter in reply to one signed by the European members of the Citizens Committee. In replying to that letter I have virtually replied to your letter now under notice. However, additional points arise, and I ask leave to deal with them in order.

Neither I nor my committee (as such) can accept any responsibility for any utterance of Mr. Westbrook, except so far as those utterances have been reduced to a resolution carried by my committee. You do not suggest that any such resolution was passed. Further, neither I nor the committee believe or agree with the statement that "not since 1900 had there been such a serious crisis in this Territory."

Paragraph 3 of your letter states that you know and I know that the European members of the committee are responsible for creating that crisis referred to. We cannot agree with your Excellency's statement, and we emphatically deny any responsibility you impose upon us in this connection.

No attempt has ever been made by the Citizens Committee to disturb the Natives. We have never done or said anything that would not be accepted as constitutional in any other British colony or protectorate known to us.

We do not regard the warning of November last as constitutional, and so up to the time of the notice of the amendment to the Samoa Immigration Order, 1920, we felt justified in the attitude taken up by us. After the passing of that amendment, which by the interpretation contained in the Hon. the Minister's letter gives you the power to deport us, we have no alternative but to comply with any future warning of that nature. We submit that the amendment cannot be retroactive. While we recognize that "the authorities" are responsible for the peace, order, and good government of the Natives, we desire further to add that we endeavoured by constitutional means, when other efforts had failed, and claiming to know something of the Native mind, to assist and advise in the representation to the New Zealand Government of already existing grievances. We regret to note that for this you charge us with creating disaffection.

We further note that you decline to give us a statement of the "mass of details" in your possession as to our alleged "transgressions." We urge you to reconsider your decision. If we or any one of us were to be tried by British law we should of course apply for and be given "particulars." However, as deportation appears to be almost without trial, we feel confident that you will give us details as to our alleged transgressions.

We deny having "circulated lies" about the Government, which is an unwarranted and unsupported statement. You further state that since November last, members of the organization we have set up have persistently worked against the authorities by spreading false information around the islands, with a view to making the Natives dissatisfied with their Government, and to ignore their own authorities and look to the Mau as an organization or government which would lead them. To this we desire to reply: (1) We have set up no organization in opposition to the Government. (2) We deny having worked against "the authorities." (3) We deny having spread "false information." (4) We have no view beyond the good of Samoa. (5) We have large stakes in this country—not accumulated under the present Administration, but brought into existence before Your Excellency was pleased to accept the guidance of Samoan affairs. (6) We cannot agree with the interpretation which you put on our words when we state that we have large stakes in the country. Our words cannot properly be construed to mean that men of substance should have an advantage in the eyes of the law over those who have lesser or even no personal interests at stake in this country. What our words were intended to show, and what they do show, is that the Citizens Committee is not composed of irresponsible agitators, but of men who have more to lose than any one else if the stability of the Government of this Territory is upset. (7) It is unjust and improper for you to suggest that our organization is intended as a "Government." This spells treason. We ask, Can persons not express their honest views without this sword being dangled above their heads? We asked to be heard. Your Excellency insists upon putting our humble requests in the light of treason.

You say that "you are fully aware that in no other country in the world where the Natives are in a corresponding stage of development would Europeans be allowed to act in the way you have done." You also refer to a "backward race." We regret that we must meet this extraordinary statement by saying, (1) there is no competent authority to say what is a "corresponding stage" or a "backward race." It is clear that peaceful Samoa, in her small and unpretentious way, may possibly give some kindly advice to those great nations among whom our Mandatory is included. It is further clear that not another nation under the sun is so far forward (not backward) as Samoa in the matters of (a) food, (b) clothes, (c) shelter, (d) political development, (e) social life. We feel that the use of the word "backward" is unfortunate as applied to these very highly advanced people.

You say, "I am well aware of the various agencies which you can, if you will, employ," &c. We respectfully ask, sir, that you will tell us of them in set terms. We shall be glad to learn. Up to the present we know nothing more than those already employed by us to get the people to return peaceably to their homes, even to the extent of diverting coastal craft for the purpose.

(On behalf of the committee,

Yours faithfully,  
O. F. NELSON, Chairman.

22nd June, 1927.

His Excellency the Administrator, Apia.

YOUR EXCELLENCY,—

On behalf of the European members of the Citizens Committee, I have to acknowledge yours of the 20th instant.

We note that you say in effect that the committee of which we are members has been responsible for disaffecting a number of Natives. We desire to say that this charge is completely unfounded. We regret that we are unable to discuss this question freely with you, for the reason that you have made any such discussion, whether by representatives or by the people *en masse*, a highly punishable offence. We must, however, protest against the assumption that if there is any "disaffection" we have called it into being. We wish to point out that dissatisfaction existed long before the existence of the Citizens Committee.

Referring more particularly to the details of your letter, we respectively ask leave to note and observe as follows:—

1. You are "not satisfied" that we have ceased activities in regard to the Native people. We can only regret this. Notes of what was said to the people at Lepea were taken. We should be pleased if you would ask to peruse them.

2. You refer to "the harm you and your colleagues have done." We can only deny having done any harm.

3. You refer to "verbal instructions given to Natives by members of the Mau." The suggestion is that something underhand has been done by the committee. We respectfully ask that you will place before us any allegations that you feel it necessary to make. We emphatically deny that any instructions have been given by us or any of us in opposition to or derogation from the actions we have taken to disperse the people peacefully.

4. You refer to a newspaper "edited by a prominent member of our committee." We respectfully ask that you will be good enough to inform us as to any untruth or even careless inaccuracy as to political matters that has appeared in the paper of which you complain. We feel that the press is a real and vivifying factor in life, and that the "fourth estate" is not a nonentity.

5. You state that certain events "go to prove" that previous warnings are being unheeded. We ask leave to say that we would not fear an investigation before an independent tribunal.

6. You say that you are pleased "to note that after nine months' agitation against the Government you consider that you have a duty to me." We desire to say that whatever representations have been made have been put forward along constitutional and reasonable lines. Where differences of opinion exist they should, we apprehend, be expressed with a view to settlement. Unfortunately, Your Excellency seems to regard any contrary opinion as "disaffection," "disloyalty," "harm," and the like.

7. Your remarks concerning our owing a duty to you had no basis except that of our "earnest and considered opinion" that the publication and circulation of your most recent Proclamation might have a disastrous effect. Nevertheless, we not only admit but also proclaim that we owe a duty to you as the representative of the New Zealand Government. We regret, however, that you should have taken our remarks with apparent ill-will.

8. In regard to our suggestion that Your Excellency's Proclamation was likely to create unrest, it was intended to be a further proof of our earnest desire to do our duty to you and your Administration by pointing out what we felt might have become a source of trouble.

Your Excellency's statement "goes to prove" that Your Excellency's express view is that the committee has stirred up trouble among the Natives. We desire to say that—(1) The Natives were dissatisfied and have been for a long time past; (2) the committee has done nothing except to "hold" them and guide their activities into constitutional and law-abiding channels; (3) in doing this the committee felt confident it was performing the best service in its ability for the peace, order, and good government of Samoa—for you, Sir, for New Zealand, for His Britannic Majesty, and for the League of Nations. The committee respectfully invite the highest impartial authorities to examine our actions and our motives.

We are aware of the high powers conferred on you by the New Zealand Cabinet. If we must be punished, without trial, for something that we have not done—well, then, we must be punished. But even this grave and deplorable eventuality will not lessen our regard for and reliance upon His Britannic Majesty and all the free institutions that have blossomed under his benignity.

On behalf of the Citizens Committee.

Yours faithfully,  
O. F. NELSON, Chairman.

### EXHIBIT No. 51A.

#### CORRESPONDENCE *re* DEPORTATION.

Mr. A. G. Smyth, Apia.

Office of the Administrator, Apia, Samoa, 24th June, 1927.

DEAR SIR,—

I understand you have applied for a passport to leave Samoa, and intend sailing by the s.s. "Lady Roberts," leaving Apia on or about 5th July. Before departing, let me remind you that your activities as a member of the Citizens Committee have helped to cause great unrest among the Samoan people. Signs of that unrest still exist, and I am not satisfied that you used your best efforts to undo the harm that was caused. Therefore take notice that on your return circumstances may cause you to suffer immediate deportation under clause 6 of the Samoa Immigration Consolidation Order as recently amended.

Yours faithfully,  
GEO. S. RICHARDSON, Administrator.

His Excellency the Administrator, Western Samoa.

Apia, Samoa, 30th June, 1927.

SIR,—

I am in receipt of your letter of 24th instant, accusing me of causing great unrest among the Samoan people, and threatening me with immediate deportation on my return to Samoa.

I am very surprised at the tone of your letter and at the allegations you make therein. I am not conscious of having done anything up to the present which would justify an order by the Governor-General in Council for my deportation, nor can I see how I can do anything while I am away from Samoa which could be regarded as dangerous to the peace, order, and good government of this Territory. I conscientiously and honestly deny that I have ever done or said anything likely to prejudicially affect the peace of this Territory, and I protest that, in conjunction with the other members of the European section of the Citizens Committee, I have used my best efforts to persuade the Samoans to abide by the laws and to respect the wishes of the Hon. the Minister of External Affairs.

It is evident that my acts have been misrepresented to you. Would you, therefore, please do me the favour of advising me of any allegations made against me, in order that I might have an opportunity of showing innocence.

Yours faithfully,  
A. G. SMYTH.

Hon. O. F. Nelson, M.L.C., Apia.

Office of the Administrator, Apia, Samoa, 24th June, 1927.

DEAR SIR,—

I understand you have applied for a passport to leave Samoa, and intend sailing by the T.S.S. "Tofua," leaving Apia on or about 1st July. Before your departure let me remind you that your activities as chairman of the Citizens Committee were greatly instrumental in causing much unrest among the Samoan people. Signs of that unrest still exist. I am satisfied that you have not used your best efforts to undo the harm done. Therefore take notice that on your return circumstances may cause you to suffer immediate deportation under clause 6 of the Samoa Immigration Consolidation Order as recently amended.

Yours faithfully,  
GEO. S. RICHARDSON, Administrator.

### EXHIBIT No. 52.

#### FIRST PUBLIC MEETING OF CITIZENS HELD IN THE APIA MARKET HALL, 15TH OCTOBER, 1926, 8 P.M.

Chairman: Hon. O. F. Nelson, M.L.C., assisted by Hon. G. E. L. Westbrook and Hon. A. Williams. Attendance: about 250 Europeans and Samoans. The chairman, Hon. O. F. Nelson, opened the meeting.

*The Chairman:* Ladies and gentlemen, so soon as your representatives in the Legislative Council learnt that we are to be honoured by a visit of the New Zealand Minister of External Affairs they set to work to test the feelings of the people as to the advisability of making certain representations to the Minister in respect to the many phases of the administration of this Territory with which we do not agree. The information of the Minister's visit came about in this wise: When I was in New Zealand I made a special visit to Wellington, and at my request the Prime Minister graciously granted me an interview, together with the Minister of External Affairs and the Minister for the Cook Islands. In this interview I represented certain features of the New Zealand Administration of Samoa which were considered by the people of Samoa as not being to the best interests of the Territory. My statements were received with sympathetic interest, and the Right Hon. the Prime Minister there and then requested the Minister of External Affairs to come to Samoa by early steamer. I was then told by Mr. Nosworthy that he could not get away until the October steamer, but he would certainly do his best to take that chance to visit the Territory. On inquiring at the Administrator's Office we were told that a telegram had come through of the definite postponement of Mr. Nosworthy's visit until the autumn, which would mean next March or April. This rather upsets calculations; but I feel confident that if the New Zealand Government knew the Minister's visit was awaited here with such keen interest by the citizens the matter might be reconsidered with a view to letting him come earlier. Before this information came to hand the elected representatives, acting on the consensus of opinion of such citizens as they had time

to consult, had convened this public meeting, to give the people an opportunity to discuss the matter, and if necessary elect a committee to properly prepare any points which may be agreed upon for presentation to the Minister on his arrival here. If the Minister does not come until the autumn the committee would have plenty of time to do their work and present same to another public meeting before the Minister comes.

In sending the Minister of External Affairs to Samoa the New Zealand Government is conferring on us an honour, as it may be taken as a recognition of our further progress in the legislation of our own affairs. In calling this public meeting we learnt that leaders of the Samoan Natives would like to be included. Until the Samoans are represented by their own elected members in the Legislative Council we feel that we represent the Europeans and Natives alike, so therefore could not exclude them from this public meeting. Twenty-six years of colonial government must place the Samoan Native in a position where he should be recognized to have sufficient intelligence to make common lot with the European in working out the future of his own native country. This can be done here, as in other countries, without losing sight of the peculiar requirements of the two races in some things.

In New Zealand, and in all self-governing dominions, the government is formed by the party who hold the majority in Parliament. They are representatives of the people, who are recognized to be the fountain source from which the powers of government spring. The success of any Government to do the best for the people largely depends on the opposition it has in the Legislature. A good strong, sane, and sound Opposition acts as a check on human weakness, or its tendency to autocracy. Government without a strong Opposition often does rash things, which ultimately lands it on the rocks of the political sea, and another Government is formed by representatives of the people, who would then have the opportunity to bring about such reforms as they advocated while in opposition.

Samoa is not considered to have reached the stage in colonial development which would entitle it to self-governing status, and is not likely to for some considerable time. In the interval Government functions under powers received from sources other than those of the people over whom it rules. The Government remains the Government, and your representatives are ever in opposition. The measures which are brought up before the Council are not dealt with according to the dictates of the conscience of those who sit in the Council, but are dealt with according to the policy laid down by the Administrator or the Mandatory Power. Your representatives in the Legislative Council can never reach the stage when they can control Government policy or bring about such reforms as you may direct them to do. For that reason we have no alternative but to appeal to higher authority. That higher authority is vested in the New Zealand Government, and exercised through the Minister of External Affairs.

We can hardly blame any one in particular for these conditions. We must blame the status of Samoa, or the system of government which that status is said to be entitled to. There is nothing constitutionally wrong in our advocating the gradual advancement of the political status of this country and its people. It is the duty of every Samoan and every citizen. The New Zealand Government is sympathetic with our aspirations, but we must prove we are worthy of them. We can only do this by uniting in a common cause to bring this about, and the visit of the New Zealand Minister of External Affairs to Samoa can be made to mark another big step towards this goal if we avail ourselves of this opportunity in the true British spirit.

The proud positions held by the Dominions and other territories within the British Empire have not been brought about altogether by the generosity of the Imperial Government. They have emanated from representations made and occasional pressure made by the Colonial Governments and people. In New Zealand and Australia, and even in Great Britain, you see and hear people at street-corners and in parks speaking to large gatherings, criticizing and even condemning the Government of the day and the system of government. In Samoa you have only to open your mouth in criticism of some Government act when some one runs to headquarters and reports. (Applause.) Then there is talk of Bolshevik meetings—the Administrator is angry, and the like. Ladies and gentlemen, the people who do that are not worthy citizens of a free British community. They depreciate British liberty and demoralize the Administrator. Fortunately His Excellency is too sensible of democratic principles to listen to such evil-minded talk. We must not take notice of such attempts at intimidation, anyway.

The objects of to-night's meeting are to consider points for representation to the Minister and to elect a committee to prepare them. The elected members have decided to bring before the meeting the following points: (1) Legislative Council; (2) Expenditure; (3) assistance to planters; (4) Native policy; (5) prohibition. You will no doubt have other matters to propose, and it is hoped this meeting will be imbued with that spirit of goodwill which is necessary to enable us to appreciate one another's viewpoint and to coincide our views for the one common goal, to assist the Powers that be to arrive at a satisfactory system of government for the good of all.

In introducing the first point for your consideration we have in mind the fact that the elected representatives of the people play a very mean part. Before asking for nomination I consulted elected members of the Legislative Council in Fiji, and was told that theoretically the elected members had no power, but in practice they had a dominating influence, insomuch that where they stood firm together in any measure in opposition to the official members the matter was subject to review, and even revision, by the Secretary of State for the Colonies. That condition does not apply here, and until it does your representatives in the Council will continue to play a very unworthy part in the Legislature of the Territory. Then there is the matter of Native representatives. This has been brought up in the Legislative Council and turned down.

The next item in our list is "expenditure." Firstly, the estimates are now discussed by the Legislative Council by courtesy and not by right. I think the time has come when the estimates should be subject to the Legislative Council's approval by right and not by courtesy. The present constitution of the Council precludes any chance of an item being cut down or wiped out (and has not been done) by public representation, but it is, however, a step forward to make it the right of the Legislative Council to consider the estimates. We have protested against the excessive Government expenditure, and this has been admitted by some retrenchments having been made some years ago, but these have now been exceeded by other extravagance. You will, however, have an opportunity to discuss this matter now.

The third item is "assistance to planters." The people on the land are the backbone of the country. This is true of Samoa as in other places. The principal planter is, of course, the Native. Let us hope he will continue to be. The European planter, however, is the man who in the past brought capital into the country, and some are sinking capital right now. They are endeavouring to create new capital out of the soil, but the difficulties they encounter are practically insurmountable. The export duty of £2 per ton on cocoa, and the heavy overhead charges on the Chinese coolies, add to their troubles. The export duty should be removed, and the overhead charges reduced to half at most. Even then the actual cost of recruiting and repatriation of the coolies should be more than covered. Nearly half the cocoa plantations are situated along the Lotopa and Tafaigata roads, but, with the exception of the £1,000 (donated by the late Mr. Moors), virtually wasted on the Lotopa Road, nothing has been done to improve transport from that part. The planters, however, can best talk on this matter.

The fourth point which we suggest for discussion to-night is "Native policy." By this it is meant the Government's Native policy. The advent of the white man in Samoa, as in all other countries occupied by coloured races, irreparably disturbed conditions existing before they came. The result is that the Native of to-day appreciates his dependence on the European, whether that European is a religious missionary, professional mechanic, trader, or Government official. In Tonga, where the Tongans have their own Government, with only a few Europeans employed in the Government service, trade and commerce are still controlled and carried on by Europeans. The trader there is not considered an enemy of the Native. The European resident and settler has a stake in the country, and has all along realized that the advancement of the Samoan Native is essential to his own well-being. The interests of the Natives are practically identical with his own. It is the hope of the best elements of the two races that they will ever live together in peace and harmony, and, in the realization of the dependence of one on the other, will work conjointly for the advancement of the Territory and all its peoples. The administration of Native affairs is deplorable. When a white man commits an offence he is arraigned before the Court and punished accordingly. The same thing happens to a Native, in addition to which he is likely to be deprived of his citizen's rights by the removal of his

hereditary family name and banishment to another village. Many of his most-time-honoured old customs have been abolished, with the assistance of the Government-appointed House of Faipules. A medical tax of £1 per adult male has been imposed on him, very much against his will. Drastic reforms, such as the Fetu movement and model villages, are being rushed through, even though it will take an age for the Samoan to appreciate their significance and several ages to recognize their utility. The doctrine of hatred against the non-official European, particularly the trader, is being preached to him. Many of his leading men would like to protest against these conditions, but they are barred by official positions given them, which they fear they would lose if they uttered the least protest, and the rest of them are cowed. The officials claim they all love the Natives, or otherwise they would not be in Samoa. The traders and others claim the interests of the Natives are theirs. Let us put these professions to the test. Are we all prepared to sign an official protest against these conditions, which would not be tolerated in New Zealand or elsewhere? We shall see.

Lastly there is the question of prohibition. Since the drastic imposition of this most unconstitutional, unjust, and unpopular law in 1919 there has been a strong and consistent protest from the people interested. There will be some people who would again say that prohibition, though brought in last, is really the first and only real object of this meeting. Those who say that only prove their absolute lack of interest in the vital points essential to the progress of this country. Last year the matter of prohibition was again raised in the Council, and was followed by correspondence which will be read to you later on in the evening. I trust I have not kept you too long, but after a short *résumé* of my address to our Samoan friends present we will consider the objects for which this meeting was called.

*Chief Faumuina*: It is a source of great pleasure to the Samoans to be permitted to attend this public meeting to-night. We heard there was to be a meeting of citizens to-night to discuss various features of the administration of this country, and feared we would again not be given the opportunity to attend. It was, however, the wish of many of us to join the Europeans in such meetings which deal with matters affecting the government of our own country. The Samoans note by the kind reception we receive here to-night that the Europeans recognize our right to discuss with them these matters, and we only hope the Government will concede to us the same right. It should have been done long ago. We feel we are entitled to it; and besides, how are we ever to learn of the matters affecting the government of our country if we are not allowed to discuss them openly in such meetings as these. We fully appreciate the many good things done by the Administration, and the many good features of the administration of this country which tend to advance us in civilized government, but there are also several matters with which we are not quite satisfied. I feel sure a better knowledge of these matters will enlighten us to the extent of our better understanding their good and bad points, and thus helping us to accept them for what they are really meant to be. The Samoans are a law-abiding race, and it is my earnest hope they will always remain such. I exhort all those present to-night to freely participate in all discussions tending to bring out in a lawful manner all such grievances they may have, with the view of assisting the Government to bring about such reforms as are necessary without in any way causing a disturbance to-night. I pray that God may guide this meeting in all its stages, and that this may be the nucleus of a better understanding between all factions in Samoa—the Europeans, the Samoans, and the Government.

*The Chairman* [Speaking in Samoan and in English, the Chairman thanked Chief Faumuina for his speech, and said]: The matter for this meeting to decide is whether we should make representations to the New Zealand Government through the Minister of External Affairs; and, if so, we should elect a committee to prepare the reports and agree on the subjects on which reports should be made, but these may be added to by this meeting or by the committee.

*Hon. A. Williams*: I move, That this meeting proceed to elect a committee and work up some points to be sent to New Zealand. The postponement of the Minister's visit till the autumn makes it too long to wait, so I propose we send the reports on to Wellington as soon as they are ready.

*Mr. A. G. Smyth*: I think we should go a little further and request the Minister to come to Samoa by the next steamer.

*Hon. A. Williams*: I will withdraw my motion in favour of Mr. Smyth's, but I should add that if the Minister does not agree to come by next steamer, the reports be sent on to Wellington.

*Mr. A. G. Smyth*: I propose, That this meeting authorize the chairman to send a telegram to the Acting Prime Minister, respectfully requesting the visit of the Minister of External Affairs, to take place a month hence instead of in the autumn. In the event of this request not receiving favourable consideration, the committee should proceed to draft out these points and forward them on to Wellington, but before doing so they should submit them for approval to another public meeting.

*Chief Afamasaga*: I have pleasure in seconding the motion.

*The Chairman*: I suggest the telegram be sent to the Minister of External Affairs direct instead of through the Acting Prime Minister.

*Mr. A. G. Smyth*: I agree to the alteration.

The motion was put to the meeting, and carried unanimously.

*The Chairman*: The first subject in our list is "Legislative Council": should this be one of the subjects in our report?

*Hon. A. Williams*: The Legislative Council of Western Samoa consists of three elected members and six nominated members: the balance of power is consequently with the latter. Are you aware that you do not receive adequate and proper representation through your elected members by virtue of the fact that we have practically no say in many important matters? That is to say, if we do not agree with the Administration it makes no difference whatever, as the nominated members can outvote us at all times. What we require is executive powers; or, in other words, that no measure be adopted when the three elected members vote against it, but that it be sent to the Minister of External Affairs for his consideration, together with a summary of the discussions held on the subject. Take a case in point. The "Alcazar," which was built since the war, and which cost approximately £10,000, was sold at auction together with ice-cream plant, electric-light plant—in fact, lock, stock, and barrel—for £1,800, the Administration being the purchaser. It is estimated that the electric-light plant alone was worth more than £2,000 when purchased. The elected members could do nothing to prevent the Government from buying the "Alcazar" (if they knew anything about it); and, in view of the wonderful prosperity of this country (if we are to believe the Administration) there would have been investors ready to purchase this property had the Government given them an opportunity to do so. We do not consider that the Government should have the power to adopt these high-and-mighty tactics without first consulting and obtaining the sanction of the people's representatives, otherwise there might just as well be no representatives at all. Prohibition might be cited as another case proving the hopelessness of the elected members getting anywhere. This question was brought up by the honourable the first and second members, and the nominated members argued in favour of it, although it is very much open to doubt if they are prohibitionists at heart. However, being members of the Administration, they were not prepared to vote according to the dictates of their consciences. The Native community is in an exactly similar position to the European in that they believe they are represented by their Faipules. Now, who elects the Faipules—the Natives themselves, or is it left to the discretion of the Administrator? If the latter, then it is no wonder that the Samoans do not regard the Faipules as their true representatives. Furthermore, do these Faipules express the desires of their people, or do they act in a manner which would indicate that they are following the dictates of some one high in authority? Laws have been made through the Faipules, who are not the true representatives of the people, which, were they represented by men whom they had sent in, would never have been passed. The European community is not represented, nor is the Native, in the Legislative Council of Western Samoa. The position is farcical in the extreme, and calls for immediate correction. Are we, the elected members, to have executive powers, or are we to remain with our hands tied, as at present?

*Mr. Perrin* : Are the Natives of Fiji represented on the Legislative Council of Fiji ?

*The Chairman* : They have been represented in the Legislative Council for many years by members of their own race. I am told by good authority that six Fijians are elected by the Natives, and out of these six names the Governor selects two.

*Mr. Cobcroft* : How many nominated and how many elected members are there on the Legislative Council of Fiji ?

*The Chairman* : The Governor presides, and he appoints ten official members. There are also ten unofficial members, seven being elected by the Europeans, two by the Fijian Natives, and one by the Indian community.

*Mr. Perrin* : Have the Native members the same privileges on the Council as the European ?

*The Chairman* : They certainly have. The motion is whether the powers and membership of the Legislative Council be one of the subjects.

Motion put, and carried unanimously.

*The Chairman* : We will now consider the next subject. Will " Finances " be another subject.

*Mr. Smyth* : Mr. Chairman, ladies and gentlemen, I should like to give some comparisons of expenditure, which I think will interest those present this evening. I want those officials who are here to-night to know that my remarks are not personal ones. The whole system of the expenditure of our colony is, to my mind, wrong. I consider that our elected members should have a say in the expenditure as of right. The Legislative Council must have executive powers. In 1901 the German Administration showed a gross revenue of £14,250, and an expenditure of £24,700. Ten years later the revenue had increased to £41,350, and this Administration had shown surpluses since 1903. It received donations from the Imperial Government until 1908, but two years later Samoa started to contribute to the expenses of the Samoa Branch of the German Colonial Office. In 1915-16 our total revenue amounted to £68,663, and after providing for the issue of £53,000 currency notes the year closed with a Treasury balance of £2,664 in hand. In 1916-17 the revenue amounted to £74,596, and in 1918-19 to £88,295, with an expenditure of £89,778. The estimates for 1926-27 show an estimated revenue of £133,500. Expenditure : This has jumped from £66,765 in 1915-16 to £133,500 (estimated) for 1926-27, an increase of £66,735, and therefore double the amount only eleven years previously. Our permanent charges on " public debt " are now £7,700, made up as follows : Interest and sinking fund on New Zealand loan of £100,000, £6,600. (It is interesting to know that this £100,000 is now completely spent—at least the estimates say so. Where has the money gone ? What can you see for £100,000 ?) Interest and sinking fund on New Zealand loan of £32,000 (part called up) for Native water-supply and new wharf and export shed, £600. Interest and sinking fund on New Zealand loan for public works (authorized to borrow £16,000), £500. The Government estimate an expenditure this year of £10,000 on Native water-supplies and £10,000 on the wharf. A further £10,000 is to be spent next year—out of the loan of £32,000—on more water for the Natives, and £2,000 on a new export shed—badly needed. This will wipe out Loan No. 2. The expenditure under the heading of " Administrator and Legislature " has increased from £2,221 in 1915-16 to £5,000 (estimated) for 1926-27. Vailima accounts for £2,670. This amount does not include the Administrator's salary, or the salary of the A.D.C., or the £200 allowed for travelling-expenses. Domestic servants and outdoor staff eat up £1,185—almost £100 per month ; upkeep of motor-cars (£350) and a chauffeur at £170 make up another £520. Secretariat expenses for 1915-16 are included in " Administrator and Legislature " expenditure for 1915-16. This year this Department shows estimated expenditure of £2,120, making a total for the Administrator and Secretariat of £7,120 for 1926-27, against £2,221 for 1915-16. The Fiji expenditure for 1925 on " Governor and Legislature " was £4,658. Native Department : The expenditure for this most important Department has jumped from £10,810 in 1915-16 to £16,650 for 1926-27, an increase of £5,840. Just imagine this Department costing the country £16,650. Treasury, £2,200 : This Department shows a reduction in expenditure for 1926-27 as compared with 1915-16, and in my opinion the expenditure could be still further reduced. Customs, taxes, and Marine : Expenditure in 1915-16 was £2,048. This year it is estimated at £2,620, the increase being accounted for by increased revenue, which necessitates a larger staff. Harbour Department : The expenditure for 1915-16 was £1,223. This year it is estimated at £6,930, the increase being largely accounted for by better harbour facilities and by the cost of running the " Lady Roberts," the estimate for which is £3,530. This vessel, as you know, was driven ashore on the 1st January, and in March she was towed to Fiji by the " Hinemoa " for overhaul. She returned to Apia six months later, and the repairs, towage, and master's and engineer's wages, I am told, cost over £5,000. This huge expense is, we are told, to be spread over several years. Fiji spent on its port and Marine Department in 1925 £5,912. Justice Department : 1915-16, £2,454 ; 1926-27, £2,740. Police and Prisons : 1915-16, £5,788 ; 1926-27, £7,750, an increase of almost £2,000. Medical Department : 1915-16, £5,339 ; 1926-27, £25,000, an increase of £19,661. Fiji expenditure for 1925 was £18,916, or £6,000 less than ours. Agriculture Department : 1915-16, £2,493 ; 1926-27, £3,250. Chinese Department, £1,790. There are 923 coolies employed in Samoa to-day, and it costs the country nearly £2 per head to run an office to keep a tally of them. Post Office and Savings-bank : 1915-16, £2,875 ; 1926-27, increased to £5,300—a jump of £2,425. £1,700 of this increase is accounted for by interest payable to depositors and exchange on investments, but on these investments the Savings-bank will receive £2,000 in interest. Radio Station : 1915-16, £1,643 ; 1926-27, £4,450. The estimated revenue for 1926-27 is £4,015. This Department is practically self-supporting, and one that we could not do without. Education Department : 1915-16, £871 ; 1920-21, £3,176 ; 1926-27, £9,700. Why is such a huge sum spent on education ? Are the children of Samoa receiving £9,700 worth of education, in addition to the work of the missions ? Miscellaneous : 1915-16, £2,940 ; 1926-27, £7,400. Civil servants' expenses, including fares and allowances to and from overseas, is estimated to cost this year £1,800. Lands and Survey and Public Works : 1915-16, £8,705 ; 1926-27, £14,400, plus new works £6,100, making a total of £20,500. Personal emoluments account for £6,432 ; sea-wall accounts for £1,500 ; and public buildings account for £2,300. How many public buildings does this Government require ? The latest addition is the garage and workshop. Is this huge building necessary ? £1,000 is to be spent on a residence for an " Inspector " at Fagamalo. Is such an expensive building necessary to house an Inspector ? The Public Works Department, if all loan-moneys authorized are spent, will be handling some £56,500 during the financial year. Any private individual conducting a business with a turnover of this magnitude who did not keep proper books would soon find himself in the Bankruptcy Court, and would be liable to a term of imprisonment for failing to keep proper accounts. I understand that the Public Works Department have not a proper accounting system. In my opinion it is impossible for any body to spend the large sum of money mentioned above to the best advantage without proper accounting, as this is the only means whereby it is possible to keep a check on wasteful expenditure, and to effect savings in connection with those small items which, when added together, soon mount up to large sums. New wharf : Can any one tell us when the wharf will be completed and its ultimate cost ? £7,000 is to be spent on new roads, Upolu, and £4,000 on new bridges. I agree with this expenditure of £11,000 provided the work to be done is properly supervised. What I would like to see is a good road running round Upolu. £2,500 is provided for a new metallic-circuit telephone system. Hurray ! I welcome this. Our present telephone system is very unsatisfactory. Savai'i is to have some new roads and bridges at a cost of £2,000. The estimates state that it is expected that the No. 3 loan (of £16,000) for new roads and new bridges and for the new telephone system will be spent during 1926-27. It will be noted that the purchase of the Alcazar buildings, the cost of the new buildings to be occupied by the Engineering, Transport, and Electric Light Department, and which is to be used also for technical classes, has been passed on to the New Zealand Reparation Estates. Why should a planting concern be called upon to run an Electric Light Department, or an Engineering and Transport Department ? It has been agreed by the New Zealand Government that surplus profits from Samoa Crown Estates funds are to be available for expenditure in and for the benefit of Samoa generally. There will not be any surplus profits if the Samoa Crown Estates has to carry an Engineering and Transport Department and an Electric Light Department. It is to be hoped that the elected members will have some say in the expenditure of the proposed hydro-electric scheme. Let them find out first if the people of Samoa want it. Fiji population, 31st December, 1925, estimated at 169,667 (Fijians,

88,431; Indians, 68,136; Europeans, 4,061); Samoa population, census 1926, 36,688. Fiji expenditure, 1925 (including a charge of £35,552 for public debt and £19,438 for pensions) is £465,212. Samoa expenditure, 1926-27, is £133,500.

*Mr. Cobcroft*: If the revenue derived from these plantations was given by the Government of New Zealand to the Government of Samoa for the advancement of the Territory, should not our representatives have some voice on the Board of Control. The revenue from the three plantations amounts to about £10,000 a year, and the spending of the revenue from these plantations should be on the plantations. Is it not possible to recondition these plantations? We should have some voice in the spending of these profits.

*The Chairman*: If the New Zealand Government has been good enough to pass the profits of the Crown Estates to the Samoan Treasury, then I think it comes under the rights of the people to have a say in that legacy. According to the previous speakers, if the Crown Estates launch out in a series of speculation, it is very likely we will only hear about the revenue, but get nothing.

*Hon. A. Williams*: We are told that the "Alcazar" was bought by the Crown Estates. Since this time the Engineering Department have taken up their quarters there, and that has also been turned over to the Crown Estates. We have nothing to say in that expenditure.

*Mr. Perrin*: Who are the personnel of the Board of Control of the Crown Estates?

*The Chairman*: His Excellency the Administrator, Colonel Hutchen, and, I think, Mr. N. H. Macdonald.

*Hon. A. Williams*: Officially I know nothing about the Board of Control.

*Mr. Perrin*: The Administration have sent Colonel Hutchen to Java and the Malay States to investigate conditions there. Has he any qualifications to justify this?

*The Chairman*: Until such time as our representations have been successful and we get some control of the expenditure we have not the right to criticize the Board of Control. The revenue of the Crown Estates cropped up in respect to the revenue and expenditure of the Territory, and when it becomes a portion of our revenue, then the Legislative Councillors should have control of the Board of Control. We must get the control first before doing anything else. Should this matter of the reparation of the estates be one of the subjects of our reports?

*Mr. Cobcroft*: I move that the New Zealand Reparation Estates revenue, having been given to Samoa, should be considered a portion of our revenue, and therefore come under the jurisdiction of the Legislative Council.

*Hon. A. Williams*: I come now to the question of the new wharf, and, in order, that you may know the attitude I adopted when this matter was first raised, I shall read you a few excerpts from the last Address in Reply: "I would ask Your Excellency to understand that under this heading I am expressing my own personal opinions and not necessarily those of my colleagues. Personally, I consider that the expenditure involved is unjustifiable, taking into consideration the fact that no boat of any decent size will be able to come alongside the wharf when completed. Furthermore, instead of only one handling of cargo we will have two—*i.e.*, under the present system the lighter comes to the shore and the cargo is removed to the Customs shed direct, whereas with the establishment of the wharf it will mean that the cargo will have to be dumped on the wharf, placed on trucks, and brought to the Customs House. I feel that it would be better to establish a suitable dredge at comparatively little cost to the Government, which would mean that at least two more lighters could be worked, resulting in a material tonnage increase per hour. Without wishing it to appear that I am treading upon controversial egg-shells, I wish, with all deference to Your Excellency, to submit a few figures in connection with the present rate of tonnage per hour by the Apia Stevedoring Co., Ltd. They really appear illuminating. Taking the last 'Tofua' as a basis for my calculations, I find that no less than 620 tons of general cargo were handled by this company in eighteen hours actual working-time, or an average of 34½ tons per hour, or in other words, an increase of 14½ tons per hour on the figures set down by Your Excellency as the minimum amount of cargo that can be handled under existing arrangements. Now, why is it necessary for us to have a new landing-wharf in view of the performance such as the foregoing. A few hundred pounds spent on a suitable dredge and the above figures would be greatly increased—would, in fact, make the 40 tons which it is estimated will be handled per hour following the completion of the new wharf look mighty small. The general consensus of opinion appears to be that if the new wharf is to be a success a dredge will be necessary. Why not provide a dredge now and see what follows in the way of increased tonnage per hour. It is at least worth trying out before embarking on a work involving the expenditure of a great deal of money." You will therefore see that at the outset I was opposed to the building of this wharf, and I still maintain that it is going to cost a sum which is totally unwarranted in view of the somewhat doubtful advantages which will follow its construction. If large boats could come alongside the wharf it would be a different matter, but I fail to see how, when one considers that lighters will still have to be used, there is going to be any increase in the present tonnage rate per hour. Furthermore, there is also a possibility of the wharf running into considerably more than was originally estimated, owing to the difficulty which the contractors are experiencing in striking bottom. I understand that bottom was guaranteed to be reached at a depth of from 10 ft. to 12 ft., whereas to date they cannot find bottom. It is now rumoured that instead of using single piles, two piles are to be driven in in scissors fashion in order to overcome the difficulty. Just what this will mean by way of additional expense I cannot say, as the Government has maintained absolute secrecy about the whole matter. I do not know what the Government intend doing—whether they are going to persist in building the wharf or whether they have decided to abandon it. Personally, I hope they have decided in favour of the latter course. I should be very pleased to hear your views in this connection.

*Chief Afamasaga*: I support very strongly this subject be put forward by the committee. That is one of the bones of contention; we do not know where the money goes. Most of the estimates are published in English and we do not understand them. They should be published for the benefit of all concerned, and the Samoans particularly. If the Government is allowed to squander money, the time will come when Samoa will have a heavy mortgage.

It was resolved, and carried unanimously, that finances be one of the subjects of the report.

*The Chairman*: We now come to the matter of assistance to planters, which really means Labour and Agriculture. We hear of the hard times the planters are having, and they have got to be assisted.

*Mr. K. Meyer* spoke of the impossibility of meeting overhead charges, and suggested that efforts should be made to find a cheaper market for labour. Surely Chinese labour could be obtained more cheaply. The roads ought to be put in a better state; transport for six miles cost £1. He considered the export duty should be abolished. (Further remarks were made regarding the Government Estates paying a bonus of £2 per ton.)

*Mr. Cobcroft*: We are directly interested in the agricultural pursuits of the country. The Government derive direct and indirect taxes on every ton of cocoa and copra shipped. On 8,000 tons of copra they derive a revenue of £8,000. The copra shipped from the country is about 16,000 tons, so they derive a revenue of £16,000 from that. In order to maintain the revenue from these agricultural pursuits the planters should have more assistance. Whilst they fully realize the assistance rendered them by the Administration, the planters' lot is not an easy one. The cost of labour has gone up and the market price of his produce has gone down. It is true the Government have not pressed the planters for their overhead charges on coolies, but we have to pay overhead charges on coolies when they have been in the Territory some fourteen years. Sixpence a head should be sufficient to repay the Government for the cost of introduction and repatriation. We will still be paying 6d. a head in another sixteen years' time. We pay now on a big proportion of labourers who have been in the country for some six or seven years. We consider, in view of the fact that the Government derives 80 per cent. of its revenue of the country from agricultural pursuits, that they should give the planters cheaper labour and better conditions, and improve our transport conditions. Most of the planters live along the Tafaigata Road, which is in a very bad state, and practically nothing has been done to it for years. We have to pay £1 per ton for four miles to get our produce into Apia, besides the double cost in taking goods to the plantations.

It was resolved, and carried unanimously, that labour and agriculture be one of the subjects of the report.

*The Chairman* : We now come to the question of the Government's Native policy. The Natives have many points to bring forward. Many of their points, no doubt, are on subjects that have already been discussed, such as expenditure, Legislative Council, and other points. This particular subject is confined to Native affairs.

*Chief Afamasaga* : With the points the Natives have in hand it will take three nights. They have been summarized, and the main points will be taken up in two or three papers.

Paper No. 1 (as translated).—They are not satisfied with the appointment of the Faipules; they should be elected so that they have the authority of the districts. They should not be appointed by the Administrator or the Government. It is claimed that the powers that have been conferred on the Faipules has been the means of their advising banishments, &c., according to their own discretion, which have not been handed to them by the Samoans themselves. They also question the knowledge of some of the very old Faipules, who have hardly ever learnt to write their own names, and yet these same gentlemen are asked to inspect schools and hospitals and report that such institutions are very satisfactorily conducted. Doctors and nurses are very numerous, but attention to patients is very slow. They strongly protest against the continuance of the tax. Since the imposition of this tax there has been less attention paid to the Samoans, because there is no further fee to pay; it is already paid. Protest is made against the lack of careful control of ships coming into port so as to prevent diseases coming in. The Administrator has promised a Faipule for every two thousand people, and he would lessen the number of white officials. Lands which have been given to them are leasehold. Boys were sent to New Zealand to be educated, but on their return had not received as much education as they could have received here.

Paper No. 2 (as translated).—It is time for the Samoans to be represented in the Legislative Council. Representatives should be by the will of the Samoans themselves, and not nominated. So long as there is a House of Faipules the Faipules should also be elected by the Samoans, that they may truly represent all the Samoans' interests. So long as the Faipule remains nominated by the Administrator, so long will he find it impossible to be true to the interests of the country and maintain his job. Even in old Samoan Governments the Faipules have always been really representatives of the districts, inasmuch as they were appointed by those districts. The medical tax is a most unpopular one, and should be stopped. It was originally put up to the Faipules as a temporary tax to see how it worked, but it is now a permanent one. To-day the people of certain portions of Savai'i have no access to a doctor and still have to pay £1 a head, just the same as those who are near a hospital. The only means by which the Medical Department would be of service to the Samoans would be to try and encourage private doctors. Protest is made against the very severe examination of Samoans' personal luggage, and they are made to pay duty on all sorts of little things, whereas the Europeans are not so severely searched. It is claimed that the time has come, with the very high national debt, that every means of introducing economy should be brought about, and that the officials that are required by the Administration should only be brought from abroad where such positions cannot be filled by local people. Removal of Native hereditary titles and the banishment of chiefs to other districts is protested against, also the inequality of treatment of Samoans and Europeans in respect to offences. One Samoan, without any trial, but just on his own admission, was sentenced to a life imprisonment in New Zealand, but a white man was just quietly sent out of the Territory and is now free, while the Samoan still serves his time in gaol. Protest is also made against prisoners being used to drag wagons from Apia to Tuvao. Individualization of lands: They consider the time is not ripe for that. There are many ways by which the Administration can assist the Samoans who have no lands to acquire them. Prohibition has, instead of being a blessing on the Samoan people, become a curse. Where the Samoans could not and would not buy good liquor, they have now all learned to make *fa'amafu*. Some means should be brought about whereby the Europeans should have this privilege restored to them, and thus save the Samoans from the *fa'amafu* habit. Model villages are all very nice, but we cannot all afford them; the system being introduced does not suit all the villages. The Fetu movement has been the means of the flower of the land being wasted whilst they are out on all these little jaunts of theirs. It is painful to see them doing no real good—to see poor boys standing in the sun without even being an ornament. Time-honoured customs of the Samoans should not be abolished without a large majority of the people voting for it.

(Several speeches by Samoan chiefs were given after the reading of these papers, strongly protesting against the Government's Native policy, and asking for this to be one of the subjects of the report.)

It was resolved that "Native affairs" be a subject of the report, and carried.

*Mr. Williams* suggested that the Medical Department be a subject for report, which was carried unanimously.

*The Chairman* : Prohibition is our next subject for discussion. We have protested against this unconstitutional measure since the very beginning. We must continue to protest. It is now before the meeting for discussion.

*Mr. Westbrook* : I consider prohibition should be a subject for the report.

*Mr. Cobcroft* : The New Zealand people have voted that we have prohibition, but I think we should have a vote. I had occasion to travel right throughout Rabaul. There is no prohibition there, but I saw no ill effects, and most certainly the Natives had not become addicted to the use of it.

*The Chairman* : The people of New Zealand have had an opportunity for three years to impose prohibition on themselves, and every time it has been turned down by a popular vote. Why should they impose it on us? I think we should continue to protest until we are given the right to vote on the matter.

*Mr. Perrin* : We have listened to the various remarks made, but we want some practical suggestion. I suggest a petition be got up and signed by all those in favour of lifting prohibition, and sent to the New Zealand Government for their consideration.

*The Chairman* : We have sent countless petitions. Even a delegation was sent. Also, a special petition sent forward on the matter was brought up before the Parliamentary Party, before the Cabinet in New Zealand, by residents, and also by members of Parliament there. If another petition is considered necessary, let it be put to the meeting. The idea is that we make this one of the subjects for submission to the New Zealand Government, and that it be one of the subjects for the committee to consider.

*Mr. Perrin* : Take a vote.

*Mr. Tibbo* : I suggest State control.

*The Chairman* : We have not had State control. We have had liquor before, and it has been taken away, and my idea is that we ought to get it back before there is any question of State control. We should not compromise, as by doing so we admit that there is some justice in the prohibition of free indulgence of alcoholic liquors.

*Mr. Butler* : I am the only missionary present, and I realize that I am amongst a strong anti-prohibition gathering. Some of the other missionaries go to the Administration, but I believe that the Europeans of Samoa should have the right to vote upon prohibition, and in any country where they vote as a majority they should have it. In my own country I will admit that prohibition has brought many evils, moral degeneration, &c., to a certain extent, but I believe in prohibition and I am a prohibitionist. It has been a godsend to Utah.

*The Chairman* : It is resolved that prohibition be one of the subjects of the report.

Motion was carried unanimously.

*The Chairman* : We will now proceed to elect a committee.

*Chief Afamasaga* : I propose the committee should consist of six Europeans, six Samoans, and the three elected members of the Legislative Council.

This was carried unanimously, and the following were elected: S. H. Meredith, A. G. Smyth, E. W. Gurr, F. D. Baxter, A. R. Cobcroft, and K. Meyer on the European side, besides the three elected members—Hon. O. E. Nelson, Hon. G. E. L. Westbrook, and Hon. A. Williams. On the Samoan side the following were elected: Chiefs Faumuina, Tofaono, Tuisila, Ali'ia, Afamasaga, and Aina'u.

The meeting closed at 12.30 a.m. with a vote of thanks to the chairman, which was carried by acclamation.

## SECOND PUBLIC MEETING OF CITIZENS, HELD IN THE APIA MARKET HALL, 12TH NOVEMBER, 1926.

Chairman : Hon. O. F. Nelson, M.L.C., assisted by Hon. G. E. L. Westbrook and Hon. A. Williams. Attendance : 663 Europeans and Samoans.

The Chairman opened the meeting, and said : In the last public meeting we—

Mr. McCarthy : Mr. Chairman, might I interrupt for one moment. I crave the attention of the meeting for a few minutes. I have been directed by His Excellency the Administrator to address you for a few moments and hand in a letter for the chairman from His Excellency, and I wish to address a few words to the public servants to save complications. (Letter handed by Mr. McCarthy to Chairman.)

The Chairman : The meeting has been interrupted by Mr. McCarthy, acting in accordance with instructions from His Excellency the Administrator. This is the letter addressed to the Chairman :—

“ DEAR SIR,—

“ I have asked Mr. McCarthy, Acting-Secretary to the Administration, to attend this meeting and read a letter from me to the people. The letter will also be read in Samoan by a Native interpreter. Kindly arrange for this to be done prior to the discussion taking place. Thanking you,

Yours faithfully,

GEO. S. RICHARDSON, Administrator.”

I do not think there should be any objection to this letter being read, so will ask Mr. McCarthy to proceed.

Mr. McCarthy : Before reading this letter I wish to point out to all public servants that they are not allowed to take any active part in this meeting.

Letter from His Excellency the Administrator was read by Mr. McCarthy, and the Samoan translation was read by Laupu'e, as follows :—

“ To the people of Samoa : I regret to inform the people that owing to the Natives being drawn into the recent political meeting misunderstandings have occurred, and the Natives are unsettled on certain matters. Being Administrator of these islands and personally responsible for the peace, order, and good government of the country, I consider a serious error has been made in asking the Samoans to discuss politics which affect only the Europeans. Freedom of speech and honest criticism of the Government are not barred in any way : they are British privileges to which no exception can be taken. Unwarranted attacks, however, on the Faipules, the leaders of the Samoan race, cannot be passed over by me without it being misunderstood by the Natives. I wish certain persons to clearly understand that. The effect of bringing the Natives into the European political arena is unwise and likely to cause trouble. It is a simple matter to upset a Native race which is composed of many factions like the Samoan race, and I ask Europeans not to do it. If you persist, you are doing a thing unheard-of in the annals of colonial administration, and are almost certain to discredit the European community in the eyes of the outside world. The inevitable result must be to disturb the peace, order, and good government of the Territory. Every person knows what that means. I ask the Europeans to confine themselves to those matters which concern them, and to leave alone those matters which concern them not. To the Natives I wish to inform them that they have the fullest freedom to bring their complaints before the Government by the proper channels. I cannot, nor can the New Zealand Government, receive complaints from the Natives save those coming through their own properly constituted channels, such as the District Councils and Fono of Faipule. Every Native can rest assured of the fullest hearing and the utmost consideration in any matter brought forward in the proper way. Chief and *taulele'a* are treated alike, and both have the same rights of redress for injuries as the Europeans. I ask the Natives to refrain further from co-operating with the Europeans in their agitation on certain matters which do not concern the Samoan. I wish all people here to clearly understand that I do not approve of a political meeting which mixes Native politics with European politics, as its tendency must be to disturb the peace, order, and good government of the Natives. GEO. S. RICHARDSON, Administrator.”

The Chairman : A message has been received from His Excellency the Administrator, and I as chairman of this meeting feel it necessary that we have to consider this message. In countries where they have a certain amount of self-government such a message would have come through the people's elected representatives. Our status does not permit of this, and it comes through a Government official. We have heard the message from His Excellency exhorting Europeans to refrain from mixing in politics that concern Samoans. The same exhortation is also given to Samoans to keep away from politics that appertain to Europeans. The question for this meeting to decide is whether the interests of the Samoans and the Europeans can be separated, or are they identical. His Excellency states that there are various matters in which the Samoans have no business, and likewise that the Europeans should not interfere in Samoan affairs. It is difficult to see where the sphere of Samoans and Europeans begins and ends. If we speak about financial matters, have not the Samoans the right to know about financial matters, as they represent 95 per cent. of the population. Has a statement of the country's finances ever been published in Samoan ? We have to consider the fact that His Excellency the Administrator is his own leader of Parliament and Speaker of the House. In other countries of higher status than ours these positions are not held in the same person. Consequently the Government may be easily criticized. We have not reached that status. To-day we have in the person of His Excellency the Prime Minister and leader of the Government. As the representative of His Majesty he is supreme ; as leader of the Government he is open to criticism. We are told that no Europeans have dabbled in Native politics in other British colonies. Indians and Fijians are in the Legislative Council in Fiji, consequently they legislate and deliberate on matters that are the welfare of the Territory as a whole. In New Zealand the same thing happens. New Zealand is a self-governing Dominion, and we do not wish to compare ourselves in any way with New Zealand. Fiji is not ; it is a Crown colony, with the same status as ours. Fijians and Indians are in politics there. In India it is just the same. So I say that in other countries where there is a Crown colony with Natives they certainly legislate and deliberate with Europeans in matters appertaining to politics. We are told that there are certain proper channels through which the Samoans can lodge their complaints. I know, on the contrary, of Samoans who have tried to reach His Excellency and have not been able to do so because these channels have been barred. When New Zealand accepted the mandate of Western Samoa she accepted a solemn obligation to conduct the affairs of the Territory to the best interests of all the inhabitants, and to see that the Native inhabitants received impartial justice and fair treatment. The same mandate also imposes upon the European settlers (especially the British) who have made their homes in Samoa a sacred duty, which is to see that the Natives do get this fair treatment. Are we then to stand by and see the many harsh and oppressive acts perpetrated on the weaker race without some form of protest ? In every British country there are all sorts of Courts of Appeal, and finally the Privy Council to appeal to. Have the Samoans been told that they may go to a higher Court than His Excellency ? Have they ? I say No. Indeed, as to the politics belonging to the Europeans and those which belong to the Samoans, I say, which belong to which ? Whose interests are finances ? Do they belong to the Europeans ? I say No ; the Samoans are the largest taxpayers. When we talk of the Legislative Council, who deliberate and legislate on the Territory's finances, should they have the power to legislate for the Samoans, who have 95 per cent. of the population, when the Samoans are not represented in that Legislative Council. Everywhere we look we find the two interests mingle, and they should. The interests of the one race are the interests of the other. The welfare of the Samoan is the welfare of the European. Yet we are told that in many of the speeches made by His Excellency to the Natives he has denounced the Europeans, particularly the trader. He has informed the Natives that the European trader is the “ enemy ” of the Samoan Native. That is a very unwise policy, and some years back it might have been well considered a very dangerous policy. It is meant to cause dissension between the two races. We have been told from the housetops that the primary duties of the Administration in Samoa are to promote the welfare and further development of the Samoan, and that he should be taught to learn how to govern his own country. In which way is he to learn to advance along proper lines towards self-government ? By intimidation ? I say No. Is not His Excellency open to criticism ? As the Administrator and His Majesty's representative I say No ; as Prime Minister I say that he is open to criticism, and the Samoans have a right to criticize. Are we going to submit to intimidation ? The British flag was not made for

that. The Samoans have always been a free people, and a free people they shall remain. They certainly should be allowed to state any grievances they may have. It is up to you, gentlemen, to decide as to how the actions of the Administrator as leader of this Government are to be taken. The matter before the meeting, gentlemen, is how far we are to take the message from His Excellency the Governor. As I have already stated before, as Administrator we have not the right to resist his orders, but I contend that as Prime Minister and leader of the House we have the right to criticize even his speech from the throne. Would any one—

*Mr. Carter* : As the meeting has not yet opened I am entitled to speak. Would it not be possible in the face of that letter from His Excellency the Administrator for the gentlemen who are responsible for convening this meeting to adjourn for about a quarter of an hour and then come back with their decision. I feel that the letter is a serious one and should have the consideration of those who are responsible for calling the meeting.

*The Chairman* : This meeting is out of the hands of the original conveners. It is simply a continuation of the first meeting, for the purpose of reporting on the actions and reports that the committee then elected were asked to make as a further step to achieving those aims and advantages for which the first meeting was called. The meeting is in the hands of the citizens present—Samoans and Europeans—as to what steps should be taken in regard to this letter from His Excellency the Administrator. As far as I am concerned the meeting may proceed but not without the consent of the rest of the meeting.

*Mr. Carter* : The meeting has not yet been opened.

*The Chairman* : The meeting has already been opened, and if we went out and deliberated for three hours it would still remain in the hands of the citizens present as to what steps be taken in regard to this letter from His Excellency the Administrator. If I inferred otherwise it must have been a grammatical error. As far as I am concerned the meeting may proceed, but not without the consent of the rest of the meeting.

*Hon. A. Williams* : This meeting was called as a citizens' meeting, and as a citizen I think that the Samoans have just as much right here as the Europeans. We are here to-night not to discuss matters affecting the rights of the Europeans or the Samoans, but affecting the whole community. I fail to see where this meeting is out of order.

*Hon. G. E. L. Westbrook* : I would like to propose that the meeting go on. We must obey the Administrator, but have the right to criticize the Prime Minister, as he criticized us Europeans.

*Chief Faumuina* : Europeans and Samoans, we have heard to-night the message from His Excellency, and I exhort all here not to take lightly this message, for he is the representative of the mandatory Power and the King, and as Governor we should obey him. This is only a continuation of last meeting. We must regard the Governor as the father of us all and obey him. But he should look after his children, and we know that sometimes we cannot get access to our father. I exhort you to obey our father, but if there is anything we regard as being wrong we must complain to him, and if that door is closed we may complain to New Zealand. As mentioned by Mr. Nelson, we would all like to hear more about financial matters. It is quite right for us to pay our taxes, but we should like to know more about the financial problems of our country, and these matters have never been disclosed to the 95 per cent. of this country's population.

*The Chairman* : The motion before the meeting is whether the meeting be carried on or shall it be closed.

*Hon. A. Williams* : I second the motion that the meeting be carried on.

*The Chairman* : It has been proposed and seconded that we proceed to further business. Any amendment?

*Une* (of Vaimoso) : You have heard the remarks of the previous speakers and also the letter from His Excellency the Administrator. It is incumbent upon each of us to weigh up the pros and cons of his letter and to consider whether we continue the meeting. The only thing that the previous speakers have done is to exhort the people not to break the law, and as we are in no way breaking the law I propose on behalf of those I represent that the meeting be continued.

*Chief Asi* (of Vaimauga) : This is a wonderful meeting. I see around me all sorts of people. It reminds me of a palace of many colours. It is a great advance for the Samoans that they can come to these *fonos* and hear about things affecting them that have been kept from them before. As far as my district is concerned, proceed; but always remember that we must abide by and keep within the law in every shape and form.

*Chief Taguloa* (of Anoaama'a) : The text of my subject shall be divided into, firstly, three big subjects—God, the Governor, and the Government; the second small subject is our grievances. We have heard the letters from the Governor, and I also exhort the people to obey the law—but hold the meeting.

*The Chairman* : Is there nothing further from the meeting? We will hold a vote to open the meeting. Those who agree with the further proceeding of the meeting hold up hands in the usual way. Thank you. Now, those who are in favour of closing the meeting will please hold up their hands. Thank you. I notice hundreds in favour of holding the meeting and only six against it, so the original motion is carried. We shall proceed with the meeting.

(When the chairman mentioned that six voted against the procedure of the meeting, a voice from the hall was heard, "Chuck them out. Kick them out." The chairman promptly ordered the voice to stop.)

*The Chairman* : Enough of that now. The last meeting decided on two things: First the election of a committee, and the same committee were to convey to the Minister of External Affairs an expression of regret from the citizens of this Territory at the postponement of his visit. This was done by a telegram despatched on the 16th October (the day after the last public meeting), reading as follows: "Representative meeting European and Samoan citizens regrets information received postponement of your visit. Respectfully and urgently request reconsideration inviting you visit Samoa November.—ELECTED MEMBERS LEGISLATIVE COUNCIL." No reply was received for eleven days. On the 26th, ten days after, the committee met and decided that a further telegraphic message be sent to the Minister of External Affairs begging for a reply, as follows: "Committee elected by all sections of community anxiously await reply to telegram sent through Administrator 16th October.—ELECTED MEMBERS LEGISLATIVE COUNCIL." Both telegrams were sent through His Excellency the Administrator with a covering-letter. The first telegram was sent promptly, the second has not been sent, for reasons I will explain. On the 23rd a letter was sent to the Minister of External Affairs formally confirming the telegram, pleading its urgency, and the feeling with the plea. At the committee meeting of the 26th October the Chairman's letter of the 23rd to the Minister of External Affairs was confirmed, and it was resolved that a copy of same be sent to the Administrator on the following day when sending him the second telegram for despatch. When these reached the Administrator's office on the 27th a message was sent to me by the Assistant Secretary to say that a telegram was received from the Minister on the 19th (eight days before) in reply to the first telegram, and that a copy was despatched to me within half an hour of its arrival. A second copy of the same telegram was then sent me, which reads as follows: "Referring to your telegram of 16th October, while most anxious to meet your wishes regret that quite impossible for me to visit Samoa by November steamer, but look forward with pleasure to meeting citizens Samoa next May." The members of the committee were immediately made acquainted with the contents of this telegram, also the apology of the Assistant Secretary for the delay, giving as reason that the messenger must have mislaid the letter; but an investigation was being made into the root of the trouble. It is noteworthy to say the original letter has not yet come to hand, and we have not yet learnt of the results of the said investigation. At the various meetings of the committee the following resolutions were passed:—(1) The subjects were entrusted to sub-committees as follows: Agriculture, A. R. Cockerfoot and K. Meyer; finances, A. G. Smyth and E. W. Gurr; Medical Department, A. Williams, Faumuina, and Alipia; Legislative Council, F. D. Baxter, G. E. L. Westbrook, O. F. Nelson, Afamasaga, and Tuisila; Native policy, O. F. Nelson, S. H. Meredith, Aina'u, and Tofaono; prohibition, G. E. L. Westbrook. (2) That the committee endeavour to have the reports ready for the public meeting to-night. (3) That a suggestion be made to this public meeting for a delegation to proceed to Wellington by early steamer to present reports to Minister of External Affairs and to discuss same with him. (4) That the committee place on record its regret and disapproval of certain defamatory statements made by certain persons in respect to the activities of the committee and its supporters, referring to the same as *fou* (rebellious), and it is the desire of the committee to let it be distinctly known that such statements are false and misleading.

*Mr. A. R. Cobcroft*: Mr. Chairman and gentlemen, at a meeting of the Planters' Association to discuss these various points, while confirming the election of Mr. Meyer and myself to prepare a report on agricultural matters, wish it to be distinctly understood that it will not criticize the Government's Native policy. We feel that the Natives have the Fono of Faipule to express them, and that as planters we are not sufficiently conversant with Native affairs to criticize the Government's policy.

*The Chairman*: I should have mentioned that a reservation was made by the Planters' Association in respect to their support of Messrs. Cobcroft and Meyer in the committee, to the effect that they would deal in matters affecting labour and agriculture, and they were in no way to criticize the Government's Native policy. An arrangement was then entered into with these two gentlemen that after their report on labour and agriculture was passed by the committee they should retire, so the committee may be in a position to forward the whole of the reports with their unanimous support. The question now to decide is whether the reports be sent forward or taken up by a deputation.

*Chief Toomalatai, Matautu* (for Vaimauga): I wish to give my opinion on the subject in regard to the presentation of the reports to the Minister of External Affairs. I agree that May is a long time away, and we may be all dead by that time. I say on behalf of our district that we shall share in the expense of sending a delegation with the reports to Wellington.

*Chief Tagaloo* in general terms supports Toomalatai, and states that their district will also contribute to the expense, and wish to record their confidence in the committee.

*Tipumaga* (Leulumoega) speaks in the same tone about the delegation, and they will support it with their confidence and their cash.

*Malu Ale* (for Faleata) supports same motion.

*Chief Matai* (for same district) likewise.

*The Chairman*: Is there any word from the European side in support or objection?

*Chief Leutele* (for Atua, particularly Vaa-o-Fonoti): We agree that the matter be taken up urgently. Do not leave it until May; it is too far away. Proceed now.

*Mr. A. G. Smyth*: I wish to support this motion, and would also propose that the Government be asked to send their best interpreter in order that everything be brought up clearly.

*Mr. S. H. Meredith*: I second the motion.

*The Chairman*: We will now leave it to the vote.

Motion put, and carried unanimously.

*The Chairman*: Another matter which needs to be decided upon to-night is that a telegram be sent to the Minister of External Affairs that it is the wish of this meeting that a delegation be sent to report these matters. I think that January steamer is the earliest that could be taken. Therefore I should suggest to the meeting that the committee be empowered to send a telegram to the Minister of External Affairs asking him if he will receive this deputation by the January boat.

*Mr. G. S. Chisholm*: I propose that a telegram be forwarded to the Minister of External Affairs that a delegation be sent up in the month of January.

*Mr. F. D. Baxter*. I second the motion.

*Papalii Ulumalautea* (Apia) also proposed the motion.

*Une* (of Vaimoso) also seconded the motion.

Motion put, and carried unanimously.

*The Chairman*: The next matter is whether this meeting shall leave it to the committee to decide who shall go, or elect now who shall go.

A Native chief proposed that it be left to the committee. Another Native chief seconded the motion.

*Mr. G. Chisholm*: I propose that it be left in the hands of the committee.

*Mr. E. F. Paul*: I second the motion.

Motion put, and carried unanimously.

*The Chairman*: It has been decided unanimously that it be left to the committee to decide who shall be the members of the delegation to be sent to Wellington, and so soon as we have the Minister's reply your offertory will be taken.

*Hon. A. Williams*: The reports drawn up by the committees are now nearly finished. Some are very lengthy, and we shall be here until daylight if they are all read out. I shall propose that the reports be not read, but be put up in some conspicuous place for all to read.

*Orator Tufuau* (of Solosolo): Before going any further we of Solosolo wish to support the motions passed, and wish to give our contributions to the trip right now.

*Chief Faumaina* expressed the thanks of the committee to the meeting for the confidence placed in them—that the matter be left in the hands of the committee as to who are to be sent as delegates to New Zealand. He assured them that the committee was working not for themselves, but for the good of all, and further exhorted them to carry on the traditions of Samoans as a law-abiding race.

*The Chairman*: We cannot resist thanking the other side for the cash contributed. Mr. Smyth has consented to act as treasurer, and Karauna Mata'u will act as secretary. We might consider the subject of these reports, and we shall continue with the meeting while the contributions go on. Is it your wish, gentlemen, that the matter of these reports which are not quite finished be left to another general meeting, or left to the committee to finish, and it be advertised in the paper that they be placed in a conspicuous place where they can be read? The matter before the meeting is whether the reports be finished and presented at a later meeting, or open for inspection by any member of the public at a later date, or whether parts of the reports be read to-night.

(While the chairman was speaking as above, the Solosolo chiefs brought in £3 (thirty *matai* at 2s. each), and Moananu, of Mulifanua, contributed 2s. The treasurer, Mr. A. G. Smyth, took the money, and the secretary, Mata'u, recorded the names of the donors.)

*Mr. F. Wilson*: I would suggest that parts of the reports be read to-night.

*Mr. G. S. Chisholm*: I second the motion.

Motion put and carried.

*Report on Legislative System* read by Chairman. Briefly—(1) Formation of Legislative Council with nominated members, 1920. (2) Provision in 1923 for three elected members, and elections. (3) Impotency of elected members under present conditions with Government majority in council. (4) Compared Samoan Legislative Council unfavourably with that of Fiji. Fiji equal number of elected members and official members, with appeal to Colonial Office if elected members voted *en bloc*. (5) Faipules a nominated and not an elected body.

*Reports on Medical Department* read by Hon. A. Williams. Briefly—(1) The Chief Medical Officer should be an efficient surgeon and physician. (2) Both Samoans and Europeans have no confidence in Medical Department—go to Pago Pago for operations. Tutuila smaller place than Western Samoa, yet can get good medical officers. (3) Want a Department that inspires confidence and not one that brings ridicule on the Territory. (4) Private practitioners needed. Formerly four private doctors did well. At present no competition or incentive to doctors to do their work well. (5) Native community dissatisfied with doctors. Especially since enforcement of medical tax they have been lax and careless in treatment of patients. (6) Proper encouragement should be given to Native medical practitioners. (7) Lift medical tax. Districts with no facilities for attention still have to pay same tax. (8) White nurses—Samoa, 9; Fiji, 6; Tonga, 1. Term of their engagement should be extended from eighteen months to three years. In 1924, 144 in-patients at hospital—sixteen per nurse per annum. (9) Two Sanitary Inspectors, Samoa, one at £500 per annum and one at £380 per annum; in Fiji only one, at £250 per annum. Senior Sanitary Inspector, Samoa, £500 per annum and free motor-cycle. Responsible official like Postmaster and in charge of Savings-bank deposits, £515 and no allowances. (10) Secretary, hospital, £310 and free conveyance. Positions such as these could easily be filled locally, cheaper.

*Native Committee Report* also read by Hon. A. Williams. Briefly—(1) Efficient doctors required. (2) Medical tax should be abolished. (3) Private doctors should be encouraged to carry on. (4) Samoans who have had training be sent away to New Zealand or Australia to complete studies and qualify.

*The Chairman*: You have heard these reports. We will now read the financial report.

*Financial Report*, with statistics and comparisons between Samoa, Fiji, and Tonga, read by Mr. E. W. Gurr. A summary of the Finances Report was translated into Samoan by the chairman.

*The Chairman*: The other reports are not quite ready, and the night is too far spent to continue the meeting much longer. The reports referred to are on "agriculture," "prohibition," and "Native affairs" (the chairman then gave a short address in Samoan on "Native affairs").

A further unanimous vote of confidence was then passed on the committee, who were asked to continue their work.

*Mr. E. W. Gurr*: For the success of to-night's meeting we have to thank our worthy chairman, particularly for his opening speech, which was very masterful indeed, and saved the meeting from a very difficult situation indeed. (Mr. Gurr then called for three cheers for the chairman, which were enthusiastically given.)

*Chief Faumuina*: The meeting is about to close, and I rise to support Mr. Gurr's remarks regarding our chairman. This meeting has been conducted in a most masterly manner, and a very tricky problem has been solved. I, however, exhort all citizens to obey the law of the land in every respect. Some rumours have reached the committee of certain districts who have decided to refuse to pay the medical tax. If you have any regard for the chairman and the committee you have appointed, you must prove it by paying the medical tax and all other Government dues. Look to the future for redress along constitutional lines. We must, however, respect the Governor as the representative of the King and abide by the law.

*Hon. G. E. L. Westbrook*: I wish to propose a vote of thanks to all those who attended to-night's meeting, thus showing their public spirit.

*Hon. A. Williams* supported the motion.

*The Chairman* thanked Mr. Gurr and Chief Faumuina for their kind remarks, and the two honourable gentlemen for their assistance in conducting the meeting. He also thanked the public for the orderly manner in which the proceedings were held, and for the confidence in the committee and himself displayed by the very large and representative gathering.

The meeting closed at 11.30 o'clock p.m.

## EXHIBIT No. 52A.

### REVIEW BY ADMINISTRATOR.

Apia, Samoa, 25th July, 1927.

SAMOA'S past history has left its impression on the psychology of the Samoan people, some of whom remember and freely discuss the former political disturbances that occurred successively in this country (1) during the three-consular period, (2) the three-Power regime, (3) under the German Government, and (4) the political agitation during the regime of my predecessor.

In nearly all these former agitations there have been two root causes of unrest, viz.: (1) The desire of one or more chiefs or political parties to increase their power and influence. (2) One or more European residents becoming partisans in Native questions, and advising and actively helping the Natives to oppose constituted authority.

The present agitation, which commenced in October last year, was not initiated by the Natives, as they were not then dissatisfied. One person with one object only was the originator of the present trouble—viz., Mr. Nelson, the wealthy half-caste merchant, whose aim was apparently to increase his power and influence, particularly in Native matters, and so materially enhance his commercial interests.

To assist him in his object Mr. Nelson utilized the services of a chief, Lago Lago, a trader in Apia with a notoriously bad record, to propagandize and foment discontent among other chiefs and induce them to believe that the Government's Native policy was wrong, and that Mr. Nelson was able to obtain for those chiefs who supported him increased powers and influence, to the detriment of the power of other chiefs. Support from a number of Native chiefs, principally dismissed officials or police offenders, was the natural sequence of this propaganda.

In order to add weight to his movement, Mr. Nelson adopted an unprecedented plan, which appealed to the vanity of certain chiefs, by forming a combined committee of Europeans and Natives to work together for political objects.

Apart from Mr. Nelson, the European section of this committee was composed of men whose only intention was apparently to increase either their political or commercial interests, as they were not much concerned in Native matters and did not realize the danger their action would cause to Native administration. I therefore warned them to cease their activities in regard to the Natives, but they unfortunately refused to do so, and subsequently found themselves forced into a position of supporting Mr. Nelson in his strenuous efforts to disturb the Natives and make them dissatisfied with their own authorities—a very dangerous thing to do in this Territory, where the European population and Government officials form only a small proportion of the total, and where peace, order, and good government of the Natives depend entirely upon upholding the authority of the Native officials.

Having no powers myself to prevent Mr. Nelson from intriguing with the Natives, the agitation increased until the following position was created: On the one hand there was a great majority of the Natives loyal to the Government, and, on the other hand, (1) a number of chiefs other than Government officials who have been influenced by propaganda and other means to support Mr. Nelson; (2) the five Europeans of the committee, who actively supported Mr. Nelson in his policy of stirring up the Natives (one of the Europeans had resigned after realizing the objects of the movement); and (3) Mr. Nelson himself, with his traders all around the islands, motor-launches, and other means of giving strength to the movement, which he personally directed.

After several months of intrigue and agitation Mr. Nelson ascertained that the influence of the Government with the Natives was greater than he supposed, and that only a small number were supporting him; therefore he strengthened his forces by setting up an organization in Apia and in every district for spreading propaganda on behalf of his movement. He also arranged for the publication of a newspaper, the *Samoa Guardian*, which was established just prior to the Minister's visit. Statements calculated to appeal to the lower instincts of the Natives were circulated by the medium of this press.

In addition, a central office, called the Mau headquarters, was established in Apia, with secretaries and translators to receive reports from out-districts and to circulate propaganda.

Probably never before in the history of this Territory had such strong forces been used to oppose the Government of Samoa, and it is a compliment to the Native leaders that their faith in New Zealand enabled them to resist these forces and the pressure brought upon them to join with Mr. Nelson's movement. Had they not done so the whole of Samoa would have been in a state of turmoil and the Government ceased to properly function, because the governmental machinery of the Natives is largely carried out by Native chiefs.

The fact that there was no real grievance or dissatisfaction in the country when Mr. Nelson started this movement makes his offence all the more serious; but his subsequent attitude, using every available means at his disposal to disturb the Natives, is unpardonable, and can only be explained by assuming that he realized he had gone too far to be able to retreat from his seditious campaign without having to make such an explanation to the Natives as would completely destroy his prestige in their eyes. He and his committee therefore hoped to create such a state of confusion in Samoa as would necessitate a Royal Commission being set up. In fact, he

stated before leaving for New Zealand that he predicted such a Commission would be established. This would enable him to retreat from his difficult position, under cover of that Commission, as, although I am confident that such an inquiry would prove nothing wrong in regard to the Government's policy, it would enable him to continue intriguing with the Natives, whose evidence would merely express his views. He would thus be able to keep the trouble simmering for months longer, and have on record statements by Natives that his action had been justified.

The central office established by Mr. Nelson in Apia was looked upon by some of the Natives as another Government, which they termed the "Mau," in opposition to the Administration. As Natives were not punished for joining and propagandizing on behalf of this Mau, they began to consider that the Government had not the power to take any action against them or against Mr. Nelson and his colleagues, consequently the organization grew from a small number of Natives in Upolu to a larger number, with representatives from every district in both islands.

Mr. Nelson's committee, through his traders and certain Natives in receipt of material benefits, gradually influenced other Natives to form committees in many villages, while a large committee composed of representatives from each district was maintained in Lepea Village. This complete organization set up by Mr. Nelson gave him confidence, and enabled him to use his personal influence on the central committee in Lepea (a village near Apia), where he attended almost daily and addressed his Native supporters.

Up to the time of the Minister's visit in June the work of the Government in all districts appeared to be going along as usual, except that Natives in some villages were wasting their time travelling to and from Apia and were neglecting their plantations. I anticipated that my annual *malaga* around the islands, commencing in July, would end the trouble; but the demonstration of Natives organized by Mr. Nelson and his colleagues for the purpose of impressing the Minister on the day of his interview with the committees, followed by Mr. Nelson's speeches to large numbers of Natives assembled at the Village of Lepea, stimulated the agitation throughout Samoa to such an extent that when the Minister left Samoa immediate action on my part became imperative.

Mr. Nelson seems to have impressed the Natives assembled that he had "gained a great victory," and that "Samoa was from that day reborn as a nation."

Those representatives from out-districts who were in Apia during the Minister's visit did not hear the speech of the Hon. the Minister. The majority of them did not even know what the objects of the so-called Mau movement were, but they heard Mr. Nelson speak, and they saw a big demonstration in his favour, and as the Government did not prohibit this demonstration they naturally interpreted it as a victory for the Mau.

The decision of the New Zealand Government to amend the Samoa Immigration Order and the Hon. the Minister's letter to the committee did not have much effect upon the disaffected Natives. What they saw on the day of the Minister's meeting had more effect upon them than statements issued by the Government, which they had been influenced to regard as mere bluff. The agitation consequently spread rapidly after the Hon. the Minister's visit, and the European members of the committee now thought they could cease from further Native activities and safely allow the Native members of their committee to carry on the campaign alone. In spite of my oft-expressed intention not to punish the Samoans until powers were granted for the European offenders to be dealt with, it became urgently necessary for me to take some action after the attitude of the New Zealand Government and the Hon. the Minister of External Affairs had been made public, and any delay on my part at this juncture would have been interpreted as weakness. Had I not taken action immediately the Minister left Samoa, and after his decision had been promulgated, a serious situation would have been created. I therefore issued a Proclamation ordering the seditious movement known as the Mau to cease. I issued orders to the Native members of the committee from out-districts to return to their villages and stay there for three months. I also called the two Native ringleaders (Faumuina and Lago Lago) to appear before me, when I gave them three days to disperse from their villages near Apia the people assembled there, and to use their influence with those Natives to cease from further disloyal activities. At the end of three days neither the Native committee had dispersed nor had the two ringleaders carried out my instructions. I then promptly banished the latter to Apolima, under the authority contained in the Samoan Offenders Ordinance. A demonstration was worked up by a troublesome young chief, Alipia, on the day the two ringleaders were sent to Apolima, but I took no steps to resist them, and the demonstrators returned quietly to their homes.

Mr. Nelson then started a press campaign against me personally, using his commercial agencies in England, America, Australia, and New Zealand. The radio reports of the foreign press dealing with this question, which show that Mr. Nelson is spreading lies broadcast, are all translated and circulated to the Natives by the Mau committee, and so help to prejudice my authority in their eyes. I am quite satisfied to allow the Natives themselves to answer these reports in due course.

The defiant attitude of the Samoan members of the committee, which now number about thirty, all of whom stayed in Apia and failed to carry out my orders to return to their villages, caused me to order their arrest, not in a body but one or two at a time, as I hoped that if several of the chief agitators were dealt with the others would then return to their villages. The first three to be dealt with were Tuisila, Fuataga, and Tagaloa. Unfortunately, these cases were adjourned by the High Court, and there was a delay of about a fortnight in obtaining a decision. This delay caused great joy among the other members of the committee, who attributed it to the Government not having the power to punish them. However, these three have now been sentenced—the former to four months' and the two latter to six months' imprisonment; but I am unable to say that these punishments have created a changed attitude on the part of the Natives belonging to the Mau. In order to further delay matters, the lawyer defending the cases of Fuataga and Tagaloa had applied for an appeal to the Supreme Court of New Zealand; but the Judge, fortunately, did not allow this to interfere with the execution of the sentence. This appeal is really only a scheme on the part of a lawyer (Mr. Slipper), who is a new arrival here and does not understand Native problems, but apparently wants to curry favour with the Natives. His attitude is helping the agitation, for he knows that such an appeal will not be upheld, but that the delay will give the Natives confidence in him.

