

Serial Number 1938/87.



THE SAMOA NATIVE REGULATIONS 1938.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 5th day of July, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Samoa Act, 1921, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Samoa Native Regulations 1938, and shall come into force on the 11th day of July, 1938.

2. The Native Regulations (Samoa) Order 1925* and the Native Regulations (Samoa) Amendment Order 1929† are hereby revoked.

DISTRICTS.

3. (1) For the purposes of administration of the regulations, the Territory of Western Samoa is hereby divided into the districts named in the first column of the Schedule hereto, comprising the respective villages set opposite to the name of each district in the second column of the said Schedule.

(2) The Administrator may from time to time, by notice in the *Western Samoa Gazette*, define or alter the boundaries of any of the said districts, or combine any two or more districts into one district, or create any new districts.

CLEANING OF VILLAGES.

4. (1) It shall be the duty of the occupier of every Samoan house, and also of the owner of every Samoan home and of any person having control over such occupier, to secure that the refuse from such house, and all rubbish, rotting leaves, and other decayed vegetable matter in its vicinity, is daily collected and burned or otherwise so disposed of that no nuisance or unsightliness arises therefrom, and that such house and the kitchen and surroundings thereof are kept clean and free from weeds and in a sanitary condition and free also from any articles which may retain water so as to become a breeding-place for mosquitoes.

(2) Any person who neglects a duty cast on him by this clause is liable to a fine not exceeding £2.

* *Gazette*, 2nd April, 1925, Vol. I, page 973.

† *Gazette*, 28th February, 1929, Vol. I, page 476.

5. Any person who deposits any dead animal, decaying food, or refuse of any kind on any road or path, or in the neighbourhood of any house or village, or in any latrine, or on any beach, or in any place where it is calculated to contaminate a water-supply is liable to a fine not exceeding £2.

6. Any person who allows any decaying bread-fruit, fallen from a tree of which he uses or is entitled to use the fruit, to remain rotting on the ground in the vicinity of any dwelling is liable to a fine not exceeding £2.

7. (1) No Samoan house shall be built on a land that is swampy until the site has been completely filled in or drained.

(2) No refuse shall be used in filling in the site of any Samoan house.

(3) The foundation of every Samoan house shall be at least 1 ft. above the level of the ground immediately surrounding such house.

(4) Each Samoan dwellinghouse shall be provided with kitchen accommodation separate from the house and built in accordance with the requirements of this clause for Samoan houses.

(5) No Samoan house shall be erected at a less distance than 30 ft. from any other Samoan house.

(6) Any person who builds or is concerned in building any Samoan house as to which any of the provisions of this clause are not complied with is liable to a fine not exceeding £2.

8. If any Medical Officer of the Administration, or any Resident Commissioner, or any District Officer of a district in which any Samoan house is situated is satisfied that such house is unfit for use or is built otherwise than in accordance with the provisions of the last preceding clause, or, being a cook-house, is so situated as to create a nuisance from smoke or a danger from fire to any other house, such officer or Commissioner may order such house to be taken down and removed within fourteen days of the date of the order. If the owner of such house fails to comply with such order, he shall be liable to a fine not exceeding £2, and such officer or Commissioner may cause such house to be taken down and removed at his expense.

CEMETERIES AND BURIALS.

9. Any person using or being concerned in using for burial purposes any land which has not been approved by the Chief Medical Officer as a cemetery-site is liable to a fine not exceeding £2.

10. Any person responsible for a burial who neglects to complete the same within twenty-four hours of death, or who uses a grave less than 4 ft. in depth, is liable to a fine not exceeding £2.

LATRINES.

11. Every pit privy shall be so constructed as to prevent the access of flies to the pit, and the aperture thereof shall be provided with a cover, which shall be kept in place when the privy is not in use.

