

[461]

THE SAMOAN STATUS ORDINANCE, 1934.

Western Samoa

No. 1, 1934



AN ORDINANCE

made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act 1921.

Short Title

1. This Ordinance may be cited as "The Samoan Status Ordinance, 1934," and shall come into operation on the 1st day of April, 1935.

PART I.

Europeans may be declared Samoans

2. The High Court may on the Petition of any European of one-half or more Samoan blood declare that the petitioner and such of his children who have not attained the age of eighteen years as the Court shall include in its order, shall cease to be Europeans and shall thereafter be Samoans. Such order shall not however operate as a release from any existing lawful debt or liability of the Petitioner.

Grounds on which Declaration may be made

3. The High Court shall dismiss any petition made under the last preceding clause hereof unless the Petitioner shall prove to the satisfaction of the Court

- (a) that his usual place of residence is in a Samoan village and
- (b) that his usual method or style of living is in accordance with the mode of the Samoan people and

Repealed by No. 1, 1935

- Repealed by
No. 1, 1934*
- (c) that he is a relation either by blood or customary adoption of a Samoan family of the village in which he usually resides and
 - (d) that he has no intention of changing his usual method or style of living and
 - (e) that the making of the declaration is in his own interest, and in the public interest.

Duty of Secretary of Native Affairs.

Duty of
Secretary of
Native
Affairs.

4. A copy of every petition filed under this Ordinance shall forthwith be transmitted by the Registrar of the High Court to the Secretary of Native Affairs who shall be entitled to appear at the hearing of the Petition in the same way as if he were a party to the proceedings.

Duty of Registrar.

Duty of
Registrar.

5. The Registrar shall forthwith after any European has been declared a Samoan remove the name of such person from the Register of Europeans referred to in Clause 2 of "The Samoa Registration of Europeans Regulations, 1920," and shall cause to be published in the next issue thereafter of the Western Samoa Gazette and the Savali the name of any person so declared to be a Samoan.

PART II.

Europeans may not hold Samoan Titles.

Europeans
may not hold
Samoan
Titles.

6. It shall not be lawful after the coming into operation of this Ordinance for any European to become the holder of a Samoan title save with the consent of the Administrator first had and obtained.

Penalties.

Penalties.

7. Every European who permits a Samoan title to be conferred upon him and every person who uses in address a Samoan title or permits himself to be addressed by a Samoan title or otherwise acts as the holder of a Samoan title in breach of the provisions of the last preceding section hereof commits an offence and is liable to a penalty of £50.

Compulsory Condition.

Compulsory
Condition.

8. Every Samoan title conferred upon a European whether before or after the making of this Ordinance shall be a complimentary honour to such European and shall not confer upon him any control over a Samoan district village or family or its lands property or titles Provided that if such European holder shall be declared a Samoan in pursuance of this Ordinance he shall thereupon have all the rights privileges and responsibilities attaching to such title in accordance with the customs and usages of the Samoan people.

Limitation of Rights of Europeans.

9. No European whether related by blood or customary adoption to a Samoan family shall be entitled as of right to use the native land of such family or any of its members or to participate in the rents and profits thereof or to acquire any interest therein as successor to a deceased Samoan by virtue of any *mavaega* or otherwise howsoever.

Limitation of
Rights of
Europeans.

Assented to this sixth day of December 1934.

H. HART,
Administrator.

L.S.

By Authority:
GEORGE WILLIAM GRIFFITH, at the Herald Office
Apia, Western Samoa.

1934