

John Kruse, of Faga, Faasaleleaga; and these men have received orders similar to the one I have previously referred to. All these three men are employed by Nelson and Co., Ltd. No other person that we know of has had his license cancelled, although a considerable number received notices. All these men have informed me that they have no idea what was wrong—they are at a loss to know how their trading could be in any way prejudicial to the good government of the Territory. The men whose licenses were cancelled have never been informed why the cancellation was made, and they have never been asked any question about it. They have never had any opportunity of making an explanation, and in consequence their living has been taken away from them as a result of an arbitrary act, the basis of which they are not aware of.

*The Chairman:* According to you the cancellation was a blank cartridge?

*Mr. Slipper:* Yes.

*The Chairman:* Why could they not carry on?

*Mr. Slipper:* The reason was that Messrs. Nelson and Co., Ltd., are not prepared to keep them in their employ for fear that their trading license will be attacked if they do: in other words, they are afraid that their own license might be assailed for not obeying the order issued by the Administrator. It means that their living is taken away from them, and they do not know the reason why.

*Judge MacCormick:* They were notified to show cause?

*Mr. Slipper:* But they did not know what the cause was. In Hunkin's case the order was to take effect at the expiration of the month, and, as I say, after that date Nelson and Co. will not employ them because they are afraid that their own license might be assailed for not obeying the order. As I said previously, they did not know the cause of this.

*The Chairman:* I should have thought that there was no better reply than to say, "I am not conscious of having done anything which justifies the cancellation of my so-called license." They did not do that, according to you?

*Mr. Slipper:* In nearly every case they had to go to the Collector of Customs.

*The Chairman:* You did not tell us that, and that is why the question was asked.

*Mr. Slipper:* So concerned are we about this that we decided to test the matter. The difficulty was to have the matter brought into Court; but we are not able to say by what means we are able to bring the matter into Court as a test case prior to a breach of the law being committed. Therefore we wish the Administrator to bring the matter into Court, and I have written to the Administrator about it—at least, Mr. Nelson did as a result of a letter written by me. I refer to the letter of the 13th September, as follows: "(3) We ask that (a) His Excellency will revoke the said three orders, or (b) that he will give a written undertaking to us to the effect that if we re-employ Mr. Hunkin in his previous employment, the Administrator will at once institute proceedings against Mr. Hunkin by way of a test case, and that whatever the result of that case may be we will not be held to be disobedient to or contumacious of the law." The reply to that letter was dated 15th September, and is from the Secretary of the Administration, and it is to Messrs. Nelson and Co., and it says, "I am directed to acknowledge receipt of your letter of 14th instant, with reference to the cancellation of the trading licenses of Henry Hunkin, of Falealili; Ale Lui, of Safata; and John Kruse, of Faga, Faasaleleaga. In reply I have to advise that His Excellency the Administrator does not propose to depart from his present decision." That was in answer to my question that we would be given an undertaking that there would be no victimization so far as Messrs. Nelson and Co. were concerned. There was another, which I have not on my file at the moment, in which I asked again to have an answer to my request in the first letter as to the undertaking to protect Messrs. Nelson and Co. I then received this letter, dated 22nd September—or, rather, Messrs. Nelson and Co. received it. It says, "In reply to your letter of 19th instant, I am directed to advise you that the Administrator is not prepared to give any such undertaking as asked for in paragraph (3) (b) of your letter of 13th idem. I would point out that, as your counsel has apparently advised, Mr. Hunkin already has the right to test this legislation in the law-courts (*vide* paragraph 5 of your letter of 14th instant)." I did not say anything of the kind; but we complain that we have the right, and we cannot bring the matter into Court. If a trial of the question is to be made it will have to be a technical breach, and then the Administrator must bring in the case. However, we hope to bring the whole matter of the cancellation before the Commission later on.

*The Chairman:* What are these gentlemen doing—are they working?

*Mr. Slipper:* One is working; but I do not know what the other two are doing. One is working with Nelson and Co., but not as a trader. With regard to the question of banishments, the Ordinance is called "The Samoan Offenders Ordinance, 1922." The preamble is important, I apprehend, and it reads: "An Ordinance to control Certain Samoan customs. Whereas by a Proclamation made by the Imperial German Governor, dated the sixteenth day of September, nineteen hundred and one, the Samoan Natives were forbidden themselves to exercise the custom of local banishment: And whereas powers in that behalf were thereafter exercised by the said Imperial German Governor: And whereas by a Proclamation dated the twentieth day of March, nineteen hundred and sixteen, and by a Regulation dated the twelfth day of February, nineteen hundred and eighteen, made by the Military Administrator of Samoa, provision was made for the manner in which applications for local banishments should be dealt with, and the above-recited Proclamation of the sixteenth September, nineteen hundred and one was declared to be in force and its operation was extended: And whereas it is desirable to make the law plain in respect of powers concerning titles: Now, therefore, this Ordinance is made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act, 1921." The preamble shows that the origin of this idea is from some alleged Native custom which existed in the olden times, and it would appear that the German military Government had continued the practice and had taken it into their own hands—that is, if the preamble is correct—and it would