

X.—JUDICIAL ORGANIZATION.

The Samoa Act, 1921, and the Native Land and Titles Protection Ordinance 1934 prescribe the judiciary for the Territory.

During the year a new Chief Judge for the Territory was appointed, and also a new Crown Solicitor. The Chief Judge has taken the High Court sittings except when presiding over sessions of the Land and Titles Court. At these times the High Court sittings have been taken by the Crown Solicitor as a Commissioner of the High Court.

In reply to M. van Asbeck's inquiry⁽¹⁾ relative to the training of the three associate Judges attached to the High Court in Apia, the following information is submitted :—

They were appointed in July, 1937, and are concerned only in cases in which Samoans are interested; they are advisors to the presiding Judge or Commissioner, and have no statutory powers.

They have proved to be of great assistance to the Chief Judge, being versed in Samoan customs and thought, and being also men of sound judgment and common-sense.

In the European sense they have no legal training, and in this direction they have to be guided by the Chief Judge, but their conclusions on fact are sound.

They received no preliminary training, but since their appointment have been given instruction by the Chief Judge on legal principles and on the duties and functions of judicial office.

The District Native Judges, whose appointment has been described in Chapter V under the heading "Native Affairs," are appointed pursuant to sections 64 and 67 of the Samoa Act. They exercise the jurisdiction of the High Court among Samoans only in Civil claims where the amount involved does not exceed £5, and in a considerable number of specified criminal offences, with power to impose fines not exceeding £5. They are not empowered to impose sentences of imprisonment. Appeals from their decisions may be taken, upon payment of a fee of 8s., by way of rehearing before a Judge or Commissioner.

The District Native Judges are also without judicial training in the European sense. Arrangements have been made for a Deputy Registrar of the High Court to visit them as frequently as possible for the purpose of supervising their work and affording them elementary instruction.

In its Civil jurisdiction the High Court recorded eighty-one judgments in 127 cases; thirty-eight were struck out. The total amount sued for was £3,041 16s. 9d. Eight divorces were granted.

The Native Land and Titles Court assembled in April-May and in November-December, for a total of forty-four sitting days, and dealt with twenty-eight matters, involving the attendance of 1,133 persons. The Court met also for four days in September to deal with three applications for rehearing (one granted) and to make one interim order. A further sitting in February-March of 1939 occupied twenty-six days to deal with seven matters, and 505 persons attended. The generally settled state of the Territory is believed to be the main cause of this increased activity, by reason of a number of long-standing disputes being brought forward now for settlement. Several of the disputes before the late 1938 sitting were adjourned to the early 1939 sitting, and thus are included twice. Three sittings appear in this report because of the overlappings of calendar and financial years. The third sitting above mentioned is actually the first of the sittings of the 1939 calendar year.

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

⁽¹⁾ See minutes of thirty-fifth session of Permanent Mandates Commission, page 163.