

such Samoan Judges as he thinks necessary, holding only such jurisdiction as he shall prescribe, extending only to Samoans, and without authority to impose any term of imprisonment. As of the present time there are, in addition to the Chief Judge, four European Commissioners, three Samoan Associate Judges of the High Court, and fourteen Samoan Judges in charge of District Courts.

35. A system of Assessors, somewhat equivalent to a jury system, is provided for more serious criminal cases. The Court appoints four Assessors from a standing panel nominated by the Administrator and consisting of both Europeans and Samoans, nearly all of the latter being Judges or ex-Judges. In cases where the defendant is a Samoan it is the current practice to name one Samoan Assessor among the four. Where Assessors are used, the verdict requires the concurrence of at least three of the Assessors. Two qualified solicitors are in private practice in Apia, and handle cases before the High Court.

36. The Samoan Associate Judges of the High Court are appointed by the Administrator on the basis of nominations by the *Fono* of *Faipule*, and hold office for three years. Originally they held Courts in Apia to deal with minor Samoan offenders, but to-day the police prefer to have all the cases at Apia tried by one of the Commissioners or by the Chief Judge. These Samoan Judges therefore sit on the bench in an associate capacity. In cases where the defendant is a Samoan they may take a very active part in the proceedings, as in questioning witnesses and helping to frame a just verdict. Where the defendant is a European they may possibly be present, but they take no part in the decision.

37. A right of rehearing, equivalent in practice to an appeal, is allowed from decisions of the Samoan Judges to the Commissioners, and on to the Chief Judge. An appeal is also allowed under certain conditions from the High Court to the Supreme Court of New Zealand. But only a very few such appeals to the Supreme Court have ever been made, and none since 1934; nearly all were connected with the political activities of the *Mau* movement.

38. The Justice Department is headed by the Chief Judge, and handles the administrative aspects of the Judiciary. A Legal Officer, formerly called a Crown Solicitor, ordinarily advises the Administration on legal matters and represents it before the Court, but this office is at present vacant. The Justice Department has incorporated into it the work of a former Labour Department, and also that of the Public Trust.

39. A special judicial body has been created, called the Native Land and Titles Court, to deal with disputes over the control of "Native land" and the right to hold traditional Samoan titles. The present Court is a successor to a rather similar body developed under the German régime, and its present form is based on the revised Native Land and Titles Protection Ordinance, 1934. This Court is important not only as a means of settling increasingly frequent disputes, but also as providing an outlet for the claims of Samoans to their customary rights; it is here that Samoan usage has its fullest expression and sanction by law. The Chief Judge is President of the Court, and is assisted by at least two European Assessors well versed in Samoan custom, and at least two Samoan Judges. The decisions are usually reached only after prolonged hearings, and no appeal exists except by way of application