

THE SAMOA NATIVE LAND AND TITLES COMMISSION ORDER,  
1920.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this first day of April,  
1920.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

**H**IS Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority to make laws for the peace, order, and good government of the territory of Western Samoa conferred upon him by the Western Samoa Order in Council, 1920, made by His Majesty on the eleventh day of March, nineteen hundred and twenty, under the Foreign Jurisdiction Act, 1890, doth hereby order as follows :—

1. This Order may be cited as the Samoa Native Land and Titles Commission Order, 1920.
2. This Order shall come into force in the Territory of Western Samoa on the same day as the Samoa Constitution Order, 1920.
3. In the exercise of the jurisdiction referred to in this Order, the High Court of Western Samoa shall be specially constituted in accordance with this Order, and when so constituted shall be known as the Native Land and Titles Commission.
4. The High Court when exercising jurisdiction as the Native Land and Titles Commission shall consist of—
  - (a.) The Chief Judge of the High Court ;
  - (b.) European Assessors, not less than two nor more than four in number, to be appointed by the Administrator, and to hold office during his pleasure ;
  - (c.) Samoan Commissioners, not less than ten nor more than thirty in number, to be appointed by the Administrator, and to hold office during his pleasure.
5. No sitting of the Commission shall take place save in the presence either of the Chief Judge and at least two of the European Assessors, or else in the presence of all of the European Assessors.
6. At every sitting of the Commission the Chief Judge, if present, shall preside ; and in his absence the European Assessors present shall appoint one of their number to preside.
7. Sittings of the Commission shall be held at such times and places as the Chief Judge may appoint, but the Commission may itself adjourn any sitting to any other time or place.
8. The functions of the Samoan Commissioners shall be advisory and consultative, and they shall not be entitled to vote on the decisions of the Commission, but shall be entitled to be heard on all questions within the jurisdiction of the Commission.
9. The decision of a majority of the members of the Commission present at any sitting thereof (other than the Samoan Commissioners), or, in the event of an equal division of opinion, the decision of the Chief Judge, shall be deemed to be the decision of the Commission.
10. A European Assessor, not being an officer of the Samoan Public Service, may receive in respect of each sitting of the Commission at which he is present such fees or allowances as the Administrator thinks fit.
11. Subject to this Order, all rules of law applicable to the High Court in the exercise of its ordinary civil jurisdiction shall apply to the High Court sitting as the Native Land and Titles Commission.
12. There shall be no appeal from a decision of the Native Land and Titles Commission to the Supreme Court of New Zealand.