

made in the Fono of Faipules by Toelupe, describing the articles and the purpose of the presentation. The objection made before us was that Toelupe in his speech had described the articles as the "emblems of sovereignty of Samoa." Toelupe, who was called before us, said that the articles were just presents given to show their respect to the Governor-General of New Zealand in accordance with the custom of Samoa, and that the gift possessed no other significance. We have read a translation of Toelupe's speech of presentation, which is contained in New Zealand State Paper, 1926, A.—4C, and it contains nothing which justifies the suggestion that the gifts were intended as a symbolic transfer to New Zealand of the sovereignty of Samoa, or that they were given otherwise than as curious, interesting, and historic emblems. They are now in the guardianship of the Speaker of the New Zealand House of Representatives.

The attitude adopted by the Commission towards this matter was stated by Judge MacCormick, with the concurrence of his colleague, thus:—

Judge MacCormick : Will you, please, translate this : "The presentation of these articles, whatever they were, by a Samoan chief or chiefs to the Governor-General has no effect whatever upon the position of New Zealand in regard to Samoa. The position of New Zealand with regard to Samoa is fixed by the mandate from the League of Nations, and neither the Samoan chief nor the Government of New Zealand can alter that mandate, and whatever took place between the chief or the chiefs and His Excellency the Governor-General has no effect on the relations of New Zealand and Samoa. I make that statement with the concurrence of the Chief Justice, and we hope it will relieve the Native mind of any suspicion as to any effect the presentation might have. The Commission has no authority to speak for His Excellency the Governor-General, but he, no doubt, would understand the presentation of the articles referred to to be a mere compliment. However that may be, these emblems can have no effect whatever in regard to the standing of New Zealand with Samoa. Having that explanation, I think the reference to this question might be considered as closed.

Mr. Baxter : It relieves me of the necessity of having to worry any further about this matter, and I hope it will be satisfactory.

We are satisfied that there was no substance in the suggestion that this gift in any way disturbed the mind of the Samoans. We regard it as entirely without political significance to either the European or Native mind. The view which we expressed was not really dissented from by counsel for the complainants.

7. LOCAL BANISHMENT ORDERS.

The next matter to be dealt with is thus stated : "Complaints relating to orders made by the Administrator (a) requiring a Native to leave a certain place and to reside in a defined place in Samoa ; (b) requiring a Native to return to his home ; and (c) depriving a Native of his titles. These Orders relate to two periods : (1) Orders made prior to the creation of the organization of the Mau, and destitute of political significance ; and (2) Orders made after the Mau organization had, rightly or wrongly, been recognized as one which should be suppressed."

(a) Orders before the Mau.

We propose to deal with the orders made prior to the organization of the Mau, which are admittedly destitute of political significance. These orders were the exercise of a jurisdiction conferred upon the Administrator by the Samoan Offenders Ordinance, 1922, passed during the regime of Colonel Tate. Before referring to the provisions of this Ordinance it is necessary by way of explanation to state something of the history connected with the local banishments. It is quite clear that in ancient days the Samoans exercised the power of banishing an objectionable individual from a village or district in the islands to some other village or district in the Group. The incidents of the exercise of this custom were sometimes harsh and cruel. There are authenticated incidents of an individual being set adrift at sea in a small canoe with a meagre amount of food. Nevertheless the custom was well founded in the traditions of the people. The usual form was a banishment from one place to another in the Group.

When the German Governor took over the administration of Samoa he, by a Proclamation dated 16th September, 1901, forbade the Samoans themselves to exercise the custom of local banishment, and the power of banishment was thereafter exercised by the Imperial German Governor himself. This policy was followed by the Military Administrator of Samoa, who, by a Proclamation dated 20th