It should be mentioned that these three offenders, together with the remaining Native members of the Mau, signed a letter to me asking for a collective interview. In reply to this request a letter was sent to each individual stating that I would see him in his own district during my *malaga*, and to where he had received orders to return. All these Natives have therefore been asked to appear before me, and have deliberately avoided doing so. I could not agree to seeing them in a body, as it would have been interpreted as a recognition of their powers to speak for Samoa.

My *malaga* around Upolu was a success, but it revealed the seriousness of the treasonable plot being worked up by Mr. Nelson's committee, as I found that in nearly every district of this island there was one or more villages where the Natives had received instructions to—(1) Passively resist their own authorities; (2) keep their children away from Government schools; (3) disobey orders issued by the Government; (4) not to clean their villages or plantations; (5) not to pay Government taxes; (6) to collect beetles, but not to give these to the proper Native authority—viz., the *pulenu'u*; (7) not to register their births in the books of the Government; (8) receive all their orders from the Mau committee in Apia, and not from the Government. The *fonos* I held with the chiefs in every district gave them an opportunity to learn the truth of this agitation, and also strengthened the hands of the Native officials. In most of the districts large assemblies attended my *malaga*, and very patriotic speeches were made by orators on behalf of their people, expressing themselves as very satisfied and happy, and calling upon me to put an end to the wicked agitation going on in their midst by deporting those Europeans who had stirred up some of their people.

It will naturally be asked why I, as Administrator, have permitted this state of unrest to be created and to continue without taking stronger steps to prevent it. The answer to this question is that I did all I could

within my powers: (1) I warned the Europeans to keep clear of Native matters. I had no powers of punishment if they failed to observe my warning. (2) I punished only two Natives during the early stages of the agitation for spreading false information. (3) I issued exhortations to the Natives to have nothing to do with this movement. My reasons for not punishing the Europeans are that I had not the powers to do so. I did not continue to punish Natives, as this was exactly what Mr. Nelson and his committee wanted. Furthermore, it would have created a difficult position for the Government, which I was most anxious to avoid.

To-day the Government is in the very strong position of having no cases of injustice or hardship to its credit. The Natives are loyal with the exception of those under Mr. Nelson's influence. It is most unfortunate that this number has increased since the visit of the Hon. the Minister, solely on account of Mr. Nelson's demonstration and delay in taking action to punish European offenders. The six members of the European committee are now exposed in the eyes of Samoa as well as the outside world, and represent the real ulcer of Samoa, which has been inflamed so many times in the past but has never been brought to a head and properly operated upon. Had I adopted any other course in dealing with this movement, the real agitators, who have given New Zealand much trouble in the past, would have escaped being held responsible, and would no doubt have continued their old tactics in the future by creating difficulties for New Zealand in the administration of this Territory. Now the danger of allowing European agitators to interfere in Native matters is fully realized by the Government, and the lesson has been relearned by the Natives themselves, similar troubles are not likely to recur if the real offenders are dealt with. The solution is a clear and easy one for the Government, as it is now definitely shown that certain persons have acted seditiously and stirred up the Natives without just cause. These persons are now finding themselves exposed as well as being despised by the majority of the European residents of Western Samoa, and are therefore fighting to save themselves from punishment. Had I adopted autocratic and arbitrary means of stopping the spread of the movement, the Government and myself would have been accused of preventing free speech and punishing Natives arbitrarily. The fact that I am now punishing a few Natives for continuing to spread disloyalty does not affect the question. These Natives have to suffer in order to uphold constituted authority and to restore order; and, furthermore, to show that Mr. Nelson and his colleagues have misled them, and that the decisions of the Government and the Hon. the Minister must be upheld. The appeals that are now being made by Mr. Nelson against the punishments of Natives are made because he realizes that he and his committee are responsible for those Natives who are now being punished, but this aspect of the matter is carefully kept in the background, and he is trying to deceive the outside world into believing that such punishments are not justified. If Natives who continue to follow the advice of the committee and resist their own authorities go unpunished after the Hon. the Minister's decision, and all the warnings and exhortations made by me, it will be impossible to administer the Native race either through the proper channels, their own chiefs, or in any other way.

While propaganda outside Samoa represents the Administrator as harsh in his treatment of the Natives, the universal criticism amongst the Europeans here is that I have been too kind and lenient to them. It should be constantly kept in mind (1) that the Natives were not discontented prior to Mr. Nelson commencing this agitation, and (2) the punishment of Natives that Mr. Nelson is giving such publicity to is the result of the sedition he and his committee had caused, and the failure of himself and his committee to comply with the decision given by the Hon. the Minister to leave the Natives alone and undo the evil they had created. Prior to this trouble there were only occasional and isolated cases of Samoans being punished under the Samoan Offenders Ordinance, and in most of these cases they were the result of appeals made by the Natives themselves to remove offenders to other villages. In fact, some of the present Native members of the Mau committee have themselves previously asked for banishment orders against offenders in their own villages.

It may only be a coincidence, but I blame Mr. Gurr, one of the committee and a well-known intriguer with the Natives, for setting up an organization here in this agitation similar to that which caused trouble in American Samoa six years ago, when he was a resident of that Territory. On that occasion a white man named Greene, married to a half-caste, established an office in Pago Pago from which he circulated propaganda and worked up a state of unrest amongst the Samoans, and caused a number to oppose the Government. The trouble only ended after the Governor had committed suicide, twenty chiefs had been imprisoned, and the originator of the trouble had been deported. In that case the trouble was ended only by drastic action, and similar action will be necessary here. Had prompt action been possible here in the early stages the present position would not have been brought about, but delay in dealing with European offenders and delay in obtaining convictions in the High Court have been solely responsible for the increasing unrest among the Natives since the Minister's visit.

I am informed that the Island of Savai'i is now in an unsettled state, whereas before Mr. Nelson's demonstration this island was affected to only a small degree. The reasons given for this are—(1) The lies circulated by the committee *re* Mr. Nelson having great power and probably returning here as Governor; (2) the delay in dealing with offenders; (3) the *Samoa Guardian*, a weekly paper almost entirely owned by Mr. Nelson, and published partly in the Samoan language, and which is circulated in every village; (4) the actions of a new lawyer here (Mr. Slipper), who is reported to be advising the Natives to disregard orders given by the Government; (5) the action of certain traders in the employ of Mr. Nelson, who clandestinely intrigue with the Natives on behalf of the Mau and blame the Government for every little cause of dissatisfaction. (In the German days the Governor used the traders to help him to propagandize with the Natives. This is not now possible, as most of the traders are in the employ of Mr. Nelson.)

The solution of this trouble is not a difficult matter in so far as the Natives are concerned, provided the European agitators who disregarded my warning in November last are dealt with by the New Zealand Government. The Natives have no real grievances either against me or the Government, and I am confident of my ability to handle them once the influence of the European committee is removed. The Native officials are very loyal, and up to June last an overwhelming majority of the Native chiefs were loyal, but the delays referred to combined with the inspiring radios received here from Mr. Nelson have intensified the intrigue and made it difficult for many loyal Natives to resist the *fa'a-Samoa* influence brought to bear upon them. Meanwhile, punishments of a few Native agitators is holding the movement in check, but is not ending the trouble; in fact, I am told in some villages these punishments are likely to strengthen their attitude toward the Mau.

Administration of Western Samoa, Apia, Samoa, 25th July, 1927.

MEMORANDUM for the Minister of External Affairs, Wellington, New Zealand.

*Inquiry into Reasons for Disloyal Attitude of Natives.*

During my *malaga* around Upolu the Natives of some villages held aloof from participating in the customary ceremonies by which Samoans show their respect to the Administrator when he visits their district. The majority of the chiefs in these villages also failed to appear before me to represent in person any matters they wished to discuss with me. This was most unusual, and could only be explained by their leaders as being due to the influence of Mr. Nelson's committee. Such disrespectful conduct could not be permitted to go unnoticed without prejudice to the maintenance of authority of the Native officials in those districts. I therefore ordered seventeen Natives who were reported to be the ringleaders to appear before me, as I wished to personally investigate the reasons for their unusual attitude towards their authorities.

The whole of the seventeen Natives appeared before me at Mulinu'u on the 19th instant, at 10 a.m.—first individually, then collectively. They were each questioned on various matters, and then addressed by me with the object of getting them to realize how they were being misled by seditious and false statements circulated by the

Mau committee in Apia. The replies to my questions revealed that these Natives had no complaints either against their own Faipules or other Native officials or against the Administration. They stated they had signed a paper containing all the matters the Mau were not pleased with, and that these matters were now before me. I presumed they referred to a petition which had been sent by Mr. Nelson to New Zealand, and which I have not seen. They did not appear to know the contents of that petition. Their excuse for not showing respect by appearing before me during my *malaga* was that they belonged to the Mau and had received instructions not to do so. Most of them stated they had joined the Mau because others had done so.

A spirit of insubordination and passive resistance was displayed by several of these chiefs, who had evidently been badly influenced by agitators in Apia, while one had the presumption to suggest that he was not pleased with the Government because there were too many white officials in the Administration who were paid higher salaries than Samoans; furthermore, that while Europeans travelled about in motor-cars the Natives had to walk. This is the type of propaganda that has been spread by Mr. Nelson's committee, and which has been effective in poisoning the minds of Natives against European officials. The three chief offenders of this party were—Mata'utia Kalauna, a dismissed official; served two years in gaol for theft; now secretary to Mr. Nelson's committee: AINU'U, a dismissed interpreter in Apia; been previously warned: PAPALI'U ULU, a chief in Apia, who has a boatman's license, and is constantly in trouble with the police. All three have a good knowledge of English, and are of the type of denationalized Natives who reside in Apia. As an example to the remainder, I issued an order for these three to be removed from Apia, as I am more than satisfied that they are a source of danger to the peace, order, and good government of Apia Village. The first-named is a notoriously bad character, who came to me four months ago and stated he knew that what Mr. Nelson and his committee were doing was wrong and would end in trouble for the Samoans. The other two are most active agitators. The remaining fourteen were given till 9 a.m. the next morning to change their attitude; but as none of them either wrote an apology or appeared before the Secretary for Native Affairs the next day, I issued an order depriving them of their titles. This will really be no hardship, as it is the mildest form of punishment, providing it is not associated with banishment from their village, a form of punishment I wish to avoid unless absolutely necessary. I am, however, forced to award some punishment in such cases in order to uphold authority in the eyes of the Natives.

The attitude of these Natives who have been induced to join the Mau is very strange. They do not seem to have any grievance, they do not know what they want, they will not come and put their matters before the Native Department, and when they are addressed by either the Chief Judge or myself they seem as if they are pledged not to alter their attitude until they get some definite answer from Mr. Nelson, who they believe has great power with the Government and League of Nations. One chief during my *malaga*, after hearing my explanation, said, "We are only the leaves and branches of the Mau; the root is in Apia. When the root is satisfied, we will be satisfied." By "the root" he meant the committee set up by Mr. Nelson. These cases well illustrate the danger of Europeans meddling in Native matters.

Nine months ago only one Native appeared to have a grievance—viz., LAGO LAGO—who wanted to get back his title after serving two years in gaol for theft. Mr. Nelson, in conjunction with this chief, has stirred up Samoa and brought about the present conditions, and it will take a long time to get the Natives back to normal.

GEO. S. RICHARDSON, Administrator.

[EXTRACT FROM MR. NELSON'S EVIDENCE BEFORE JOINT COMMITTEE OF HOUSE OF REPRESENTATIVES, WELLINGTON, 20TH AUGUST, 1927.]

We now come to the report of the Administrator of the 25th July. You have before you General Richardson's report dated the 25th July, 1927?—Yes.

The first paragraph reads, "Samoa's past history has left its impression on the psychology of the Samoan people, some of whom remember and freely discuss the former political disturbances that occurred successively in this country—(1) during the three-Consular period, (2) the three-Power regime, (3) under the German Government, and (4) the political agitation during the regime of my predecessor." You have read that paragraph?—Yes.

Do you consider that you are an authority on the psychology of the Samoan people?—Yes, I do.

Then the next paragraph reads, "In nearly all these former agitations there have been two root causes of unrest—viz., (1) the desire of one or more chiefs or political parties to increase their power and influence; (2) one or more European residents becoming partisans in Native questions and advising and actively helping the Natives to oppose constituted authority." Have you anything to say about that?—That No. 1 has undoubtedly been responsible for much of the trouble in pre-European days, but since the control by the European Powers I am firmly of the belief that the different interests of the three Powers were responsible for much of the trouble in Samoa.

The third paragraph is, "The present agitation, which commenced in October last year, was not initiated by the Natives, as they were not then dissatisfied. One person, with one object only, was the originator of the present trouble—viz., Mr. Nelson, the wealthy half-caste merchant, whose aim was apparently to increase his power and influence, particularly in Native matters, and so materially enhance his commercial interests." Now, was the agitation commenced in October?—No; the dissatisfaction among the Natives was long before that. It was growing all the time.

And the next part of the paragraph: have you anything to say about that?—There is no truth whatever in that. I have had the respect of the people in Samoa, the Samoans and the Europeans, and even the Administrator, right up till then; and there was no attempt on my part to increase my power and influence—in fact, I do not see how it was possible. As to enhancing my commercial interests, I have always avoided, or assisted to prevent, any unrest, because that was opposed to my own ordinary interests. Dissatisfaction amongst the Samoans must be detrimental to the interests of the traders and the merchants.

The first part of the next paragraph reads, "To assist him in his object Mr. Nelson utilized the services of a chief, LAGO LAGO, a trader in Apia with a notoriously bad record, to propagandize and foment discontent among other chiefs and induce them to believe that the Government's Native policy was wrong, and that Mr. Nelson was able to obtain for those chiefs who supported him increased powers and influence, to the detriment of the powers of other chiefs." Is there any truth in that about LAGO LAGO?—No, none whatever. And, furthermore, LAGO LAGO is not the chief's name. They have deprived him of his name. I do not know that he has had a notoriously bad record; and I have not utilized his services to propagandize and foment discontent among the Natives. LAGO LAGO—or, as we know him, Afamasaga—was one of the Citizens Committee who was elected at the first meeting. He and Mr. Meredith had an office. They are commercial agents. Well, that office was the most convenient place for the committee to meet in, and we always met there.

Mr. Hogyard.] Well, we will now pass on to the last sentence in that paragraph: "Support from a number of Native chiefs, principally dismissed officials or police offenders, was the natural sequence of this propaganda": what do you say about that?—That is quite untrue. Some of the Native chiefs who were at the first meeting, and who accepted office on the Citizens Committee, were Native officials. They were Native officials, and when it was intimated to them that they would have to give up their positions in the Government if they continued to belong to the Citizens Committee they resigned their official positions. Those words "principally dismissed officials or police offenders" are a gross insult to the Samoan people.

Will you look at his next comment, which is, "In order to add weight to his movement, Mr. Nelson adopted an unprecedented plan, which appealed to the vanity of certain chiefs, by forming a combined committee of Europeans and Natives to work together for political objects." What do you say to that?—Firstly, that was not my movement; and, secondly, I did not adopt any unprecedented plan because, as I think I have explained before in evidence when I was asked by the different districts for representation in the Citizens Committee I told them that it was not

in my power to do it. The Citizens Committee had been elected by a public meeting, and an increase in the number was suggested—that is, an increase in the number in the Citizens Committee—and I told them the Citizens Committee had been elected by a public meeting and could only be increased by another public meeting. It was then put to me by the Samoan members of the Citizens Committee that to satisfy the people of the different districts who wanted to be represented in the Citizens Committee it was necessary to form a large sub-committee, so that the delegates from the different districts could be represented in the Citizens Committee through this large sub-committee. There was nothing that was adopted by me that could appeal to the vanity of certain chiefs; in fact, I cannot see what there was there that appealed to the vanity of certain chiefs, because they have been persecuted ever since.

Will you now take the concluding portion of the paragraph, which reads, "I therefore warned them to cease their activities in regard to the Natives, but they unfortunately refused to do so, and subsequently found themselves forced into a position of supporting Mr. Nelson in his strenuous efforts to disturb the Natives and make them dissatisfied with their own authorities—a very dangerous thing to do in this Territory, where the European population and Government officials form only a small proportion of the total, and where peace, order, and good government of the Natives depend entirely upon upholding the authority of the Native officials." What do you say as to that?—When the Administrator, on the 12th November, sent this message the large gathering that was there considered the matter and found that the Administrator had no constitutional right to prevent this meeting being held, as well as the activities of the Citizens Committee. It was found by the vote that they were in favour of continuing despite the Administrator's message. The portion which reads "and subsequently found themselves forced into a position of supporting Mr. Nelson in his strenuous efforts to disturb the Natives"—that is done to injure my character, without any right grounds for so doing.

Take the next paragraph: "Having no powers myself to prevent Mr. Nelson from intriguing with the Natives, the agitation increased until the following position was created: on the one hand there was a great majority of the Natives loyal to the Government, and, on the other hand, (1) a number of chiefs other than Government officials who have been influenced by propaganda and other means to support Mr. Nelson; (2) the five Europeans of the committee, who actively supported Mr. Nelson in his policy of stirring up the Natives (one of the Europeans had resigned after realizing the objects of the movement); and (3) Mr. Nelson himself, with his traders all round the islands, motor-launches, and other means of giving strength to the movement, which he personally directed." What do you say as to that?—There was no intriguing with the Natives. After the second meeting, at which a decision was arrived at to send a delegation or a deputation to New Zealand, the Samoan members of the Citizens Committee were asked to solicit contributions towards the payment for this trip, and it was when they went to their families and their friends to do so that General Richardson's hand came down on them and ordered them to remain within the confines of certain villages. This increased the dissatisfaction and brought about the agitation.

What about the reference about the islands?—[No answer.]

*Hon. Sir John Sinclair.*] Does the witness question the accuracy of the statement? On the other hand, there are a great majority of the Natives loyal to the Government?—That depends on General Richardson's interpretation of the term "loyal." "Loyal to the Government," according to my views of General Richardson, is a suppression of criticism of anything that the Government has done or that he has ordered to be done. The Natives have been loyal to the Government, and their loyalty to the Government made them desire to put their grievances and dissatisfaction along constitutional lines; but if loyalty to the Government means that they must not do this, then I say there is a very small number of the Natives who are loyal to the Government. Relative to that part which says "a number of chiefs other than Government officials who have been influenced by propaganda and other means to support Mr. Nelson," the only leaflet that we sent out was with the chiefs who tried to collect funds from their friends for this trip. There was no propaganda other than obtained by the people who were at the meeting themselves. If the above is correct and the members of the committee are only a few, then this would be taken to mean that more than half the Samoans are Government officials. With respect to that portion of the report which says "the five Europeans of the committee who actively supported Mr. Nelson in his policy of stirring up the Natives (one of the Europeans had resigned after realizing the objects of the movement)," I would like to say that the five European members of the Committee, besides myself, have been and are supported by the large majority of the Europeans yet in Samoa. With respect to the last portion of the report, in regard to the traders all round the islands, motor-launches, and other means of giving strength to the movement being personally directed by me, I desire to say that that is not true. My traders are free in their political views, and some of them, or most of them, are in support of the movement, and other traders have been stronger supporters than some of my own traders. I have not used any of my influence as an employer of these traders to influence them so far as the Citizens Committee is concerned. With respect to the reference to my launches, I would just like to say that when the people wanted to go to Apia in a hurry to find out anything they simply commandeered my launches, and I have used every endeavour in my power to stop this. I was asked by the Citizens Committee to allow the delegates to use the launches on certain occasions, and that when the money was collected they would pay the money. At nearly all the meetings of the Samoans I protested against the way they have taken my launches. During special occasions, such as the King's Birthday and Hon. Mr. Nosworthy's visit, I went round to the principal firms and asked them if they would all come in and bring the Natives in and charge then half-fares. This was agreed to by one or two, and they were all brought in at half-fares. I might say that the "Lady Roberts" has brought Natives in at half-fares, and sometimes free. As I say, we have brought the Natives in on special occasions at half-fares, and have taken them back again, because my launches are there primarily for the carrying of copra, and passage-money is money found.

Was not your attention drawn to some of your employees not wearing the Mau badge?—Yes; and I said that I was not going to compel them to wear the badge or anything else—they were free men and they could do what they liked. I also said that I did not intend to influence any of my people, and never did, into the Citizens Committee.

After Mr. Nosworthy left there was a big concourse of Natives in Apia?—Yes, there was a big number.

Did Mr. Nosworthy want them to return to their homes?—He asked if we would send the people away.

And what did you do?—We told them to go home.

Did you provide them with facilities to go?—Some of them were told to walk home, some had their boats, and others had to rely on motor-boats—and this was a very large number. On more than one occasion, in order to help the people to get to their homes I have diverted my boats to where the people wanted to go.

That was to get them out of Apia?—Yes, after Mr. Nosworthy left. It was not so easy to get a big crowd away like that.

Did that put you to great inconvenience and expense?—Yes. In this case I was asked by the committee to do it, and I said that I would do so because we had been asked to get the people away.

Will you turn now to the next paragraph, namely, "After several months of intrigue and agitation, Mr. Nelson ascertained that the influence of the Government with the Natives was greater than he supposed and that only a small number were supporting him; therefore he strengthened his forces by setting up an organization in Apia and in every district for spreading propaganda on behalf of his movement. He also arranged for the publication of a newspaper, the *Samoa Guardian*, which was established just prior to the Minister's visit. Statements calculated to appeal to the lower instincts of the Natives were circulated by the medium of this press." Take the first sentence first?—First, we did not consider that it would take several months of intrigue and agitation at all, because when this meeting was called it was with the distinct belief that the Hon. Mr. Nosworthy would be down there in October. When a meeting was convened it was for the purpose of getting reports ready for Mr. Nosworthy, who was due in October. There was no intention to intrigue or to stir up agitation—the agitation was there, and it was to put that agitation by way of representations before the Minister that the committee was formed. As to that portion of the report which refers to the following, "therefore he strengthened his forces by setting up an organization in Apia and in every district for spreading propaganda on behalf of his movement," there was no such thing at all. The Natives came in even faster than we expected to support the movement—we had no organization.

Will you turn now to the next paragraph, which reads, "In addition, a central office, called the Mau headquarters was established in Apia, with secretaries and translators, to receive reports from out-districts and to circulate

propaganda." What do you say with respect to that?—When letters used to come in, and signed documents from the different districts came in, and an order was received that if Thompson continued to help he would be sent away, I said that it was impossible for me to carry on, and therefore it would be necessary to appoint a paid secretary to attend to these things that were coming in from the different districts showing that they would support the Citizens Committee, and donations were coming in for this visit to New Zealand. It was necessary, therefore, for me to have a man to attend to these matters, and the only paid man was a Native secretary.

What about the reference to the circulation of propaganda?—There was no propaganda circulated at all.

Will you now please turn to the next paragraph, which reads, "The fact that there was no real grievance or dissatisfaction in the country when Mr. Nelson started this movement makes his offence all the more serious; but his subsequent attitude, using every available means at his disposal to disturb the Natives, is unpardonable, and can only be explained by assuming that he realized he had gone too far to be able to retreat from his seditious campaign without having to make such an explanation to the Natives as would completely destroy his prestige in their eyes." What do you say as to that?—I did not start this movement, and there was no need for me to use every available means at my disposal to disturb the Natives. I say it was General Richardson who did so by his arbitrary methods, and by the system of banishments that was carried out, because the Natives wanted to bring their grievances under the notice of the proper authority—namely, the New Zealand Government, through the Minister.

Have you always advocated constitutional means?—Yes, right through.

By keeping the peace and abiding by the law?—Yes.

Have the Native chiefs done the same thing?—They have. I may say that at the first meeting, on the 15th October, when the Natives came in, I ascertained at that meeting, before the Citizens Committee was formed, that speeches had been made to the Administrator that the Natives in certain districts were not going to pay the medical tax that year.

*Mr. Hoggard.*] Now we come to the third paragraph on the second page: "Mr. Nelson's committee, through his traders and certain Natives in receipt of material benefits, gradually influenced other Natives to form committees in many villages, while a large committee composed of representatives from each district was maintained in Lepea Village." Will you tell us what you have to say about certain Natives being "in receipt of material benefits"?—That statement is not correct. None of the Natives in any of the districts have been in receipt of material benefits from me.

Have you entertained the Natives at all?—When some meetings have been held in my place I have provided bread and a case or two of meat—that is all I have done. That would not amount to one-half as much in value as one of the receptions that have been given to me by the Natives; and I have been given hundreds of receptions when I have been travelling round the islands at different times. When the people have come to my place for a meeting I have provided bread and a case or two of meat—that is all. The Governor does the same: it is his *fa'a-Samoa*; he entertains the people.

What about the "large committee"?—When the districts sent their delegates to Apia to join the movement they decided to set up a committee to carry on negotiations with the Minister, and they elected one from each district to stay in Lepea. The delegates gathered there because it was a convenient place and many of them lived there. They stayed there so as to be able to communicate with their districts further developments with respect to the negotiations between the Citizens Committee and the New Zealand Government through the Minister and the Administrator.

The Administrator said that you attended almost daily and addressed Native supporters: is there any truth in that?—None whatever. The only time I addressed the people at Apia was twice after Mr. Nosworthy's arrival.

What about the demonstration of the Natives?—The demonstration of the Natives was to demonstrate to the Minister of External Affairs that the Citizens Committee and its representations were supported by the majority of the people, and not by a small insignificant number as the Administrator would have the Government believe.

Did your speeches at Apia stimulate the agitation?—My speeches did not stimulate the agitation. The disappointment of the people on receiving no results from Mr. Nosworthy's visit made the people more agitated than before.

In your speeches at Lepea did you advise them to keep the peace?—I told them the purpose for which they came here, and they should then go home, because there was nothing more for them to do. As the King's Birthday was over and the Minister's trip was over, I advised them to go home and keep the peace and obey order.

Now, returning to the paragraph which reads, "Mr. Nelson seems to have impressed the Natives assembled that he had 'gained a great victory,' and that 'Samoa was from that day reborn as a nation'": what do you say as to that?—That is not true—I did not make those remarks. These remarks developed in the speeches among the people at the different meetings: this bringing us together has made us discover ourselves, and that we are now a nation—a united nation—and we feel confident to carry on according to the way in which our elders would wish—namely, carry our representations on along constitutional lines.

Thanks to the Minister's visit, Samoa has become consolidated?—I must admit that.

Take the next paragraph, which reads, "Those representatives from out-districts who were in Apia during the Minister's visit did not hear the speech of the Hon. the Minister": what do you say as to that?—Exactly; but that was the only speech that was published in Samoa.

Another paragraph says, "Mr. Nelson then started a press campaign against me personally, using his commercial agencies in England, America, Australia, and New Zealand. The radio reports of the foreign press dealing with this question, which show that Mr. Nelson is spreading lies broadcast, are all translated and circulated to the Natives by the Mau committee, and so help to prejudice my authority in their eyes." What have you to say about the first sentence, regarding the press campaign?—I did not and have not started a press campaign against him personally, up to the present time. The first communication sent to London was after the publication of the interview with Mr. Nosworthy in Suva. When this interview was broadcasted I received a telegram from London, from my agent there, to say that leading daily newspapers were anxious to hear the other side. They had been told right along, or were led to believe, that the trouble in Samoa was only a small or insignificant one. Mr. Nosworthy's statement, which appeared in the Suva press, reveals the fact that the trouble in Samoa is a big one, and aroused the curiosity of the daily papers. They wanted to know our side of the question. That was the first time I called the Citizens Committee together, and as briefly as possible did we put to the London press exactly what happened. There were no lies broadcasted at any time. I would like General Richardson to state what lies have been broadcasted from us at any time. We could tell of lies that have been broadcasted by him in the *Savali* and other communiques of his.

Turn now to the paragraph "My *malaga* around Upolu was a success, but it revealed the seriousness of the treasonable plot being worked up by Mr. Nelson's committee, as I found that in nearly every district of this island there was one or more villages where the Natives had received instructions to (1) passively resist their own authorities; (2) keep their children away from Government schools; (3) disobey orders issued by the Government; (4) not to clean their villages or plantations; (5) not to pay Government taxes; (6) to collect beetles, but not to give these to the proper Native authority—viz, the *pulenu'u*; (7) not to register their births in the books of the Government; (8) receive all their orders from the Mau committee in Apia, and not from the Government." Did you work up any feeling or treasonable plot, or did your committee do so?—No, we worked up no treasonable plot. All we did was to exhort the people to keep the peace, but trust to New Zealand giving them justice in due course.

Were any instructions issued by you, or, to your knowledge, by any member of the committee, to passively resist the authorities?—No; we would not dare do that in the face of this new Ordinance for the maintenance of authority in Samoa.

With reference to the statement, "The six members of the European committee are now exposed in the eyes of Samoa as well as the outside world," have you still the confidence of the people of Samoa?—I am satisfied about that.

*The Chairman.*] Are most of those traders in the Mau in the employ of you?—No, not half.

## EXHIBIT No. 53.

CORRESPONDENCE BETWEEN HIS EXCELLENCY THE ADMINISTRATOR AND MR. NELSON.

Government House, "Vailima," Western Samoa, 21st April, 1926.

MY DEAR MR. NELSON,—

I am glad to read from your letter that your health is improving, I trust you will be able to ascertain from the doctor what the trouble is, and come back restored completely to health.

Poor old Griffin has gone to New Zealand for medical advice, as he is in a bad way. I have not much confidence in the ability of the doctors to repair his well-worn arteries and enable him to carry on for long. Bad health, in the tropics particularly, prevents a person keeping on good terms with himself, much less others. *Re* the shipping company: Of course, no objection will be raised by the Government to any line calling here—sentiment does not go far in business. Were it not for the possibility of the Union Steamship Company revising its service to the disadvantage of this Territory in the event of the Oceanic line competing with them no question would arise. However, I think that the cargo-steamer from England to Fiji may yet call here, although not this year. The Canadian line is another matter which may eventuate in the distant future.

Sir Francis Bell is investigating the question of building a ship in England for Samoa and New Zealand islands. This may turn up next year.

All is going well in Samoa as far as I know. Our exports to date of copra are 5,300 tons, and I think we shall have a normal year.

The Engineer-in-Chief is now inspecting some works I wish him to advise upon.

I have cut out King's Birthday celebrations for health reasons. We do not wish the endemic dysentery to become epidemic, and the bad sanitation, or inadequate sanitation, of Apia would perhaps help it to do so. We can have two days in August and hold boat-races then.

I note that Williams sent you his remarks on the Council. I was very sorry you were not here. Williams went outside his political duties to pinprick in a manner which would have redounded to the discredit of himself and others but for my action to remove the incident, which reflected on myself, my wife, and my officials. However, the matter is over, and I should not now mention it here, but it created a nasty taste for the time being, and my wife was very much hurt.

You no doubt realize by your periodical visits abroad that an undue and distorted perspective is produced by little troubles in Samoa. The small grains of sand are magnified into Mount Everests. As new thoughts give new life, and continuity of the same thoughts cause loss of vigour, so constant life in these islands without a change causes people to lose friends with themselves and to see the bad and not the good in others. Therefore every European here should periodically go away to see new things and bigger things, and obtain mental refreshment. This applies, I think, to Mr. Williams.

The Governor-General's visit will brighten up things a bit.

Last week I established wireless communication with the Tokelaus; also with Tuasivi.

If you go to New Zealand I hope you will call upon the Governor-General.

My wife joins with me in wishing you, and Lucy, and other members of the family, the best of good wishes.

Yours sincerely,

GEO. S. RICHARDSON.

Government House, "Vailima," Western Samoa, 24th June, 1926.

MY DEAR NELSON,—

Many thanks for your letter of 15th instant, containing many items I will reply to before giving you any local news.

King's Birthday went off all right, and I am now arranging for two big days in August to make up for any omission on 3rd June. You say you are surprised to know that dysentery is endemic to Samoa. I have always considered it so. The shiga germ is here, and there has always been isolated cases of it since the European came and brought his diseases here. It varies in degree from year to year, but our Health organization this year prevented the trouble.

The Governor-General's visit had a good effect, I believe; everything went well, and surprised the party on account of the organization they saw everywhere. Of course, the occasion was a special one, and all did their part. They enjoyed the home life at "Vailima," and said they were sorry to leave. The citizens of Apia did their part well, and I was very pleased with the smooth running of everything.

You express anxiety *re* the ship for Samoa paying, or being a burden to Samoa. As a general goes carefully into his plans before moving to a new position, so this matter has been carefully gone into and no move made till the situation justified it in the interests of this country.

The new wharf has not been started; it will probably be in course of construction when you return.

*Re* steamers calling here: I repeat that the Government will not oppose any line calling here. My personal British sentiments are not permitted to interfere with Government policy, otherwise I would say "Encourage all the American tourists to spend money in British territories, and buy only British goods, until our war debt to America is paid off."

Your remarks *re* the Williams incident tempt me to reply and so open the discussion again, which I do not wish to. I must, however, assure you that you are incorrect in your assumptions. The ships came here not by invitation, but by request of the Admiral to stay a few hours and look for wreck of "Vandalia."

My influence was used to get him to stay and attend a dance given by citizens, the Seiaute Club and Overseas agreeing to unite to avoid two shows. No definite answer was received to my request till Saturday morning before their arrival. The Native chiefs at Flag Day ceremony preferred not to give *ta'alolos*, owing to their big day on the Saturday. I could go on at length, but I am sure you will take my word that Mr. Moors and several other American citizens waited upon me and wrote also to thank the Administration for all they had done, and said nothing more could have been done; and further asked if they could repay, as they wished to repay by specially entertaining the "Dunedin." The incident would have been ignored but for the fact that it was an incorrect statement and one that might cause international explanations to be made to the discredit not of myself, but the person naming the statement. Had you been here things would have been settled amicably, and you would not have used acrimonious correspondence with your Administrator. If you had, the same course would have been taken.

In small communities it is imperative that we should all try to be a happy family, and not do as some people like to do here—look for the bad points in the other fellow and not the good. We seem to be affected by the atmosphere of past days when the Three Powers were controlling, or rather discontrolling, the affairs of this country, and when so many parties were trying to find the weak points in the armour of their neighbours. However, those days have gone. We are a happy community, and individual aberrations are *mca fa'alauraa*.

I am going to the Tokelaus next week in the "Laburnum."

The production of copra to date does not show more than a slight falling-off, whether due to wet weather or the blow will be known this quarter. The cocoa-crop will not be more than 400 tons. We sent 2 tons of cotton last year; we may get 4 tons this year. Our rubber exports last year were 2 tons; this year they will be about 30 tons.

The Vailima Road is now tar-sealed. Native activities are greater than ever. Everything appears to be going very smoothly.

I am keeping fit and not working hard at present. My wife is not in good form. She is happy and cheery as ever, but suffers with nerves at night, which causes loss of sleep. She misses her family, worries about Hughie, and, although she likes Samoa, wishes the New Zealand Government had sacked me instead of anchoring me here for a little longer.

I sincerely hope you will improve in health. You are a young man; your cheerful nature and your good heart make you an important asset to Samoa, where people are inclined to view local friction as serious trouble, and you are missed here.

We send our warmest regards to you, and Lucy, and the family.

Yours very sincerely,  
GEO. S. RICHARDSON.

P.S.—If you go to Wellington I will give you letters to some friends and to the Prime Minister, Mr. Coates

Government House, "Vailima," Western Samoa, 27th August, 1926.

MY DEAR MR. NELSON,—

Your letter of the 26th July could not be answered previously owing to no suitable mail leaving here. It would appear that this will reach you only a few days prior to your leaving New Zealand, and perhaps after you have visited Wellington. In any case, I enclose one or two letters to friends, who will be delighted to do anything they can for you in Wellington.

The "flu" is rapidly spreading over Samoa, and is in all the islands. We have had good luck. Our women's committee has been a godsend to the Natives and been the means of their taking precautions they would not have taken years ago, and so minimizing the severity of the sickness. I do not think it will affect production to any extent.

It might be better for your children if you delayed their return to Samoa for one month, when I think we shall be clear.

I wrote External Affairs last mail to expect you, and to help you, if necessary, while in New Zealand.

You say you are going to New Zealand; if so, please call on the Governor-General if you can; you can rest assured of a hearty welcome.

Ken and Guy are both in the backblocks, which may seem strange to you—why I should, after giving Ken a public-school education in England, send him on the land to slog in at hard work; but I have given them both their choice, and they are intensely happy.

You must let me know where you are staying in New Zealand, and I will see if I can arrange for some of them to meet. Hughie is in Scots College, Wellington—a good school for young boys. His last sentence to me in a letter to-day was, "I am going to Samoa at Christmas, and nothing will stop me, see; so don't you forget it."

Now as to local news: We are tapping rubber on Salona. Saumoga and Papasea are also tapping. Central Group has come back to the Administration. We shall probably develop it with some future policy, which may mean changing it from cocoa ultimately to some other product. The Tivoli Wharf is now being built; we won't push on with wall till wharf is completed. The "Lady Roberts" won't be ready till the 1st August. All going well here, except for the sickness referred to. Kindest regards.

Yours very sincerely,  
GEO. S. RICHARDSON.

P.S.—I find I could write dozens of letters to you to help you, but as a start enclose four only—(1) Sir A. F. Roberts—a personal friend and leading business man in Wellington; (2) Sir H. Beauchamp—friend, and one of the heads of the Bank of New Zealand; (3) Sir C. Holdsworth—a friend, and managing director, Union Steamship Co.; (4) Mr. Nosworthy—who will introduce you to the Prime Minister, if he can be got at. If you have time, call on the Governor-General.

Union Steamship Co. of New Zealand.—Wireless Service, Wellington, New Zealand.

Tofua Station, 23rd September, 1926.  
PREFIX P; number 13; number of words, 11; received from V.M.G. 521 P.G.; office of origin, Apia.  
Service instruction 22nd, 1.10 p.m.

Radio, Apia.

MR. NELSON, Tofua.—Hearty welcome back to Samoa.

GENERAL RICHARDSON.

318 George Street, Sydney, 12th April, 1926.

His Excellency, Major-General Sir George Richardson, Apia, Samoa.

MY DEAR SIR GEORGE,—

I am pleased to report that the medical treatment I am undergoing has so far given me much benefit in health, and if this continues I should consider myself quite recovered and removed of all my ailments in a few months from now.

I have learned that Lady Richardson has returned to Samoa, and no doubt fully benefited by her sojourn in New Zealand.

Mr. Williams sent me a portion of the proceedings of the last Council meeting, and I am indebted to that. They were not quite complete when the mail left, but I was greatly interested in the minutes so far to hand. I have also carefully perused your address in the *Samoa Times*, and the results of your negotiations with the New Zealand Government while in Wellington, and greatly appreciate your efforts in that connection. I am, however, sorry to note that you have not been successful in inducing a British line of passenger-steamers to call at Apia, and attach hereto further communications from San Francisco in respect to the Oceanic Steamship Co. and the prospect of their making Apia a regular port of call for their steamers if any encouragement is given them. I myself would much appreciate a regular passenger service under the British flag, but failing that I am quite satisfied of the advantages and benefits which would accrue to Samoa by a tourist traffic, which would undoubtedly be established if a steamship line such as the Oceanic steamers were, say, to pay us regular visits.

I had the pleasure of meeting Mr. H. P. Ritchie, who is returning to Samoa shortly. He looks very well, and tells me that he has had a real good time.

With nothing further to report at this juncture, and with my best respects to Lady Richardson and kind regards to yourself,

I remain, &c.,  
O. F. NELSON.

318 George Street, Sydney, 15th June, 1926.

DEAR SIR GEORGE,—

I thank you for your letter of the 21st April, which reached me by the "Ventura's" mail last week. I am very sorry that Mr. Griffin has had to return to New Zealand for medical advice. I learn, however, that he has returned to Samoa, and I hope he is improved in health.

Cutting out King's Birthday celebrations to avoid large congregations of people while dysentery was raging was indeed a wise move. I am, however, very much surprised to know that dysentery is now considered endemic to Samoa.

The Governor-General's visit must have created quite a stir in our small community. By all accounts both the Governor-General and Lady Fergusson are very nice people indeed, so they will have left a good impression on the people of Samoa.

I note that Samoa is to have a 1,000-ton motor-vessel. It is hoped the requirements of the Territory will be proved sufficient to warrant its share of the outlay and expenditure. The reports in the papers give the vessel as one required for all the New Zealand islands. I should have been happier to have first seen better facilities for the loading and discharging of overseas shipping and coastal craft, either by a wharf or a dredged passage from the Customs shed to deep water.

You will have learnt that the Oceanic steamers have been taken over by the Matson Company, who intend to put on very much larger steamers early next year. The class of tourists carried by these vessels are mostly people of large means, and it is estimated each call they make at Suva enriches the cash currency of that port by an amount running well into four figures. At present they make thirty-four calls a year, up and down, and I cannot help but think what a godsend to Samoa such a service would be, even if only one-half of that money were spent there. Would this not offset any money which may now be leaving the country? This is to say nothing of the other great advantages accruing, such as better mail and shipping communication, as well as better travelling-accommodation to and from Samoa for tourists and residents.

I very much doubt if many of the private cocoa-planters will much longer survive the present slump in prices, and business is reported to be very bad. A good tourist traffic would surely help things along. I am practically assured the company would favourably consider any representations made to it by the Samoan Government in this connection.

If the Union Company revises its service and cuts Apia out as a consequence of another line calling, it would prove very narrow-minded policy on its part. I very much doubt if they would really do this, as they did not do it over twenty years ago when these steamers did call at Apia and the trade was very much less than now. If the worst did come and some loss to New Zealand were caused thereby I am inclined to believe she could much better afford it than Samoa can afford to pass such an undoubtedly good proposition by.

I had great hopes of your last trip to Wellington resulting in the Canadian-Australian line being diverted to Apia, as I should very much have preferred to see a British company operate the badly-needed service than a foreign company—more especially should we appreciate the Union Company who own the C.A. steamers. The advantages, however, are too great to give up just because a British line cannot be induced to take up the run. Please be assured that I stand no brief for America or Americans, and I am pleased to have been instrumental in having established an all-British service for Samoa with the Clan line of steamers. These steamers are giving a very good service right now. They would bring at reasonable rates of freight all the cargo offering from the United Kingdom and Europe to Samoa. They have for several years carried a very large share of Samoa's primary products to the European markets, all of which have been consigned to British agents in London. Casual shippers of copra only have been occasionally turned down, but arrangements are being made to provide space for all legitimate regular shippers. To ask the Conference lines (now calling at Suva) to include Apia in their itinerary would be superfluous and unfair. Furthermore, it would be inconsistent with the professed British policy of your Government when, so far as I am aware, nothing is done to discourage the shipment of a large portion of Samoa's copra output in Scandinavian and other foreign steamers. I trust I have not assumed too much in these remarks, but the shipping/tourist business is, in my estimation, of such urgent importance that I think serious consideration should be given to it without much delay.

The American naval visit incident was very unfortunate, and I am happy to learn it has been closed. I feel it, however, incumbent on me to acquaint you with the fact that quite a number of all classes of citizens and Natives were disappointed at the reception given to the American Admiral and Fleet, who were understood to have been especially invited to call at Apia. They (and I was one of them) considered a little longer notice might have been given to the public to prepare for the reception. Besides the cordial relations existing between the two Great Powers, the United States of America is closely associated with Samoa's past history; but, above all, a not inconsiderable portion of Samoa and Samoan Natives are still enjoying the protection of the United States of America, so sentiment from these sources cannot be escaped.

I can well remember how the news came to me second-handed on the racecourse that a special race meeting on the Monday would be appreciated in honour of the American Fleet, then due to arrive next day (Sunday). I admit having been sorely grieved, and so were some of your own officials. The race meeting was held, however, and fortunately the Seiate Club on their own initiative got up a ball. It was said that whereas big Native demonstrations were given to single visitors from New Zealand, not even a *tu'alofo* was held on this occasion. I thought Mr. Ross was to blame for some confusion of orders in connection with the race meeting, and told him so. These remarks are not made with a view to reviving the unfortunate episode, but to endeavour to prove to you that, without the least idea of its far-reaching proportions as interpreted by yourself, Mr. Williams's reference to the matter, though said to have been caused by a different construction of your official speech, might well have emanated from the public sentiments then current and the feelings openly expressed at the time. Furthermore, I make bold to speak openly in these lines well knowing how you appreciate to be told the real feeling of the people in such matters.

Very interestedly do I study all the news that comes through from Samoa. The works which the Engineer in Charge was inspecting would no doubt have been started by now. The activities of the Public Works Department in the building and repairing of roads, bridges, water-supplies, &c., to the full extent of the Treasury's capacity will always have the full support of the people.

It is hard to say at present whether the various treatments I have undergone will do me any permanent good, but it is my intention to leave for New Zealand in the near future, and will then wend my way back to Samoa about August. I have had a good time, but the lure of those coral reefs and the evergreen hills is beginning to strike me hard. I enjoy the cold weather, but winter in these parts is rather too cold. Lucy is homesick, but I find it hard to break away from the other girls. They are all doing well at school, but I am thinking of taking the two youngest back to Samoa for another year or so. They are attending the same school as the others meanwhile.

I should be very happy to meet some of your family while in New Zealand. Ken, I am told, has settled down on a farm. I learnt to know and like Ken very much during the week or ten days he spent with me at Tuafefu. Guy must be getting on, and Rona would be in society by now. Lady Richardson must miss them all. I sincerely hope Lady Richardson and yourself are keeping very well in health. The rainy season must now be over and fine cooler weather set in.

With best wishes and kindest regards to Lady Richardson and yourself, in which my family join,

Yours sincerely,  
O. F. NELSON.

## EXHIBIT No. 54.

## ADMINISTRATOR'S SPEECH OF WELCOME.

First, that I thank you for giving me the opportunity of participating with you to-night in this public function to welcome Mr. Nelson back to his home-land. There never are any public functions from which I am absent if I can possibly help it. Secondly, I ask you, Mr. Nelson, on behalf of the ladies and gentlemen here present, and of all the people, to accept our very best wishes, and to express our pleasure at your return home after an absence of about six months in other lands. We know that you went away elsewhere on account of your health, and in order that you might become restored. We sincerely hope that you have benefited by your trip, and that you will be spared many many years to take your part in the affairs of this country. Before coming out to an occasion of this kind I usually look up a diary of any outstanding events which have commemorated the day, but could find nothing of importance for to-day. However, as I was coming down to-night I looked up into the heavens, and, seeing a bright outstanding star, a thought occurred to me that in our journey through life there are certain men and certain events that stand out in our memory in comparison with all the lesser lights. When I have left Samoa, and with my wife and family reflect back on the time spent in Samoa, Mr. Nelson will be one of the individuals who will stand out conspicuously as one who has played and is playing an important part in promoting the welfare of this country. I was not aware until to-night that, although Mr. Gurr was the first gentleman I met from Samoa, Mr. Nelson was the first locally-born citizen whose acquaintance I made. I recall the time I first met Mr. Nelson, and the impression that I formed that day has since been confirmed—that he is a man of cheerful disposition, with a very kind heart, two virtues which are valuable assets and which have contributed so largely to Mr. Nelson's popularity. I also realize that Mr. Nelson is able to represent Samoa with ability and dignity, and I should be quite prepared to introduce him with confidence to any society in any part of the world to fitly represent yourselves. When a man rises to a public position, whether in commercial, military, or any other walk of life, there are many who want to put him down, and he is like the soldier in the open—there to be fired at—and, like every public man, is fired at not only from the front, but from the rear. It is a very difficult position to fill. A public man cannot protect himself behind sandbags and steel shields, and can only make himself immune by the bullet-proof armour of rectitude. Mr. Nelson as a colleague has my whole-hearted sympathy and friendship, and I hope that I shall always be able to retain that friendship long after I have left Samoa. Mr. Nelson has obtained a prominent position in Samoa. He is a prosperous and successful man, and by hard work and thrift has gradually worked up the ladder of prosperity. We all admire successful men, and the young men of Samoa to-day ought to look upon Mr. Nelson's life as an inspiration to them of what it is possible to do in this country under the British flag, and the freedom of existing conditions here. But you must carry your minds back to what was the cause of the success of this country, New Zealand, in other lands—viz., the progressive pioneering spirit which caused men to take off their coats and work and struggle against difficulties, and not turn round and ask the Government to do for them what their forefathers did by their own efforts. Speaking of inspiration, Mr. Nelson has a most distinguished name—a name which has influenced millions of British people all over the world. I refer to that very distinguished, although small, one-armed and one-eyed man, Lord Nelson, who at the Battle of Trafalgar gave that signal to his command which is now a British quotation, "England expects that every man this day will do his duty." As a little boy I remember going with my guardian to Nelson's Monument in Trafalgar Square, and he explained to me the meaning of those words. "My boy," he said, "you may not be a sailor or a soldier, but always remember this signal as a call of duty"—which applies to civilians also, and involves each one of us endeavouring to do our duty to God, country, and our neighbours. If you try to do these things in your everyday life, it will help you and also your country. Mr. Nelson has earned the public appreciation and public approval which he is receiving this evening. I wish that the confidence you now display will continue throughout his career. I personally am merely a passing phase in your lives. I am only captain of your ship for a short period, and my duty is to command that ship and keep it on the course that has been set for me. It is my ambition to be able to say in after-life that while I commanded this ship it made good progress along a true course. The engines were in good running-order, and the crew were a loyal and efficient crew who did their best to help their captain. Mr. Nelson will, however, be with you always, and I wish him long life, happiness, and may his prosperity increase.

## EXHIBIT No. 55.

## LETTER TO MR. NELSON.

30th June, 1926.

Hon. O. F. Nelson, M.L.C., G.P.O. Box 1387, Auckland.

DEAR MR. NELSON,—

I have to thank you for your letter of the 11th instant, and am glad to learn that you are taking up the matter of the M.B. "Calmar" personally with Bailey in Auckland. The carpenters are now busy on the vessel, and the general repairs will take about another couple of weeks to finish. Mr. Kruse was anxious that the stern should be altered to torpedo type, which you have sanctioned, and this work will be gone right on with. I estimate it will take about three weeks for the alteration, which will mean nearly five weeks before the vessel is ready for work again. I will do my best to keep the cost of the repairs as low as possible, and trust the actual cost will not be more than the estimate already mailed you, or even slightly reduced on the previous figure.

Copra is coming in freely, and with the lumber ship we have been kept busy. The lumber is now all stacked in the timber-sheds. The Native Department recently issued orders that all Samoans living in the villages near Apia, and to which they did not belong, must return to their own village unless they have permanent employment. We supplied the said Department with information to this effect for all our labour thus notified, but they must have overlooked them, as two or three of my best and permanent workers did not turn up one morning, and I learnt they were in gaol. After about a week of free Government keep we were able to get them out again, and they are now back at work. Leagai and Lia were both here in Captain Kruse's time, and as they are very steady workers I was anxious not to lose them.

I thank you very sincerely for your kind inquiries and regards *re* my family and myself, which find us well, and trust you left your daughters in Sydney in the best of health, and that we shall soon see yourself and Miss Nelson back feeling the benefit of the holiday and change.

P.S.—Only Leagai was in gaol.

With my kind regards,

Yours truly,

[Admittedly written by an employee of Mr. Nelson.]

## EXHIBIT No. 56.

## OBJECTS OF "MAU" LEAGUE.

His Excellency the Administrator, Apia.

23rd March, 1927.

YOUR EXCELLENCY,—

At a meeting of the Citizens Committee on the 19th instant it was resolved that a copy of the objects and aims of the League, which were then confirmed, be sent to Your Excellency. I now have the honour to attach same, and beg leave to remain,

Your Excellency's obedient servant,  
O. F. NELSON, Chairman.

[Enclosure.]

## THE SAMOAN LEAGUE.

*Objects.*

The advancement of Samoa, and to present to the Administration and the Government of New Zealand from time to time subjects concerning the Government of Western Samoa which may be considered by the members of the League essential for the promotion of the peace, order, good government, and the general welfare of the territory.

*Declaration of Members.*

1. We declare and believe that man's heritage from God is to help each other irrespective of station, race, colour, and creed, and that all men are equal in the sight of God.
2. We declare and believe that it is the inherited privilege of a person living under the British flag, and especially the duty of the British subject, to assist the members of a subject race in advancement towards civilization, good morals, and a government of the people in accordance with the will of the people.
3. We declare and believe that all constitutional authority shall be maintained, and respect must be shown to all persons placed in authority, from the Administrator to the village policeman.
4. That, whilst maintaining authority and showing respect, we declare and believe that it is a privilege, and a duty to society and Government, of every person to endeavour to procure by lawful means the alteration of any matter affecting the laws, government, or constitution of the territory which may be considered prejudicial to the welfare and best interests of the people.

## EXHIBIT No. 57.

## EXTRACT FROM "SAMOA GUARDIAN" OF THURSDAY, 6TH OCTOBER, 1927.

HON. O. F. NELSON, M.L.C., CHAIRMAN OF CITIZENS COMMITTEE: A GREAT WELCOME HOME.

THE HON. O. F. Nelson has returned to Samoa from his mission to New Zealand. Upon arriving at Apia, he was accorded the greatest reception and welcome that any individual citizen has ever received, or perhaps will ever get. Although Mr. Nelson begged there should be no demonstration, the Samoans insisted, and the Citizens Committee were unable to prevent any demonstration. The Samoans flocked in thousands, and many Europeans assembled to do him honour from all over the two Islands of Upolu and Savai'i; such a welcome amply demonstrates the people's deep regard and affection for their beloved and faithful friend.

It is dangerous to select where there is so much that deserves the highest praise; we will venture, however, to say that any person who wishes to form a just perception of the extent and strength of Mr. Nelson's power will do well to review the past few months. It would not have been surprising if such successes had turned even a strong head, and had corrupted even a generous and affectionate nature, but we can find no trace of any feeling inconsistent with a truly modest and amicable nature. A man of countenance which is both strong and kind, his bearing is that of one who knows his business, and will not allow its performance to be balked; he has the necessary qualities which make for leadership. In surveying the Hon. O. F. Nelson's career, one is astonished that impartial fate could have so graciously provided for one individual so many things which leaders ought to have a chance of doing, and leaving out of the picture all those things leaders had better leave undone. Some day some carping critic will object to Mr. Nelson's record on the grounds that it contains all the elements of fiction and so few accidental flaws of life. Rudyard Kipling, devoutly collaborating on an inspirational story for imperial youth, could not have devised a more perfect hero than Mr. Nelson, and a man so devoted to his native country and his love for the people therein, struggling with the diffused needs, liquidating a heavy yoke and establishing the processes of peace and contentment. It is inevitable that Mr. Nelson should make himself felt. In his personality are fused the most unexpected qualities; he has youthful enthusiasm, and he has a most matter-of-fact common-sense; he has travelled much, and has thus obtained a sound education in worldly affairs; he has the practicability of a successful business man. He practises none of the tactics of the experienced politician, but instead has acquired the methods of experienced statesmanship. The force of his personality works a steady and constructive influence; his suave courtesy meets most situations with the determination of a Wellington.

The world generally gives its admiration not to the man who does what nobody else attempts to do, but to the man who does best what the multitudes do well. Other assets are his courage and plain dealing: he is not to be intimidated within, or without his own party; no clique or adventurer has any hold over him; he cannot be reached by the back door; those who wish to transact business with him must do it openly or not at all. Is it surprising that he should have made enemies? Some of them are irreconcilable.

We have seen attacks launched at intervals from different quarters, but up to the present they have all failed; they have done him no harm, rather have they been of service to him, for the intrigues have opened his eyes to the subtle dangers of political life, while the open assaults have been so unrestrained that the public has realized their nature, which has reacted in his favour. His course is full of difficulty, but he is gradually consolidating his position; he has a greater chance than other men of shaping the future of Samoa and guiding her destinies along the path of peace.

## EXHIBIT No. 57A.

## DUTIES OF OFFICIALS, WESTERN SAMOA.

As discussed and agreed to at the Fono of Faipules, December, 1921.

## MEMORANDUM CONCERNING THE DUTIES OF SAMOAN GOVERNMENT OFFICIALS.

It is my desire that all Samoan Government officials should understand fully the duties of their respective offices. Therefore I publish these instructions so that you may not err in future regarding the duties of your appointments and concerning the *tulafonos* which I have made up to this time. I wish you all to remember that these directions are given so that our country of Samoa may be governed wisely and well, and I therefore do not wish the officials to err either from ignorance or from habits of neglect and carelessness.

All you who serve His Majesty King George the Fifth must constantly remember that you must obey truly and faithfully His Majesty the King and his representative the Administrator who governs Samoa.

Let all men remember that the former controllers of Samoa—namely, the Tumua and Pule—were replaced many years ago, and their place is now taken by the Government.

Each official must assist every other official, but he must be careful not to interfere in the duties of any other official. If he finds that he is doing the same duty as any other official he must report it at once to the Resident Commissioner at Matautu, Savai'i, or at Aleipata, or to the Secretary of Native Affairs at Apia.

R. W. TATE, Administrator.

These provisions were submitted by the Administrator for consideration at the Fono of Faipules held in December, 1921, and are now issued in accordance with the advice of the Faipules.

*Faipule.*

1. The Faipule Peritania is an official of the Administrator, and will receive his orders from the Administrator. He is the representative of his district on the Council of Faipules. Special matters only concerning the Faipules will be signed by the Administrator; all other matters must go through the Secretary of Native Affairs.

2. He will go to all Fonos or meetings at Mulinu'u which shall be arranged by the Administrator. At these Fonos the Faipule Peritania will discuss with the Administrator matters brought before them by the Administrator, and matters brought before the Fonos by one or more of themselves; and then they will give the Administrator their opinion on such matters for the assistance of the Administrator in the good government of the Samoans. The Governor will give his consent or disapproval of the matters, and his decision will be published as law for the Samoan people.

3. Should any one be very ill or find very serious hindrances preventing his attendance, then he shall write to the Administrator and explain the reason. That letter shall be produced at the Fono in question.

4. The Faipule Peritania shall carefully take into consideration all matters placed before the Fono. They must declare the real meaning of their opinion, and not attempt to support argument swayed by family consideration (*fa'a-le-aiga*), or by customary errors (*fa'a Samoa*), as was formerly the case. They must watch over the interests of every one, and not favour any family or person, whether friend or opponent. The faithful Faipule is known by his succeeding in such matters.

5. The Faipule must always act as an example to other officials and to the people. He must endeavour to increase good will and concord among all people, and use all his influence for the observance of the laws and the keeping of peace and order. Should he discover any difficulty arising or any improper actions, let him report it quickly to the Administrator through the Resident Commissioner of his district or the Secretary of Native Affairs.

6. The Government will forward to the Faipule all new laws, *tulafono*, &c., for distribution to all officials in his district. These he will send round by his Leoleo, including the distribution to officials only of the *Savali*.

7. He will hold quarterly meetings at his village of all Government officials in his district to explain new laws, &c. All matters of interest which arise he will bring under the notice of the Government.

8. When any Faipule visits Apia he must not forget to call on the Secretary of Native Affairs to find out whether there are any new laws or instructions from the Government which he should receive.

9. The Faipule should remember that the Government desires that the Samoans should do their own work, and not become dependent upon people brought in from outside. Therefore he will act as the representative of the Government in assisting the provision of labour for works.

10. Let not any Faipule go on a journey or leave his district without advising the Secretary of Native Affairs or the Resident Commissioner of his district.

*Pulefa'atoaga.*

1. The Pulefa'atoaga is an official under the Director of Agriculture, and he will receive his orders from the Director of Agriculture, or from the Resident Commissioner at Aleipata or at Matautu, Savai'i.

2. The Pulefa'atoaga is responsible for all work in his district in connection with land-cleaning and beetle-searching.

3. He will from time to time visit every Pulenu'u in his district, and see that the work of beetle-searching is faithfully carried out in accordance with this Ordinance.

4. He shall from time to time inspect the Beetle Registers of the Pulenu'us in his district, and shall see that the records are properly kept.

5. He shall collect from the Pulenu'us in his district all beetle returns, and shall forward them at the end of each month to the Director of Agriculture.

6. The P.F. may upon application of a Pulenu'u in his district issue to a village a written approval for an intended *malaga*, but shall not do so until he shall have satisfied himself that the village concerned has found the full quota of beetles required from that village for one week. If the period of the *malaga* exceeds one week the village must search and obtain the full quota per week of the village where they are sojourning, and a statement to that effect from the Pulenu'u of that village must be returned to the P.F.

7. He shall every three months visit all plantations in his district, and shall issue instructions to every village to clean up certain portions of the lands and plantations.

8. He shall every three months visit all plantations in his district, and shall see that the orders he has previously issued have been duly carried out.

9. He shall from time to time pay visits to the villages in his district to ensure that the law requiring cleaning up in the plantations one day in each week is being strictly observed.

10. He shall report to the Director of Agriculture any village or Pulenu'u failing to carry out the law relating to the cleaning-up of plantations and beetle searching.

11. He shall from time to time inspect all the villages in his district to ensure that cookhouses and other places are kept clean. He shall report all cases of default to the Pulenu'u, who will fine accordingly.

12. The Pulefa'atoaga shall accompany through his district the Director of Agriculture or his Inspector at all times when required to do so.

13. Pulefa'atoagas shall report at once in writing every quarter to the Director of Agriculture in Apia through the Resident Commissioner of the district concerning matters relating to their duties.

*Komisi Peritania.*

1. The Komisi is an official of the High Court, as the Native Land and Titles Commission is a part of the High Court. He shall get his instructions from the President of the Commission through the Secretary of Native Affairs.
2. The Komisi shall attend at every meeting of the Native Land and Titles Commission, of which notice will be given to him in due time. Should a Komisi be very ill or unable from any other cause to attend on the proper day, he shall send a letter to the President of the Commission to explain why he is not present to perform his duty on the Commission.
3. In considering all matters brought to the Commission for decision the Komisi shall deal straightly with them, and decide according to truth and right. If a case shall be before the Commission in which a relation of a Komisi shall be concerned, then it is not proper for him to sit on that case, but he shall leave it to the decision of the other Komisi. This also he shall do in a case in which he is himself concerned. Further, the Komisi shall not favour any one because of religion or friendship or any other cause, but shall always do only that which is just and right. It is proper that when a case arises in which a Komisi or one of his relations is interested he shall ask permission from the President of the Commission to retire before the case comes on for hearing.
4. The Komisi must not, when considering his decision, give heed to what the parties may think about the decision of the Commission, but shall decide according to the justice of the case without fear.
5. The Komisi during its sittings will investigate the cases in the way best suited for finding out the correctness of statements of the parties. The Komisi are strictly forbidden to repeat outside the Commission any particulars of the case which are given during the hearing, or to discuss outside any matters which arise during the sitting.
6. The Komisi shall attend all Commission surveys of land in their districts, so that he may have a knowledge of the boundaries of the lands.
7. Unless requested to do so by the proper authority, Komisi shall not attempt to make reconciliations between parties to cases, or take part in preliminary investigations, but shall come to the Commission with unbiased minds on every case to be decided.
8. When a Komisi shall visit Apia or Matautu in Savai'i let him not forget to visit the Native Office there and inquire whether the President has any message for him.
9. Komisi shall not absent themselves from their districts or go on journeys without lawful authority to do so.
10. Since every official has his proper duties to perform, let not any Komisi interfere in the work of any other official.

*Fa'amasino.*

1. The Fa'amasino is an official under the High Court, and will receive his orders from the High Court or through the Secretary of Native Affairs. He is strictly forbidden to act in cases concerning people not Samoans.
2. The Fa'amasino shall try all cases in which Samoans only are concerned, and in which a sum of money not exceeding £5 or goods of not more than £5 in value shall be claimed, and also all cases in which fine mats or other purely Samoan heirlooms are in dispute.
3. The Fa'amasino shall try all cases in the undermentioned schedule which occur in his district, and in which Samoans only are concerned. He may fine offenders any sum not exceeding £2, and may inflict costs to the amount of 7s.

## SCHEDULE.

(It is to be noted that where a "public place" is referred to it means a road, *malae*, bathing-pool, or other place to which all people have a right to go.)

Minor assault: that is, cases where one person has struck another without doing an actual injury.

Indecent acts: that is, acts of an indecent nature done in a public place or in a place where the act can be seen by others.

Provoking a breach of the peace: that is, quarrels or such conduct as would be likely to cause an assault.

Minor theft: that is, stealing the property of another person of the value of 10s. or less.

Receiving stolen property: that is, receiving property knowing it to be stolen, such property being of the value of 10s. or less.

Insulting conduct: that is, insulting or abusive words or conduct likely to cause a quarrel.

Disorderly conduct in public places: that is, making noises or committing noisy conduct likely to give annoyance to or disturb the comfort of others.

Furious riding or driving: that is, riding horses or driving *ta'avales* in a public place in such a manner as is likely to cause danger to other people.

Trespass of cattle, horses or pigs: that is, allowing cattle, horses, or pigs to wander on the plantations or enclosures of other persons.

Straying cattle, horses, or pigs: that is, allowing cattle, horses, or pigs to wander without control.

Obstructing public places: that is, leaving *ta'avales* or other articles, or tying horses on the roads or other public places where they are likely to be a danger to others. In cases where a right to obstruct a public place is claimed, the Fa'amasino is not to hear the case, but is to refer it to the Native Office at Apia or to a Resident Commissioner.

Polluting water: that is, throwing any offensive matter into or otherwise polluting any drinking-pool, bathing-pool, cistern, stream, or other place containing water for the use of the town.

Permitting unclean premises: that is, if a person permits premises in his occupation, or which he should keep clean, to be in an unclean or offensive condition, to the danger or annoyance of others.

Cruelty to animals: that is, beating, overloading, or otherwise ill-treating any animal, working animals with sores, or neglecting to supply animals with sufficient food and water; failure to keep roads weeded and repaired; failure to keep pig-fences in order; failure to register dogs; interring dead in any other place than the appointed cemetery; failure to comply with Copra Ordinance; failure to comply with Beetle Ordinance; playing cricket contrary to the law.

All other cases the Fa'amasino will report to the nearest Resident Commissioner or to the Secretary of Native Affairs at Apia. In serious cases where the Fa'amasino considers that the offender or offenders should be arrested he shall have power to arrest such offenders, and to send them under custody to the nearest Resident Commissioner or to the Secretary of Native Affairs for trial.

The Fa'amasino shall hold his Court at such places and at such times as he may find necessary, or as he may be directed.

4. Should any person among his relations bring forward a case in his Court, or should any case occur in which any of his relations are concerned, he shall not act in such matters, but shall refer them to a neighbouring Fa'amasino who is not interested in them. Let not the Fa'amasino favour those persons who are of the same religion as himself.

5. A Fa'amasino is forbidden to sit in any cases respecting lands or titles (which are dealt with by the Court in Apia, and by the Land and Titles Commission); nor is he allowed to dissolve marriages, or to perform marriages; nor shall he give decisions in matters of adultery and fornication.

6. The Fa'amasino must see carefully that all cases are properly entered by his Failautusi in the proper books, and that a full account of all trials is kept and the decision in each case entered, together with a statement of the fine inflicted; and he shall be diligent to see that all fines are paid within the time allowed by him when giving the decision.

7. The Fa'amasino shall carefully keep all moneys paid to him by way of fines and fees, and on the quarterly pay-days shall pay them to the officers of the Native Department, Apia, or to the Resident Commissioner at Aleipata, or to the Resident Commissioner at Matautu (for Savai'i). He shall at the same time deliver copies of his decisions and fines and Court costs on the *galuega* forms provided by the Government, being careful to see that all particulars are entered on the forms.

8. The Fa'amasino shall receive payment of fines and Court fees in cash, and not in pigs, fowls, taro, or other property.

9. If a Fa'amasino shall have any question which he finds difficult to decide he should at once refer it to the Resident Commissioner nearest to his district or to the Judge of the High Court at Apia for advice, and make his decision according to the advice.

10. The Fa'amasino shall ascertain the births and deaths in his district, and keep such record of them as may be directed by the Native Office at Apia, Aleipata, or Fagamalo.

11. The Fa'amasino shall give clear instructions to his Failautusi concerning all the duties of his office and the laws to be observed, and he will himself be responsible to see that the laws as now published by me are carried out. If he should neglect these things he will be retired from his position, for these matters are of very great importance.

12. When a Fa'amasino visits Apia let him not forget to visit the Native Offices to see whether the Chief Judge has any matters or cases which require his attention.

13. Let not any Fa'amasino absent himself from his duties or his district, or go on journeys without distinct authority to do so.

14. Since every official has his proper duties to perform, let not any Fa'amasino interfere in the work of any other official.

#### *Pulenu'u.*

1. The Pulenu'u is an official under the Secretary of Native Affairs, and will receive his orders from the Secretary of Native Affairs, or from the Resident Commissioner at Aleipata, or from the Resident Commissioner at Matautu (Savai'i).

2. The duty of the Pulenu'u is to rule his town and to see that the laws and the *tulafonos* are observed. He must remember that the health of his town will suffer if he allows to be neglected the laws as to cleanliness of the village and the water-supply, and as to the control of pigs, dogs, and other animals, and the burial of the dead, and that the wealth of his town will suffer if he allows to be neglected the laws as to copra and beetles and plantations. Except under the laws concerning copra, beetles, and plantations he is not to inflict fines himself—only the Fa'amasino or the Court may do that; but he will report all breaches of the law to the Fa'amasino. He will appear before the Fa'amasino when the cases are heard, and will make sure that the Fa'amasino is told the true story of all cases arising in his town.

3. He is to see that the town is clean and in good order, and that rubbish is burned.

4. He is to see that the roads are kept clean and free from weeds and are repaired.

5. He is to see that drinking and bathing pools, cisterns, streams, and all other places containing water for the use of the town are kept clean, and is not to allow them to be polluted.

6. He is to see that pig-fences are kept in good order, and that horses and cattle are kept in control. He is not to allow horses, cattle, or pigs to wander about, and is not to allow horses, cattle, or pigs to trespass upon the plantations or enclosures of others.

7. He shall respect fully the law forbidding strongly the burying of the dead within the towns, as was formerly the case in times of ignorance. The dead shall be interred in the cemeteries appointed for that purpose, and the cemeteries shall be weeded and well attended to.

8. He shall, on receiving information that anything has been stolen, at once make full inquiry into the matter, and if he shall have good reason to suspect that any person is guilty of the theft he shall forthwith make a complaint to the nearest Fa'amasino against such person.

9. He shall collect the dog-tax, and keep a list of the persons who have paid it, and on payment deliver to them dog-collars. He shall also keep a list showing the names of the persons to whom dog-collars are given, with the number on the collar and the sex of the dog for which tax has been paid. He shall take good care that no person avoids payment of the tax.

10. It is the duty of the Pulenu'u to collect the poll-tax of his town each year at the time appointed by the Government for the payment thereof. He is to see that it is paid by every one from whom it is due; and so that no person shall avoid payment he shall keep a list of those persons who should pay the tax, and constantly add to it the names of those persons who come to reside in the village and those young men who reach the age at which tax is payable. Those who do not pay the tax within the time appointed are to be at once reported by the Pulenu'u to the person to whom he has to render the tax, and these persons will be fined or punished according to the terms of the tax notice.

11. He shall carefully obey and see that all other persons in his town obey the law which protects useful birds, and shall at once report to the Secretary of Native Affairs any person who breaks that law.

12. He shall give a receipt to every person who pays any money to him for the use of the Government by way of tax, license fee, fines, or in any other way.

13. He shall be careful to faithfully carry out his duties in regard to the destruction of beetles, their larvæ and eggs, in accordance with the law made by the Government on the 22nd day of April, 1921, and any alterations of that law.

14. He shall also faithfully perform the duties imposed on him by the law regarding copra made by the Government on the 1st day of December, 1920.

15. He shall see that the law regarding the playing of cricket is obeyed, and shall at once report to the Secretary of Native Affairs any cases of disobedience.

16. He shall keep a careful record of all fines inflicted for all breaches of the town laws, showing the names of the persons, the nature of the breach of the town law, and the nature of the fine imposed in each case.

17. He shall at the end of each quarter faithfully account to the Government for all moneys received by him in the course of his duty, and when doing so shall bring a list showing the names of the persons who have paid moneys and the amount so paid, being careful to make separate lists for the money received for each purpose. He shall not mix the moneys collected for Government with moneys collected for the Church or for any other purpose, but shall always keep them apart.

18. He shall promptly promulgate in his town all orders which shall be sent to him by a proper authority to be made known to the people of his town.

19. He shall carry out such other duties as he shall from time to time be required to do.

20. When he visits Apia, or Aleipata, or Matautu (in Savai'i), let him not forget to visit the Native Office at Apia, or the office of the Resident Commissioner at Aleipata and Matautu, to inquire whether the Secretary of Native Affairs has any message for him to fulfil.

21. He shall not absent himself from his district or go on journeys without lawful authority to do so.

22. As every official has his proper duties to perform, let not the Pulenu'u interfere with the work of any other official.

#### *Failautusi.*

1. The Failautusi is an official who is under the instructions of the Fa'amasino to whom he is attached.

2. His duty is to keep the books of the Fa'amasino and the records of the work of the Fa'amasino, and he shall attend on the Fa'amasino at all times when he is carrying out his official duties. He shall keep a careful record of all cases dealt with by the Fa'amasino, with the names of the witnesses, and shall write down the evidence given by the witnesses and also the decision of the Fa'amasino. He shall carefully preserve all such records of cases, so that they may be referred to if necessary.

3. He shall at the proper times prepare, on the proper forms, the returns which are to be made at the end of each quarter, and when they have been signed by the Fa'amasino he shall see that they are delivered to the proper authority—that is, to the Native Office at Apia, or to the office of the Resident Commissioner at Aleipata, or at Matautu (Savai'i).

4. He is forbidden to sign the name of the Fa'amasino.

5. He shall in his district assist the Pulenu'u in any writing they may require when he shall be instructed to do so by the Fa'amasino.

6. He shall not absent himself from his duty or go on any journey without obtaining the permission of the Fa'amasino.
7. If he shall be in Apia he shall visit the Native Office there, and if at Aleipata or at Matautu (Savai'i) he shall visit the office of the Resident Commissioner, to inquire whether there is any message for him to attend to.
8. Since every official has his own proper duties to perform, let not any Failautusi interfere in the work of any other official.

*Leoleo.*

1. The Leoleo is an official who is under the instruction of the official to whom he is attached.
2. The chief part of his duty is to attend on his principal and to receive from him instructions respecting messages to be delivered. Should he be suffering from sickness, or meet with any hindrance to the performance of his duty, he shall without delay write to his principal setting out the cause of his absence and asking for permission to be absent.
3. He shall wear his uniform and his hat when carrying out any of the duties of his position. He is strictly forbidden to hand over to his relations or friends any part of his official uniform to be used by them. If he shall do so he will be required to pay the value, and may be dismissed.
4. When he is despatched with letters or summonses or other papers he shall deliver them only to the persons whose names are inscribed on them, and in no case hand them to any other person. He shall wait for an answer to be carried back by him, and shall not be neglectful or delay on his way. If the errand is not one to be done speedily he shall inquire from any chief concerned whether he has any letter to be carried back.
5. He shall not do anything for which he has not received orders from his principal. If he disobeys this order, he shall be punished.
6. He is positively forbidden to ask for or receive payment from any person for any errand on which he is sent, for he receives each quarter payment from the Government for doing his duty.
7. He shall not absent himself from his duty or go on a journey without the permission of his principal.
8. Since every official has his own proper duties to perform, let not any Leoleo interfere with the work of any other official.
9. When he visits Apia he shall visit the Native Office there, and at Aleipata and at Matautu (Savai'i) he shall visit the office of the Resident Commissioner, to inquire whether there is any message to be taken.

## EXHIBIT No. 57B.

### LAWS CONCERNING THE PUNISHMENT OF CRIMES.

It being proper to punish crimes, and the Chief Justice of Samoa having recommended some provision to be made to that effect, now I, Malietoa, King of Samoa, hereby expressly order the enactment of those laws.

#### CHAPTER I.—LAWS.

- I. These laws shall be called "The Criminal Laws made A.D. 1892."
- II. These laws relate to offences of Samoans, not to those of foreigners.

#### CHAPTER II.—ABETTORS AND AIDERS TO OFFENCES.

- I. Any man who incites any other man to break any law shall, if the offence has been committed, on conviction be punished by the penalty of the principal offender.
- II. Any man who strongly assists the offender in breaking the law, so that by his assistance the commission of the offence has become possible, shall, if the principal offender is punished, be punished as his aider by the penalty of the principal offender.
- III. Any man acting together with the offender, but whose guilt is not amounting to what is stated in section II, shall be punished according to what he has done, but not by the full penalty of the principal offender.
- IV. Any man who knowing the offence receives or hides the offender, or assists him in escaping, or conceals the offence, or removes anything by which the truth about the offence may be found out and obtained, or receives or hides or sells or buys anything obtained by the offence, shall on conviction be punished by the penalty established for the offence committed. It remains in the discretion of the Judge to punish him by imprisonment or fine. If he is put into prison it shall not be for more than one year, with or without hard labour in the discretion of the Judge. If the Judge chooses to fine him the fine shall not exceed two hundred dollars. Any man who assists the offender for his own advantage shall, if the chief offender is imprisoned for six years or more, be imprisoned as an aider, not to exceed two years, with or without hard labour, in the discretion of the Judge.
- V. Any man who not knowing for certain of the offence, but having reason to presume that it exists, assists the offender in the manner defined in section IV shall on conviction be sentenced to a fine not exceeding one hundred dollars.

#### CHAPTER III.—OFFENCES OF CHILDREN AND INSANE PERSONS, AND OFFENCES BY ACCIDENT.

- I. The existing punishment shall not apply to children of less than twelve years of age, nor to persons insane from their birth or in consequence of disease.
- II. No punishment shall apply to a man breaking the law by accident.

#### CHAPTER IV.—REBELLION, CAUSING OF ESCAPE AND ESCAPING OF PRISONERS.

- I. Any man who is convicted of rebellion for trying to incite people of this country to dethrone the King, or trying to kill him or killing him, or raising war against the Government, or plotting with the enemies of his Government, shall be hanged as a rebel or deported for a lifetime, and all his property shall be forfeited to the Government.
- II. Any man knowing that anything will happen that will cause a rebellion does not inform the Government shall on conviction be imprisoned not more than four years, with or without hard labour, in the discretion of the Judge.
- III. Any man who seizes or tries to seize the privileges of the King, or tries to incite any other man or men to rebel against the laws of the country, shall on conviction be sentenced to death, or deported, or imprisoned for not more than ten years or for lifetime, with or without hard labour, in the discretion of the Judge.
- IV. If the King is aware of any Samoan being disobedient to the Government, or doing anything by which the peace, good order of the country is compromised, it is left to the discretion of the King to order him from his place to some other place in Samoa, and to determine one or several places with which he may have intercourse and boundaries which he shall not transgress, also the number of years his banishment shall last, not exceeding ten years.
- V. Any man who slanders or curses the King, or who commits any act by which his Government is exposed to hatred or contempt, shall on conviction be imprisoned not exceeding four years, with or without hard labour, in the discretion of the Judge.
- VI. Any man who transgresses the boundaries fixed for him by the King shall on conviction be imprisoned not more than six months, with or without hard labour, in the discretion of the Judge.
- VII. Any man who causes to escape a man caught by the police, or delivers him from the prison by breaking the prison up or in any other forcible manner, shall on conviction be imprisoned not exceeding four years, with or without hard labour, in the discretion of the Judge.

VIII. Any one who attempts unsuccessfully to commit any act as defined in section V shall on conviction be imprisoned not to exceed two years, with or without hard labour, in the discretion of the Judge.

IX. Any one who causes to escape any person caught by the police or being in jail, but without force and simply in some cunning manner, shall on conviction be either imprisoned not more than two years or fined not more than two hundred dollars, in the discretion of the Judge. If he is imprisoned, whether it shall be with or without hard labour is left to the discretion of the Judge.

#### CHAPTER V.—MURDER AND ATTEMPT AT MURDER.

I. Any man convicted of murder shall be hanged, or imprisoned for lifetime with or without hard labour, in the discretion of the Judge.

II. The expression "murder" as used in section I shall mean the desire and intention to kill a man from anger.

III. Any one who kills a man in a sudden access of anger but without the desire and the intention to murder shall on conviction be put into prison for lifetime, or not to exceed ten years, with or without hard labour, in the discretion of the Judge.

IV. Any one who attempts to murder a man but does not succeed shall on conviction be imprisoned for lifetime, or not to exceed ten years, with or without hard labour, in the discretion of the Judge.

#### CHAPTER VI.—STRIKING AND VARIOUS ACTS BY WHICH THE BODIES OF MEN ARE WOUNDED AND INJURED.

I. Any one striking another man with a stick or a stone, or shooting him with a gun, or by any other things, wounding and injuring his body, or striking or wounding him only by his hands, if he does so in order that somebody who is to be arrested or kept under arrest should not be arrested or kept under arrest, on conviction shall be punished by imprisonment not exceeding ten years, with or without hard labour, in the discretion of the Judge.

II. Any one striking a man, thereby wounding him and injuring him, by a stick, or a stone, or a gun, or any other thing, or, without such thing, only by his hand, shall, if the striking is not caused in the way described in section I of this chapter, on conviction be punished by imprisonment not exceeding three years, with or without hard labour, in the discretion of the Judge.

III. Any one assaulting a man in anger wishing to do bodily harm, but not succeeding in his plan, shall on conviction be imprisoned not to exceed two years, with or without hard labour, in the discretion of the Judge.

IV. Any one assaulting a man in anger wishing to do him harm and succeeding in so doing shall on conviction be imprisoned not to exceed two years, with or without hard labour, in the discretion of the Judge.

V. Any one taking hold of a man in anger or beating him, or spitting in his face, or inciting a dog to attack him, shall on conviction be imprisoned not to exceed three months, or fined not to exceed ten dollars. If he is imprisoned it shall be in discretion of the Judge whether he is to be punished with or without hard labour.

VI. Any one attacking a man in the Government service, a policeman or any one else, in order to obstruct him in the performance of his duty, he shall on conviction be imprisoned not less than one nor more than four years, with or without hard labour, in the discretion of the Judge.

VII. If any of the acts described in this Chapter VI has been committed in the house of the injured person the penalty shall be much heavier.

#### CHAPTER VII.

I. If any man goes by force to a woman or threatens her or deceives her that she may go with him, but the woman is not thoroughly consenting, this is rape, and the offender shall on conviction be imprisoned not less than four nor more than eight years, with or without hard labour, in the discretion of the Judge. If the body of the woman is injured he shall be imprisoned for lifetime or ten years. If the woman has died of it the criminal shall be hanged or imprisoned for lifetime.

II. A man going to a girl under twelve years of age shall on conviction be imprisoned not less than four years nor more than eight years, with or without hard labour, in the discretion of the Judge. If the body of the girl has been injured, or if she has died, the criminal shall be imprisoned not less than eight nor more than ten years, or for lifetime.

III. Any man taking hold of a woman to make her ashamed, or to do something shameful with her, or any man trying to go to a girl under twelve years of age, but not succeeding in so doing, shall on conviction be imprisoned not more than two years, with or without hard labour, in the discretion of the Judge.

IV. Any man ravishing a woman in order to make her his wife or the wife of another man shall on conviction be imprisoned not less than two nor more than six years, with or without hard labour.

V. Any one persuading another man's wife to run away with him from her husband shall on conviction be imprisoned not to exceed two years, or fined not to exceed two hundred dollars. If he is imprisoned it is left to the discretion of the Judge whether it shall be with or without hard labour.

VI. Any one seducing a girl to run away from her parents, or her father or mother, or those who have charge of her, shall, if they do not agree to it, on conviction be imprisoned not to exceed two years, or fined not to exceed two hundred dollars. If he is imprisoned it shall be left to the discretion of the Judge whether it shall be with or without hard labour.

VII. Any one enticing a child to leave or taking a child away from its parents, or its father or mother, or the persons in charge of it, shall, if they do not agree to it, on conviction be imprisoned not to exceed four years, with or without hard labour, in the discretion of the Judge.

#### CHAPTER VIII.—THEFT BY FORCE AND THREATS.

I. The theft in this chapter consists in forcibly taking away money or goods from another man's body, or in a man's property being forcibly taken away from the place where he is if the owner does not consent but the criminal intimidates him or takes the things away by real force.

II. Any one taking away from a man his money or goods when taking them away from his body shall on conviction be imprisoned not less than one nor more than ten years, with or without hard labour, in the discretion of the Judge.

III. Any one getting hold of a man with the intention of taking away from him his things (except any great crime committed under the conditions set forth in section IV) shall on conviction be imprisoned not more than three years, with or without hard labour, in the discretion of the Judge.

IV. Any one who, carrying a weapon (arms, or a knife, or a stick or a stone, or any other weapon), steals a man's property, or gets hold of him in order to forcibly take it away from him, shall, if he strike the man with any such thing, or does anything else by which the man is wounded after his things taken away, on conviction be imprisoned for lifetime, or not less than three or more than ten years, with or without hard labour, in the discretion of the Judge. The penalties in this section apply to every one, may there be one, two, three, or many, who have committed the acts in question.

#### CHAPTER IX.—THEFT WITHOUT FORCE OR THREATS.

I. The theft treated in this chapter consists in unlawfully taking away things—i.e., money or goods of any kinds—from another man without force and threats.

II. Any thief shall on conviction be imprisoned not to exceed three months, with or without hard labour, in the discretion of the Judge (excepting, however, any cause specially provided for in any other section of this chapter).

III. Any one destroying or rooting up and damaging any tree or plant shall on conviction be imprisoned by the penalty prescribed by section II.

IV. Any one stealing a horse, or cattle, or sheep, or pig shall on conviction be imprisoned not less than three months nor more than three years, with or without hard labour, in the discretion of the Judge.

V. Any one killing any animal mentioned in section IV in order to steal its body or skin or a piece of the body shall on conviction be imprisoned not less than three months nor more than three years, with or without hard labour, in the discretion of the Judge.

VI. Any one stealing or hiding a document containing an agreement about a land-sale, or erasing any words therein in order to make the document worthless, shall on conviction be imprisoned not to exceed two years, with or without hard labour, in the discretion of the Judge.

VII. Any one stealing anything in a church or a Government building shall on conviction be imprisoned not to exceed three years, with or without hard labour, in the discretion of the Judge.

VIII. Any one destroying any box in order to steal anything that is in it shall on conviction be imprisoned not less than three months nor more than three years, with or without hard labour, in the discretion of the Judge.

IX. Any one breaking a man's house or a room of a house (by day or night) in order to steal anything therein, but not consummating the theft, shall on conviction be imprisoned not to exceed six months, with or without hard labour, in the discretion of the Judge.

(Sec. X not available.)

XI. The term "breaking" as used in sections IX and X shall mean the destroying of a wooden door, or a window, or a stone wall, or an encfencement by planks, or a fixed thatch; but shall not mean simple Samoan blinds or other covers hung only without being fastened.

XII. Any one receiving from any other man stolen money or goods whatever knowing that they were stolen shall be punished by the same penalty as if he had stolen them himself.

XIII. If any stolen articles are recovered they shall be rendered or shall be paid for by the thief to the owner to their full value.

#### CHAPTER X.—EMBEZZLEMENT.

I. These chapters refer to those clerks and other servants in charge of money or goods of another man which are left to be administered or cared for, or are bought or sold for their owner.

II. Any clerk or other servant who embezzles money or goods left in his charge, or any goods left in trust for the owners, shall on conviction be imprisoned for a term not exceeding two years, with or without hard labour, in the discretion of the Judge.

III. Any one in the Government service, or any one holding office in any district or village, having charge of public money and stealing such money or goods in trust of which he is, shall, if he uses that money or those goods for himself or on his own behalf, give the same to anybody else, or instead of making delivery to the Government sells the same, on conviction be imprisoned not less than one nor more than four years, with or without hard labour, in the discretion of the Judge.

#### CHAPTER XI.—FALSE PRETENCES.

I. Any one trying to cheat as follows—secretly putting a stone or any other heavy article in copra, cotton, coffee, or any other merchandise, if the same is offered for sale and the sale takes place, or by some other lying trick by which he obtains money or goods from another man in order to appropriate same for himself—shall on conviction be imprisoned not to exceed two years, with or without hard labour, in the discretion of the Judge.

II. Any one measuring or weighing anything he has to sell or to buy with false weights or measures of lengths or liquids shall on conviction be imprisoned not to exceed two years, with or without hard labour, in the discretion of the Judge.

#### CHAPTER XII.—TRESPASS ON THE HOUSE OR LAND OF ANOTHER MAN.

I. Any one trespassing on any land or house of another man without his consenting shall, if he goes there by force or clandestinely, or conviction be imprisoned not to exceed six months, or fined not to exceed fifty dollars, in the discretion of the Judge. If he is imprisoned it is left to the discretion of the Judge whether it shall be with or without hard labour.

II. If any one enters another man's house or land and the owner of the house or land bids him go away and he does not comply with it, he shall on conviction be imprisoned not to exceed six months, or fined not to exceed fifty dollars, in the discretion of the Judge. If he is imprisoned it is left to the discretion of the Judge whether it shall be with or without hard labour.

III. Any one committing any of the acts mentioned in sections I and II in order to commit fornication or to do mischief to anybody shall on conviction be imprisoned not more than two years, with or without hard labour, in the discretion of the Judge.

IV. Any one throwing a stone or anything else into the house of another man in anger in bad intention shall on conviction be imprisoned not to exceed three months, or fined not to exceed ten dollars, in the discretion of the Judge. If he is imprisoned it is left to the discretion of the Judge whether it shall be with or without hard labour.

V. Any one unlawfully erecting a building or anything else on the land of any one else, or digging or planting anything on such land without the owner's consent, shall on conviction be imprisoned not to exceed three months, or fined not to exceed ten dollars, in the discretion of the Judge. The plants shall belong to the owner of the land. If the offender is imprisoned it shall be left to the discretion of the Judge whether it shall be with or without hard labour.

VI. Any one unlawfully taking possession of another man's land shall on conviction be imprisoned not to exceed six months, or fined not to exceed fifty dollars, in the discretion of the Judge. If he is imprisoned it shall be left to the discretion of the Judge whether it shall be with or without hard labour.

#### CHAPTER XIII.—UNLAWFUL SIGNATURE BY ANOTHER MAN'S NAME AND FORGERY.

I. Any one who unlawfully signs by the name of the King or any official in any public document, or any one who writes anything deceitful in that document, or changes any words in it, in order to cheat any other man, or by the desire to obtain money or goods or lands, or anything whatever of any value, or who commits any other act forbidden by the laws lest any one should get any other man's property, shall on conviction be imprisoned not less than one nor more than six years, with or without hard labour, in the discretion of the Judge.

II. Any one who writes the name or the mark of another man in a document other than those mentioned in section I, or who writes anything deceitful, or changes any word in such document, in order to cheat another man that he may obtain money or goods or lands, or anything whatever of any value, or who commits any other act forbidden by the laws lest any one should get any other man's property, shall on conviction be imprisoned not less than six months nor more than four years, with or without hard labour, in the discretion of the Judge.

III. Any one who takes or attempts to take to any other man, or who uses for any other purpose, any deceitful document with fraudulent intent, knowing that the document is deceitful and false, shall on conviction be punished by the same penalty by which he would have been punished if he had written the document or falsified it.

#### CHAPTER XIV.—ARSON AND DESTRUCTION OF HOUSES AND OTHER THINGS.

I. Any one who burns any dwellinghouse inhabited by men at the time of the fire shall on conviction be imprisoned not less than two nor more than eight years, with or without hard labour, in the discretion of the Judge.

II. Any one who maliciously burns another man's house but not occupied at the time of the fire shall on conviction be imprisoned not less than six months nor more than four years, without or with hard labour, at the discretion of the Judge.

III. Any one who maliciously burns the place of the King, or a Government building, or a church shall on conviction be imprisoned not less than two nor more than eight years.

IV. Any one who maliciously destroys or injures or renders useless anything belonging to a private person, or to the Government, or devoted to the public, shall, if none of the provisions prescribed in any other section of this chapter apply, on conviction be imprisoned not more than three years or fined not more than one hundred dollars. If he is imprisoned it shall be left to the discretion of the Judge whether it shall be with or without hard labour.

V. Any one who destroys any other man's property by carelessness but not maliciously shall pay the value of what he has destroyed, and that payment shall be made over to the owner.

#### CHAPTER XV.—INSULTING LANGUAGE AND LANGUAGE PROVOKING A BREACH OF THE PEACE.

I. Any one who uses, orally or in writing, any language that may provoke a breach of the peace, or quarrels in a village among people, or uses any word of which trouble or even fighting may be the consequence, shall on conviction be imprisoned not more than six months, with or without hard labour, in the discretion of the Judge.

II. Any one who uses, orally or in writing, any threatening or insulting language, or any other bad words, in respect of another man, or any one who commits any act to frighten or injure any man, shall on conviction be imprisoned not more than six months, with or without hard labour.

III. Any one who uses obscene language to another man, or commits any other dirty act, shall on conviction be imprisoned not more than one month or fined not more than ten dollars. If he is imprisoned it shall be left to the discretion of the Judge whether it shall be with or without hard labour.

#### CHAPTER XVI.—ADULTERY.

I. If any man commits adultery with an unmarried woman, or any married woman with an unmarried man, the married man or woman shall be imprisoned not more than six months; and the unmarried man or woman shall be imprisoned not more than three months or fined fifty dollars. If he or she is imprisoned it shall be left to the discretion of the Judge whether it shall be with or without hard labour.

II. If any married woman commits adultery with any married man, either of them shall on conviction be imprisoned not less than six months nor more than two years, with or without hard labour, in the discretion of the Judge.

III. If any man commits adultery with a married woman, her husband shall have the right to demand that only the man be punished, not the woman.

#### CHAPTER XVII.—INCEST AND FORNICATION.

I. Any man who has connection with his mother or sister or daughter or his grandmother shall on conviction be imprisoned for lifetime, or not less than six nor more than ten years, with or without hard labour, in the discretion of the Judge.

II. Any woman who has connection with her father or brother or son or her grandfather shall on conviction be imprisoned for lifetime, or not less than six nor more than ten years, with or without hard labour, in the discretion of the Judge.

III. Any man committing fornication with any girl shall, if the parents or persons in charge of the girl lay a charge, on conviction be fined not more than twenty dollars.

#### CHAPTER XVIII.—BIGAMY.

I. If any married man marries again another woman before having obtained a lawful grant of divorce in writing, or if any married woman marries again another man before having obtained a lawful grant of divorce in writing, this shall be bigamy. Such a man or woman shall on conviction be imprisoned not less than one year nor more than three years, with or without hard labour, in the discretion of the Judge.

II. Any man committing bigamy with a married woman shall on conviction be imprisoned not less than two nor more than six years, with or without hard labour, in the discretion of the Judge.

#### CHAPTER XIX.—ABORTION.

I. Any woman who knowingly does anything whatever to cause her abortion shall, if by her action the child dies, on conviction be imprisoned not less than two nor more than six years, with or without hard labour, in the discretion of the Judge.

II. Any woman who undertakes to procure abortion shall, if the child does not die, on conviction be imprisoned not more than one year, with or without hard labour, in the discretion of the Judge.

III. Any person undertaking to procure abortion in any woman with her consent shall be imprisoned on conviction by the penalty of section I if the child dies, and by the penalty of section II if the child does not die.

IV. Any person undertaking to procure abortion in any woman without her consent shall be imprisoned not less than four years nor more than ten years (if the child dies), with or without hard labour, in the discretion of the Judge. If the child does not die the delinquent shall be imprisoned not less than six months nor more than two years. If the body of the woman is injured by the trick the delinquent shall be imprisoned for lifetime or for some ten years, with or without hard labour, in the discretion of the Judge. If the woman dies of the treatment the delinquent shall be punished with death, or imprisonment for lifetime.

V. If any woman is confined of child either born dead or dying after its birth, any man who conceals such confinement and such death, or any man who buries the body of the child secretly, or uses any other trick to prevent confinement being known, shall in respect of each and every person concealing this, on conviction be imprisoned not more than two years, with or without hard labour, in the discretion of the Judge.

#### CHAPTER XX.—PERJURY.

I. Any man who takes an oath administered in any Court in accordance with the law, and takes that oath before any one being appointed to administer it, shall, if he swear falsely knowing that his statement is untrue in any point that is apt to lead to the decision, or who misleads the investigation, commits perjury. He shall on conviction be imprisoned not less than two nor more than six years, with or without hard labour in the discretion of the Judge.

II. Any one who commits perjury but retracts his untrue statements before the matter to be investigated or decided has been settled shall be imprisoned not more than two years, with or without hard labour, in the discretion of the Judge.

III. Anything wrong stated on oath by mistake without knowledge of its being wrong is not called perjury.

#### CHAPTER XXI.—BLASPHEMY OF GOD AND HOLY THINGS.

I. Any one who blasphemes or curses God or his word in the Bible shall be imprisoned not more than two years, with or without hard labour, in the discretion of the Judge.

II. Any one who breaks a law on Sunday, this shall increase the culpability of his act.

## CHAPTER XXII.—BRIBERY.

I. If any secret payment or delivery of a present is made by a man engaged in a trial, or by any one connected with him, to the Judge or his assessors, in order to prevent right being done and to bias the sentence, this is bribery.

II. Any official or any assessor in a decision who accepts any bribe money shall be removed from his office if he has any such public office, and imprisoned not more than two years, with or without hard labour in the discretion of the Judge.

## CHAPTER XXIII.

“Dollars” shall mean in this law the currency of the United States of America.

## CHAPTER XXIV.—COMMENCEMENT OF OPERATION.

This law shall come into force in April, 1892.

Done at Mulinu'u on this 25th day in the year of Our Lord 1892. [*No month mentioned.*]

MALIELOA,  
King of Samoa.

## EXHIBIT No. 58.

## BANISHMENTS PRIOR TO POLITICAL AGITATION.

Abbreviations used: F.P. = Faipule (Native Councillor and Government Adviser); P.N. = Pulenu'u (Village Mayor); F. = female. Other abbreviations in respect of Government officials are—P.F. = Pulefaatoaga (Agricultural Inspector); F.M.P. = Faamasino (District Judge); K.P. = Komisi (Land and Title Arbitrator); T.A. = Teuala (Roads Overseer); F.L. = Failautusi (clerk); L.L. = Leoleo (policeman or messenger).

## Nos. 1 and 2.—File 650.

Defendants: AUTAGAVAIA SIUPIU and MATAFA MEA FAIFUA.

*Charge.*—Seditious conspiracy, in such that they endeavoured to obtain the dismissal of one Fanana, Pulefaatoaga, by defiance of the Government, and endeavoured to incite the people of Sili and Gautavai to disobey the Government's orders.

Complainant: The Crown.

*Particulars of Inquiry.*—Autagavaia and three others called at the Native Court on the 10th, 5th, of 1922 and requested an interview with the Administrator. On 22nd May, 1922, chiefs and orators of Palauli were informed by letter that the Administrator would meet them at Mulinu'u on 14th June, 1922, and on which day only two attended—namely, Malupo and Leituala. Twenty-first June, 1922, Autagavaia, Lagaia, and Leituala saw Mr. Griffin at Mulinu'u, and made a statement. They were told to return to Palauli and obey the Government's orders. On 9th August, 1922, Autagavaia, Matafa, and fifteen chiefs appeared before Mr. Sanderson Cooper, Resident Commissioner at Savai'i, in response to notice sent, and evidence taken by Mr. Cooper. At this hearing defendants admitted the offences.

Witnesses giving evidence for the defendants: The defendants, Leituala, Faagai.

*Decision.*—Defendants were instructed to proceed to Apia and appear before the Governor and Secretary for Native Affairs, and were not to return to Palauli until they had so appeared. Defendants disobeyed this instruction and returned to Palauli. On 19th August, 1922, the chiefs and orators of Palauli, including two defendants, were instructed by letter from the Administrator to appear at Mulinu'u on 23rd August. They appeared before Colonel Tate on this date, and a decision was given that the defendants were to remain at Mulinu'u. This they did, and during the time they were there were supplied with food. On 11th September, 1922, defendants were prohibited the use of their titles by Colonel Tate. In January, 1923, defendants were permitted to return to Palauli. On 28th August, 1924, Autagavaia was reported for having wrongfully assumed his title, and also for having made a false assertion in regard to a statement made by the Administrator. He appeared before Mr. Griffin in October, 1924, and apologized. Following upon his apology and the request of Malupo, both defendants were pardoned, and the ban on their titles lifted, provided that they would be of good future behaviour. On 26th May, 1925, Autagavaia was reported for having caused more trouble in the district, and appeared on 8th June, 1925, before Mr. Griffin and made a statement. Mr. Griffin recommended that he again be prohibited from using the title Autagavaia, and that he leave the district of Palauli, and live in a village in the district of Itu-o-Tane. The file was handed to the Administrator, who confirmed the above recommendation.

*Orders issued.*—On 11th September, 1922, orders prohibiting the use of their titles were issued upon Matafa and Autagavaia. (Pardoned October, 1924.) On 11th June, 1925, order for removal of Autagavaia from Palauli to a village in the district of Itu-o-Tane during the pleasure of the Administrator, and also that defendant was to cease using the title Autagavaia.

## No. 3.—File G. 1483.

Defendant: PUIPAA.

*Charge.*—Conduct likely to provoke breach of the peace—to wit, discussed and disclosed family genealogies; and, further, that during a visit of a neighbouring village he behaved in a manner which was likely to cause a breach between the villages.

Complainants: Chiefs and orators of Tufulele (Matiu F. P., Loutounuu T., and Loutounuu F., and others).

*Particulars of Inquiry.*—Defendant, his sister, Talalaina, and her husband, Ielu, were ordered by the chiefs of Tufulele to leave the village. Defendant appealed against this order, and the Secretary for Native Affairs advised chiefs that they were acting *ultra vires*, and that the defendant and the others were to be permitted to return to the village. On 23rd June, 1922, information against Puipaa was laid by the chiefs of Tufulele. Defendant, and Loutounuu T., and Loutounuu F., Matiu F.P., appeared before Mr. Griffin at Mulinu'u.

Witness giving evidence for the defendant: The defendant.

Witnesses giving evidence against the defendant: Loutounuu T., Loutounuu F., Matiu P.F.

Following reports received from the chiefs of Tufulele on 11th October, 1922, defendant was called by letter to appear before Mr. Griffin on 19th October, and made a statement. On 20th October, chiefs and defendant were instructed by letter to appear before Secretary for Native Affairs at Tufulele. At this hearing defendant, Matiu, Loutounuu T., and Loutounuu F., and other chiefs of the village were present.

Witness giving evidence for the defendant: The defendant.

Witnesses giving evidence against the defendants: Loutounuu T., Vole Olepasa Matiu F.P., Loutounuu F., Fatuligaliga.

*Recommendation.*—That Puipaa was to leave Tufulele and go to his father's village (Safune, Savai'i) for a period of twelve months.

File and recommendation forwarded to His Excellency the Administrator on 26th November, 1922.

*Decision by the Administrator.*—Recommendation confirmed.

*Order issued.*—28th October, 1922, instructing defendant to leave the village of Tufulele for twelve months, and reside at Safune.

## No. 4.—File G. 1563.

Defendant : AIMASI.

Charge.—Conduct likely to provoke breach of the peace—to wit, interfering with married women.

Complainant : Saipaia.

Particulars of Inquiry.—Defendant, complainants, Lua, and Malaetele summoned to appear before Mr. Griffin on 19th April, 1923. Defendant appeared in person and pleaded guilty to a charge of adultery. Case adjourned till 3rd May, 1923, and the following were summoned to appear: Saipaia, Malaetele, Lua, Faau, Faatifa, Siaatiu, Sipae, and defendant.

Witnesses giving evidence for the defendant : Faaitafa, Siaatiu, Sootuli, and defendant.

Witnesses giving evidence against the defendant : Saipaia, Lua, and Malaetele.

Recommendation.—Defendant directed by Mr. Griffin to remain away from Satapuala for six months; he to return to his home, as he does not belong to this village. No order of banishment made.

## No. 5.—File G. 1912.

Defendant : LINO.

Charge.—Conduct likely to provoke a breach of the peace, in such that the accused committed adultery on several occasions, and used insulting language.

Complainants : Chiefs and orators of Falefa (Tupua, Leutele, Salanoa, Alias, and others).

Particulars of Inquiry.—The following were called to appear before Mr. Griffin at Mulinu'u on 9th August: Defendant, Iuli, Luafalemanu, Salanoa A., Salanoa I., Alaia A., Alaia S., Paanu, Leutele, Mocono Tafiloa, Gagae, and chiefs and orators of Falefa. The following appeared: Luafalemanu, Leuta, Mocono, Iuliti, and others; also defendant and others.

Witness giving evidence for the defendant : The defendant.

Witness giving evidence against the defendant : Alaia A., Tuimavave, Mocono.

Accused admitted charges.

Recommendation.—That the Administrator order Lino to leave Falefa and go to Fagamalo, Savai'i, for twelve months.

File and recommendation forwarded to the Administrator.

Decision.—Administrator confirmed the recommendation.

Order issued.—Defendant to leave the Island of Upolu, Western Samoa, and remain in the village of Fagamalo for twelve months. Dated 14th August, 1923. (Following upon a request to the Administrator, defendant was permitted to change his place of residence to Nofoaali on 8th September, 1923.)

## No. 6.—File N.C. 2370.

Defendant : PULEGA.

Charge.—Conduct likely to provoke a breach of the peace—to wit, assault and threatening with a knife.

Complainant : Mael (Suga Mael).

Particulars of Inquiry.—Defendant ordered to appear by letter. Appeared before Mr. Griffin on 9th August, 1923, and admits threatening behaviour and also assault. The following appeared: Mael Suga, Sau, Tasita, Siuasu, Fialii, Utu, Taloga.

Witnesses giving evidence for the defendant : Utu and defendant.

Witnesses giving evidence against the defendant : Mael.

Recommendation.—Defendant to live with his own family, and leave Utu's family for twelve months, further, he is not to interfere with anything belonging to Utu's family.

Decision.—Administrator confirms recommendation.

Orders issued.—On 21st August, 1923, Pulega was ordered to leave the properties of the Utu family at Tuanai, and remain off the said properties for a period of twelve months; and, further, that he shall reside and remain with his own family in the village of Taunai. NOTE: Two weeks after the completion of the above order defendant threatened a man with a knife, and discharged a gun several times in the vicinity of Saga's house. He was arrested and immediately brought before the Native Court, together with seven witnesses. It was recommended that he be ordered to remove to Savai'i, but following a petition from Toelupe F.P. the order was suspended.)

## No. 7.—File G. 1627.

Defendant : IOSEFA, Matautu, Savai'i.

Charge.—That he as a *taulealea* agitated for a petition against Government officials, endeavoured to create division in the Church, and an offence against *kava* ceremony.

Complainants : Chiefs and orators of Alamagoto (Leta, Leata and Moli, Tuisalega, and others.)

Particulars of Inquiry.—Defendant ordered, by letter dated 19th September, 1923, to appear at Mulinu'u on 25th September. No appearance of plaintiffs. Case remanded for two weeks. Defendant and chiefs of Alamagoto summoned to appear on 9th October, 1923. Summonses served. Following appeared: Leata P. F., Leatamuli, Tuisalaga, Malofou, Tava, Fuamatuti, Feliuago, and the defendant. Defendant was given a month in which to correct his behaviour in the village, and to apologize to the chiefs and the orators. On 19th November, 1923, the following appeared: Leta'a, Leatamuli, Fuamatu, Pea, Tuisaloga, Fuamatu, Pea, Tuisaloga Tava, Malofou, Feliuago, Tonu'u; and the defendant appeared before Mr. Griffin at Mulinu'u, on account of his having failed to carry out the decision of the previous hearing.

Witnesses giving evidence for the defendant : Defendant and Anetipa.

Witnesses giving evidence against the defendant : Leta and Tuisaloga.

Accused admitted that he would not recognize the authority of the village chiefs.

Recommendation.—That, as defendant would not recognize the authority of the village chiefs and orators of Alamagoto, the matter would be reported to the Governor, and that it would be recommended that the defendant be returned to his home in Savai'i.

Decision by Administrator.—Recommendation confirmed.

Order issued.—Defendant to leave the Island of Upolu and remain in the district of Matautu, Savai'i, for twelve months from 22nd November, 1923.

## No. 8.—File N.D. 241.

Defendants : ANAE S. and ASI MAATUFI.

Charge.—Conduct likely to cause a breach of the peace—to wit, insults of a very gross nature.

Particulars of Inquiry.—Board of Inquiry set up by authority of the Administrator, consisting of Secretary for Native Affairs, Toelupe, Fonoti, and Tuatagaloa F.P. The following appeared: Anae A., Anae T., Talu F., and Tusi F., and the defendants.

Witnesses giving evidence for the defendant : Talu F., Tusi F., and the defendant.

Witnesses giving evidence against the defendant : Anae A. and Anae T.

Recommendations.—(1) That Asi Maatufi be deprived of the title "Asi," as his behaviour threatened a breach of the peace between the two important families of Asi of Tuamasaga and Anae of Savai'i, and that he be removed from his appointment in the Legal Department for a period of not less than six months; and, further, that his behaviour be under surveillance for that time. (2) That Talu and Tusi be imprisoned for two months. (3) That Anae Selu be ordered to go to Eva and dwell there until such time as he and Amaani completely settle their dispute.

and bring about peace in the family and in the village. (4) That Anae Amani's appointment as F.P. be taken from him, and that he and Anae Selu shall make peace; each party to withdraw their offensive words. (5) That Anae Timani be reprimanded for his want of control, and for retaliating on Asi by applying to Asi the words Asi used against him; but that, as Anae T. had been assaulted, no further punishment is recommended. (6) That the reconciliation between Anae S. and Anae A. will be published in the *Savali* when effected.

File and recommendation forwarded to His Excellency the Administrator.

*Decision by the Administrator.*—Recommendations Nos. 1, 3, and 4 approved.

*Orders issued.*—Order depriving Asi Maatusi of use of title of "Asi" not on file.

*No. 9.—File N.D. 185.*

Defendant: TAOA F.

*Charge.*—Defying a lawful order, and endeavouring to create a new village authority.

Complainants: Family and chiefs as follows: Manua, Tagaloasa, Tauafaitele, Ama F.P., Afoa, Seuli, chiefs of Saanapu, chiefs of Sataua.

*Particulars of Inquiry.*—The following were called by letter to appear at Mulinu'u on 8th August, 1923: Ama F.P., chiefs and orators of Saanapu, chiefs and orators of Sataua, Taoafa'aoloviti, and the defendant. The following appeared, Ama, TAOA F., Taoafaitele, Manua, Afimata, Fale, Pula, Nake, Mulitala, Leana, Lauvi, Tuigaleava, and the defendant.

Witnesses giving evidence for the defendant: Afemata, Leana, Tuigaleava, and defendant.

Witnesses giving evidence against the defendant: Ama and Manua.

Defendant admits that he lowered the prestige of the Faipules.

*Recommendation.*—That this matter will be referred to His Excellency the Administrator, with the recommendation of the Secretary for Native Affairs that the title "Taoa" will be taken from Taoafa'aoloviti, who has been the leader.

File and recommendation forwarded to His Excellency.

*Decision by His Excellency.*—Recommendation approved.

*Orders issued.*—In this case two letters dated 14th August, 1923, signed by Major-General Richardson, were sent to the defendant, and in which he was notified that the title of "Taoa" was not to be used by him. (Pardoned on 14th January, 1925, following upon recommendation from Ama F.P.)

*No. 10.—File 16662.*

Defendants: MEKAI and FUNAFUNA.

*Charge.*—Forgery, and causing quarrels leading to bloodshed.

Complainants: Chiefs and orators of Solosolo (Sagapolu F.P., Pulepule F.M.P., Leota P.N., and others).

*Particulars of Inquiry.*—The following were summoned to appear at Mulinu'u on the 11th December, 1923: Leotatoa, Liu, Tasi, chiefs and orators of Solosolo, and defendants. The following appeared before Mr. Griffin: Sagapolu F.P., Leoto P.N., chiefs and orators of Solosolo, and the defendants. Mekai pleaded guilty to a charge of forgery.

Witnesses giving evidence for the defendant: Liu, Leota T., and the defendants.

Witnesses giving evidence against the defendant: Leoto P.N.

*Recommendation.*—That Mekai is to go to Savai'i and live in Palauli for one year.

*Decision by His Excellency.*—Recommendation approved.

*Order issued.*—Defendant to leave the Island of Upolu, and remain in the Village of Palauli for twelve months from 28th December, 1923. (Pardoned 11th March, 1925.)

*No. 12, 11, and 13.—File 13/4/5.*

Defendants: AMITUANAI, TOLOVAO, TUPU, and LEALAITAFEA.

*Charge.*—Upsetting peace of the Village of Salailua, creating disturbances, threatening to kill, discussing and disclosing family genealogies.

Complainants: Chiefs of Salailua, through Tuato P.N. (nineteen signatures to the letter laying the information).

*Particulars of Inquiry.*—On 20th September, 1923, there appeared before the Resident Commissioner (Mr. Bigg-wither) at Fagamalo, Tuato P.N., Tuato P., Toa Savainaea, and the defendants Lealaitafea and Anituanai T. (Tolovao T. ill and in Apia). All parties were warned, and an endeavour was made for a reconciliation. On 11th December, 1923, the parties were notified by letter that an inquiry into their troubles would be heard on 20th December, 1923, at Salailua. Inquiry was held with the whole village in attendance, and the following recommendation made:—

*Recommendation.*—That defendants be banished from Palauli West for a period of twelve months from 1st January, 1924.

Files and recommendations forwarded to the Administrator.

*Decision.*—Recommendation approved.

*Orders issued.*—That the defendants leave the district of Palauli West and remain outside the said district for twelve months from 1st January, 1924. Order dated 7th January, 1924.

*NOTE.*—On 13th December, 1924, Lealaitafea was convicted by the High Court for breaking the order issued. Amituanai and Toleva were pardoned on 24th December, 1924. Further complaint against Lealaitafea was made in April, 1926. The Resident Commissioner, Captain Bell, called together a Board of Inquiry, who recommended that it was wiser to let the matter drop rather than reopen it.

*No. 14.—File N.D. 237, N.C. 1607.*

Defendant: AFAMASAGA L.

*Charge.*—That defendant, being a chief holding a distinguished title, did sell quantities of home-brewed liquor to his fellow-countrymen for personal gain, thus demoralizing his own race.

Complainant: The Crown.

*Particulars of Inquiry.*—In the case Police against Tamati and others, wherein Titoa, Tauati, and Tunupopo were charged with consuming methylated spirits, and convicted on 9th November, 1923, Tamati, having been duly sworn, stated that he had purchased two bottles of beer from Afamasaga. A raid was made upon Afamasaga's premises the following day, which resulted in a conviction against him for manufacturing liquor. The files consisting of the prosecution of Titoa and others, and the files showing consequent raid upon Afamasaga's premises, and the files of prosecution of Afamasaga for brewing liquor, were considered by the Administrator, and the question of the removal of Afamasaga out of Apia was submitted to a Faipule Board consisting of Toelupe, Aiono, Seuli, Tuatagaloa, and Fonoti, for their consideration and reply.

*Recommendations of the Board.*—(1) If the eyes should close and no further punishment be ordered for Afamasaga, it will then become a bad example for others. (2) The just punishment for his offence is banishment to any of his relations in some other place other than the place in which he is now living, and never more to have any say in village affairs. (3) He must be deprived of his title in accordance with the provisions of the Samoa Offenders Ordinance. (4) It shall not be right for a person like him to live again near Apia, because his wrongdoings become a bad example to others. (5) These punishments should be inflicted on Afamasaga: (a)

Send him to his own village (Fasito'otai); (b) deprive him of his title of "Afamasaga," in accordance with the powers vested in the Governor by the Samoa Offenders Ordinance; (c) to be under surveillance so that he shall not again interfere in *matui* consultations or conferences.

*Decision.*—Out of consideration for the wife of Afamasaga, who is not a full-blooded Samoan, and who is not accustomed to Native village life, and because a lighter punishment than that recommended by the Faipule will meet the case and deter others from following the bad example of Afamasaga, I have decided—(1) Afamasaga to be deprived of his titles; (2) to live in his native village—the length of time depending upon his own conduct. The case to be reviewed by me for restoration of the privileges to live in his own home near Apia at the end of six months from the date of his original sentence.

*Order issued.*—Afamasaga was deprived of his titles on 14th January, 1924.

No. 15.—File G. 1625.

Defendant: TILIVEA.

*Charges.*—(a) Threatening behaviour; (b) discussing family genealogies; (c) attacking the established authority of the village.

Complainant: Manoo P.N., for the chiefs and orators of Samatau.

*Particulars of Inquiry.*—On 25th February, 1924, the chiefs of Samatau, Teo, Tilivea, and Mika were ordered by letter to appear before Mr. Griffin, and on 4th March, 1924, there appeared Manoo P.N., Puni A., Lavea S., Fonoti, Puni M., Aiulumuli, Lavea T., Lavea Silupe, Au, Lavea A., Teleiai, and the defendants Teo, Tilivea, and Mika.

Witnesses giving evidence for the defendant: Teo, Mika, and the defendant.

Witnesses giving evidence against the defendant: Mano'o, Puni, Teleiai, and Lavea.

*Recommendation.*—Tilivea to leave the village at the Governor's order, and remain away during the pleasure of the Governor.

*Decision.*—The Administrator confirms recommendation.

*Order issued.*—Order dated 7th March, 1924, orders defendant to leave the Village of Samatau, and remain outside such village during the Administrator's pleasure. (Pardoned 13th October, 1924.)

No. 16.—File G. 1747.

Defendant: TAMASESE LEALOFI.

*Charges.*—(1) Refused to obey and carry out an order of the Secretary for Native Affairs. (2) Refused to obey and carry out an order of the Administrator, and also defying his authority.

Complainant: The Crown.