12. No pit privy shall be constructed or allowed to remain within 20 yards of any Samoan house or other building or within 50 yards of any well, stream, or spring of water used or likely to be used by man for drinking or domestic purposes, or otherwise in such a position as to render any such well, stream, or spring liable to pollution.

13. The pit of every pit privy shall be filled with clean earth before the faecal matter therein rises to within 12 in. of the surface of the ground, and the privy shall not thereafter be used, but shall be moved elsewhere.

14. Every person owning or occupying or having control over the persons owning or occupying any Samoan house—

(a) For which sufficient privy accommodation is not provided either independently or in common with other houses; or

(b) The privy accommodation for which (if consisting of a pit privy) is constructed or maintained otherwise than as required by the last preceding clause—

is liable to a fine not exceeding £2.

WATER-SUPPLIES.

15. In any case in which the water-supply of a village is derived from a well or tank the Chief Medical Officer, or other officer authorized in that behalf, may require any person resident in the village to cover or otherwise protect, or to join in covering or otherwise protecting, such well or tank.

16. Any person who being required to carry out any work necessary to afford such cover or protection neglects without reasonable cause so to do is liable to a fine not exceeding £2.

17. The Chief Medical Officer or other officer authorized in that behalf may, if he is of opinion that any well or other water-supply is liable to contamination, by notice (oral or written) to the matais of the village using such well or other water-supply, prohibit the use of the same.

18. Any person who without reasonable cause uses for drinking or domestic purposes or who permits any person under his control so to use any well or water-supply the use of which has been prohibited as aforesaid is liable to a fine not exceeding £2.

19. Where any structural work has been carried out for ensuring a wholesome water-supply to a village the matais of such village are hereby required to keep such work in repair, and any such matai neglecting so to do is liable to a fine not exceeding £2.

20. Any person who installs, or is concerned in installing, or commences to install a water-supply for any village under a scheme which has not been approved by the Administrator, or who, without the consent of the Administrator, alters, or is concerned in altering, or commences to alter, any village water-supply which has been installed with such approval is liable to a fine not exceeding £5.

KEEPING OF ANIMALS.

21. (1) Pigs shall be confined in pens sufficiently fenced no part of which shall, unless good cause is shown to the contrary, be within 200 yards of any Samoan house and which shall not be so situated as to be liable to pollute any water-supply used for drinking or domestic purposes.

(2) Any person who keeps, or permits persons under his control to keep, a pig or pigs otherwise than in accordance with the provisions of this clause is liable to a fine not exceeding £2.

22. (1) The owner of any pig found at large upon any road or in the neighbourhood of any dwellinghouse is liable to a fine not exceeding £1, and the Pulenu'u of the village where any such pig is found, or any person authorized by him so to do, may, if he has good reason to believe that such pig is the property of a Samoan, destroy such pig, unless it has been previously brought into proper confinement by the owner.

(2) The Pulenu'u shall cause the carcass of any pig so destroyed to be returned to the owner, but if after reasonable inquiry he is unable to ascertain the owner he may dispose of it as he thinks fit.

23. The Chief Medical Officer or any person authorized by him may destroy any diseased pig or other animal belonging to a Samoan wherever found, or may require the owner thereof or some other person to destroy it, and any person who fails to comply with such requirement shall be liable to a fine not exceeding £2.

VILLAGE FUNDS.

24. There shall be established in respect of each Samoan village a fund under the control of the Pulenu'u, into which shall be paid as it is received three-fourths of every sum collected on a fine inflicted by the Fa'amasino on any resident of such village.

25. The Pulenu'u shall keep, to the satisfaction of the Inspector appointed to examine his records, a record of all payments received or paid by him on account of the Village Fund, together with the name of the person paying or receiving the same, and the date of such payment or receipt, and together also with such vouchers as shall be required by such Inspector.

26. The Village Fund shall be expended by the Pulenu'u only, and for such purposes only as are of general benefit to the village.

