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THE SAMOAN OFFENDERS ORDINANCE 1922.

Western Samoa.

No. 6, 1922.



An Ordinance

TO CONTROL CERTAIN SAMOAN CUSTOMS.

WHEREAS by a Proclamation made by the Imperial German Governor dated the sixteenth day of September, 1901 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, 1916 and by a Regulation dated the twelfth day of February, 1918 made by the Military Administrator of Samoa, provision was made for the manner in which applications for local banishment should be dealt with, and the above recited Proclamation of the 16th September, 1901 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.

1. This Ordinance may be cited as the Samoan Offenders Ordinance 1922.

2. No Samoan person, whether he be a Chief, Orator or Government Official, shall expel or take any part in expelling any person from his village or district, under a penalty of imprisonment for a term not exceeding one year.

3. If the Administrator is satisfied that the presence of any Samoan in any village, district or place, is likely to be a source of danger to the peace, order or good government thereof, the Administrator may by order signed by him, order such Samoan to leave any village, district or place in Samoa and to remain outside such limits for such time as the Administrator shall think fit, and by the same or any subsequent order, the Administrator may order such Samoan to reside in any place specified in such order.

4. When the Administrator in pursuance of the authority conferred by this Ordinance has ordered any Samoan to leave any village district or place, he may by the same or any subsequent order if he is satisfied that such a course is necessary in the public interest and whether default has been made in compliance with such order or not, authorise the arrest of such Samoan and his removal from such village, district or place to such other place as may be specified in the order, and thereupon any constable may without warrant, arrest such Samoan and remove him from such village, district or place and take him to such other place specified in the order.

5. If any Samoan is found in the village, district or place defined in any order under Clause 3 hereof in breach of such order after the expiration of such term as may be specified in the order, he shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

6. (1) The Administrator may from time to time, if he is satisfied that such a course is necessary for the peace, order and good government of Samoa, or of any part thereof, by order signed by him directed to any Samoan, prohibit the use by such Samoan of any Samoan title or titles named in such order for such time as the Administrator may think necessary.

(2) Any Samoan who after any such order has been served on him uses any Samoan title in breach of such order, shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

7. Any order made by the Administrator under this Ordinance may be at any time revoked by the Administrator.

8. For the purposes of this Ordinance the word "Samoan" shall have the meaning given to it in Section 3 of the Samoa Act, 1921.

9. No prosecution for any Offence under this Ordinance shall be heard save by the Chief Judge of the High Court of Western Samoa.

Assented to this 11th day of
September, 1922.

[L.S.] R. W. TATE,
Administrator.