

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.

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.

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'amasinosa*), 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	Satitoga ..	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.

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.

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.

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.

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.

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. SOLP'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 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.

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.

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.

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 Seinifo 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, Cockerft, 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. Cockerft 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.

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, 3½ 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-cestes. 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-cestes 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. Cobcroft, did Mr. Cobcroft 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. Cobcroft 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?—We 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.

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.

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 suppression 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'AFOI 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 appportion 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 *pulemu'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 Fajtele.

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 Tocaina 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 Tocaina 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 *pulenu'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 Faipule 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 *puipua*; (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 *matai*—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 TAUULO	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?—Vailele.

Your boat license was not cancelled before you were told to go to Vailele, 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 Vailele 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 repeat 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—these losses 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