*Particulars of Inquiry.*—Was ordered by letter to appear before the Secretary for Native Affairs on 10th March, 1924, and on 11th March, 1924 was notified by letter that His Excellency ordered that the fence and hedge were to be removed by 14th March, 1924. Failed to carry out order, and appeared before the Administrator on 17th March, 1924. Defendant gave evidence and still defied the order of the Administrator.

*Decision by His Excellency.*—Defendant to remove to Leulumoega permanently.

*Orders issued.*—On 19th March, 1924, Tamasese was ordered to go to Leulumoega and reside there permanently. This order was disobeyed, and defendant was convicted by the Chief Judge. A fresh order dated 24th March, 1924, was served. In this defendant was ordered to leave the Island of Upolu and that he reside and remain at the Village of Asau; furthermore, that he was to cease using the title of "Tamasese," and that he shall be called by his original name, "Lealofi."

Nos. 17, 18, and 19.—File G. 1729.

Defendants: FAAMU, KELEKOLIO, and SOLA.

*Charge.*—Causing a village quarrel at a *fa'a-Samoa* ceremony.

Complainant: Ale Lui.

*Particulars of Inquiry.*—Parties were called by letter to Apia before Mr. Griffin on 11th March, 1924. Appeared: Ama F.P., Ale Lui, Laumatia, Ale Pio, and others, and the defendants.

Witness for the defendants: Ale Pio.

Witnesses against the defendants: Ale Lui, Ama, defendants.

*Recommendations.*—Sola, Kelekolio, and Faamu to return to their family in Suimu.

File and recommendation forwarded to the Administrator.

*Decision.*—Recommendation confirmed by Administrator.

*Orders issued.*—On 26th March, 1927, orders issued upon defendants were to leave and remain out of Tofitola during Administrator's pleasure. (Pardoned, 8th April, 1927.)

No. 20.—File G. 1434.

Defendant: GASOLO F.

*Charge.*—Perjury, and making a false allegation against another.

Complainant: The Crown.

*Particulars of Inquiry.*—Arrested on a charge of contempt of Court, and appeared before Mr. Griffin on 30th June, 1924. At this hearing she made a written statement withdrawing her allegation.

Witness giving evidence for the defendant: Defendant.

*Recommendation.*—That Gasolo come up for sentence when called up, and to leave Taufusi and return to Fasitoo.

File and recommendation sent to His Excellency the Administrator.

*Decision.*—The Administrator confirmed recommendation.

*Order issued.*—On 30th June, 1924, defendant was ordered to leave Village of Taufusi and return to her family at Fasitoo'outa. Term: His Excellency the Administrator's pleasure.

No. 21.—File G. 1760.

Defendant: PAGIGI.

*Charge.*—Conduct likely to provoke a breach of the peace in such that during a visit of chiefs of Lotofaga he used insulting words towards those chiefs.

Complainants: Faumuina, on behalf of the chiefs of Lotofaga.

*Particulars of Inquiry.*—The following were summoned to appear before Mr. Griffin on 19th June, 1924: Seinafo F.P., Misiluki, Pagigi, Siato, Sogialofa S. All appeared, as did also Faumuina. Defendant admitted use of words complained of.

Witness for the defendant: Defendant.

Witnesses giving evidence against the defendant: Seinafo F.P., Faumuina, Sogialofa Siu, and Misiluki.

*Recommendation.*—That His Excellency the Administrator will be advised to order Pagigi to live in Nofoa'i'i and to be prohibited from exercising the privileges of the Salelesi family.

*Decision.*—Recommendation confirmed.

*Order issued.*—On 19th June, 1924, defendant was ordered to leave the districts of Atua and Tuamasaga and remain in Nofoa'i'i for twelve months; and, further, that he is prohibited from exercising the privileges of the Salelesi family.

## Nos. 22 and 23.—File G. 1791.

Defendants: (1) INU TULIFAU; (2) FA'AMAU FALA.

Charges.—(1) Seditious. (2) Aiding and abetting the above, and was a part to the conspiracy.

Complainants: The Crown.

Particulars of Inquiry.—(1) Defendant appeared before a Board of Inquiry on 25th July, 1924. Board consisted of Toelupe, Aiono, Fonoti, and Asi Mama, F.P. (2) Defendant was called by letter dated 29th July, 1924, to appear before a committee of Faipules on 31st July, 1924. Hearing was adjourned, and defendant was notified by letter that, as he was implicated in Tulifau's case, he was ordered to appear before the Board on 21st August, 1924.

Witnesses giving evidence for the defendants: Defendants.

Witnesses giving evidence against the defendants: Malietoa F.P.

Recommendations of Board.—(1) (a) That the title "Inu" be taken from Inu Tulifau; (b) that defendant be imprisoned for twelve months. (2) (a) Fa'amau to be deprived of title; (b) defendant to be removed to Lefaga.

Decision.—The Administrator, after considering files and recommendations, decided—(1) That Inu Tulifau be deprived of title and not leave his village of Lufilufi for twelve months. (2) Recommendations confirmed.

Orders issued.—Order dated 29th July, 1924, orders Inu Tulifau to remain in his village (Lufilufi) for twelve months. Order was broken. A fresh order dated 22nd September, 1924, ordered that Tulifau leave Lufilufi and reside in Satupaitea for twelve months. Order 25/7/24 deprives Inu Tulifau of the use of the title "Inu." Order 18/9/24 orders Fa'amau Sili to leave the district of Tuamasaga and remain in the Village of Lefaga during the pleasure of the Administrator; also it deprives Fa'amau Sili of the use of the title "Fa'amau Sili." Tulifau pardoned 29th December, 1926. Fa'amau Sili pardoned 16th June, 1926.

## No. 24.—File 1799.

Defendant: TAUFAGA FEPULEAI.

Charges.—Usurping the title of another chief; using insulting words; upsetting the peace of the village and his family.

Complainants: Chiefs and orators of Vailele (Asi F.P. and others).

Particulars of Inquiry.—Defendant was ordered by letter dated 26th August, 1925, to appear before the Secretary for Native Affairs on 28th August, 1925, to answer charges made by chiefs of Vailele re his conduct. Asi Mama and chiefs of Vailele also called, by letter of the same date. Appeared: Asi Mama, Tupuanac, Fanna, Taufaga, Upega, chiefs of Vailele, Tavui, and defendant. Case heard by Mr. Griffin.

Witnesses giving evidence for the defendant: Tavui Lata and defendant.

Witnesses giving evidence against the defendant: Taufaga U., Lefau, Samoa J, and Asi F.P.

Recommendation.—That defendant be ordered to leave Vailele and reside in Falealili, and to lose the title of "Taufaga."

File and recommendation considered by His Excellency the Administrator.

Decision.—Recommendation confirmed.

Orders issued.—Order dated 28th August, 1924, states that defendant is to leave the Village of Vailele and remain within the boundaries of the district of Falealili for twelve months, and, furthermore, defendant is to cease using the title of "Taufaga."

## No. 25, 26, and 27.—File 13/4/17.

Defendants: SO'OALA TINI, TUU FA'ATUPUA, PEPE IERE.

Charges.—(a) Attempting to usurp the right of the plaintiff and disperse titles. (b) Creating divisions in the village authority and their religious organization.

Complainant: Laupue Tavai (head of the family).

Particulars of Inquiries.—First hearing, before Captain Bell, Resident Commissioner, Savai'i, on 2nd March, 1925. Appeared: Lilo (representing Laupue), Soala Tini, and others. Defendant admits offence. Case adjourned. Second hearing, before Tapusao F.P., Malaitai F.P., Mauai P.N., and Fuimaona P.N., held at Lefagaolii on 19th and 20th March, 1925.

Witnesses giving evidence for the defendant: Soala Ta'anuu and defendants.

Witnesses giving evidence against the defendant: Laupue.

Recommendation of Board.—Defendants to lose their titles and remove from the village.

File and recommendation considered by His Excellency the Administrator.

Decision.—Recommendation confirmed by His Excellency the Administrator.

Orders issued.—Orders dated 27th April, 1925, state that all are to leave the district of Gagaifomauga, and that (a) Pepe Ieru to remain in Satupaitea for twelve months and not to use the title of "Pepe"; (b) So'ovala Tini to remain in Faga for twelve months and not to use the title of "So'ovalo"; (c) Tu'u Fa'atupua to remain in Satupaitea for twelve months and not to use the title of "Tu'u." (Tini pardoned, 23rd March, 1926; Tu'u pardoned, 11th August, 1926; Iere pardoned, 7th October, 1926.)

## No. 28.—File G. 2092.

Defendant: MOLIO'O.

Charge.—Gambling and embezzlement; undermining the authority of the district officials; and a general nuisance in opposing all village progress and proposals.

Complainants: Fonoti F.P., Taua'a F.M.P., on behalf of the village chiefs.

Particulars of Inquiry.—The following were summoned to appear on 15th May, 1925: Defendant, Savusa, Taua'a, Tialavea, and Fonoti. All appeared before a Board of Inquiry consisting of Aiono, Toelupe, Asi Mama, and Seiuli (F.P.s).

Witnesses giving evidence for the defendant: Savusa, and Tialavea F., and defendant.

Witnesses giving evidence against the defendant: Fonoti and Taua'a.

Recommendation of Board.—Defendant should be dismissed and ordered to leave Faleapuna, and live with his relations at Aleipata for one year.

(File and recommendation passed to Administrator.)

Decision.—(a) Molio'o to be dismissed from his position as Agricultural Inspector; (b) to be deprived of title "Molio'o." (c) to leave Faleapuna and live at Aleipata until he has changed his character and can be trusted to do his duty to those in authority over him.

Order issued.—Order dated 18th May, 1925, states that defendant shall leave the district of Faleapuna, and reside in Aleipata during His Excellency the Administrator's pleasure; furthermore, he shall not use the title "Molio'o," but shall be known as "Saoletai."

## No. 29 and 30.—File G. 2113.

Defendants: (1) TUIAEA; (2) MATAMUA.

Charge.—That they created a division in the authority of the Village of Salelologa, and did attempt to upset a ceremonial custom of great importance.

Particulars of Inquiry.—The defendants were arrested and brought before a Board of Inquiry consisting of Aiono, Toelupe, Ama, Fonoti, and Tuilaepa (F.P.s) on 25th May, 1925. Defendants admitted taking part in matters calculated to cause a breach of the peace.

Witnesses giving evidence for the defendant : Defendants and Touli (hostile).

Witnesses giving evidence against the defendant : Pei and Vaai.

*Recommendations of Board.*—(1) Matamua should be deprived of his title and be imprisoned for six months, and then should live at Fagamalo. (2) Tuiaea (a *taulealea*) should be sent to Gagaemalae to live.

File and recommendations passed to His Excellency.

*Decision.*—(1) Matamua T. to leave Salelologa and lose the use of the title "Matamua." (2) Tuiaea to leave Salelologa. Both defendants to remain in custody until departure of a boat for Savai'i.

*Orders issued.*—(1) Order dated 27th May, 1925 stated that Matamua T. is to leave Salelologa and remain in Fagamalo during His Excellency's pleasure; furthermore, he shall not use the title "Matamua," but shall be known as "Tololi." (2) Order dated 27th May, 1925, sets out that Tuiaea shall leave Salelologa and live at Gagaemalae during His Excellency's pleasure. (Later the places of residence of both were changed to Safai'i.) Tuiaea pardoned, 6th February, 1926; Matamua pardoned, 16th March, 1926.

*No. 31.—File G. 2114 and 2014.*

Defendant : TU'U'U NAOU'U.

*Charge.*—That defendant did secretly plot to secure the removal of the Pulenu'u (Tofae), and in so doing did upset the peace of the village.

Complainant : The Village Committee of Siumu, through the District Council (Tofaeono P.N., original informant).

*Particulars of Inquiry.*—Defendant, Teo Vaega Motuopua'a and Tofae Taulima called by letter to appear before a Board of Inquiry consisting of Toelupe, Aiono, Leilua, and Asi Mama (F.P.'s) on 1st June, 1925. (A previous inquiry was held by the District Council in the district.)

Witness giving evidence for the defendant : Defendant.

Witnesses giving evidence against the defendant : Teo V., Ama Tu'u'u K., and Tofae T.

*Recommendation of Board.*—Defendant should lose the title of "Tu'u'u" and also leave the Village of Siumu.

File and recommendation sent to His Excellency the Administrator.

*Decision.*—Recommendation confirmed.

*Orders issued.*—Order dated 27th June, 1925, stated that defendant shall leave the district of Safata and remain within the district of Falealili during His Excellency's pleasure; and, furthermore, that he shall not use the title of "Tu'u'u," but shall be known by his original name "Maoupu." (Pardoned, 13th May, 1927.)

*No. 32 and 33.—File L/3/5.*

Defendants : (1) SUA FAA'ALAE'E'O ; (2) SUA TAULUA.

*Charge.*—(1) That defendant did attempt to assume control of the family land, and, further, that he behaved in a threatening manner; (2) that he aided and abetted Sua F. as above.

Complainants : Vae and the family of Sua.

*Particulars of Inquiry.*—Several hearings took place between 11th September, 1924, and 11th March, 1925. The final hearing took place before Captain Bell, Resident Commissioner, on 24th June, 1925, when there appeared Fialima, Vae, Sinapai, Tapuni, and Sua Faa'alae'o (the latter was called by letter). Sua Taulua was not called to this inquiry, as the family had already removed his title, and to which decision he had concurred by letter.

Witnesses giving evidence for the defendant : Sinapai, Fialuma, and Sua F.

Witnesses giving evidence against the defendant : Vae and Tapuni.

*Recommendations.*—(1) That Sua Faa'alae'o be deprived of his title and sent to Lano; (2) that the decision of the family that Sua Taulua lose his title be upheld.

*Orders issued.*—Order dated 29th June, 1925, orders that Sua Faa'alae'o shall leave Salalologa and remain in Lano during His Excellency's pleasure; and, furthermore, that he shall not use the title "Sua," but shall be known by his original name, "Faa'alae'o."

*No. 34.—File 528/25.*

Defendant : PISIA.

*Charge.*—Theft.

Complainants : The police.

*Particulars of Inquiry.*—Defendant appeared before the Chief Judge.

Witness giving evidence for the defendant : Defendant.

Witnesses giving evidence against the defendant : T. Brunt, M. Schwenke, Tailevao, Soalo Po.

*Recommendation.*—That, as defendant had been convicted thirteen times and had served twelve terms of imprisonment, he should be sent back to his home at Falealili.

File passed to His Excellency the Administrator.

*Decision.*—Recommendation confirmed.

*Order issued.*—Order dated 12th July, 1926, orders defendant to leave the districts on the north side of Upolu, and remain away from such districts until 23rd October, 1927.

*No. 35.—File 13/4/7 and N.D. 3/37.*

Defendant : TOFILAU SIOSE.

*Charge.*—That he incited his village to act in a violent manner, and offended sacred Samoan ceremonial rites at a feast.

Complainant : The Crown.

*Particulars of Inquiry.*—Inquiry was held by Mr. Biggwither, Resident Commissioner of Savai'i, at Fogapca, on 1st July, 1924. The chiefs and orators of Sapapali'i and Iva were present at the inquiry.

Witnesses giving evidence for the defendant : Leamae, Taito E., Alo, Saena, Miti, Ieti, Lopati, Faaletala, Sapini, and defendant.

Witnesses giving evidence against the defendant : Taeuga, Taimalelagi, Gauta, Namulau'ulu, Ulu.

(NOTE: Resident Commissioner expressed an opinion that witnesses for the defendant gave evidence under pressure of the defendant.)

*Recommendation.*—That defendant should be dismissed from position of Pulenu'u and be deprived of his title. (Defendant accepted the decision.)

File and recommendation sent to His Excellency the Administrator.

*Decision.*—His Excellency the Administrator approves of the recommendation.

*Orders issued.*—Order dated 3rd August, 1924, prohibits defendant using title "Tofilau."

*Nos. 36 and 37.—File 13/4/14.*

Defendants : KALENA, KAVANA, and IONA.

*Charge.*—Assault and offences against the authority of the chiefs of the village.

Complainants : Village Committee of Lalomalava.

*Particulars of Inquiry.*—A Board of Inquiry consisting of Taimalelagi, Sua Latu, Unasa, sua Mui (F.P.'s), and Luamanu F.M.P., sat at Fusi on 10th July, 1925.

Witnesses giving evidence for the defendant : Defendants.

Witnesses giving evidence against the defendants : Chiefs of the village.

*Recommendations.*—The Board forwarded the following through the Resident Commissioner : (1) That Kalena be sent to his family at Fasito'otai ; (2) that Kavana be sent to Gautavai ; (3) that Iona be warned.

File sent to the Administrator.

*Decision.*—His Excellency confirms recommendation.

*Orders issued.*—(1) Order dated 10th September, 1925, sets out that Kalena shall leave the village of Lalomalava and reside in Fasito'otai during His Excellency's pleasure. (2) Order dated 10th September, 1925, states that Kavana shall leave the Village of Lalomalava and live in Gautavai during His Excellency's pleasure. (Kalena pardoned, 22nd December, 1926.)

*No. 38.—File 112/26.*

Defendant : MULU.

*Charges.*—(1) That, as he had been convicted of rape on 19th March, 1924, and of theft on 8th September, 1924, and, further, that he was the cause of trouble in the village of Faga, he should be removed from that district. (2) (a) Theft, (b) assault, (c) breaking banishment order, (d) gambling.

Complainant : The Crown.

*Particulars of Inquiry.*—Mulu appeared before the High Court on charge (2) (a), (b), and (c), and pleaded guilty ; also pleaded guilty on charge (2) (d) when he appeared before Captain Bell at Fagamalo. (Called by letter.)

*Recommendations.*—In reference to charge (1), Captain Bell recommended that defendant be ordered to leave Faga.

*Decision by His Excellency the Administrator.*—Mulu to leave Faga and live at Matautu.

*Orders issued.*—Order dated 20th September, 1925 : Defendant was convicted for breaking the above order, and a fresh order, dated 16th March, 1926, was issued, ordering Mulu to leave Faga and live in Matautu during the pleasure of His Excellency the Administrator.

*No. 39.—File G. 2131.*

Defendant : TAUUA.

*Charge.*—Misconduct towards the wife of Fonoti ; misbehaviour towards the village pastor, and disregarding the sanctity of his house ; overbearing attitude towards the people of his district.

Complainants : The chiefs of Faleapuna.

*Particulars of Inquiry.*—First inquiry, before Mr. Griffin, Secretary for Native Affairs, and Toelupe, Aiono, and Asi (F.P.s) as assessors. The following were summoned, and appeared on 25th August 1925 : Manga Fonoti, Tauua'a, Savusa, Lilo, Telepi, Paulo I, and Va'a. Case adjourned ; Tauua'a to desist from hearing further cases as a Native Judge. Second inquiry, before Mr. Griffin and a Board consisting of Asi, Seiuli, Toelupe, and Aiono (F.P.s), held on 25th September, 1925. The following called by letter : Defendant ; chiefs of Faleapuna, Vaituleo, Mauga, and Filiga. Defendant admits most of the charges brought against him.

Witness giving evidence for the defendant : Defendant.

Witnesses giving evidence against the defendant : Lilo, Tia, Savusa, Peai, Taito Tialavea, Pa.

*Recommendations of the Board.*—(1) That Tauua'a be deprived of the titles of "Tauua'a" and "Lelafu" ; (2) be dismissed from post of Fa'amasino ; (3) that he remove from Faleapuna and dwell in Falefa.

File and recommendation considered by His Excellency the Administrator.

*Decision.*—Recommendations confirmed by His Excellency the Administrator.

*Orders issued.*—Defendant ordered to leave Faleapuna and remain in Falefa during the pleasure of His Excellency the Administrator ; and, furthermore, that he shall cease from using the names "Tauua'a" and "Lelafa," and in future be known by his original name of "Tololi." Order dated 26th September, 1925.

*No. 40.—File 86/25.*

Defendant : PAULI.

*Charge.*—That he, having been convicted of wilfully causing grievous bodily harm and causing a breach in the family, should be deprived of his title.

Complainant : The family of Pauli.

*Particulars of Inquiry.*—Defendant was convicted by the High Court.

*Recommendations.*—Captain Bell, Resident Commissioner, acting upon a request of the family, recommended that defendant be not permitted to use the title of "Pauli"

*Decision.*—Confirmed by His Excellency the Administrator.

*Order issued.*—Order dated the 2nd November, 1925, prohibits the use of title "Pauli."

*No. 41.—File G. 2290.*

Defendant : TALAMAIVAO.

*Charge.*—Criminal assault and serious breach of *fa'a-Samoa* custom.

Complainants : The family of the defendant.

*Particulars of Inquiry.*—Defendant appeared before a Board of Inquiry consisting of Toelupe, Ama, Asi Mama, and Seiuli (F.P.'s) on 4th November, 1925. Board to consider the charge, and if proved to state what would be the punishment according to Samoan custom.

Witness giving evidence for the defendant : Defendant.

Witnesses giving evidence against the defendant : Satiu, Taulauai, Falemai, and Vae.

*Recommendations.*—(1) Defendant is not considered a fit person to hold the office of Faipule ; (2) he would not be permitted to be a *matua* ; (3) he would not be allowed to live with his family.

*Decision.*—Minutes of the inquiry passed to His Excellency the Administrator, who approves of the substance of the Board's recommendations.

*Orders issued.*—Order dated 16th November, 1925, orders Talamaivao to leave Fagaloa and reside in Leulumoega during His Excellency's pleasure, and, furthermore, he is to cease using the titles of "Ulualoifaiga" and "Talamaiavao."

*No. 42.—File L/3/14.*

Defendant : LEILUA AVAO.

*Charge.*—Upsetting the family relationship.

Complainants : The family of defendant.

*Particulars of Inquiry.*—Inquiry was held by a Board consisting of Taimalelagi, Sua Lata, Sua Mui, and Unasa (F.P.'s) at Safolulafai on 2nd November, 1925.

Witness giving evidence for the defendant : Defendant.

Witnesses giving evidence against the defendant : Family of Leilua.

*Recommendation of Board.*—Remove the title of defendant and remove him from the village.

File forwarded to His Excellency the Administrator.

*Decision.*—Recommendations approved by His Excellency the Administrator.

*Order issued.*—That Leilua was to remove from Safotulafai to Iva during His Excellency's pleasure, and that he cease to use the title of "Leilua," and that in future he shall be known by his original name of "Avao." Order dated 23rd November, 1925.

## No. 43.—File G. 2282.

Defendant: LIO PEAPEA.

Charge.—Interrupted the evening service and used insulting language to the chiefs of the village.

Complainants: Chiefs of Fasito'otai (Saga Maea, Tuiatua, Toleafoa, and others).

Particulars of Inquiry.—Board of Inquiry consisting of Toelupe, Seiuli, and Asi Mama (F.P.s) sat at Mulinu'u on 8th December, 1925. The following appeared in answer to an instruction by letter: Defendant, Salanoa, F.P., Tuigamala, P.N., Saga M., Tauai, Tuiatua, Saga F., Tuigamala P., Iau, and eight others. Defendant told the Board he did not want to call any witnesses.

Witnesses giving evidence for the defendant: Defendant, Pua, Lauago.

Witnesses giving evidence against the defendant: Tuigamala P.N., Saga M., Tuigamala P., Salanoa, and Tuiatua.

Recommendation.—We approve of the recommendation of the Village Committee that Lio be removed from Fasito'otai and that his title be removed, as he is not a fit person to be a *matai*. (NOTE.—Defendant had appeared before the Village Committee previously.)

File and recommendation forwarded to Administrator.

Decision.—Recommendation of the Board approved.

Order issued.—Order dated 4th December, 1925, states that defendant is to leave Fasito'otai and remain in Faleasiu during His Excellency's pleasure, and, furthermore, that he shall cease to use the title of "Lio" and shall be known by his original name of "Peapea." (Pardoned 28th November, 1926. Two weeks after his return to his village he was again ejected by the chiefs.)

## No. 44.—File 2295.

Defendant: AUELUA LUAVAI.

Charge.—That he, having been convicted of perjury, abduction, and adultery, was an unfit person to be a *matai*.

Complainant: Tagaolo and others.

Particulars of Inquiry.—Was convicted by the High Court. The question of his title was determined by a Board of Inquiry consisting of Toelupe, Aiono, and Asi Mama (F.P.s), who sat on 11th January, 1926. Several other hearings were carried out by Mr. Griffin.

Witnesses giving evidence for the defendant: Peapea, Faasalusalu, Alofaga, and defendant.

Witnesses giving evidence against the defendant: B. Johansson, Tulia, and Tagaolo.

Recommendation.—That defendant is not a fit person to hold a *matai* title.

File and recommendation perused by His Excellency the Administrator.

Decision.—Defendant to be deprived of his title.

Order issued.—Defendant to cease to use the title of "Auelua." Order issued 11th January, 1926. (Title returned by family.)

## No. 45.—File 2360.

Defendant: LUI.

Charge.—That he defied the authority of the chiefs of the village and refused to apologize for such defiance.

Complainants: The chiefs of Vaiusu and the District Council (Ale Malu, Taliau, and Mataia S., and Mataia P.).

Particulars of Inquiry.—The District Council held an inquiry and referred the matter to the Government, which set up a Board consisting of Toelupe and Asi (F.P.s), who upheld the decision of the Council.

Witness giving evidence for the defendant: Defendant.

Witness giving evidence against the defendant: Seiuli F.P.

Recommendation.—That Lui should leave Vaiusu and live in his father's village, Leauvaa.

File perused by His Excellency the Administrator.

Decision.—Approves the Board's recommendation.

Order issued.—Defendant to leave Vaiusu and live at Leauvaa during His Excellency's pleasure. Order dated 22nd July, 1926.

## Nos. 46, 47, and 48.—File N.D. 691.

Defendant: (1) SAVUSA; (2) TIALAVEA F.; (3) TIALAVEA V.

Charge.—Defiance of the Board of Inquiry, and refusing to reconcile with the Faipule, thereby causing a serious rupture in the district. (NOTE.—The defendants brought various charges against Fonoti F.P. The Board of Inquiry was set up, and in their investigations found that the charges were completely unfounded and had been brought out of malice. Defendants were then instructed to apologize and effect a reconciliation.)

Complainants: The Crown.

Particulars of Inquiry.—Defendants were called by letter to appear before the Board of Inquiry, consisting of Toelupe, Aiono, Asi Mama, and Seiuli (F.P.s) on 16th November, 1926. Investigation was adjourned to 23rd to allow of a reconciliation to be effected (as stated above). Board continued its sittings of 23rd November, 1926. A further Board, consisting of Mataafa, Tainau, and Sagapolutele (F.P.s) was set up and endeavoured to bring about a reconciliation on 27th January, 1927.

Witnesses giving evidence for the defendants: Defendants.

Witnesses giving evidence against the defendants: Fonoti and Fea.

Recommendations.—(1) Savusa should lose his title and return to his relations at Tuanai. (2) Tialavea F. should lose his title and return to his relations at Falefa. (3) Tialavea V. should be dismissed from the office of *pulemu'u* and lose his title.

Decision.—Evidence examined by His Excellency the Administrator. Recommendations of Board approved.

Orders issued.—(1) Savusa to remove from Faleapuna and remain at Tuanai during His Excellency the Administrator's pleasure, and not to use the title of "Savusa." (2) Tialavea Faitele to remove from Faleapuna to Falefa during His Excellency's pleasure, and not to use the title of "Tialavea." (3) Tialavea Vesi to be dismissed from the Government service and not to use the title of "Tialavea." All orders are dated 29th December, 1926.

## No. 49.—File Savai'i.

Defendant: TAATITI S.

Charge.—Unlawful entry with intent to commit a sexual crime.

Complainant: The District Council of Neiafu and Taatiti T.

Particulars of Inquiry.—The District Council of Neiafu (Pei F.P., Tautali P.N., and ten others) investigated the charge on 3rd May, 1926, and recommended that defendant should be deprived of title and ordered to remove to another village. Case was further investigated by Captain Bell, Resident Commissioner of Savai'i, at Falelima, on 24th November, 1926.

Witness giving evidence for the defendant: Defendant, who stated that he did not have other witnesses.

Witnesses giving evidence against the defendant: Pei, Tauia, Tauai, and Malia.

Recommendation.—(1) That Taatiti be deprived of his title; (2) that he be removed from Neiafu to Sataua.

Files forwarded to His Excellency the Administrator.

Decision.—Recommendation approved.

Order issued.—That defendant shall leave the village of Neiafu and remain in Sataua during His Excellency's pleasure, and also that he shall cease to use the title of "Taatiti." Order is dated 23rd December, 1926.

## Nos. 50 and 51.—File G. 1920.

Defendants: (1) MOANANU, (2) FAATEAINA.

Charge.—Discussing and disclosing family genealogies.

Complainants: Chiefs of Mulifanua.

Particulars of Inquiry.—Defendants summoned to appear before the Native Court on 3rd March, 1925. Defendants appeared, and case was heard by Commissioner McCarthy, who convicted and ordered defendants to come up for sentence when called upon; and, further, that this decision shall be forwarded to His Excellency the Administrator. Files and evidence submitted.

Witnesses giving evidence for the defendant: Defendants.

Witnesses giving evidence against the defendants: Tuilaepa, Fuanonofu, Tauti, Ifopo, Taulapapa.

Decision by His Excellency the Administrator.—(1) That Moananu leave Mulifanua and reside at Letogo, and also lose the use of his title. (2) That Faateaina remove from Mulifanua.

Orders issued.—(1) That Moananu leave Mulifanua and remain at Letogo during His Excellency's pleasure, and also to cease using the title of "Moananu"; (2) That Faateaina leave the district of Aigaile-Tai and remain at Satupaitea during His Excellency's pleasure. Orders dated 27th April, 1925.

## No. 52.—File 21.

Defendant: LESA.

Charge.—Fourteen charges of a varied nature, including the disruption of religious factions.

Complainants: The chiefs of Sataua.

Particulars of Inquiry.—An investigation was held by the District Council, and recommendations were forwarded to the Resident Commissioner, Savai'i. A Board consisting of Leliua, Tapusoa, Suisala, and Vaai (F.P.s) was set up, and defendant, Tapue, Mataeliga, Pua, Lefua Alaelua, Sua, Tufuga, the chiefs of Sataua and Papa, and the District Council of Vaisigano were called for 21st January, 1927. All appeared.

Witness giving evidence for the defendant: Defendant.

Witnesses giving evidence against the defendant: Pua, Lefua, Faalagi, Mua, and Leali'ifono.

Recommendations.—(1) That Lavea be dismissed from office of Komisi; (2) that he be removed from Papa to Saleia, and deprived of his title.

Files passed to His Excellency the Administrator.

Decision.—(1) That Lavea shall be dismissed from office; (2) that he shall be removed as recommended.

Order issued.—That Lavea is to leave the Village of Papa, and remain at Sataua during His Excellency's pleasure. Order dated 17th May, 1927.

## No. 53.—File L/2/6.

Defendant: TUALA TAOMU.

Charge.—Adultery.

Complainant: Family of defendant and chiefs of Lealatele.

Particulars of Inquiry.—The following appeared before the Resident Commissioner of Savai'i (Mr. Biggwith) on 25th September, 1924: Sala S., Tuala Taomu, Tiuga, Tevaga, and Vaifale.

Witness giving evidence for the defendant: Defendant.

Witness giving evidence against the defendant: Sala S.

Recommendations.—(1) That if the family of Tuala Taomu wish the title of "Taomu" to be removed they must petition His Excellency the Administrator. (2) Tuala Taomu to be dismissed from office of Native Judge. (NOTE.—Petition from family dated 29th September, 1924, sent to His Excellency the Administrator.)

Decision.—Approved by His Excellency the Administrator on 10th October, 1924.

## REMOVAL ORDERS CURRENT ON 22ND OCTOBER, 1927.

Term: The Administrator's pleasure.

No.	Case No.	Name.	To remove from	To	Date of Order.	Remarks.
1	38	Mulu .. ..	Faga, Savai'i ..	Matautu, Savai'i	16/3/26	Chiefs desire that Mulu be not allowed to return.
2	39	Tauaa Lelafu ..	Faleapuna .. ..	Falefa .. ..	26/9/25	On 15/2/27 a committee of Faipule, reporting on Faleapuna trouble, recommended that Tauaa be sent to Faleasiu and not permitted to return to Faleapuna.
3	42	Leilua Avau ..	Salotulafai ..	Iva, Savai'i ..	23/11/25	Question of pardon at present under consideration.
4	46	Savusa .. ..	Faleapuna .. ..	Tuanai .. ..	29/12/26	
5	47	Tialavea F. ..	" .. ..	Falefa .. ..	" .. ..	
6	49	Taatiti Setu ..	Neiafu, Savaii' ..	Sataua, Savai'i ..	23/12/26	Question of pardon at present under consideration.
7	50	Moananu .. ..	Mulifanua .. ..	Letogo .. ..	27/4/25	Chiefs desire that defendant be not allowed to return to village.
8	51	Faateaina .. ..	" .. ..	Satupaitea .. ..	" .. ..	Ditto.
9	52	Lesu .. ..	Papa, Savai'i ..	Saleia, Savai'i ..	17/5/27	

**EXHIBIT No. 59.**  
**ORDERS ISSUED DURING POLITICAL AGITATION.**

No.	Name.	Of	Ordered to	Date of Order.	Term.	Remarks and Inquiries.
1	Matau Karauna	Apia ..	Remain at home	25/11/26	Three months	Endeavoured to distribute Mau literature and collect funds for the Mau at Savaii.
2	Faumuina	Lepea ..	"	"	"	Ditto.
3	Lemu T.	Apia ..	"	"	"	"
4	Pito ..	"	"	"	"	"
5	Ainu'u Tasi	"	"	12/1/27	"	"
6	Tuisila	Mutiatafe	"	"	"	Appeared before the Administrator.
7	Anao ..	Eva ..	"	"	"	"
8	Alipia ..	Leulumoega	"	"	"	Appeared before the Administrator.
9	Faumuina	Lepea ..	"	20/6/27	Administrator's pleasure	Removed from Apolima to Lotofaga on 2nd August, 1927.
10	Lago Lago	Pesega	"	"	"	Both Faumuina and Lago Lago appeared before the Administrator.
11	Tuisila	Mutiatafe	"	2/7/27	"	Disobeyed order and was convicted.
12	Tagaloa F.	Saluafata	"	5/7/27	Three months	"
13	Fuataga	Lalomanu	"	"	"	"
14	Leutele	Falefa ..	"	"	"	"
15	Alipia	Leulumoega	"	7/7/27	"	Refused to meet the Administrator when given an opportunity to do so.
16	Umaga	"	"	"	"	"
17	Tofa T.	Saipipi..	"	"	"	"
18	Matamua P.	Iva ..	"	"	"	"
19	Luamanu, T.	Salelologo	"	"	"	"
20	Tofilau F.	Iva ..	"	8/7/27	"	"
21	Mafine	Saleaula	"	"	"	"
22	Mamea L.	Lefaga	"	"	"	"
23	Fasia ..	Safotulafai	"	"	"	"
24	Lavea T.	Safotu ..	"	"	"	"
25	Vaafusu A.	Sasaai ..	"	"	"	"
26	Vui P...	Lano ..	"	"	"	"
27	Tu'u Faatupua ..	Samauga	"	"	"	"
28	Vaalito	Satana...	"	"	"	"
29	Fui ..	Letui ..	"	"	"	"
30	Loeta ..	Gautavai	"	"	"	"
31	Fuiono Pine	Falealupo	"	"	"	"
32	Silia P.	"	"	"	"	"
33	Gisa ..	Tufutafoe	"	"	"	"
34	Falealili	"	"	"	"	"
35	Faisila	Neiafu	"	"	"	"
36	Leavai	Palauli	"	"	"	"
37	Segi L.	Sasaai ..	"	"	"	"
38	Toilolo	Taga ..	"	"	"	"
39	Fui T.	Lotofaga	Remain at home	"	"	Refused to meet the Administrator when given an opportunity to do so.
40	Sitagata	"	"	"	"	"
41	Melei ..	"	"	"	"	"
42	Moana	Safine..	"	"	"	"
43	Alipia..	Leulumoega	Return home from Apia	16/7/27	Twelve months	Given an opportunity to appear; arrived late.
44	Umaga	"	Varusu	"	"	Appeared before the Administrator.
			Satalo ..	"	"	"

45	Autagavaia S.	..	Vailoa, Savaii	..	Falealupo	..	..	..	16/7/27	..	Disobeyed order to appear before the Administrator.
46	Papalii Ulu	..	Apia ..	..	Vaitele	..	..	..	20/7/27	..	Appeared before the Administrator.
47	Ainu'u Tasi	..	" ..	..	Maie ..	..	..	..	"	..	"
48	Matau Karauna	..	" ..	..	Asau ..	..	..	..	"	..	"
49	Tuao Tauilo	..	Lefaga	..	Return home from precincts of Apia	..	..	..	28/7/27	..	Disobeyed first order and did not appear when given an opportunity to do so.
50	Lagaiaia M.	..	Palauli	..	"	..	..	..	"	..	"
51	Pasia ..	..	Safotulafai	..	"	..	..	..	"	..	"
52	Tofa T.	..	Saipipi..	..	"	..	..	..	"	..	"
53	Tofilau F.	..	Iva ..	..	"	..	..	..	"	..	"
54	Matamua P.	..	Satelologa	..	"	..	..	..	"	..	"
55	Luamanu T.	..	"	..	"	..	..	..	"	..	"
56	Mafine	..	Saleaula	..	"	..	..	..	"	..	"
57	Tuala Turo	..	Teauvaa	..	Lealatele	..	..	..	"	..	"
58	Alciai	..	Palauli	..	Return home from precincts of Apia	..	..	..	"	..	"
59	Lavea T.	..	Safotu	..	"	..	..	..	"	..	"

## SUMMARY AND ANALYSIS.

A total of 59 orders were issued upon 50 individuals. (a) Number ordered to remain or return to their home villages, 42; (b) number ordered to remove to villages other than their own home village, 8; total, 50. (NOTE.—Faumuina, who was later ordered to return to his home village of Lotofaga, is included in (b) above.)

Number of orders current on 24th October, 1927, 19.

Convicted for disobedience of orders, 3; arrested on warrant (16 orders issued), 9; signed letter refusing to leave Apia, 14; disobeyed orders, no further action taken, 19; disobeyed orders and served with second orders, 6; obeyed orders, 8; total orders, 59.

R. H. ALLEN, Accountant and Inspector, Department of Native Affairs.

## EXHIBIT No. 60.

## LIST OF FAIPULE APPOINTMENTS.

[Extracts from "Nominal Rolls of Officials in Savai'i."]

Malupo F.P., Vaito'imuli: Appointed Pulenu'u, 19/6/1909; sworn in, 2/6/1916; appointed Faipule, 30/6/1916; sworn in, 2/6/1916.

Unasa T. F.P., Faga: Appointed Pulenu'u, 1/9/1919; sworn in, 10/9/1919; promoted Faipule, 1/9/1919; sworn in, 10/9/1919.

Mala'itai F.P., Lefagaoli'i: Appointed Pulenu'u, 1/1/1907; sworn in, 1/9/1919; promoted Faipule, 1/9/1919; sworn in, 1/9/1919.

R. Vaai F.P., Vaisala: Appointed Failautusi, 1/1/1901; sworn in, 1/1/1901; appointed Faamasino, 1/1/1906; appointed Pulefaato'aga, 1/8/1914; sworn in, 1/8/1914; promoted Faipule, 1/9/1919.

Tuisalega F.P., Faiaai: Appointed Pulenu'u, 1/4/1917; sworn in, 1/4/1917; appointed Faamasino, 1/2/1919; sworn in, 1/2/1919; promoted Faipule, 1/9/1919; sworn in, 1/9/1919.

