

(c.) Where no consideration is expressed in the conveyance, or, if expressed, has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable:

(d.) Where the conveyance, whether sale, mortgage, or lease, was made upon the consideration of a sale of firearms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan law of the 25th October, 1880, or contrary to the municipal regulations of the 1st January, 1880.

Sec. 12. The Land Commission may at its discretion, through the local Government of the district in which the disputed land is situated, appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission, to be by them reported to the Court.

ART. V.—A Declaration respecting the Municipal District of Apia, providing a Local Administration therefor, and defining the Jurisdiction of the Municipal Magistrate.

Sec. 1. The Municipal District of Apia is defined as follows: Beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa, thence following the course of the river upwards to the point at which the Alafuala Road crosses said river, thence following the line of said road to the point where it reaches the River Vainago, and thence in a straight line to the point of beginning at Vailoa, embracing also the waters of the harbour of Apia.

Sec. 2. Within the aforesaid district shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

Each member of the Council shall be a resident of the said district, and owner of real estate, or conductor of a profession or business in said district which is subject to a rate or tax not less in amount than \$5 per annum.

For the purpose of the election of members of the Council the said district shall be divided into two or three electoral districts, from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

It shall be the duty of the consular representatives of the three treaty Powers to make the said division into electoral districts as soon as practicable after the signing of this Act. In case they fail to agree thereon, the Chief Justice shall define the electoral districts. Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by municipal ordinance.

The Councillors shall hold their appointment for a term of two years, and until their successors shall be elected and qualified.

In the absence of the President the Council may elect a Chairman *pro tempore*.

Consular officers shall not be eligible as Councillors, nor shall Councillors exercise any consular functions during their term of office.

Sec. 3. The Municipal Council shall have jurisdiction over the Municipal District of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said district, including the appointment of a Municipal Magistrate, and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said district of person and property; for the assessment and collection of the revenues therein as herein authorised; and to provide proper fines and penalties for the violation of the laws and ordinances which shall be in force in said district and not in conflict with this Act, including sanitary and police regulations. They shall establish pilot charges, port dues, quarantine, and other regulations of the Port of Apia, and may establish a local postal system. They shall also fix the salary of the Municipal Magistrate, and establish the fees and charges allowed to other civil officers of the district, excepting Clerk and Marshal of the Supreme Court.

All ordinances, resolutions, and regulations passed by this Council before becoming law shall be referred to the consular representatives of the three treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such regulations, or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

Sec. 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons, irrespective of nationality, in case of infraction of any law, ordinance, or regulation passed by the Municipal Council in accordance

with the provisions of this Act, provided that the penalty does not exceed a fine of \$200, or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of \$20, or a term of ten days' imprisonment, an appeal may be taken to the Supreme Court.

Sec. 5. The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice, and impartiality. He shall be agreed upon by the three Powers, or, failing such agreement, he shall be selected from the nationality of Sweden, the Netherlands, Switzerland, Mexico, or Brazil, and nominated by the Chief Executive of the nation from which he is selected, and appointed by the Samoan Government upon certificate of such nomination.

He may act under the joint instruction of the three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this general Act, and shall apply himself to the promotion of the peace, good order, and civilisation of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the treaty Powers.

He shall receive an annual compensation of \$5,000, to be paid the first year in equal shares by the three treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the municipality, upon which his salary shall be the first charge.

He shall be the receiver and custodian of the revenues accruing under the provisions of this Act, and shall render quarterly reports of his receipts and disbursements to the King and to the Municipal Council.

He shall superintend the Harbour and Quarantine Regulations, and shall, as the Chief Executive Officer, be in charge of the administration of the laws and ordinances applicable to the Municipal District of Apia.

Sec. 6. The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the local Government of the municipal district, under the provisions of this Act. Each member of the Municipal Council, including the President, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath or affirmation that he will well and faithfully perform the duties of his office.

ART. VI.—A Declaration respecting Taxation and Revenue in Samoa.

Sec. 1. The Port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares, and merchandise landed on the islands shall be there entered for examination; but coal and naval stores which either Government has by treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorised by such treaty, and may be there landed as stipulated without such entry or examination.

Sec. 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, the following duties, taxes, and charges may be levied and collected, without prejudice to the right of the native Government to levy and collect other taxes in its discretion upon the natives of the islands and their property, and with the consent of the Consuls of the signatory Powers upon all property outside the municipal district, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners:—

(A.)—Import Duties.

	\$	c.
1. On ale and porter and beer, per dozen quarts ..	0	50
2. On spirits, per gallon ..	2	50
3. On wine, except sparkling, per gallon ..	1	0
4. On sparkling wines, per gallon ..	1	50
5. On tobacco, per lb. ..	0	50
6. On cigars, per lb. ..	1	0
7. On sporting arms, each ..	4	0
8. On gunpowder, per lb. ..	0	25
9. Statistical duty on all merchandise and goods, imported, except as aforesaid, <i>ad valorem</i> ..	2	p. c.

(B.)—Export Duties.

On copra, <i>ad valorem</i> ..	2½	p. c.
On cotton, <i>ad valorem</i> ..	1½	p. c.
On coffee, <i>ad valorem</i> ..	2	p. c.

(C.)—Taxes to be annually levied.

	\$	c.
1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head ..	1	0
2. Capitation tax on coloured plantation labourers, other than Samoans, per head ..	2	0