

A FREE PRESS.—SECTION 102 OF SAMOA CONSTITUTION ORDER.

We beg to submit our report on the subject, "A Free Press." We find there is a unanimous desire on the part of the public that there should be a free Press in Samoa, and that the present censorship over the *Samoa Times* should be removed, particularly so since the military occupation has practically ceased to exist. In war-time it is fully recognized that there is a certain justification for a military censorship of the Press, which, as far as Samoa is concerned, has been accepted without demur, but now that the war is long since over, such censorship, on whatever grounds, is wholly unnecessary. We are led to understand from interviews with the directors of the *Samoa Times* that at a meeting of the directors and the Administrator (Colonel Tate), at which Judge Watson was present, held on the 23rd December, in the course of a discussion on the censorship, the Administrator stated that it may be necessary to continue the censorship of the paper under Civil Administration.

We are of opinion that if the censorship is continued, as at present, under Civil Administration, then such censorship would be unprecedented in the British Empire. It is felt generally that if the censorship is continued it must be detrimental to the best interests of the country and no less to the Administration. It is a recognised fact throughout the Empire, and upheld by high authorities, that any interference with the time-honoured liberties of the Press, provided that Press is guided with discretion, is a great mistake. Even if its criticisms on Government are harsh, it is often fruitful of a great deal of good.

We learn from correspondence which has taken place between the Administration and the *Samoa Times* that the Administration does not object to fair criticism of the Government, but it does object to criticisms tending to disaffection or sedition. The directors of the *Samoa Times* are desirous of conducting their journal in the entire interests of Samoa, and that being the case there is no fear of any criticisms appearing in its columns tending to either disaffection or sedition. But at the same time we would like to point out that extracts which have been culled from New Zealand newspapers for publication in the *Samoa Times* have been censored within the past few months and not allowed to appear; yet those New Zealand papers are allowed to come into Samoa and be spread broadcast throughout the community. Some of those newspapers are among the foremost in New Zealand.

We learn also that the Administration was offered by the directors of the *Samoa Times* that if anything critical of the Administration appeared in the paper it could have the option of adding an explanatory note to such criticism, thereby giving both sides a fair opportunity of stating the case clearly. This offer was turned down.

One other matter of considerable moment we have discovered. One of the reasons why a good deal of criticism of the Administration appears in the New Zealand Press emanates from local residents—Press correspondents—who feel that however justified they may be in their criticism, as the *Samoa Times* is censored they must seek another source of ventilation i.e., the New Zealand Press. If the censorship were removed it would create a more harmonious relationship between the Administration and the community. It is felt that the censorship of the local paper is a usurpation of the public's right of a free Press. Furthermore, the censorship creates a wide feeling of suspicion among the community who are suspicious of the Government.

We are forced to the belief, after the fullest deliberation, that there is no reason whatever why the local newspaper should not enjoy the same privileges as other newspapers throughout the Empire.

In dealing with this question it is necessary to introduce here section 102 of the Samoa Constitution Order, which would operate over the *Samoa Times*. Section 102 is as follows:—

"(1.) A 'seditious intention' is an intention to excite disaffection against His Majesty or against the Parliament or Government of the United Kingdom, or against the Parliament or Government of New Zealand, or against the Government of Samoa, or to excite such hostility or ill-will between different classes of the inhabitants of Samoa as may be injurious to the public welfare, or to excite, encourage, or procure lawlessness, violence, or disorder in Samoa, or Constitution of Samoa.

"(2.) 'Seditious words' are words expressive of a seditious intention.

"(3.) A 'seditious libel' is a libel expressive of a seditious intention.

"(4.) A 'seditious conspiracy' is an agreement between two or more persons to carry into execution a seditious condition.

"(5.) Every one is liable to two years' imprisonment who speaks any seditious words or publishes a seditious libel, or is a party to a seditious conspiracy."

The Committee has ascertained that a seditious clause of practically the same wording as shown above is embodied in the Constitution of every British possession. In the present instance the reading of section 102, with a few slight alterations, is practically a facsimile of section 118 of the New Zealand Crimes Act, 1908.

The crux of the question is of course the interpretation put upon the section by the local authorities, and from a verbal statement made by the Judge of the District Court before the directors of the *Samoa Times* the measure will be rigidly adhered to in the event of newspaper criticism that may be adjudged destructive of the Government's authority.

Colonel Tate stated quite explicitly that section 102 was inserted in the Samoa Constitution Order to operate specially over Samoa; and yet we learn that such a section is embodied, as stated heretofore, in the laws of all British possessions. Such a section operates in New Zealand, and it appears that a liberal construction is placed upon it by the authorities. If the interpretation as given by Judge Watson is correct, then it is apparent that the *Samoa Times* will not have the same liberties as the New Zealand Press. Indeed, portions of articles concerning Samoa culled for publication from the foremost New Zealand newspapers have been censored out, suggesting that such articles tended to disaffection. Thus it is obvious that a rigid adherence is given to section 102, thereby placing the *Samoa Times* at a great disadvantage to its New Zealand contemporaries working under a similar law. It is apparent that it is a matter of interpretation. It is fully recognised that such a section is necessary, but in so far as Samoa is concerned all that is asked for is that the section be given a liberal and broad-minded construction.

In compiling this report we are quite cognisant of the fact that the population of Samoa is greatly Native and requires delicate administration. The directors of the *Samoa Times* are fully alive to this fact. In purely Native affairs the company is prepared at all times to seek the advice of the Administration. The directors do not desire to have matters affecting the Natives discussed or touched upon in the paper. The *Samoa Times* is primarily published in the interests of the European community. That being so, is it not feasible that the Administration should seek the assistance of the newspaper in such a cause? In this connection we feel sure the directors would be favourably disposed. At present it appears as though "the big stick" is being held over the *Samoa Times* where there is no occasion for it. The co-operation of the Press and Administration should work hand in glove—such as has existed under the present Acting-Administrator, Major-General Sir Alfred Robin—and which is done in other countries. If such an understanding could be brought about there will be no occasion for the citing of section 102, nor even for the exercising of the censorship.

In conclusion, we cannot help thinking, after taking everything into consideration, that there is a lack of confidence between the Administration and the newspaper, or vice versa.

EDUCATION IN SAMOA.

(By Rev. W. E. Clarke, London Missionary Society.)

In view of the intention of the New Zealand Government to take over the work of education in Samoa, I have been deputed by the committee appointed by the citizens' meeting to lay before the Parliamentary Representatives a few particulars concerning the existing system of education in these islands.

The education of the Samoan people has hitherto devolved entirely upon the various missionary societies represented here, the existing Government schools providing for about one hundred and fifty children only. The Roman Catholics and the Wesleyans have, roughly, about five thousand school-children. I am including in these figures the scholars of the excellent schools of the Marist Brothers in Apia and the Sisters' School at Sogi. The Mormons have also a few schools, but their numbers are small.