Leilua Siavi'i F.P., Safotulafai: Appointed Pulenu'u, 1/2/1919; sworn in, 1/2/1919; promoted Faipule, 1/11/1919; sworn in, 1/9/1920.

Tapusoa F.P., Safotu: Appointed Pulenu'u, 1/7/1916; sworn in, 5/7/1916; promoted Faipule, 1/9/1919; sworn in, 1/9/1919.

Suisala F.P., Safa'i: Appointed Faamasino, 1/7/1913; sworn in, 2/6/1916; promoted Faipule, 18/8/1923; sworn in when F.M.P.

Scumanutafa F.P., Falcalupo: Appointed Faamasino, 1/2/1919; sworn in, 2/2/1919; promoted Faipule, 1/1/1926; sworn in when F.M.P.

Su'a Mui F.P., Saipipi: Appointed Faamasino, 1/3/1924; sworn in, 28/3/1924; promoted Faipule, 1/7/1925; sworn in when Faamasino.

Su'a Latu F.P., Salcalvalu: Appointed Faamasino, 1/4/1922; sworn in, 6/11/1922; promoted Faipule, 1/8/1924; sworn in when Faamasino.

Pei Ainea F.P., Neiafu: Appointed Pulenu'u, 1/2/1919; sworn in, 2/2/1919; promoted Faipule, 18/1/1923; sworn in, 21/12/1923.

## EXHIBIT No. 61.

## BANISHMENT ORDER.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Lealaitafea, Samoan male of the Village of Salailua, Savai'i.

I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of you, Lealaitafea, within the district hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that you leave the district of Pauauli West, in the Island of Savai'i, in Western Samoa, and that you remain outside the said district for a period of twelve months from 1st January, 1924.

Witness my hand at Apia, this 7th day of January, 1924.

GEO. S. RICHARDSON, Administrator.

I certify that the foregoing is a true copy of the original document.—R. H. ALLEN, Accountant and Inspector, Department of Native Affairs.

## EXHIBIT No. 62.

## LETTER FROM ALI'I AND FAIPULE TO RESIDENT COMMISSIONER, SAVAI'I.

Salailua, 17th September, 1927.

To His Honour, Mr. Bigg-Whither, Resident Commissioner, Savai'i.

SIR,—

This letter is written with the greatest of respect to your Honour. It is on account of matters now happening in this village. As to the existence of peace in the past, it is now shattered by these two persons, Tolova'a Tupu and Na'i Taei'a. During His Excellency the Governor's *malaga* trouble arose on account of the head-dress of Na'i Taei'a. I saw injury was likely to effect, and I therefore stopped it, I and Lealaitafea Tajia'i'a. Some time later the village again saw Taei'a with his head-dress on. It was settled then that the *ta'atolos* be carried on. He again and also came forward with a war-knife and stones; Tolova'a Tupu also uttered the words "that the village will or is to be parted." As to the matter between Savai'inaea and Na'i Awa'a, it was settled upon by the Government during *ava (kava)* and the head-dress, in order to be discussed and peace maintained.

As to Na'i Taei'a, he is not in it, but he wishes to be in it for no reason; it is not him, but it is Na'i Awa'a only and the Savai'inaea—that is all; Na'i Taei'a is not in it. These matters as have arisen from these persons will cause breach of the peace in this village: (1) One person of the village of Siutu died on account of Taei'a. (2) He uttered to Tuato Pasi, that he will kill him. (3) It was Taei'a who said during beetle-searching that he will kill him, the boy Tavete. (4) It was Taei'a and his brother who assaulted the Pulenu'u Tolova'a Tupu; he also came with a gun and axe to Naea. (5) He rode a horse using a big knife as a whip. He was the one, too, who said, at the day of reception to His Excellency, "the village will be parted." (6) Went with *fafautu* (a *lavilava* bound around the head) along the village; but it is forbidden—it is not the custom here. (7) He struck a boy with a walking-stick during reception day to His Excellency.

Therefore we accordingly wish to inform your Honour the Resident Commissioner and the Government, these persons are no longer included in matters of village affairs, and a wish of this village is with the Government now—that any one who commits a breach of the peace in this village is to leave this village. This is the wish of this village, that these persons be taken away who have broken the peace in this village.

Long live your Honour,

ALI'I and FAIPULE:

- |                    |                    |                       |
|--------------------|--------------------|-----------------------|
| 1. SAVAI'INAEA F.  | 8. VA.             | 14. LEULUAI OFISA.    |
| 2. LEAVAI.         | 9. MULIPOLA S.     | 15. POLO, PULENU'U.   |
| 3. TIA.            | 10. MATAPULA.      | 16. LEALAITAFEA TOFO. |
| 4. TAFEA TAGIAI'A. | 11. TUATO PASI.    | 17. TUATO LASALO.     |
| 5. MULIPOLA FALE.  | 12. MAIAVA.        | 18. TOLOVA'A SILATA.  |
| 6. NAFO.           | 13. AUMALE TAISIA. | 19. TUATO, PULENU'U.  |
| 7. TUTFALEFA.      |                    |                       |



*Revenue and Expenditure. (Fiji Blue-book, 1925, page 52.)*

The cost of the service "District administration" for 1925 was £23,087 11s. 9d. Following is an analysis: Personal emoluments, £20,187 9s. 7d.; other charges, £2,888 2s. 2d.; special expenditure—purchase of punt for D. C. "Rewa," £12.

Of the "Personal emoluments" it is impossible in the time at my disposal to make an accurate analysis, as details of the actual salaries paid to each individual official, including over two hundred Native Fijians, are not available. Roughly, however, the expenditure is as under: European District Commissioners and their Indian clerks and interpreters (say) £15,200; purely Native officials (say) £4,987: total, £20,187.

The District Commissioners are charged with the general administration of the various districts in the colony, in the interest of European and Native alike. The Native officials are engaged in purely Native administration. Of the "other charges" at least one-half may properly be allocated against "Native administration." A good third of the time of District Commissioners and their staff is occupied in purely Native affairs. Many of the District Commissioners are also Provincial Commissioners, and in that capacity have charge of the administration of the province, and the provincial funds and taxes, otherwise administered by a Native *roko*.

Direct expenditure under the head "District Administration" might be taken as—One-third salaries of District Commissioners and their staffs, £5,066; purely Native officials, £4,987; one-half of "other charges," £1,450: total, £11,503. In addition there is the Native section of the Secretariat, the expenditure under which, for 1925, was estimated at—Personal emoluments, £1,210; rations, &c., to unpaid Native clerks in training, £126: total, £1,336.

Sight must not be lost, however, of the fact that the Natives themselves contribute a substantial sum annually, in addition to their "Native taxes," towards the cost of their administration by way of provincial rates, which produce something not far under £20,000 a year. These moneys do not come into general revenue. If they did, the cost of the purely Native administration would correspondingly have to be enormously increased. The provincial rates are paid into the various "Provincial Funds," which are administered by either a Native *roko* (or chief), or a European Provincial Commissioner, who is also a District Commissioner.

Revenue and expenditure *per capita* of all classes of population (population, 169,667): Revenue, £550,236; expenditure, £478,174. Revenue *per capita*, £3 4s. 10d.; expenditure *per capita*, £2 16s. 4d.

In addition to the expenditure from general revenue shown above, during 1925 a sum of £36,842 19s. 9d. was expended from loan funds. Adding that to the expenditure from general revenue, the expenditure *per capita* for that year works out at £3 0s. 8d.

*Total Expenditure of Secretariat.* (Fiji Blue-book, 1925, page 60).—Excluding Native section: Personal emoluments, £8,221; other charges, £1,344: total, £9,565. Section "Native Affairs": Personal emoluments, £914; Native personnel, £296: total, £1,210. (NOTE.—The information given in this case and in the previous one, for the reason given in my observations on "Revenue and Expenditure," is partly actual and partly estimated. It is correct, however, to within a very few pounds.)

*Treasury and Audit Departments.*—Treasury: Personal emoluments, £5,396; other charges, £3,929. Inland revenue: Personal emoluments, £211; other charges, £500: total, £10,036. (NOTE.—The salary of the Commissioner of Inland Revenue, who is also Deputy Treasurer, is included in the personal emoluments of the Treasury proper. The Inland Revenue section embraced then income-tax and stamp duties only.) Audit Department: Personal emoluments, £2,292; other charges, £238: total, £2,530.

*Customs Department.*—Personal emoluments, £7,537; other charges, £950: total, £8,487.

*Customs and Allied Revenue* (Fiji Blue-book, 1925, pages 54 *et seq.*).—Import and export, £286,513; licenses, £14,875; income-tax and business profits, £34,118; residential-tax, £21,746.

For the purpose of comparison with the cost of collection, however, the following represents more nearly Customs revenue: Imports and exports, £286,513; licenses (about one-quarter), £3,719; port, wharfage, and lighthouse dues, £16,116: total, £306,348.

Income and business profits taxes as well as residential tax are collected, the former by the Inland Revenue section, and the latter by the Treasury proper. The amount of business profits tax collected in 1925 was nil. While the revenue from port, wharfage, and lighthouse dues are included above because they are actually collected through the Customs Department, for the purpose of arriving at the cost of collecting or earning this revenue the Port and Marine figures should be taken into account. They are as follows:—

*Harbour—i.e., Port and Marine.*—Personal emoluments, £2,634; other charges, £3,279: total, £5,913. The true cost of collecting this £306,348 shown above is therefore—Customs, £8,487; Port and Marine, £5,913: total, £14,400.

Lighthouse-keepers: For reasons already given it is impossible at this moment to give actual figures of salaries and wages paid, but the estimates were—Lighthouse-keepers, £1,308; Inspectors of Lighthouses, £30; bonuses (approximately), £400: total, £1,738. These figures may be taken as being within a few pounds of actual expenditure.

Other charges under Port and Marine:—

	£	s.	d.
Lighting and care of wharves, receiving-sheds, and offices, Suva, Levuka, and Lautoka	458	1	0
Oil and stores, lighthouses and signal-stations	1,242	1	5
Allowance to unofficial members of Fiji Marine Board	5	0	0
Marine Board Examiners and Surveyors	7	11	6
Marine Board inquiries and investigations	61	6	6
Maintenance of pilot-boats	78	12	0
Maintenance of buoys and beacons	232	15	4
Maintenance and running-expenses of oil-launches	375	17	7
Incidentals	43	7	1
Wages, rations, and clothing, boat's crew	476	19	0
Transport	27	1	0
Rent, lighthouse grounds	3	2	0
Hose for water-supply to shipping	151	7	11
Alteration to electric switches and wiring on the wharf in order to economize in the consumption of current	116	0	0
	<u>£3,279</u>	<u>2</u>	<u>4</u>

*Transport.*—The main function of H.M.C.S. "Pioneer" is to undertake lighthouse trips, which she does every two or three months. The total cost of the "Pioneer" in 1925, including £12,043 for insurance and extraordinary maintenance charges, was £21,915. In addition to the Harbourmaster's launch under the Port and Marine Department proper, the maintenance and running-expenses of which in 1925 amounted to £376, there are launches under the control of various District Commissioners and Medical Officers, and there is a launch attached to the leper station at Makogai. These launches are maintained by the various Departments. There are also launches under the control of the Public Works Department. The cost of upkeep of water transport under the Works Department for 1925 was £4,589.

*Legal Department.*—The total expenditure under this head was £7,417, made up by—Personal emoluments, £6,209; other charges, £1,471: total, £7,680. The copy of the estimates for 1925 will show the establishment fairly well (Fiji estimates, page 19).

It must be remembered that all District Commissioners are really in their judicial capacity under the Chief Justice, and form, therefore, part of the Department of Justice.

*Police Department.*—Personal emoluments, £14,723; other charges, £3,327: total, £18,050. Details of the establishment are shown in the estimates.

*Defence Department.*—Personal emoluments, £1,251; other charges, £1,265: total, £2,516.

There is no real connection between these two services, though for some years now the Inspector-General of Constabulary has also been Commandant of the Defence Force.

*Department of Agriculture.*—Personal emoluments, £5,364; other charges (general), £25,903; expenses *Levuana iridescens* campaign, £9,053: total, £40,320.

*Indian Section of Secretariat.*—The total estimated cost of this service was £988, representing "personal emoluments" only. No differentiation is made between "other charges" for this service and for general service under the Colonial Secretary's Department.

*Post and Telegraph Department* (Fiji estimates, page 34).—Personal emoluments, £12,090; other charges, £15,598: total, £27,688.

*Education Department* (Fiji estimates, page 28 *et seq.*).—Personal emoluments, £10,526; other charges, £17,936: total, £28,462. Provision for salaries for 1925: (a) Superintendent of Schools (vacant), £500; (b) Headmaster, Grammar School, £405; (c) Headmaster, Levuka Public School, £383; (d) Headmaster, Queen Victoria School, £500; (e) Headmaster Lau Provincial School, £500; (f) Headmaster, Northern Provincial School, £500; (g) Headmaster, Eastern Provincial School, £400; (h) Headmaster, Kadavu Provincial School, £400. (With the exception of (b) and (c) all these officers drew also bonus at the rate of 15 per cent. plus £22 10s.; the others drew £40 tropical allowance. All were entitled to free quarters.)

*Medical Departments.*—Medical: Personal emoluments, £13,873; other charges, £5,043: £18,916. Hospitals and asylums: Personal emoluments, £7,604; other charges, £22,000: total, £48,520. The cost of the Leper Asylum was—Personal emoluments, £2,639; other charges, £5,714: total, £8,353. Total medical services, £48,520; less Leper Asylum, £8,353: total, £40,167.

*Fares and Allowances and Expenses to and from Overseas.*—Expenses of officers appointed from overseas is sometimes charged against departmental votes. The following items, however, represent either wholly or in greater part such expenses; and there may be others not included for the reason given: passages of sisters (Makogai) on leave, £43; expenses for Inspector of Schools from New Zealand, £167; travelling-expenses and passages for New Zealand teachers, £256; assisted passage allowances for officers proceeding on leave, £3,224; travelling-expenses and subsistence allowances of public officers, £1,363: total, £5,053.

*Total Expenditure, 1915 and 1926.*—1915, £329,038; 1926, £535,957. The above represent expenditure from general revenue. Expenditure from loan funds for the two given years was—1915, £46,207; 1926, £45,515.

H. W. HARCOURT, Acting Colonial Treasurer.

Suva, Fiji, 15th September, 1927.

#### NOTES.

*Note 1 (Population).*—The following analysis of the figures given may be of use:—

<i>Samoan Table.</i>				<i>Fiji Table.</i>			
Polynesian or Fijian	..	..	90,209	Fijian	..	..	88,431
Indians	..	..	68,136	Polynesian	..	..	1,778
Chinese	..	..	969				90,209
Solomon-Islanders and Rotuman boys	..	..	2,235	Indians	..	..	68,136
Fijian labourers	..	..	1,041	Chinese	..	..	969
European and other nationalities	..	..	7,077	Rotumans	..	..	2,159
				Others (Rotuma)	..	..	*76
							2,235
				Others (Fiji)	..	..	*1,041
				Europeans (Fiji)	..	..	4,061
				Europeans (Rotuma)	..	..	14
				Half-castes (Fiji)	..	..	2,977
				Half-castes (Rotuma)	..	..	25
							7,077

\* These are neither Solomon-Islanders, Rotuman boys, nor Fijian labourers. They are "other nationalities," resident respectively in Fiji proper and the Island Dependency of Rotuma, and should, strictly speaking, be included in the heading "European and other Nationalities."

*Note 2.*—The basis of all the figures given on pages 6, 7, and 8 is incorrect, and is vitiated by several misstatements. In the first place, district administration is *not* a purely "Native" affair (page 6). As I have endeavoured to explain, it is difficult, if not almost impossible, to arrive at an accurate estimate of the true cost of purely *Native* administration in this colony, for the reason that the District Commissioners are sometimes also Provincial Commissioners—*i.e.*, Native officials—as well, and even while not, have a great deal to do with them; and for the reason that the domestic administration of the provinces does not come within the purview of the Treasury and Government proper. In the second place, I observe a footnote to the item "Assistant Secretary, £700" (bottom of page 7), "Chief Clerk." This is inaccurate. The title of the officer in question was "Principal Assistant Colonial Secretary" (see page 12 of estimates for 1925). As such he was also *ex officio* "Secretary of Native Affairs"; and as the result of this arrangement the "Native Section" was saved the direct charge of at least a considerable portion of his salary. The post of "Assistant Colonial Secretary" was created somewhat differently, inasmuch as the whole of his salary was charged against the Indian Section. As a result of these arrangements the information given on the top of page 8 is also inaccurate. There was no "Secretary for Native Affairs" as such, although a very large proportion of the time of the Principal Assistant Colonial Secretary, at a salary of £700, was occupied in performing duties strictly pertaining to such a post. There was, however, an "Under-Secretary," whose salary for that year was set down at £456; and there was a Second-class Clerk—not an "Assistant Secretary"—drawing a salary of £300. In addition, there were two Fourth-class Clerks and a messenger (As regards these salaries and all individual salaries quoted, it must be remembered that, in addition to the salary itself, all officers drawing over £150 a year received a bonus of 15 per cent. plus £22 10s., and officers drawing under that an average of 30 per cent. The emoluments of the Colonial Secretary (page 7) set down at £1,000 were, strictly speaking, £1,150—*i.e.*, £1,000 plus £150, the latter sum being the maximum bonus payable at that date. He also enjoyed free quarters. The Principal Assistant Colonial Secretary drew £700 plus £105

plus £22 10s. = £827 10s., and so on. This is one of the factors which made it difficult to give accurate figures.) The actual salary drawn by the Secretary for Native Affairs this year is £1,000 per annum, and the officer is entitled to free partly furnished quarters.

As already pointed out, the figures for the Native population are inaccurate. They should be 88,431, not 91,250. The Polynesians do not come within Native administration.

As I have already estimated elsewhere, the direct cost of Native district administration may be regarded as in the neighbourhood of £11,503, and of the Native Section of the Secretariat as £1,336. If to this is added the amount drawn from the Natives as provincial rates and expended directly on them, amounting to close on £20,000, the total cannot be less than £30,000, and is probably more.

Note 3.—It is observed that under the heading "Department of Justice" there is included the office of Titles Clerk. There was no such appointment in 1925. The post was not created until 1926. In criticizing the list of salaries shown of Fiji officers it must be remembered that in each case bonus at the rate already given must be added.

Note 4.—Chinese in Fiji are not treated as coolies, and do not work as coolies. Moreover, a very large proportion of the Indian population in Fiji is agricultural or engaged in storekeeping. There are no special restrictions upon either Indian or Chinese labour.

Note 5.—These notes have been made in the course of preparing the memorandum you required. I find on looking it over that the only occasion on which I have had to approximate figures to a certain extent is in dealing with the expenses of Native administration, and this is owing to the fact that we make little effort here to differentiate between our direct expenditure on Natives and any other section of the community. The rest of the figures are, I think, correct to the nearest pound in every case.

Suva, Fiji, 15th September, 1927.

H. W. HARCOURT, Acting Colonial Treasurer.

#### TONGA FIGURES FOR 1926-27.

Page 5.—Population: Native, 24,255; others, 1,084.

Page 6.—Revenue and expenditure under following headings:—

Page on Estimates	Revenue.	£	Expenditure.	£	Page on Estimates
4	Direct Native taxes .. ..	11,000	Direct to Tongan Royalty .. ..	4,149	6
4	Customs .. ..	40,000	Legislative Assembly .. ..	1,065	6
4, 5	Other sources .. ..	26,780	Premier's Office .. ..	2,091	6
			Governor .. ..	1,019	8
			Audit .. ..	1,269	8
			Treasury .. ..	1,235	8
			Medical .. ..	8,571	20, 22
			Public Works .. ..	20,328	24, 26, 28
			Other sources .. ..	32,370	
		<u>£77,780</u>		<u>£72,097</u>	

Figures for Public Works include—Personal emoluments, £1,908 (p. 24); other charges, £1,300 (p. 24); works annually recurrent, £8,470 (p. 26); works non-recurrent, £8,650 (p. 28).

A further sum of £11,000 was authorized by Parliament for the purchase of a vessel which does not appear in the estimates.

Page 6.—Revenue and expenditure respectively *per capita*, all classes of population: Revenue, £3 1s. 5d.; expenditure, £2 16s. 11d.

Page 7.—Total personal emoluments and other charges of Secretariat: Personal emoluments, £1,486; other charges, £75; total, £1,561. (Premier's Department, exclusive of certain items which do not come under the head "Secretariat.")

Page 8.—Total personal emoluments and other charges under heading "Native Affairs": Being a Native Administration we have no Department of "Native Affairs."

Page 8.—Total expenditure, personal emoluments, and other charges under Audit Department: Personal emoluments, £1,134; other charges, £135; total, £1,269.

Page 8.—Total expenditure, personal emoluments, and other charges under Treasury Department: Personal emoluments, £1,020; other charges, £215; total, £1,235.

Page 8 and 9.—Total personal emoluments and other charges under Customs Department: Personal emoluments, £2,820; other charges, £1,650; total, £4,470.

Page 9.—Please check figures shown as Customs revenue and total cost of collecting same: Import and export, £40,000; licenses, £2,100. Total revenue collected by this Department is in the region of £62,000. Total cost as shown above is £4,470. This includes Post Office and harbours, and the collection of Native taxes. It is quite impossible to give separate figures for each branch.

Page 9.—Does the sum of £2,148 also cover the cost of the Post Office Department in Tonga? The amount given above under the Customs—namely, £4,470—includes "Post Office" but not "Telegraphs and telephones," which is under a separate head, and totals in the 1926-27 estimates as—Personal emoluments, £1,359; other charges, £457; total, £1,816.

Page 9.—Figures under heading "Harbour": Harbourmaster, Nukualofa, £290; Vavau, £230; Haabai, £276. Other charges appearing under "Customs" which would be under "Harbours" if we had a separate head or that Department amount to £600.

Page 9.—Total personal emoluments and other charges under Legal Department: Personal emoluments, £3,400; legal advice, £50; other charges, £490; total, £3,940.

Page 9.—Total expenditure under heading "Police Department": Personal emoluments, £3,563; other charges, £1,580; total, £5,143.

Page 10.—Total personal emoluments and other charges under Department of Agriculture: Personal emoluments, £916; other charges, £750; total, £1,666.

Page 11.—Total personal emoluments and other charges under Education Department: personal emoluments, £5,945; other charges, £734; total, £6,679.

Page 11.—Total personal emoluments and other charges under Medical Department: Personal emoluments, £5,255; other charges, £3,316; total, £8,571.

Page 11.—Appropriation under heading "Fares, Allowances, and Expenses to and from Overseas," £350.

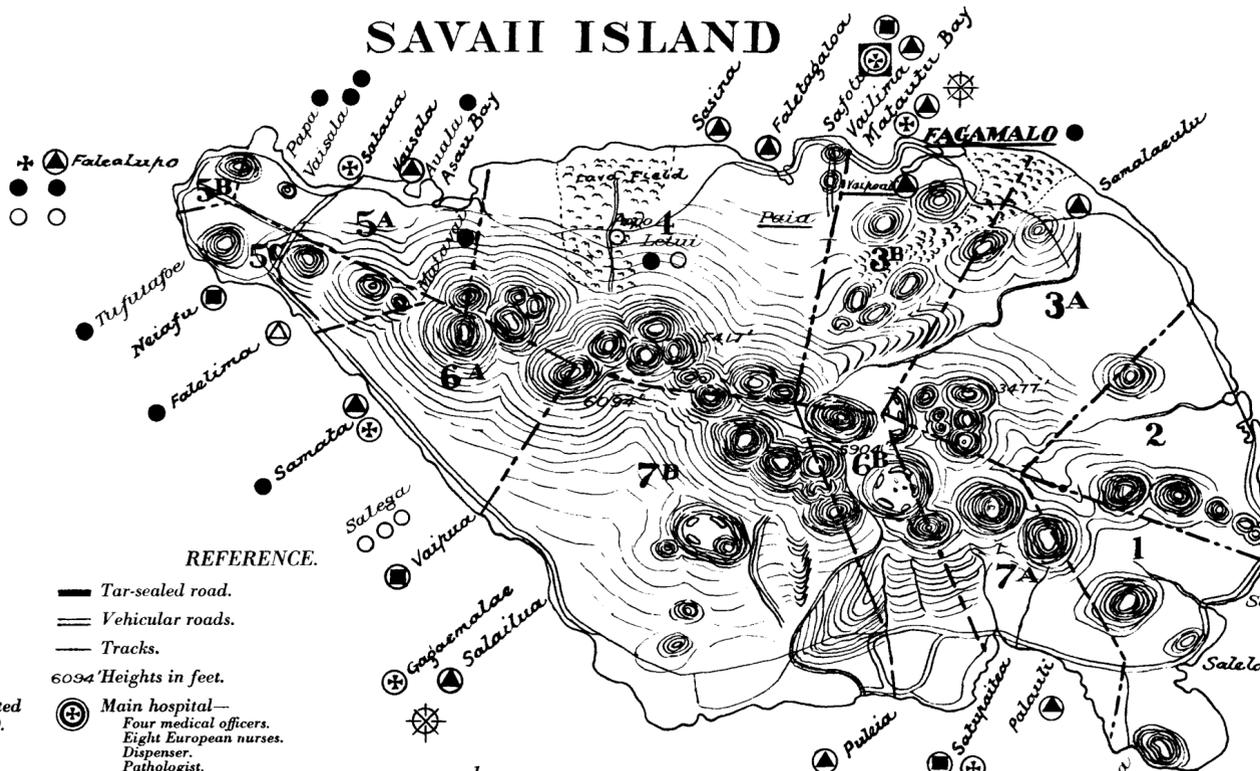
Page 12.—Expenditure, general, 1915 and 1926: Total expenditure, 1915-16, £47,962; total expenditure, 1926-27, £72,097.

W. G. BAGNALL, Treasurer, Government of Tonga.

#### EXHIBIT No. 62B.

COL. J. W. HUTCHEN'S MAP.

# SAVAII ISLAND



**REFERENCE.**  
 — Tar-sealed road.  
 — Vehicular roads.  
 — Tracks.  
 6094' Heights in feet.

Part only erected prior to 1920.

All established since 1920 except Ifi, Ifi and Matifa schools.

Since 1920.

- ⊕ Main hospital—  
Four medical officers.  
Eight European nurses.  
Dispenser.  
Pathologist.  
Samoan nurses and cadets, &c. .... 1
- ⊕ District hospitals—  
One medical officer.  
Two Samoan nurses.  
One interpreter. .... 2
- ⊕ Native medical practitioner. .... 2
- ⊕ Mission station dispensary. .... 13
- ⊕ Mission station dispensary. .... 1
- ⊕ Dispenser, with small hospital. .... 1
- ⊕ Government schools, European teachers. .... 6
- ⊕ Government Schools, Native teachers. .... 1
- ⊕ Government training-school. .... 1
- SECOND-GRADE NATIVE SCHOOLS.**
- ⊕ London Missionary Society. .... 27
- ⊕ Methodist. .... 10
- ⊕ Mormon. .... 1
- ⊕ L.M.S. training-schools. .... 2
- ⊕ Wireless stations since 1920. .... 4
- Reinforced concrete cisterns since 1920. .... 18
- 8,000-gallon iron cistern, erected since 1920. .... 1
- 8,000-gallon redwood cisterns since 1920. .... 4
- Reticulated water-supplies since 1920, name underlined in blue.

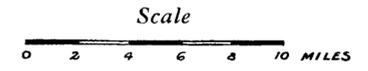
## AGRICULTURAL DISTRICTS.

- |                             |                                |
|-----------------------------|--------------------------------|
| <b>UPOLU.</b>               | <b>SAVAII.</b>                 |
| 1. Aiga-i-le-tai            | 1. Faasaleleaga South.         |
| 1 <sup>A</sup> . Manono.    | 2. Faasaleleaga North.         |
| 1 <sup>B</sup> . Apolima.   | 3 <sup>A</sup> . Lealatele.    |
| 1 <sup>C</sup> . Mulifanua. | 3 <sup>B</sup> . Saleaula.     |
| 2. Aana North.              | 4. Gagaiformauga.              |
| 3. Tuamasaga North.         | 5 <sup>A</sup> . Vaisigano.    |
| 4. Itu Anoamaa.             | 5 <sup>B</sup> . Falealupo.    |
| 5. Vaa o Fonoti.            | 5 <sup>C</sup> . Alataua.      |
| 6. Aleipata.                | 6 <sup>A</sup> . Salega.       |
| 7. Lepa ma Lotofaga.        | 6 <sup>B</sup> . Satupaitea.   |
| 8. Falealili.               | 7 <sup>A</sup> . Palauli East. |
| 9. Tuamasaga South.         | 7 <sup>B</sup> . Palauli West. |
| 10. Aana South.             |                                |

- ⊕ Wireless stations prior to 1920.
- Mass concrete cisterns prior to 1920. .... 9
- Redwood cisterns erected prior to 1920. .... 5
- Reticulated water-supplies prior to 1920, name underlined in black.

Prior to 1920.

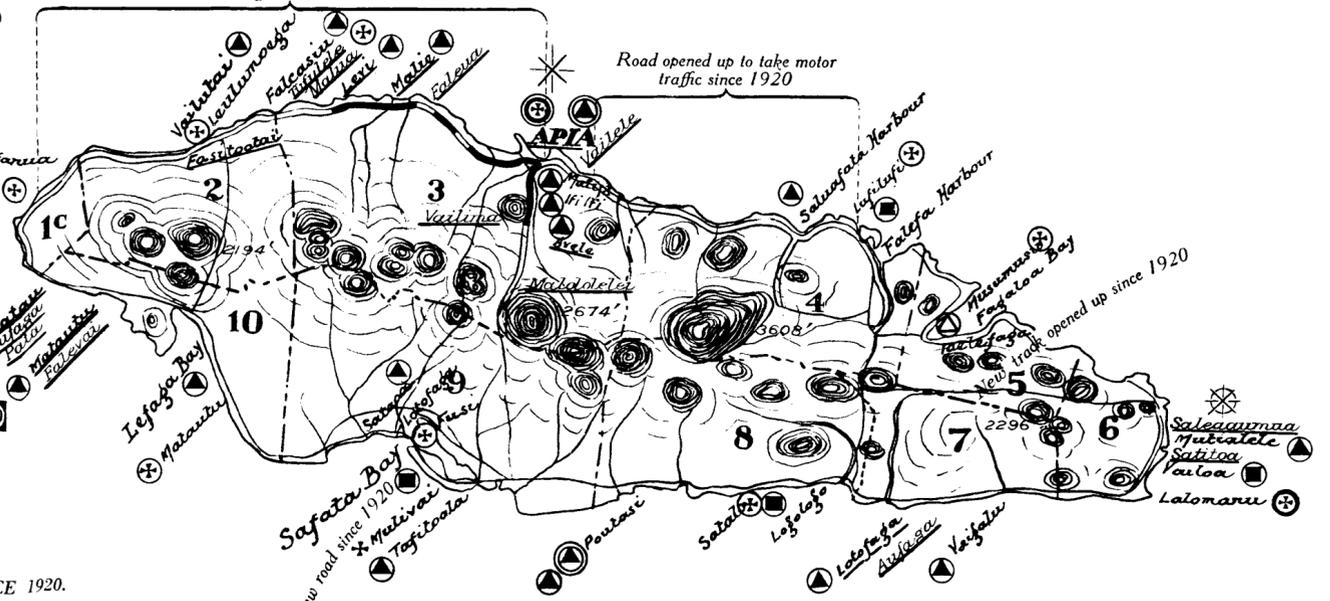
# WESTERN SAMOA



Graph to scale, 1,000 to the inch.

Cisterns:	Prior to 1920.
	Since 1920.
Reticulated Native supplies:	Prior to 1920.
	Since 1920.
Apia water-supply:	Prior to 1920, nil.
	Since 1920.
Bitumen-sealed roads:	Prior to 1920.
	Since 1920.

Scale: 100 chains to the inch.



Road improved to take vehicular motor traffic since 1920

Road opened up to take motor traffic since 1920

Six miles of new road since 1920

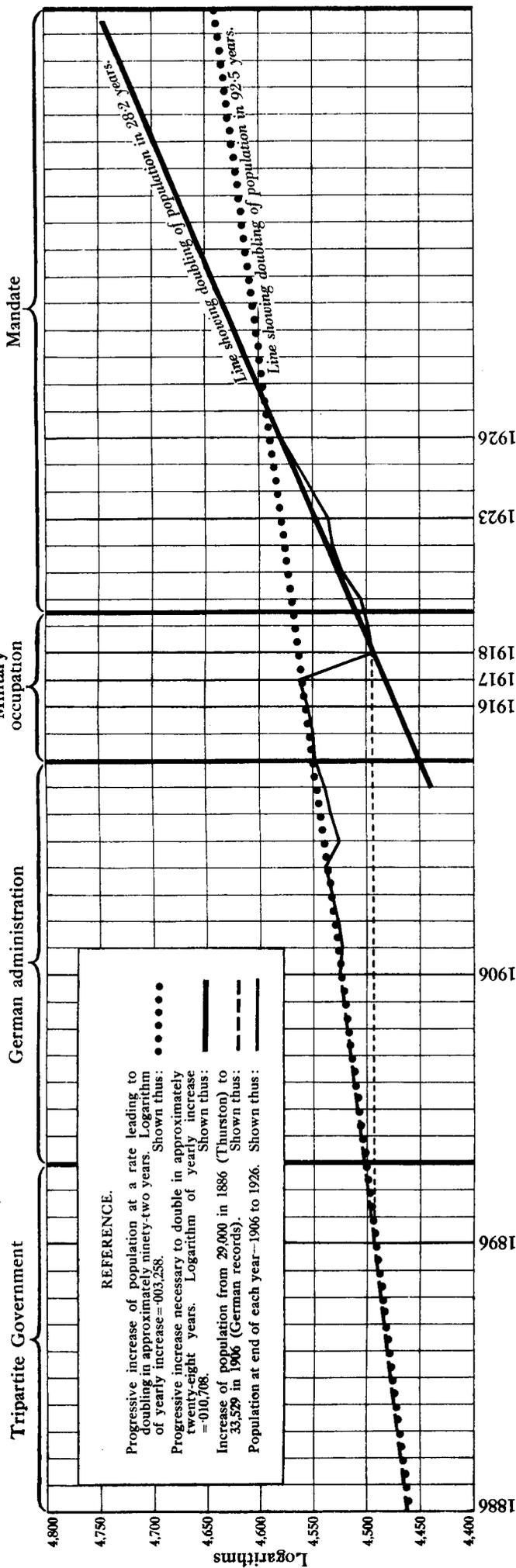
SINCE 1920.

SINCE 1920 the Harbour Department has erected five Aga lights (three in Apia Harbour and one each at Apolima and Fanaatapu), as well as installing two new Admiralty standard buoys in Apia Harbour. A new leading beacon was also erected at Saluafata Harbour.

# UPOLU ISLAND



NATIVE POPULATION OF WESTERN SAMOA,  
1886 - 1892.



POINTS OF INTEREST IN GRAPH.

1. THAT for the thirty-one years between 1886 and 1917 the increase in population was very slow leading to doubling in a period in excess of ninety years. This is apparently so for all three stages in the history of Samoa during that period the Tripartite Government, the German Administration, and the Military Occupation.
2. That since 1918 the increase has been more than three times as rapid, and that during the past three years it has been greater than at any other period.
3. That the loss due to the epidemic was equal to the gain in population during the preceding twenty-one years (approximately).
4. That the loss has been more than made up in eight years.
5. That the loss of "potential" population due to loss of persons of reproductive age will be made up within about a year.



**EXHIBIT No. 63.**

DR. HUNT'S GRAPH.

**EXHIBIT No. 64.**

## ADMINISTRATOR'S CIRCULAR TO VILLAGE OFFICIALS.

Office of the Administrator, 22nd November, 1926.

No doubt you have heard of the meeting held by certain people in Apia in which they raised faults against the Faipules, giving uncivil statements criticizing the said body before the Europeans and Samoans. Every Samoan individual who was present at that meeting and heard what was said against some of the leaders of his own race—the Faipules—but did not stand up and speak with the heart of patriotism against such uncivility ought to feel ashamed now, and should have expressed his sorrow before his Faipule and district for not defending the respect of Samoa. Samoans who stood up at that meeting at Apia and said they were representatives of their districts have performed two great dangerous errors: (1) They have overstepped the mark by placing without authority upon themselves the power to say that they represent their districts. Whoever authorized them to be district representatives? (2) The forming-up of their statements was based on information given them by certain Europeans who wish to find fault with the Administration.

Referring to No. 1, I wish the Samoans to say what do they think of such people who are acting as representatives of Samoa?

With regard to No. 2, I wish to emphasize this to you: that all such points will be on the drift, and will be like waves beating against the rocks. When these points will come in contact with the rock of the truth and the true word they will disappear, and never be seen again.

I wish you to send in a list of every Samoan from your village who is concerned in this matter, also those who made speeches that night, as they will have to come before the Faipules in Mulinu'u on Wednesday, 8th December, 1926, at 10 a.m., there to hear the truth and the true word.

I have warned the Europeans not to invite you to confer with them in political affairs, and I herewith warn you to consider your own affairs only through your leaders.

I would not have warned you from such doings if I had not felt it in my own heart that this is the only possible way for the advancement of Samoa from which they will receive proper enjoyment.

Work together and respect the Europeans, whether they are merchants, traders, or planters. They are all doing certain good things for Samoa, yet they are striving for something quite different from what is useful to you, and that difference is wide.

The Government officials (whites and Samoans), they are the ones who are working for you, and not only for themselves; and although they seem to order you to do unpleasant things, such orders help and work for your prosperity, so I encourage you to always be led by them, and not to be misled by strangers who will cause you to go against your law and Government.

GEO. S. RICHARDSON.

**EXHIBIT No. 65.**

## ADMINISTRATOR'S CIRCULARS TO SAMOANS.

To all Samoans.

Office of the Administrator, 4th January, 1927.

I AM told that certain people are circulating a story that Toelupe, in a speech, had given Samoa over to New Zealand, and, again, that your Faipules did likewise on the presentation of their gift to New Zealand. Now, I wish to point this out to you: that such sayings are false, and that they were only spread about to create anger and dissatisfaction. Samoa is under the management of His Majesty King George V, and by him the administration of Samoa is being directed. No person can alter the aforesaid, and none can give Samoa away. Therefore, knowing that you fully understand my explanation with regard to the above, I do hope that no one will again be reported to be raising and speaking about these false reports. I wish you to report to me any further person who will again talk about this matter after the receipt of this notice.

GEO. S. RICHARDSON, Administrator.

Office of the Administrator, 4th January, 1927.

## CIRCULAR TO EVERY VILLAGE OF SAMOA.

I UNDERSTAND that contributions are being collected for the fares of the delegation to New Zealand. I wish that every Samoan should be fully aware of this: The New Zealand Government will not consider such a committee, and that I am directed by the New Zealand Government to inform you that no other authority than the Fono a Faipule is authorized to confer with the New Zealand Government on Samoan affairs. Furthermore, the Minister informs me that he does not see any good reason for an investigation into Native affairs at the present time.

GEO. S. RICHARDSON, Administrator.

**EXHIBIT No. 66.**

## ADMINISTRATOR'S CIRCULAR TO FAIPULES.

Office of the Administrator, 26th March, 1927.

