

from being put in evidence before the Commission. The propriety of this determination was not questioned either by the counsel for the complainants or for the Administration.

After this necessary digression we now proceed to consider seriatim the main or principal complaints.

#### I. ALLEGED DICTATORSHIP OF THE ADMINISTRATOR.

The first complaint is expressed in Mr. Nelson's own language. It was that the system of government permitted the rule of an absolute dictator, and because officers of the Administration could think that they could carry out certain policies regardless of the customs and feelings of the people in Samoa.

It is evidently a generalization. If it means that the officer who is responsible under the mandate for the administration of the Territory is given the right, subject to the general supervision of the Parliament of New Zealand and the Minister of External Affairs, to lay down the policy of the Administration we do not see how it can be avoided. This subject will be referred to later on, when we deal with the suggested reforms of the Legislative Council. We think, however, that the complaint does no more than to generalize the main charge against the Administrator—namely, that in his administration he did not pay due regard to the customs and feelings of the people of Samoa. This charge will be carefully dealt with later on, and shown to be, in our opinion, unfounded.

#### METHOD OF APPOINTING FAIPULES.

The charge against the Administration respecting the method of appointing the Faipules is thus expressed: that they were appointed by the Administrator for the time being without in any way consulting the people of the district as to their appointment, or, in the words of Mr. Baxter's charge (Appendix II), "That all Faipules are not qualified in accordance with existing Native usage and custom to represent their districts, for the reasons that they have not been selected according to Native custom and/or that they have received appointments for unlimited periods."

This charge has been repeated over and over again in Mr. Nelson's evidence before the parliamentary Joint Committee, and on it was based the charge that the Administrator in appointing Faipules acted regardless of the custom and usage of the Samoan people. Samoan chiefs were called who said that Native Faipules were appointed without any consultation with the people; but it was quite apparent to us that they were not really in a position to give any reliable evidence on the point.

The affirmative evidence before us showed that the charge was without foundation. There are thirty-one Faipules, two of whom were appointed under the German regime, and two were appointed under the British military regime. The unfortunate epidemic of 1918 carried off all the Faipules except the before-mentioned four, and in the years 1919 and 1920 the Administrator for the time being, Colonel Tate, appointed some seventeen Faipules. Between 1923 and 1927 the present Administrator has made ten appointments, some to fill vacancies and others being additional appointments.

Of the four first-mentioned Faipules, Aiono and Toelupe were appointed under the German regime by Dr. Solf after consultation with the Natives of the district to which they were respectively appointed. Toelupe was one of the original thirteen Faipules mentioned by Mr. Lewis, and has been Faipule of his district for more than twenty-eight years, "through changing systems and changing Governments." Both of these Faipules are greatly respected and both have great influence in the Territory. Tainau and Malupo were the two Faipules appointed during the military occupation, the same method of consulting the people of the district being adopted.

The names of the seventeen Faipules appointed in 1919 and 1920 are given in Mr. Lewis's evidence at page 2 of his evidence, and the names of the Faipules appointed during the present Administrator's regime are given on the same page of Mr. Lewis's evidence. Of the seventeen Faipules appointed during