

of New Zealand. The terms of this mandate were later confirmed by the Council of the League of Nations on 17th December, 1920. As a consequence of these events, the New Zealand Parliament made provision for the establishment of a form of government and a system of law in the Territory by the Samoa Act, 1921. This Act and its amendments, of which the most recent and most important is the Samoa Amendment Act, 1947, remain the foundations upon which the legal and political structure are built.

The administration of the executive government is entrusted to a High Commissioner, who is appointed by the Governor-General and responsible to the Minister of Island Territories. He is assisted and advised in the performance of certain of his duties by the Council of State over which he presides. Its other members are the holders of the office of Fautua. Full legislative power is conferred upon the Legislative Assembly of Western Samoa, except in respect of a limited range of subjects. These include defence, external affairs, laws "affecting the title of His Majesty to any land," and certain parts of the Samoa Act, 1921, and its amendments. The last provision serves, *inter alia*, to prevent the Legislative Assembly from making laws changing the constitution. In addition, there is the restriction that Bills imposing a charge on public revenues, altering the manner in which public funds shall be spent, or seeking to impose, amend, or abolish taxes shall not be passed except with the consent of the High Commissioner. The New Zealand Parliament still retains its inherent legislative power in respect of Western Samoa; and the Samoa Act, 1921, conferred on the Governor-General in Council the power to make regulations "for the peace, order, and good government" of the Territory. These powers are intended, however, as a safeguard for New Zealand's position as trustee, and not as the normal means of legislation.

STATUS OF THE INHABITANTS

The legislation defining the status of the inhabitants of Western Samoa is complex, and in some respects unsatisfactory. The Samoan Government hopes to amend it and to consolidate it; but amendment raises a number of questions which need careful consideration by representatives of those who may be affected by changes, before action is taken. In respect of certain parts of the municipal law of the Territory the inhabitants are divided into the two categories of "Samoan" and "European." Their nationality affecting their rights outside the Territory is that of British protected persons, nationals of some sovereign State, or Stateless persons. The two classifications—that of municipal status and that of nationality—are related, but they are by no means coincident.

A Samoan is defined as "a person belonging to one or more of the Polynesian races," and the term Polynesian is itself defined as including "Melanesian, Micronesian, and Maori." This definition includes as Samoans, without qualification, all who are of pure Polynesian descent (in this extended sense of the term Polynesian). The law also classes as Samoans any persons who are of more than three-quarters Polynesian blood, unless they are specifically declared in accordance with any regulations or Ordinance to possess some status other than Samoan status and incompatible with it. Many persons of three-quarters Polynesian blood or less are deemed to be Samoans. In addition, any person of half Samoan blood or more who has been declared or deemed to be a European may petition the High Court to declare him a Samoan.

A European may have acquired his status in any of a number of ways. Members of any of the classes of persons who were registered as foreigners at the time New Zealand civil administration was set up possess European status. In effect, this includes all descendants in the male line of European fathers by legal marriages. Additionally, since 1944 all persons not regarded as Samoans whose male ancestors have not been more than three-quarters Polynesian are classed as Europeans. Further, any person who is deemed or declared to be a Samoan may petition the High Court for inclusion in the Register of Europeans if he is not of pure Polynesian descent. For such a petition