

district, and hoped to meet them together with the Faipule. The writers might then bring up any subject they wished.

On the 25th June, 1927, some seventy or eighty Natives wrote to the Administrator informing him that their opinions were—(1) "All punishments received by each person who has already been punished must be put upon us, as we are representative of the whole Samoan Committee (Mau)." (2) "We wish to have investigation before we are going to be punished."

On the 30th June, 1927, the Secretary for Native Affairs wrote to many of the signatories to the letter informing them that the Administrator would be glad to meet them, and, as he had commenced his *malaga* around Upolu on Monday last, he would be soon in the district of the writers, and hoped to meet them together with the Faipule. On the 5th July, 1927, a number of Natives wrote to the Administrator, portion of the contents of which letter has already been quoted. It is sufficient here to say that the letter informed the Administrator that they had decided to remain gathered together in Apia until they received the decision which they were expecting, and none would depart until the answer they were waiting for was received. It further stated that these ideas would be upheld by all the people in the Mau, and therefore if any of the people in the country disobeyed any of the orders and His Excellency deemed it right to punish them he ought to throw the punishment on their shoulders—that would be on the whole country.

Some fifty-nine orders in all were made, affecting fifty individuals. Forty-two orders directed Natives to return to their homes from Apia or to remain in their home village of Apia or its environs, and eight orders directed Natives to remove to other villages than their own home villages. Some of these orders were to continue in force for a period of three months, and some for a period of twelve months. Of the total orders made some thirty-nine were disobeyed, and it was found advisable not to enforce them. These fifty-nine orders are the orders which were mostly complained of before us.

Orders were made prohibiting the use by thirteen chiefs of their Native titles. These orders were made in July, 1927. The list of the chiefs affected is set out at page 193 of the evidence. The spokesman for these chiefs gave evidence before us. There were absent five in all of the thirteen. The remainder were present and assented to the evidence given by the spokesman. These chiefs were prohibited the use of their titles because they, being members of the Mau, had in concert abstained from attending *fonos* in their respective villages or districts called by the Administrator during his *malaga* through Upolu in July, 1927. There can be no doubt that their abstention was deliberate, and designed to frustrate the purposes of the Administrator's *malaga* at a very critical time. It is clear that each of the chiefs was called before the Administrator, and each had the opportunity of presenting his case. It is true that the spokesman said that what was referred to at the inquiry was their having joined the Mau; but we are satisfied that what was in fact investigated was their concerted abstention from attending the Administrator's *malaga*. At the inquiry the thirteen chiefs were present. The Administrator told them to retire and consider what he had said, and on the following morning they could appear again and apologize to him if they felt that they were wrong. The representative chief who gave evidence at once replied saying that there was no necessity for them to consider the matter, and asked him to state then what their punishment was to be. The Administrator then made orders prohibiting the use of their titles. The orders, of course, were subject to revocation by the Administrator.

It appears to us that these orders were made after a proper inquiry, and that no objection can be taken to them. We are not concerned with the form in which the orders were drawn up. The Administrator satisfied himself of the propriety of making them, and gave to each person affected the opportunity of appearing before him and stating his case. Some so appeared and others declined. We are satisfied that these orders were made upon a proper procedure, and that no objection can be made to them. We are wholly unable to see that, in the circumstances which obtained, the Administrator was not justified in exercising such powers as he possessed to discourage the organization of the Mau and to