

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
15th September, 1938.*

*Hon. Mr. Langstone.*

## SAMOA AMENDMENT.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="padding-left: 40px;"><i>Fono of Faipules.</i></p> <p>2. Appointment of <i>Faipules</i>.</p> <p style="padding-left: 40px;"><i>Criminal Offences.</i></p> <p>3. Section 133 of principal Act (relating to bigamy) amended.</p> <p>4. Aiding person escaped from custody made punishable.</p>	<p>5. Restriction of authority to transfer prisoners to New Zealand.</p> <p>6. Abolition of exile and deportation.</p> <p>7. Section 244 of principal Act (relating to pardon and remission of sentence) amended.</p> <p style="text-align: center;"><i>Land.</i></p> <p>8. Public purpose for which land is held may be altered.</p>
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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 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

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” 25

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. 30

Abolition of  
exile and  
deportation.  
Ibid.,  
Vol. II, p. 878

6. (1) Section two hundred and eleven of the principal Act is hereby repealed. 35

(2) The Samoa Amendment Act, 1927, is hereby repealed. 40

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. 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  
20 Council.

Public purpose for which land is held may be altered.