

*Paragraph 12.*—(a) I have referred to the present system of appointing Faipules, and to the fact that they were not “selected by districts in past days.”

(b) The functions of the Fono of Faipules are, and always have been, strictly confined to matters concerning the welfare of the Native race they represent.

(c) The meaning of this paragraph is not understood. The Faipules were originally appointed to represent their districts, to put matters concerning their districts before the then Governor, and to convey his instructions and wishes to their people. This is their position to-day.

(d) I have received no complaints whatever regarding Faipules interfering with Native officials in their districts, but I have urged them to see that Native officials do their duty, and in cases of serious neglect of duty to report to me.

(e) The only village official is a Pulenu'u (or Mayor). He is always selected by the Ali'i and Faipule of the village.

(f) There are no hereditary village councillors—in fact, there are no hereditary titles in Samoa. Titles are not bequeathed, but are given to a successor who is appointed by the family.

During my regime increased prestige has been given to the Ali'i and Faipule of villages by constituting them as Village Committee with powers to make village laws, and to select representatives on the District Council.

*Paragraph 13.*—The Faipule have no judicial powers and do not inflict punishments. All offences are dealt with in each district by the Fa'amasino (Judge).

*Paragraph 14.*—The answer to paragraph 14 is: All Native offences are dealt with by the High Court, which sits at Apia, Mulinu'u, Fagamalo, and such other places as may from time to time be fixed. The Chief Judge and a Judge of the High Court deal with all cases at Apia, save a few Chinese cases dealt with by Mr. Carter, a Commissioner of the High Court. Minor Native cases come before the Secretary of Native Affairs at Mulinu'u, the Secretary being a Commissioner of the High Court. Minor Savai'i cases are dealt with by the Resident Commissioner, Fagamalo (Savai'i), who is also a Commissioner of the High Court. The jurisdiction of a Commissioner is set out in Rule 112 of the Rules of the High Court.

There is only one Court in Samoa, and that is the High Court. The Court at Mulinu'u has been called the “Native Court” (now a misnomer), due no doubt to the fact that during the military occupation there were two Courts, a District Court and a Native Court, the latter being presided over by the man in charge of Native Affairs. The old name has thus been carried on, the High Court at Mulinu'u being looked on by Natives as a “Native Court,” which it is not.

All decisions of Commissioners are subject to appeal. See Rules 116 to 124, inclusive. Rule 116 provides, “With leave of a Judge of the High Court, any party to any proceedings, whether civil or criminal, before a Commissioner of the High Court may appeal from the judgment of the Commissioner to a Judge of the High Court.” Appeals can also be made to the Supreme Court of New Zealand (*vide* Samoa Act).

*Paragraph 15.*—I attach herewith a list of the punishments awarded under the Samoan Offenders Ordinance for the twelve months preceding the visit to Samoa of the Hon. Minister of External Affairs.

*Paragraph 16.*—The request in this paragraph for Native representatives in the Legislative Council has been previously made by the elected European members, but never by the Natives themselves, who have had the proposal put to them but have declined. Their desire is to have their own Fono to deal with their own affairs in their own way.

I concur in their view that the appointing of two Natives on the Council would be entirely inadequate to represent the Samoan race in this Territory, where the Natives consist of a number of political divisions and comprise 95 per cent. of the population, and that it would eventually lead to the abolition of the Fono of Faipules, in which every political district is now represented.

I am able to state with the utmost assurance that not even two Natives having the full confidence of the Samoan race to represent them could at the present time be found in this Territory with the ability to deliberate and discuss in English the matters brought before this Council. Native representatives under these conditions would be mere dummies, and would learn less and render less useful service to their country than in a purely Native Assembly.

*Paragraph 17.*—I attach copies of the Samoan Act and the Native Regulations, which also contains a precis of the various sections of the Act directly concerning the Natives, as evidence of the fact that the laws of Samoa are already printed in the Samoan language. Furthermore, all Ordinances passed by the Legislative Council are submitted to the Fono of Faipules in the first place if they concern the Natives. A precis of these Ordinances is circulated to Faipules as well as being published in the Native *Gazette*, the *Savali*. It is further proposed to publish in the Samoan language a precis of all the local Ordinances as an appendix to the Native Regulations.

The suggestion to print the annual estimates in Samoan cannot be carried out without increase of staff and expense, which is not justified in view of the fact that a precis of expenditure directly concerning the Natives is circulated to Faipules, who explain to their people the information they receive.

With reference to the loans made by New Zealand to help this Territory, the Natives do not understand Government finance, and their suspicions are easily aroused on money matters. I have endeavoured to ascertain the reason for this, and am informed that in the early days of the Samoan Government the Natives paid taxes and had reason to believe that their money was misappropriated by their leaders. During the German regime the unrest which resulted in the deportation of several chiefs to the Marianne Islands was partly due to some persons creating suspicion in the minds of the Natives as to the misuse of Government moneys.

Mission authorities here also experience difficulties in allaying suspicion on the part of their people regarding the use of Church funds.