

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