DURING Mr. Meredith's trip to New Zealand he published a statement on Samoa which was sent to different people. That statement is rebellious and contains lying words. I have not done anything to him, because that publication was made prior to the passing of the new Ordinance, on the 13th of this month, imposing a penalty of one year's imprisonment on any one resisting and undermining the authority and dignity of the Faipule, District Fono, Village Committees, &c.; but whereas the publication of that pamphlet or any other similar paper in Samoa after that date will make the person doing such a thing guilty (whether that person be a European or a Samoan) and he will be punished according to the new law, you are to notify your district that there is now only one law for Samoans and Europeans. In past days it was not possible to punish Europeans who created trouble for Samoan people, but the Samoans only were punished. Now I have made a law to strike at all, Samoans and Europeans, so that Samoa may be protected from people who ferment trouble.

You will make this matter quite plain to the chiefs and orators of your District, and you will forward to me the names of traders in your district who have tried to induce your district to defy their Government in the past few months. Send me a letter containing this information, and address the envelope direct to me.

Following is a wireless despatch received by me this day from the New Zealand Government :—

“ From the New Zealand Government to Samoa.

“ THE New Zealand Government has been told that there are certain European residents in Western Samoa, who are not the representatives of the Native people of Samoa, and who have no authority to speak as representatives of the Native people of Samoa, but they have tried to publish statements and papers to cause confusion in the minds of the Native people of Samoa in respect to the truth and justice of the laws and conduct of the Administration regarding various matters, including Native affairs. Samoans should be very careful not to be misled by such wrongful statements, and not to allow themselves to be led away from the true path owing to such wrongful statements. If there should be any one who is not clear on any subject whatever he should go without delay to the Administrator of Western Samoa, who is the representative of the New Zealand Government, or to the Faipule of his district, or to the Government officials, who will give him true guidance and the light. Those are the channels whereby any person may hear the truth in respect to Native affairs and their Government.

“ The New Zealand Government wish to remind the Samoan people that they have already been given the authority and the power to control their own Native affairs under the direction of their Governor and the Fono of Faipule, the District Fono, and the Village Committees set up according to law. The New Zealand Government insist on this authority, as they are truly anxious to promote the welfare and the good of Samoa, and that the Samoans may be taught in the important matters regarding the Government, that they may advance in knowledge and civilization, and interest themselves in the direction and control of affairs appertaining to their own country.

“ The New Zealand Government are very happy in the knowledge that Samoa has advanced, and their health has improved; also that peace and goodwill as well as prosperity have been maintained as result of good government.

“ The Samoans should be patriotic and earnest to uphold that status, with the authority given them by the Government for their own advancement, and they should faithfully assist and work together with their true leaders, who are truly working for their real progress.

“ W. NOSWORTHY, Minister for Samoa.”

You are to read this wireless message in your District Fono. Those who have listened to the words of these people in Apia should now realize that they have been misled after they have read this wireless. They should, therefore, not remember the past, but now start to work together in harmony. They should also remember that their forefathers have often suffered for the same reason. If they could only stand up from their graves to talk to the Samoans in these days they would tell you of the sufferings they often bore during their lives on account of other foolish people in Apia who misled the Samoans, who usurped authority, and who tried to make trouble for the Government. Your forefathers would also have said, “ Be true to your God, your King, your Government, and your country, and do not heed mischief-making people.” There shall come an end to the days of such people and their doings, but the Government remains for ever; it stands for Truth, for the good of Samoa, and for its advancement.

Should a Samoan get into trouble, he should submit such trouble to people of his own (race) country, that it may be brought forward, if found proper; but do not submit to a European—whether he be white or half-caste—who is not a Government official, because he has not sworn to work for the Government, who are trying to establish the wish of the King and the Government, that Samoa may become a great country, loyal, industrious, prosperous, happy, and blessed.

May you live.

GEO. S. RICHARDSON, Administrator.

## EXHIBIT No. 67.

### CASE OF LAUPU'E.

Lefagaoolii, 21st March, 1925.

THE statement taken in the presence of Faipules Malaitai and Tapusoa on the 19th and 20th March, 1925, concerning the appeal by Laupu'e concerning his family—Solao Tini, Tu'u Fa'atupua, Pepe Iere, and Soalo Taunu'u—because of the following subjects :—

1. Defamation of character of, and insulting words to, Laupu'e : thus :—

Soala Tini : He has usurped the title of Laupu'e and given the control of it to Pepe Iere. He has also taken the right of the title of Soalo Farao and given the control of it to Soalo Taunu'u. He has taken the right of the title of Au Sueima and given the control of it to Au Taupo. He has also spoken insulting remarks concerning Soalo Tolo (deceased) and many other things.

Fa'atupua : He is a party to the former case, and he made a proclamation before the village people in the house of Vaiauga that if Laupu'e came and an inquiry was made, he would lose, and that he (Fa'atupua) would appoint his son to shoot Laupu'e.

Pepe Iere : He is also a party to the first case, and has spoken very strong words and chased away Soalo Farao from the place where he was living.

Soalo Taunu'u : He is a party to the case of Soalo Tini, explained above.

The Faipules attempted to bring about a reconciliation, but were unable, because the defendants excused themselves with lying words. They could not be persuaded to make a true apology for the wrong they had done.

The Faipules and *Pulenu'us* are convinced from their investigation that these people should be punished, as they have transgressed the law.

1. He has transgressed the law, clause 154, Samoan Act in Samoan (clause 150, Samoan Constitution Order, 1920).
2. They have usurped the right of the Governor in respect of taking away of titles.
3. They held a village *fono* calculated to break the peace, contrary to the prohibition of the Faipule and of the *Pulenu'u*, and they were headstrong in making two speeches.
4. They attempted to undermine the Methodist Church in Saumauga.
5. They made false allegations against Laupu'e.
6. They tried to involve Sapeseta with Samauga (villages) in this evil thing, and unjustifiably bring them into disrepute, but the Samauga Village was clear of this matter.

*Our Opinion and Recommendation.*—That their titles be taken away, and that they be expelled from the village, and further punishment inflicted that the Resident Commissioner of Savai'i and His Excellency the Governor may desire. They should be sent far distant from Gagaeifomauga : possibly this would be a lesson to them.

TAPUSOA, } Faipules. MAUAI, }  
MALAITAI, } FUIMAONO, } Pulenu'us.

Confirmed.—GEO. S. RICHARDSON, 6th April, 1925.

I certify that the foregoing is a true translation of the original document. — R. H. ALLEN, Accountant and Inspector, Department of Native Affairs.

I, LEITU (the widow of Laupu'e, a late clerk of the Native Department), resident at Mulinu'u, Samoa, do solemnly and sincerely declare that I was present, together with my late husband, Laupu'e, at Lefagaoolii, Safone, on the 19th and 20th days of March, 1925, when the charges brought by my husband against Soala Tini, Tu'u Fa'atupua, Pepe Iere, and Soalo Ta'anu'u were investigated by Tapusoa and Malaitai, Faipules, and Mauai and Fuimaono, Pulenu'us.

The defendants all appeared in person, and there were also present practically all the chiefs and orators of the village of Safune, as were also a great number of other men and women. I heard the evidence of, and was present when the four defendants gave evidence. They did not call any one to speak on their behalf, nor were any witnesses called by the plaintiff. I know that no minutes were taken of the proceedings, as this was usually the work of my late husband, but as he was the plaintiff he did not on this occasion write any minutes. After the inquiry and on the 23rd March the Faipule Tapusoa, and Laupu'e, and the defendants, appeared before the Resident Commissioner at Fagamalo, when the recommendation of the Board was read by the Resident Commissioner to the defendants.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand entitled the Samoa Act, 1921.

LEITU.

Declared at Mulinu'u, in Western Samoa, this 27th day of October, 1927, before me—R. H. ALLEN, Deputy Registrar of the High Court of Western Samoa.

I certify that the foregoing declaration has been read over in the Samoan language to the declarer, and that she appeared to understand same.—R. H. ALLEN.

#### BANISHMENTS AND LOSS OF TITLES AT REQUEST OF FAMILY.

SO'OALO TINI, TU'U FA'ATUPUA, PEPE IERE: Banished from Samauga for provoking a breach of the peace.

I investigated this case and spent much time over it; and, in fact, at one stage I had every hope that all parties would be reconciled, but I was not successful.

I had all officials (about four) with me when dealing with this case, and did everything possible to bring about a reconciliation. Later I sent Laupu'e, of the Native Office, to Samauga to discuss matters; he is a member of the family concerned; but still the family refused to be reconciled. I then got Tapusoa F.P., Malaitai F.P., and other officials to try and get parties reconciled, but they were unsuccessful, and as the family still wished the titles removed and the three banished, I then dealt with the case in this office, but without success, and such action was recommended by the officials. I then asked that their recommendation should be carried out. His Excellency approved. Later an application was made that they be pardoned, and it was done. The title of So'oalo Tini was given back to him with much ceremony, and I was asked to attend, but did not do so.

I felt in this case that there was some *fa'u-Samoa* trouble at the back of it all, and did my best to bring about a settlement. Even after they were pardoned they did not return at once to their own villages. So'oalo Tini was sent to Faga, about twenty miles from Samauga. Fa'atupua and Pepe Iere were sent to Satupaitea, about forty-five miles from Samauga.

Pepe caused trouble when in Satupaitea. Amongst other things, he tied a girl to a *fale* post, much to her annoyance and that of the *matai*. He thrashed this girl in the road in front of the Ali'i and Faipule, which is considered an insult to them. He assaulted some young men of the village. The Ali'i and Faipule asked me to have him removed from their village; I did not do so, but had Pepe before me and warned him.

Fa'atupua has been given his title back.

#### ADMINISTRATION OF WESTERN SAMOA.—IN THE HIGH COURT OF WESTERN SAMOA.

APPEARED before the undersigned at Safotu on Monday, 2nd March, 1925, at 10 a.m.,

LAUPU'E (represented by Lilomaiva, Clerk), *versus* SO'OALO TINI and orators, of Lefagaoalii and Samauga.

Charge: Insulting words and provoking a breach of the peace (contrary to section 153, subsection (2) and section 183 of the Samoa Act, 1921).

So'oalo Tini pleads "not guilty."

No witnesses for plaintiff.

R.C. (to So'oalo T.): What words did you say?

So'oalo T. sworn, and states: There was no *fono* held. I went outside in the *malae*. I replied to what the officials said. I did not say I would take away his title or the title of his people. I said, "These four *matais*, 'Au, So'oalo, Laupu'e and Sasopa, should not be recognized in the *fonos* or any village assemblies. What I meant was that they are not to present themselves in village assemblies. I quite understand that a village cannot take away the title of *matais*. I did not mean that I had the *pule* of their title. I did not say anything more, for just then Faipule Tapusoa and Malaitai came over and we had *fono* for about two days, and I agreed my words should be given back to me. I made an apology to the Faipule and Sasopa and So'oalo, who were present—not to 'Au and Laupu'e: they were not present. I do not know why 'Au was not present, but Laupu'e was in Mulinu'u. The first two accepted, and we shook hands before the Faipule. I am friendly with 'Au. He is of my *aiga*; we are quite friendly. I have not written to Laupu'e; I thought the Faipules would do this.

Tapusoa F.P. states: I have written a letter to Laupu'e; there has been no boat to take it yet.

R.C.: This is a very serious matter. The words you admit are serious, and are liable to break the peace. Pleased with F.P. It is good that you apologized. It is necessary to have witnesses for other side before I give a decision. You must show in every way how sorry you are for this matter.

#### Decision.

Case adjourned *sine die*.

W. M. BELL,  
Commissioner of the High Court of Western Samoa.

I hereby certify that the above is a true and correct copy of the original document.—R. H. ALLEN, Native Department.

### EXHIBIT No. 68.

#### BANISHMENT ORDER.

Administration of Western Samoa, Apia, Samoa, 7th January, 1924.

*Order of Local Banishment under the Samoan Offenders Ordinance, 1922.*

To Amituanai Tacia, a Samoan male of the village of Sala'ilua, Savai'i.

I, GEORGE SPAFFORD RICHARDSON, Administrator of Western Samoa, being satisfied that the presence of you, Amituanai Tacia, within the district hereinafter mentioned is likely to be a source of danger to the peace, order, and good government thereof, do hereby, in pursuance of the powers conferred on me by the above-mentioned Ordinance, order that you leave the district of Palauli West, in the Island of Savai'i, in Western Samoa, and that you remain outside the said district for a period of twelve months from 1st January, 1924.

Witness my hand, at Apia, this 7th day of January, 1924.

GEORGE S. RICHARDSON, Administrator.

I hereby certify that the above is a true and correct copy of the signed original.—R. H. ALLEN, Native Department.

## EXHIBIT No. 69.

## BANISHED SAFUNE CHIEFS.

Hon. O. F. Nelson, M.L.C., Apia.

16th October, 1925.

DEAR SIR,—

With reference to the questions raised by you in our interview of the 7th instant and your subsequent letter of the same date . . . . .

4. *Banished Safune Chiefs*.—Briefly, the facts are as follows: In the first place every endeavour was made by the Resident Commissioner to bring about a reconciliation of the parties concerned, but without success. An official inquiry was therefore instituted to investigate the matter and make recommendations to me for settling the trouble. At this inquiry every possible source of evidence was called upon. The recommendation of the Committee was based on this evidence, and supported by the Resident Commissioner, and confirmed by me under the authority of the Samoan Offenders Act, 1922.

I never exercise my powers under this authority without the fullest investigation. The further trouble now being caused by the offenders is being investigated. You can rest assured that in the exercise of my powers to punish Native offenders for disturbing the peace, those powers are exercised with the fullest consideration for the interests of the Natives. I always incline to leniency where possible, and grant pardon to offenders as soon as I am satisfied that it is in the interests of the good government of the Natives to do so . . . . .

Yours faithfully,

GEO. S. RICHARDSON, Administrator.

Apia, Samoa, 7th October, 1925.

His Excellency, Sir George Richardson, K.B.E., C.B., C.M.G., Administrator of Western Samoa, Apia.

SIR,—

Referring to our conversation of this forenoon, I am pleased to know you are calling a meeting of the Legislative Council before you leave for New Zealand in November. Perhaps you might give the elected members an opportunity to bring in any new business we may have to propose on that meeting . . . . .

*Banished Safune Chiefs*.—As stated this a.m., had I known the Resident Commissioner was in town I should have discussed the matter with him before approaching you. I am, however, grateful for your promise to look into the matter. I trust I have not misquoted you in any of above statements or misconstrued any of your remarks, as I realize that you did not commit yourself in anything. I must, however, thank you for the patient hearing you gave me.

I have, &amp;c.,

O. F. NELSON.

## EXHIBIT No. 70.

## THE NATIVE REGULATIONS (SAMOA) ORDER, 1925.

CHARLES FERGUSSON, Governor-General.

## ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 30th day of March, 1925.

Present: The Honourable Sir Francis Bell presiding in Council.

His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority to make regulations for the peace, order, and good government of Samoa conferred upon him by the Samoa Act, 1921, and of all other powers and authorities enabling him in that behalf, doth hereby make the following regulations.

## REGULATIONS.

1. These regulations may be cited as the Native Regulations (Samoa) Order, 1925, and shall come into force on the 1st day of April, 1925.
2. In these regulations, unless the context otherwise indicates, the word "person" means a person who is a Samoan as defined by section 3 of the Samoa Act, 1921.

*District Councils.*

3. The Territory of Western Samoa is hereby for the purpose of Native self-government divided into the districts named in the first column of the Schedule hereto. The Administrator may from time to time, by notice in the *Western Samoa Gazette*, define or alter the boundaries of such districts or create any new districts. Subject to any such definition or alteration, the several districts shall respectively comprise the villages set opposite to the names of each district in the second column of the Schedule.

4. There is hereby established for each of the said districts a District Council, which shall consist of—

- (a) The Faipule for the time being representing the district by appointment of the Administrator;
  - (b) Chiefs of that district chosen by the Village Committees of the villages in that district to the number which the said Faipule shall from time to time decide;
  - (c) The Pulenu'us from time to time holding office in the villages in that district by appointment of the Administrator;
  - (d) The Pulefa'atoaga from time to time exercising jurisdiction in that district by appointment of the Administrator;
  - (e) Any Samoan Commissioners appointed by the Administrator under the Samoa Native Land and Titles Commission Order, 1920, usually resident in that district.
5. Each District Council shall meet twice yearly at such times as the Faipule of the district shall, with the approval of the Administrator, appoint, and at such other times as the Administrator may direct, and shall be presided over by the Faipule of the district when he is present.

6. The functions of a District Council as hereby constituted shall be—

- (a) The more convenient administration of the district for which it is established and the maintenance of law and order therein; and
- (b) The making of by-laws for the district more particularly defining the duties of the Samoans resident in that district in regard to the matters set out in the next succeeding clause; and
- (c) The exercising of the executive powers which are conferred on District Councils by these regulations or which the Administrator shall from time to time, in his discretion, confer upon them.

7. The District Council for any district may make by-laws for all or any of the following purposes in relation to such district and the Samoan residents therein:—

- (1) The good rule and government of villages :
- (2) Cleaning of villages :
- (3) The laying-out and remodelling of new or existing villages in accordance with principles approved by the Administrator :
- (4) The conserving of public health and the abatement of nuisances :
- (5) Regulating the use and prohibiting the contamination of water-supplies :
- (6) Regulating the laying-out and construction of new roads :
- (7) The maintenance and cleaning of roads :
- (8) The enlarging of plantations :
- (9) The cleaning and cultivation of existing and new plantations :
- (10) Controlling the use of approved cemeteries and regulating burial therein :
- (11) Controlling the keeping of pigs :
- (12) Prohibiting the drinking of fermented or spirituous liquor :
- (13) Enforcing the observance of instructions issued by or by the authority of the Chief Medical Officer :
- (14) Enforcing and regulating the registration of births and deaths :
- (15) Controlling the care and investment in manner approved by the Administrator of trust money subscribed for building churches and other public purposes :
- (16) Prescribing the duties of residents in such district in regard to assistance to be given to Native medical officers and Native nurses :
- (17) Regulating the purchase, care, and maintenance of fautasis :
- (18) Prescribing the duties of Samoans resident in such district in regard to services to be rendered for the public benefit in the making of roads, building and repairing of churches and houses, planting of trees and food-supplies, accommodation and maintenance of visitors, accommodation and transport of Government officials on duty, and such other matters as are by custom of the Samoans commonly the subject of communal effort :
- (19) Prescribing the duties of Samoans resident in such district in regard to services to be rendered to chiefs by their people in the building of fale, planting of food-supplies, building of canoes and fautasis, making of mats and tapa, and such other services as are by the custom of the Samoans commonly rendered to chiefs by their people :
- (20) Regulating and enforcing the attendance of children at school :
- (21) Regulating and enforcing the fencing of plantations :
- (22) Providing for the care and feeding of animals and the prevention of cruelty to animals :
- (23) Providing for the holding of agricultural shows—(a) For such district; and (b) for the villages therein, and regulating such shows :
- (24) Providing for the carrying-out of appropriate ceremonies approved by Administrator on King's Birthday, Samoan Flag Day, and O le Aso Fa'amanatu :
- (25) Providing for the holding of annual sports for the Fetu O Samoa :
- (26) Providing for the adoption of methods approved by the Administrator for increasing the output of copra :
- (27) Providing for the setting-aside of areas of land for teaching children, in co-operation with the missions, the planting and cultivation of copra and other products :
- (28) Providing for the cultivation of cotton by the Native inhabitants of villages :
- (29) Providing for any other matters affecting health and good government in accordance with instructions issued by the Administrator.

8. The following provisions of this clause shall apply to by-laws made by a District Council:—

- (a) No such by-law shall be invalid merely because it deals with a subject dealt with by the general law :
- (b) Any such by-law may be made to apply to part only of a district :
- (c) Any such by-law may require anything to be done in manner to be directed or approved in any particular case by the District Council, or by any person having authority from such Council, or by any Village Committee, or by any person having authority from such committee.

9. No by-law made by a District Council shall have any force or effect unless and until such by-law has been approved by the Administrator.

10. The Administrator shall not approve of any by-law made by a District Council unless he is satisfied that such by-law is limited to one or more of the purposes for which such by-law may be made as set out in clause 7, and that such by-law is reasonable and had been made at a sufficiently representative fono of the District Council, and is the subject of a resolution of such fono carried in accordance with the usage of Samoans in fono.

11. The production of a document purporting to be a copy of a by-law made by a District Council under the authority of these regulations, signed by the Administrator and sealed with the public seal of the Territory of Western Samoa, shall be sufficient evidence of the contents of such by-law, and that such by-law was duly made by the District Council by which it purports to be made, and has been approved by the Administrator, and is valid, and came into force on the day mentioned in that behalf in such copy of the by-law.

12. No by-law made by a District Council shall provide as the penalty for a breach thereof any term of imprisonment or any fine exceeding £2.

13. No by-law made by a District Council shall purport to bind any person who is not a Samoan, nor shall any such person be liable to prosecution under any such by-law.

#### *Village Committees.*

14. The Administrator may for the more convenient government of the villages in any district appoint Village Committees with such constitution as he thinks fit, and may, in addition to the executive powers conferred on such committees by these regulations, confer on them from time to time such further executive powers as he thinks fit. Such constitution and further executive powers shall be such as may be notified from time to time in the *Savali*.

#### *Cleaning of Villages.*

15. It shall be the duty of the owner or occupier of every Samoan house, and also of any person having control over such owner or occupier, to secure that the refuse from such house and all rubbish, rotting leaves, and other decayed vegetable matter in its vicinity is daily collected and burned or otherwise so disposed of that no nuisance or unsightliness arises therefrom, and that such house and the kitchen and surroundings thereof are kept clean and free from weeds and in a sanitary condition, and free also from any articles which may retain water so as to become a breeding-place for mosquitoes.

Any person who neglects a duty cast on him by this clause is liable to a fine not exceeding £2.

16. Any person who deposits any dead animal, decaying food, or refuse of any kind on any road or path, or in the neighbourhood of any house or village, or in any latrine, or on any beach, or in any place where it is calculated to contaminate a water-supply is liable to a fine not exceeding £2.

17. Any person who allows any decaying bread-fruit, fallen from a tree of which he uses or is entitled to use the fruit, to remain rotting on the ground in the vicinity of any dwelling is liable to a fine not exceeding £2.

*Samoa Houses.*

18. (1) Any person who shall erect or be concerned in erecting a Samoan house or other building in any village save in pursuance of and in accordance with the conditions laid down in a permit obtained from the District Council of the district in which such village is situated is liable to a fine not exceeding £2.

(2) No such permit shall be issued except in pursuance of a plan approved by the District Council providing for a general scheme of construction or reconstruction of the whole village. Any person concerned in the issue of any permit otherwise than in accordance with this clause is liable to a fine not exceeding £5.

19. (1) No Samoan house shall be built on a land that is swampy until the site has been completely filled in, drained, or levelled to the satisfaction of the District Council.

(2) No refuse shall be used in filling in the site of any Samoan house.

(3) The foundation of every Samoan house shall be at least 1 ft. above level of the ground immediately surrounding such house.

(4) Each Samoan dwellinghouse shall be provided with kitchen accommodation separate from the house, and built in accordance with the requirements of this clause for Samoan houses.

(5) No Samoan dwellinghouse shall be constructed of less dimensions than 3 utupoto in length and 12 ft. in breadth, and no such dwelling shall be boarded or partly boarded in.

(6) No Samoan house shall be erected at a less distance than 30 ft. from any other Samoan house.

(7) The floor of every Samoan house shall be made either of cement or of a layer of coral or shingle, and the roof shall be constructed of thatch.

(8) Any person who builds or is concerned in building any Samoan house as to which any of the provisions of this clause are not complied with is liable to a fine not exceeding £2.

20. If any Medical Officer of the Administration or any Resident Commissioner or the District Council of any district in which any Samoan house is situated is satisfied that such house is unfit for use, or is built otherwise than in accordance with the provisions of the preceding clause, or, being a cook-house, is so situated as to create a nuisance from smoke or a danger from fire to any other house, such officer, Commissioner, or Council may order such house to be taken down and removed within fourteen days of the date of the order. If the owner of such house fails to comply with such order he shall be liable to a fine not exceeding £2, and such officer, Commissioner, or Council may cause such house to be taken down and removed at his expense.

*Cemeteries and Burials.*

21. (1) Any person using or being concerned in using for burial purposes any land which has not been approved by the Chief Medical Officer as a cemetery-site is liable to a fine not exceeding £2.

(2) Any person responsible for a burial who neglects to complete the same within twenty-four hours of death, or who uses a grave less than 4 ft. in depth, is liable to a fine not exceeding £2.

*Latrines.*

22. Every District Council is hereby empowered to require for each village with its district the construction and maintenance of latrines to the number which such Council shall decide, or which the Chief Medical Officer shall specify.

23. Every matai who being required by a District Council to provide and maintain a latrine fails, without reasonable cause, to do so is liable to a fine not exceeding £2.

24. (1) Every pit privy shall be so constructed as to prevent the access of flies to the pit, and the aperture thereof shall be provided with a cover, which shall be kept in place when the privy is not in use.

(2) No pit privy shall be constructed or allowed to remain within 20 yards of any Samoan house or other building, or within 50 yards of any well, stream, or spring of water used or likely to be used by man for drinking or domestic purposes, or otherwise in such a position as to render any such well, stream, or spring liable to pollution.

(3) The pit of every pit privy shall be filled with clean earth before the faecal matter therein rises to within 12 in. of the surface of the ground, and the privy shall not thereafter be used, but shall be moved elsewhere.

25. Every person owning or occupying or having control over the persons owning or occupying any Samoan house—

(a) For which sufficient privy accommodation is not provided either independently or in common with other houses; or

(b) The privy accommodation for which (if consisting of a pit privy) is constructed or maintained otherwise than as required by the last preceding clause—

is liable to a fine not exceeding £2.

26. Any person who deposits faecal matter in any place other than a latrine provided for the purpose is liable to a fine not exceeding £2.

*Water-supplies.*

27. (1) In any case in which the water-supply of a village is derived from a well or tank the Chief Medical Officer, or other officer authorized in that behalf, may require such well or tank to be covered or otherwise protected.

(2) Any person who being required to carry out any work necessary to afford such cover or protection neglects without reasonable cause so to do is liable to a fine not exceeding £2.

28. (1) The Chief Medical Officer or other officer authorized in that behalf may, if he is of opinion that any well or other water-supply is liable to contamination, prohibit the use of the same.

(2) Any person who without reasonable cause uses for drinking or domestic purposes, or who permits any person under his control so to use any well or water-supply the use of which has been prohibited as aforesaid, is liable to a fine not exceeding £2.

29. Where any structural work has been carried out for ensuring a wholesome water-supply to a village, the matais of such village are hereby required to keep such work in repair, and any such matai neglecting so to do is liable to a fine not exceeding £2.

30. Any person who installs or is concerned in installing or commences to install a water-supply for any village under a scheme which has not been approved by the Administrator, or who, without the consent of the Administrator, alters, or is concerned in altering, or commences to alter, any village water-supply which has been installed with such approval is liable to a fine not exceeding £5.

*Keeping of Animals.*

31. (1) Pigs shall be confined in pens sufficiently fenced, no part of which shall, unless good cause is shown to the contrary, be within 200 yards of any Samoan house, and which shall not be so situated as to be liable to pollute any water-supply used for drinking or domestic purposes.

(2) Any person who keeps or permits persons under his control to keep a pig or pigs otherwise than in accordance with the provisions of this clause is liable to a fine not exceeding £2.

32. (1) The owner of any pig found at large upon any road or in the neighbourhood of any dwellinghouse is liable to a fine not exceeding £1, and the Pulu'u of the village where any such pig is found, or any person authorized by him so to do, may, if he has good reason to believe that such pig is the property of a Samoan, destroy such pig, unless it has been previously brought into proper confinement by the owner.

(2) The Pulenu'u shall cause any pig so destroyed to be returned to the owner, but if after reasonable inquiry he is unable to ascertain the owner he may dispose of it as he thinks fit.

33. The Chief Medical Officer or any person authorized by him may destroy any diseased pig or other animal belonging to a Samoan wherever found, or may require the owner thereof or some other person to destroy it, and any person who fails to comply with such requirement shall be liable to a fine not exceeding £2.

*Gatherings in Villages.*

34. (1) The Village Committee of any village in which any gathering of visiting Samoans is held is hereby empowered and required to so regulate such gathering that no breach of these regulations and no danger to public health by contamination of water-supplies, insufficient privy accommodation, accumulation of rubbish, or otherwise arises therefrom, and that any requirements of the Chief Medical Officer or other person authorized by him in regard to privy accommodation are complied with.

(2) Any member of a Village Committee of such village who without good cause neglects or is party to neglecting to comply with the requirements of this clause, and any person who being required by the Pulenu'u of such village or by any one having authority from such Pulenu'u or from the Village Committee to do any work or thing for the purpose of compliance with this clause, fails without good cause so to do, is liable to a fine not exceeding £2.

*Roads.*

35. Each District Council is hereby empowered to construct roads within its own district subject to the approval of the Officer in Charge of Public Works, and in accordance with instructions, plans, and specifications given and approved by him.

36. Roads so constructed shall be either "main roads"—that is, roads having a width of not less than 16 ft.—or "main tracks"—that is, roads having a width of less than 16 ft. and not less than 6 ft.

37. District Councils shall be entitled to receive the sum of 6s. per fathom in length for main roads and 2s. per fathom in length for main tracks constructed by them subject to the following conditions:—

(a) That the Officer in Charge of Public Works, or other person authorized by him, is satisfied after inspection that such main roads or main tracks are constructed as provided by clause 35.

(b) That the length of main road or main track completed is such as in the opinion of the Officer in Charge of Public Works is a substantial benefit to the public.

38. (1) It shall be the duty of each District Council to repair and maintain in good repair, properly cambered and drained and clear of vegetation and fallen trees, to the satisfaction of the Officer in Charge of Public Works or his representative, and without payment, all main roads and main tracks now existing or hereafter to be constructed in the district under its control, except only such as the Administrator shall decide are to be maintained at the cost of the Administration.

(2) Any member of a District Council who without reasonable cause neglects or is party to neglecting to comply with the requirements of this clause, and any person who being required under the authority of a District Council to do any work or thing for the purpose of compliance with this clause, fails without good reason so to do, is liable to a fine not exceeding £2.

*Village Funds.*

39. There shall be established in respect of each Samoan village a fund under the control of the Pulenu'u, into which shall be paid as it is received three-fourths of every sum collected on a fine inflicted by the Fa'amasino, or the Pulenu'u, or the Pulefa'atoaga, on any resident of such village.

40. The Pulenu'u shall keep, to the satisfaction of the Inspector appointed to examine his records, a record of all payments received or paid by him on account of the Village Fund, together with the name of the person paying or receiving the same, and the date of such payment or receipt, and together also with such vouchers as shall be required by such Inspector.

41. The Village Fund shall be expended by the Pulenu'u only, and for such purposes only as are of general benefit to the village.

42. (1) Any Pulenu'u who shall fail to keep a record of a village fund in accordance with clause 40, or shall make any expenditure therefrom otherwise than in accordance with clause 41, shall be liable to a fine not exceeding £2, and shall also be liable civilly at the suit of the Administrator for any moneys which may have been lost through such failure or otherwise through the negligence of the Pulenu'u, or which may have been wrongly expended as aforesaid. Nothing in this clause shall take away or affect the liability of the Pulenu'u to be prosecuted for theft.

(2) Any person who receives any money from a village fund knowing the same to have been paid otherwise than in accordance with clause 41 shall be liable to a fine not exceeding £2, and shall be also civilly liable at the suit of the Administrator to repay such money, notwithstanding that he may have given consideration therefor.

*Plantations and Food-supplies.*

43. Subject to the rights of Samoans under the law governing the Native title to Native land, the Administrator is hereby empowered to provide from time to time for each able-bodied male Samoan in Samoa such area for cultivation as the Administrator may think fit out of Native land available for the purpose and not presently required by the Samoan owner thereof.

44. Subject as in the last clause provided, any Native land in the neighbourhood of a Samoan village not presently required by the Samoan owner thereof may, with the consent of the Administrator, be used by Samoan residents of that village for cultivation or other purposes approved by the Administrator.

45. Each District Council is hereby empowered and required—

(a) To allot the Native land owned by the villages within its district, together with any other Native land made available under the last two preceding clauses, among the able-bodied male Samoans resident in the respective villages in its district in such manner that each such Samoan shall have as nearly as may be an area of ten acres for his cultivation; and

(b) To set aside areas of Native land approved by the Administrator for communal cultivation of cotton and other products.

46. Every person to whom land is allotted as aforesaid for his cultivation who without reasonable cause fails to comply with the reasonable requirements of the District Council or Village Committee for its cultivation, and every person who without reasonable cause fails to comply with the reasonable requirements of the District Council or Village Committee for the communal cultivation of any area set aside for that purpose, is liable to a fine not exceeding £2.

47. (1) Each District Council is empowered and required to fix the number of coconut-trees, bread-fruit trees, banana, taro, yam, and sugar-cane plants, and other trees or plants for food purposes which shall be annually planted by each able-bodied male Samoan resident in its district.

(2) Any such Samoan who, without reasonable cause, fails to comply with the reasonable requirements of the District Council under this clause is liable to a fine not exceeding £2.

48. Every person who occupies or takes the produce of or who controls persons who occupy or take the produce of any land planted with coconuts is liable to a fine not exceeding £2 if and as often as such plantation is not kept weeded to the satisfaction of the Director of Agriculture or his appointee, unless such person can show that he has made all reasonable efforts to keep it so weeded.

49. The holding of an "aitagi" or death feast... is liable to a fine not exceeding \$2 for such default.

50. It shall be the duty of the father, or, in default of him, of the mother or other guardian, of any child suffering from yaws to immediately report the fact to the village health officer in which such child resides.

51. It shall be the duty of every person who has information that any child is suffering from yaws to immediately report the fact to the village health officer in which such child resides.

52. No person having custody of a child suffering from yaws shall permit such child to remain in any other village than that in which such child resides.

53. No person shall refuse or neglect to treat any other person for yaws or other disease as directed by a Medical Officer or other remedy not approved by the Chief Medical Officer.

54. It shall be the duty of the father, or, in default of him, of the mother or other guardian, of any child under the age of ten years to produce such child for inspection and treatment as may be prescribed by a Medical Officer or by a person having the authority of such officer.

55. It shall be the duty of the father, or, in default of him, of the mother or other guardian, of every child treated by a Medical Officer for yaws or any other disease to permit such child to receive the treatment prescribed by such officer or person.

56. No person being a parent or guardian of a child shall refuse or neglect to submit such child to treatment for the disease of yaws or any other disease as directed by a Medical Officer or other remedy not approved by the Chief Medical Officer.

57. Any person who, without reasonable cause, fails to comply with the requirements of any of the preceding sections numbered 50 to 56 (inclusive) shall be liable to a fine not exceeding \$2 for such default.

Breaches of the Law by Village Communities.

58. (1) If upon the information of any officer of the Administration authorized in writing to inspect the same, charging that there has been a general breach of the law in the village or community, the District Court shall direct the village health officer to inspect the village or community.

(2) Any fine payable by a person residing in such village or community shall be levied on the village or community, by all such persons.

(3) The Court shall direct such village health officer to make such report as it shall think necessary in order to bring such village or community into compliance with the law.

(4) If a village or community under this clause shall be found to be in breach of the law, the District Court shall direct the village health officer to make such report as it shall think necessary in order to bring such village or community into compliance with the law.

Reservation of Native Land for Church Purposes.

59. In the following classes of these regulations "Church purposes" means and includes the provision of a site for a school, for a pastor's house, or for a school conducted by a religious denomination, or for homes for pupils or teachers of such school, or for a plantation for the support of pupils or teachers of such school, or for any one or more of such purposes.

60. If and whenever the Administrator shall be satisfied that any Native land has been sold, or set aside by the Samoan owners thereof exclusively for Church purposes for the benefit of a Christian denomination, and that the said owners are willing that such land should be reserved in pursuance of the aforesaid sale, gift, or setting aside, the Administrator shall reserve such land for the purposes to be specified in the aforesaid sale, gift, or setting aside.

61. The Administrator shall reserve such land for the purposes to be specified in the aforesaid sale, gift, or setting aside.

62. Native land reserved for Church purposes shall from time to time be determined by the Administrator, and shall be subject to the provisions of the Samoan law in general, or of the particular provisions of any law which may from time to time determine.

SCHEDULE.

DISTRICTS OF WESTERN SAMOA.

Name of District	Area
Tuamasegalo	...
Aiga-i-le-tai	...
Mafanua	...
Matautu	...

SCHEDULE—continued.  
DISTRICTS OF WESTERN SAMOA—continued.

Name of District.	Names of Villages comprised in Districts.			
<i>Upolu—continued.</i>				
Tuamasaga Sante .. ..	Saasapu Sataoa Lotofaga	Ninamata Valea Fusi	Famaga Tafitafu Mafua	Maninoa Si'umu Saaga.
Falealii .. ..	Iliili Saleliua Poutasi	Tavani Faleasau Faleasau	Satale Sapapaga Faleasa	Saleatale Salei Sape'a.
Lepa and Lotofaga .. ..	Lepa Sataoa Lotofaga	Itemuli Vavau Aufaga	Lepa Vaigahu Lealatele	Si'aga Saisaga.
Aleipata .. ..	Lalomanu Vailoa Ulutogia	Satitoe Mutiatele Saleasumua	Utufaalafa Samusu	Asafie Tavaa.
Vaa o Fonoti .. ..	Falea Falea Falea	Falea Falea Falea	Falea Falea Falea	Falea Falea Falea
Ancama's .. ..	Falea Lufiufi	Falea Fusi	Falea Eva	Solosolo Lustanuu.
<i>Savai'i.</i>				
Faasaleleaga .. ..	Tafua Salelolaga Salelavalu Iva	Lalomalava Sapapalii Salelulafai Tapulelele	Si'ufaga Faga Saleipi Sama	Asaga Lano Falea's.
Gaga'emauga .. ..	Falea Falea	Falea Falea	Falea Falea	Falea Falea
Gagaifomauga .. ..	Falea Falea	Falea Falea	Falea Falea	Falea Falea
Vaisigano .. ..	Falea Asa	Falea Falea	Falea Falea	Falea Falea
Falealupo .. ..	Avata	Vaitupua.		
Alataua i Sisifo .. ..	Tufutafae	Neiafu	Falelima.	
Salega .. ..	Si'uveo Fagafau Samataitai	Samatainta Fogatuli	Faleai Vaipu'a	Fogasavaii Segone.
Palauli i Sisifo .. ..	Foalalo Foaluga	Satuiatua	Sale'ilua	Tago.
Satupa'itea .. ..	Satufa	Vaaga	Falea	
Palauli .. ..	Valea	Falea	Falea	

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SCHEDULE

Presidents of Western States

Name of District	Name of President	Name of Vice-President
Alaska	Walter E. Williams	Walter E. Williams
Arizona	Walter E. Williams	Walter E. Williams
California	Walter E. Williams	Walter E. Williams
Colorado	Walter E. Williams	Walter E. Williams
Idaho	Walter E. Williams	Walter E. Williams
Montana	Walter E. Williams	Walter E. Williams
Nebraska	Walter E. Williams	Walter E. Williams
Nevada	Walter E. Williams	Walter E. Williams
New Mexico	Walter E. Williams	Walter E. Williams
Oregon	Walter E. Williams	Walter E. Williams
Utah	Walter E. Williams	Walter E. Williams
Washington	Walter E. Williams	Walter E. Williams
Wyoming	Walter E. Williams	Walter E. Williams

Walter E. Williams

Walter E. Williams

Walter E. Williams

Walter E. Williams