27. Any Pulenu'u who shall fail to keep a record of a village fund in accordance with clause 25 hereof, or shall make any expenditure therefrom otherwise than in accordance with clause 26 hereof, shall be liable to a fine not exceeding £2, and shall also be liable civilly at the suit of the Administrator for any moneys which may have been lost through such failure or otherwise through the negligence of the Pulenu'u, or which may have been wrongly expended as aforesaid. Nothing in this clause shall take away or affect the liability of the Pulenu'u to be prosecuted for theft.

28. Any person who receives any money from a village fund knowing the same to have been paid otherwise than in accordance with clause 26 hereof shall be liable to a fine not exceeding £2, and shall be also civilly liable at the suit of the Administrator to repay such money, notwithstanding that he may have given consideration therefor.

TREATMENT OF DISEASES.

29. It shall be the duty of every person having custody of a child suffering from yaws immediately to report the fact to the Pulenu'u of the village in which such child is resident.

30. It shall be the duty of every Pulenu'u who has information that any child is suffering from yaws immediately to report the fact to the Secretary for Native Affairs at Apia or to the Resident Commissioner in Savai'i.

31. No person having custody of a child suffering from yaws shall permit such child to travel or to enter or remain in any other village than that in which it is usually resident, except for the purpose of being treated by a Medical Officer.

32. No person shall treat or undertake to treat any other person for the disease of yaws by means of any Native or other remedy not approved by the Chief Medical Officer.

33. It shall be the duty of every person having custody of a child under the age of ten years to produce such child for inspection and medical treatment whenever and wherever reasonably required by a Medical Officer or by a person having the authority of such officer.

34. It shall be the duty of every person having custody of a child treated by a Medical Officer, or other person having the authority of such officer, for yaws or any other disease to permit such child to receive, and to secure, that such child undergoes the full course of treatment prescribed by such officer or person.

35. No person being required by a Medical Officer or other person having the authority of such officer to submit himself for treatment for the disease of yaws shall refuse or neglect so to do.

36. Any person who, without reasonable cause, makes default in compliance with the requirements of any of the preceding clauses numbered 29 to 35 hereof (inclusive) shall be liable to a fine not exceeding £2 for such default.

RESERVATION OF NATIVE LAND FOR CHURCH PURPOSES.

37. In the following clauses of these regulations "Church purposes" means and includes the provision of a site for a place of worship, or for a pastor's house, or for a school conducted by a religious denomination, or for houses for pupils or teachers of such a school, or for a plantation for the support of pupils or teachers of such a school, or any one or more of such purposes.

38. If and whenever the Administrator shall be satisfied that any Native land has been at any time sold, given, or set aside by the Samoan owners thereof exclusively for Church purposes for the benefit of the adherents of some Christian denomination, and that the said owners are willing that such land shall be exclusively so used in perpetuity, and that no sufficient alienation or disposition of the said land by way of conveyance, lease, or otherwise has been made in pursuance and furtherance of the aforesaid sale, gift, or setting-aside, the Administrator, on application in writing made on behalf of the said adherents, may, by Proclamation under his hand, declare that land to be reserved for Church purposes, and to be held for the adherents of the said denomination.

39. Every Proclamation made under the last preceding clause shall be published in the *Western Samoa Gazette* and in some official publication circulating among Samoans.

40. Native land which has been declared by a Proclamation under clause 38 hereof to be reserved for Church purposes shall from the date of such Proclamation be held by the Crown for the use exclusively of the adherents of the denomination named in such Proclamation for Church purposes for so long as in the opinion of the Administrator there shall be any of such adherents reasonably requiring its use for Church purposes, and in the event of there ceasing to be any such adherents so reasonably requiring, then such land shall be held by the Crown for such other use for the benefit of the Samoans in general, or of the particular community to whom the land originally belonged, as the Administrator shall, by Proclamation published as aforesaid, from time to time determine.

