

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.