

sented to the authority which nominated him, and if, in the judgment of such authority, there is sufficient cause for his removal, he shall be removed. If the majority of the three treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as hereinbefore provided.

Sec. 4. The Supreme Court shall have jurisdiction of all questions arising under the provisions of this general Act, and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

Sec. 5. The Chief Justice is authorised, at his own discretion, and required upon written request of either party litigant, to appoint Assessors, one of the nationality of each litigant, to assist the Court, but without voice in the decision.

Sec. 6. In case any question shall hereafter arise in Samoa respecting the rightful election or appointment of King or of any other Chief claiming authority over the islands, or respecting the validity of the powers which the King or any Chief may claim in the exercise of his office, such question shall not lead to war, but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict therewith; and the signatory Governments will accept and abide by such decision.

Sec. 7. In case any difference shall arise between either of the treaty Powers and Samoa which they shall fail to adjust by mutual accord, such differences shall not be held cause for war, but shall be referred for adjustment, on the principles of justice and equity, to the Chief Justice of Samoa, who shall make his decision thereon in writing.

Sec. 8. The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the municipal district, and for the collection of taxes without the district.

Sec. 9. Upon the organization of the Supreme Court there shall be transferred to the exclusive jurisdiction—

(1.) All civil suits concerning real property situated in Samoa, and all rights affecting the same:

(2.) All civil suits of any kind between natives and foreigners or between foreigners of different nationalities:

(3.) All crimes and offences committed by natives against foreigners, or committed by such foreigners as are not subject to any consular jurisdiction, subject, however, to the provisions of section 4, Article V., defining the jurisdiction of the Municipal Magistrate of the District of Apia.

Sec. 10. The practice and procedure of common law, equity, and Admiralty, as administered in the Courts of England, may be, so far as applicable, the practice and procedure of this Court, but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. The Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most appropriate, or, in the case of native Samoans and other natives of the South Sea Islands, according to the laws and customs of Samoa.

Sec. 11. Nothing in this article shall be so construed as to affect existing consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any *ex post facto* or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court.

ART. IV.—A Declaration respecting Titles to Land in Samoa, and restraining the Disposition thereof by Natives; and providing for the Investigation of Claims thereto, and for the Registration of valid Titles.

Sec. 1. In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to the following exceptions:—

(a.) Town lots and lands within the limits of the municipal district, as defined in this Act, may be sold or leased by the owner for a just consideration, when approved in writing by the Chief Justice of Samoa.

(b.) Agricultural lands in the islands may be leased for a just consideration, and with carefully defined boundaries, for a term not exceeding forty years, when such lease is approved in writing by the chief executive authority of Samoa and by the Chief Justice.

But care shall be taken that the agricultural lands and natural fruit-lands of Samoans shall not be unduly diminished.

Sec. 2. In order to adjust and settle all claims by aliens of titles to land, or any interests therein, in the islands of

Samoa, it is declared that a Commission shall be appointed, to consist of three impartial and competent persons, one to be named by each of the three treaty Powers, to be assisted by an officer to be styled "Natives' Advocate," who shall be appointed by the Chief Executive of Samoa, with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service a compensation at the rate of \$300 per month and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one-third by each of the treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

Sec. 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months of such notice for the purpose of examination and registration; and that all claims not so represented will be held invalid and for ever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid.

This notice shall be published in Samoa in the German, English, and Samoan languages as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

Sec. 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity,—

(a.) Whether the sale or disposition was made by the rightful owner or native entitled to make it:

(b.) Whether it was for a sufficient consideration:

(c.) The identification of the property affected by such sale or disposition.

Sec. 5. The Commission whenever the case requires it shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognised and registered or rejected, in whole or in part, as the case may require.

Sec. 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims, and such as shall be decided valid by the unanimous voice of the Commission, shall be confirmed by the Court in proper form in writing, and be entered of record.

Sec. 7. The Court shall make provision for a complete registry of all valid titles to land in the islands of Samoa which are or may be owned by foreigners.

Sec. 8. All lands acquired before the 28th day of August, 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired (but without prejudice to rights of third parties) if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

Sec. 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

Sec. 10. In cases where land acquired in good faith has been improved or cultivated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum, to be ascertained by the Commission and approved by the Court as equitable and just.

Sec. 11. All claims to land, or to any interest therein, shall be rejected and held invalid in the following cases:—

(a.) Claims based upon mere promises to sell, of options to buy:

(b.) Where the deed, mortgage, or other conveyance contained, at the time it was signed, no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof: