

X.—JUDICIAL ORGANIZATION.

The Samoa Act, 1921, prescribes the judiciary for the Territory.

The year has seen an important change in the High Court proceedings by the appointment referred to in the last annual report⁽¹⁾ of three Samoan Associate Judges to sit with the Chief Judge or Commissioner during the hearing of cases in which Samoans are affected. It has been so arranged that each Associate in turn sits on the Bench for some four months so that the year of duty is equally divided.

On many occasions the other two Associates have shown their interest by watching proceedings.

The advice of the Associate Judge in matters of Samoan custom and psychology has been valuable to the Court.

In reply to M. Sakenobe's inquiry⁽²⁾ the Administration maintains its own Police force (see Chapter XI), which is adequate for the maintenance of peace and order. The Mau guardsmen are not recognized as Police officers. They are attached to the Mau organization as ushers or orderlies in marshalling and controlling functions and ceremonies arranged by that organization.

The Land and Titles Commission was constituted in 1903 as a separate Court of exclusive and final jurisdiction in matters relating to Native land and Samoan names and titles, and is required to make its decisions only in accordance with Samoan usage and custom.

In response to representations made by the *Faipule*, the name of the Land and Titles Commission was changed as from July, 1937, to the Native Land and Titles Court, and a practice in more recent times of selecting for each sitting eight Samoan Commissioners from a "jury list" of some sixty persons was replaced by the three-yearly appointment of three Native Judges, these being the same persons who serve in rotation in the High Court as Associate Judges. The constitution, jurisdiction, and other personnel of the Native Land and Titles Court remain as before. It assembled in August for a session of thirty-six sitting-days, and dealt with a list of seventeen cases, involving the attendance of 946 persons.

Proposals for the re-establishment of the District Native Magistrates (*Fa'amasino*) have been referred to in Chapter V, "Native Affairs."

In its Civil jurisdiction the High Court recorded 94 judgments in 154 cases; 60 were struck out. The total amount sued for was £3,992 4s. 4d. Twelve divorces were granted.

Particulars of criminal cases are given in the tables on the following pages.

(1) See Chapter V, General Administration, page 4 of previous report.

(2) See minutes of the thirty-third session of the Permanent Mandates Commission, page 59.