

The Samoa Native Titles Protection Order, 1928.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of September, 1928.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

HIS 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 regulations for the peace, order, and good government of Samoa conferred on him by the Samoa Act, 1921, and of all other powers and authorities enabling him in that behalf, doth hereby make the following regulations :—

1. These regulations may be cited as “The Samoa Native Titles Protection Order, 1928.”

2. Any person who, not being the rightful holder of a Samoan title, uses such title or permits himself to be addressed thereby, or otherwise acts as the holder thereof, shall be guilty of an offence and liable to imprisonment for a period not exceeding six months.

3. For the purpose of these regulations the rightful holder of a Samoan title is any person whose right to such title has been conferred either—

(1) By a decision of the Native Land and Titles Commission ; or

(2) By the unanimous decision of the members of his family, such decision having been communicated to the Pulenu'u of his village and the ceremony of appointment (Saofa'i) having been held ; subject, however, to such regulations as may from time to time be made under clause 5 hereof ; or

(3) By an interim order of the Chief Judge of the High Court made under clause 18 of the Samoa Native Land and Titles Commission Order, 1924 ; or

(4) By such means or in such manner as may from time to time be prescribed by regulations made under clause 5 hereof.

4. No person shall be subject to any penalty under these regulations as not being the rightful holder of a Samoan title if such person proves that he has, for a period exceeding twelve months immediately prior to the date of coming into force of these regulations, used such title openly and without interruption, and either as the sole user thereof or with the consent of other users thereof who are rightful holders.

5. The Administrator may from time to time by regulations published in the *Western Samoa Gazette*, and in the Samoan language in the “Savali” or otherwise, direct—

(1) The manner in which appointments shall be made to Samoan titles which are vacant ;

(2) The persons by whom such appointments may be made ;

(3) The procedure to be adopted in regard to objections and the settlement of disputes regarding such appointments ;

(4) The fees payable in regard to appointments or the lodging of objections thereto ;

(5) The conditions under which a ceremony of appointment (Saofa'i) may be held in connection with such appointments ;

(6) The penalties for any breach of such regulations, the penalties not to exceed the penalties under clause 2 hereof ;

and may in like manner vary such directions.

F. D. THOMSON,
Clerk of the Executive Council.