

duties prior to their appointment to the Council of State in March, 1948, they meet the High Commissioner once a month as a rule, and at other times when it is felt necessary. They also take part in meetings of the Fono of Faipule and any special Councils, such as the one which led to the sending of the petition to the United Nations. Because of their rank, they exercise a great deal of influence in Samoan affairs.

The Fautua positions were created by the German Government in 1912 after the abolition of the Samoan kingship and the death of the potential incumbent, Mata'afa Iosefa, who had been given a substitute title by the Germans of Ali'i Sili, or Paramount Chief.

In addition to the representation of the Samoan people on the Legislative Assembly, a Council of Samoan representatives has been developed, called the Fono of Faipule, which consists of forty-one members representing constituencies based on the traditional Samoan districts and sub-districts. The Fono ordinarily meets twice a year, and the members have the statutory right to "consider such matters relative to the welfare of the Samoan people as of their own initiative they think proper or as may be submitted to them by the High Commissioner and to express their opinions and to make their recommendations to the High Commissioner" (Faipule Election Ordinance 1939). In practice, proposed Ordinances affecting the Samoan people are submitted, among other matters, to the Fono for their views.

At the election held in November, 1944, for European members of the Legislative Council, the roll totalled 792, of whom 560 voted. The roll compiled for the election in April, 1948, of the five members for the new Legislative Assembly contained the names of 1,014 voters, of whom 819 exercised their right to vote. The election was held on 28th April, 1948.

The Samoa Act and subsequent legislation establishes the executive Departments of the Administration, which are—Education; Health; Justice, with which is associated Labour and Public Trust; Lands and Survey; Samoan Affairs; Police and Prisons; Postal, Radio, and Broadcasting; Public Works; Secretariat; Treasury, Customs, Produce Inspection, &c. The heads of Departments and departmental officers are appointed by the New Zealand Public Service Commission, and the Chief Judge by the Minister of Island Territories.

The basic law of Western Samoa was laid down in the Samoa Act, 1921, which provides a criminal code as well as opening the way to subordinate legislation. The law of England as existing on the 14th June, 1840, the date on which New Zealand received its Constitution, is brought into force with certain modifications. The statute law of New Zealand is declared inapplicable to the Territory except as specifically provided, and other aspects of New Zealand law are defined as having application or otherwise. Special provisions relating to Samoans are made in the Samoa Act as regards certain matters, including discretionary enforcement of contracts, rights of succession to property, and land tenure, the two last mentioned requiring that Samoan custom be taken fully into account.

The Samoa Act sets up the High Court of Western Samoa, to consist of a Chief Judge and such other Judges, Commissioners, and Fa'amasino (Samoan Judges) as the Minister of Island Territories may think necessary. Appointments of the Chief Judge and Commissioners are made by the Minister, and they hold office during his pleasure. The Chief Judge exercises all the powers of the High Court in both criminal and civil matters, whereas the Commissioners have jurisdiction over less serious cases only. In addition, the High Commissioner may appoint such Samoan Judges as he thinks necessary, holding only such jurisdiction as he shall prescribe, extending only to Samoans, and without authority to impose any term of imprisonment.