

## SAMOA CONSTITUTION AMENDMENT ORDER.

JELLICOE, Governor-General.

## ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 7th day of February,  
1921.

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, and further in pursuance of the Treaties of Peace Act, 1919, and of all other powers and authorities enabling him in that behalf, doth hereby order as follows :—

1. This Order may be cited as the Samoa Constitution Amendment Order, 1921, and shall be read with and form part of the Samoa Constitution Order, 1920 (hereinafter referred to as the said Order).

2. This Order shall come into force on the seventh day of February, nineteen hundred and twenty-one.

*Criminal Offences.*

3. Clauses 103, 104, and 105 of the said Order are hereby revoked, and the following clauses substituted in lieu thereof :—

“ 103. Homicide is the killing of a human being by another, directly or indirectly, by any means whatsoever.

“ 104. (1.) Homicide may be either culpable or not culpable.

“ (2.) Homicide is culpable when it consists in the killing of any person either—

“ (a.) By an unlawful act ; or

“ (b.) By an omission without lawful excuse to perform or observe any legal duty ; or

“ (c.) By both combined ; or

“ (d.) By causing a person by threats or fear of violence, or by deception, to do an act which causes that person's death ;  
or

“ (e.) By wilfully frightening a child or sick person.

“ (3.) Culpable homicide is either murder or manslaughter.

“ (4.) Homicide that is not culpable is not an offence.

“ 105. Culpable homicide is murder in each of the following cases :—

“ (a.) If the offender means to cause the death of the person killed :

“ (b.) If the offender means to cause to the person killed any bodily injury that is known to the offender to be likely to cause death, and is reckless whether death ensues or not :

“ (c.) If the offender means to cause death, or, being so reckless as aforesaid, means to cause such bodily injury as aforesaid to one person, and by accident or mistake kills another person, though he does not mean to hurt the person killed :