

Hon. Mr. Langstone.

SAMOA AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Samoa Act, 1921.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority  
5 of the same, as follows:—

1. This Act may be cited as the Samoa Amendment Act, 1938, and shall be read together with and deemed part of the Samoa Act, 1921 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. II, p. 791

*Fono of Faipules.*

Appointment  
of *Faipules*.  
See Reprint  
of Statutes,  
Vol. II, p. 872

2. (1) Section four of the Samoa Amendment Act, 1923, is hereby amended by repealing subsections one and two, and substituting the following subsections:—

“(1) The Administrator shall from time to time, by Warrant under his hand and the Public Seal of Samoa, confirm the appointment as *Faipules* of such Samoans as shall from time to time be elected or chosen in manner to be prescribed by Ordinance. 5

“(2) No person shall be appointed as a *Faipule* under this section who is not qualified, in accordance with existing Samoan usage and custom, to occupy the position of *Faipule*.” 10

(2) All *Faipules* in office at the passing of this Act shall be deemed to have been duly appointed. 15

*Criminal Offences.*

Section 133  
of principal  
Act (relating  
to bigamy)  
amended.

3. Section one hundred and thirty-three of the principal Act is hereby amended by adding the following subsection:—

“(5) No one commits bigamy by going through a form of marriage if he or she has been continuously absent from his or her wife or husband for seven years then last past, and is not proved to have known that his wife or her husband was alive at any time during those seven years.” 20 25

Aiding person  
escaped from  
custody made  
punishable.

4. Section one hundred and fifty-two of the principal Act is hereby amended by adding thereto the words “or who aids, harbours, conceals, or shelters any person who has escaped from such custody, knowing him to have so escaped”. 30

Restriction of  
authority to  
transfer  
prisoners to  
New Zealand.

5. The power conferred by section two hundred and ten of the principal Act to transfer prisoners from Samoa to New Zealand shall not hereafter be exercised in respect of any prisoner who belongs to the Samoan race, whether by pure or mixed descent, and at least one of whose parents was born in Samoa, and shall not be exercised in respect of any other prisoner except with the consent of the Governor-General in Council. 35

Abolition of  
exile and  
deportation.  
Ibid.,  
Vol. II, p. 872

6. (1) Section two hundred and eleven of the principal Act is hereby repealed. 40

(2) The Samoa Amendment Act, 1927, is hereby repealed.

7. Section two hundred and forty-four of the principal Act is hereby amended as follows:—

Section 244 of principal Act (relating to pardon and remission of sentence) amended.

5 (a) By omitting from subsection two the words “ not exceeding six months ”, and substituting the words “ of less than one year ”.

(b) By inserting, after subsection two, the following subsection:—

10 “(2A) In the case of an offender sentenced to imprisonment for a term of one year or more, the Administrator may, if the conduct and industry of the offender have been satisfactory, remit not more than one-fourth of the sentence.”

*Land.*

15 8. (1) All Native Land in Samoa which at the passing of this Act is vested in the Crown as the trustee of the beneficial owners is hereby vested in the beneficial owners thereof and shall be held by such beneficial owners in accordance with the customs and  
20 usages of the Samoan race, but shall remain subject to any rights which may have been lawfully acquired in respect thereof before the passing of this Act otherwise than in accordance with such customs and usages.

Ownership of Native land.

25 (2) The *last preceding* subsection is in substitution for section two hundred and seventy-eight of the principal Act, and that section is hereby accordingly repealed.

Repeal.

(3) The principal Act is hereby consequentially amended as follows:—

Consequential amendments.

30 (a) By omitting from subsection four of section two hundred and sixty-eight the words “ vested in the Crown but ”:

(b) By repealing subsections four and five of section two hundred and eighty:

35 (c) By repealing section two hundred and eighty-one.

40 9. (1) Where at the passing of this Act any Native land is subject to any valid and subsisting leasehold or other interest vested in any person or body corporate otherwise than by way of Native title, such leasehold or other interest shall be deemed to be held by grant from the beneficial owners.

Saving of existing interests in Native land.

Repeal.

(2) This section is in substitution for section two hundred and seventy-nine of the principal Act, and that section is hereby accordingly repealed.

Public  
purpose for  
which land  
is held may  
be altered.

**10.** Where any land has under Part IX of the principal Act been set aside as a reserve or taken or resumed or purchased for any public purpose, the public purpose for which the land is held may from time to time be altered by Ordinance or by Order in Council.

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