41. All records, instruments, reservations, Proclamations, and generally all acts of authority originating under clauses 59 to 62 inclusive of the Native Regulations (Samoa) Order 1925, and subsisting and in force on the coming into operation of these regulations, shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations.

SCHEDULE.

DISTRICTS OF WESTERN SAMOA.

Name of District.	Names of Villages comprised in Districts.
<i>Upolo.</i>	
Vaimauga	Lauli'i, Letogo, Vailele, Fagali'i, Matafagatele, Magiagi, Vaiala, Matautu, Apia, Tanugamanono, Alamagoto.
Faleata	Vaimoso, Lepea, Vailoa, Vaiusu, Vaitete, Toamua, Safune, Puipa'a.
Sagaga and Leauva'a	Fale'ula, Malie, Afega, Tuana'i, Levi, Sale'imoa, Tufulele, Leauva'a.
A'ana North	Faleasi'u, Fasito'outa, Nofoli'i, Leulumoega, Fasito'otai, Faleatui, Satapuala, Satuimalufilufi.
Aiga-i-le-Tai	Mulifanua, Apolima, Faleu, Lepuia'i, 'Apai, Salua.
Falelatai and Samatau	Samatau, S'infaga, Pata, Matautu, Falevai.
Lefaga and Saleaula	Falease'ela, Sapa'ato'a, Savaia, Gagaifo'olevao, Matautu, Saleaula.
Tuamasaga South	Sa'anapu, Sataoa, Lotofaga, Niusuatia, Vaie'e, Fusi, Fausaga, Tafitoala, Mulivai, Maninoa, Siumu.
Falealili	'Ili'i, Saleilua, Poutasi, Vaovai, Matautu, Malaemalu, Satalo, Sapunaoa, Fale'ulu, Salesatele, Salani, Sapo'e.
Lotofaga	Matatufu, Lotofaga, Etemuli, Vavau.
Lepa	'Aufaga, Vaigalu, Lepa, Si'upapa, Saleapaga.
Aleipata	Lalomanu, Vailoa, 'Ulutogia, Satitua, Mutiatele, Salea'aumua, Samusu, Amaile, Ti'avea.
Va'a-o-Fonoti	Uafato, Samamea, Lona, Ma'asina, Ta'elefaga, Salimu, Musumusu, Sa'ano, Salelete, Faleapuna.
Anoama'a	Falefa, Falevao, Lalomanga, Manumu, Lufilufi, Saluafata, Fusi, Salelesi, Solosolo, Luatuanu'u.

Name of District.	Names of Villages comprised in Districts.
<i>Savai'i.</i>	
Fa'asaleleaga	Tafua, Salelologa, Salelavalu, Iva, Lalomalava, Sapapali'i, Safotulafai, Tapuelecle, Si'ufaga, Faga, Saipiipi, Sasa'ai, Asaga, Lano, Pu'apu'a.
Gaga'emauga	Patamea, Samalae'ulu, Salcaula, Safa'i, Sato'alepai, Fagamalo, Lelepa, 'Ava.
Gagaifomauga	Manase, Safotu, Paia, Samauga, Lefagaoli'i, Safune, Fatuvalu, Fagae'c, Sasina, Letui, A'opo.
Vaisigano	Utuloa, Asau, Auala, Vaisala, Sataua, Papa.
Falealupo	Avata, Vaitupua.
Alataua i Sisifo	Tufutafoe, Neiafu, Falelima.
Salega	Si'uvao, Fagafau, Samata, Fogatuli, Fai'a'ai, Vaipu'a, Fogasavai'i, Sagone.
Palauli West	Foalalo, Foaluga, Satuiatua, Sala'ilua, Taga.
Satupa'itea	Satufia, Vaega, Pitonu'u.
Palauli East	Vailoa, Vaito'omuli, Fa'a'ala, Sili, Gautavai, Gataivai, Puleia, Papa.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 21st day of July, 1938.

These regulations are administered by the External Affairs Department.