

Expeditions.—Since my last despatch a troop of Mounted Rifles was despatched to Falealeli, being away from Apia for three days and returning with Herr Osbahr, the local Administrator of South Upolu. I have conferred with Herr Osbahr, and have decided to retain him in office, and he has to-day returned to his district. I have made Herr Osbahr fully understand the point, already referred to, which was raised by the other officials.

A patrol has visited Safatu.

Troops.—H.M. Transport “Monowai,” which is due to leave Apia to-morrow morning, will carry with her about seventy-five of all ranks. Embarkation states for these officers and men will be forwarded to headquarters. This number includes all the men (with one exception) who were enlisted at Fiji in the 3rd (Auckland) Regiment. These should be returned to Fiji and discharged there.

In H.M. Transport “Monowai” there returned to Apia the fifty officers and men of D Battery, and also Lieutenant Kenny, of the 5th (Wellington) Regiment. These details have now been disembarked.

I have, &c.,

ROBERT LOGAN, Colonel,
Administrator of Samoa.

To His Excellency the Right Hon. the Earl of Liverpool, G.C.M.G., M.V.O., Governor of New Zealand.

Sub-enclosure I in Despatch No. 2.

BRITISH MILITARY OCCUPATION OF SAMOA.

Memorandum re the Attitude adopted towards Officials formerly employed by the German Government in Samoa.

ARTICLE 43 of the Hague Regulations requires that the occupying Force shall secure public order and safety in the occupied territory, and it is obvious that from this requirement the necessity arises of appointing officials to carry on the administration of the territory and to preside in the Courts.

It is, of course, quite open to the occupying Force to appoint a completely new set of officials for this purpose. Article 43 of the Hague Regulations was, however, framed with a view to preventing the occupied territory from falling into a condition of chaos, and in order to carry out the intention of Article 43 it has been the custom in past wars for the occupying Force to invite most of the existing officials in the occupied territory to remain in office under the new regime. If the officials agree to remain in office they become, of course, servants of the occupying Force. This would at first sight seem to involve a certain amount of disloyalty on the part of the officials, in that they serve the enemy of their own State, but since Article 43 was framed not for the benefit of the occupying Force, but for the benefit of the occupied territory, it has been long considered to be not only no wrong, but even a duty on the part of the officials to assist the occupying Force in carrying out the intentions of Article 43.

The fact that the officials may be employed for this purpose does not, however, imply that the government of the occupied territory is being carried on in the name of, or on behalf of, the State against which it is occupied. The occupying Force is the Government of the occupied territory during the period of the occupation, and it is inconceivable that any occupying Force would depart from the principle laid down by the Prussians in 1870—namely, that in occupied territory no official documents are to be issued which purport to be under the authority of the State against which the territory is occupied.

The British military Government now established in Samoa desires to carry out the intentions of Article 43 of the Hague Regulations, and with that end in view desires to retain the services of the officials, since to change the officials at this stage must necessarily result in considerable loss and inconvenience to the inhabitants of Samoa. The officials are therefore invited to retain their positions at their former salaries, it being understood that these positions are held under the British military Government and not under Germany.

All official documents are to be issued “in the name of the law.”

The British military Government does not insist that official documents shall be issued in the name of King George V, but it cannot permit that such documents should be issued in the name of the Kaiser or of the German Government.

It is hoped that the officials will, on this understanding, assist the British military Government to carry out its obligations under the Hague Regulations; but if the officials cannot see their way to do so, then the British military Government must endeavour to carry out its obligations by appointing its own officials, although this course, as already pointed out, must necessarily entail a considerable amount of hardship and inconvenience to the inhabitants of Samoa.

Government House, Apia, Samoa.

ROBERT LOGAN, Colonel,
Administrator of Samoa.

No. 13.

EXTRACT FROM A REPORT TO THE ADMIRALTY BY THE VICE-ADMIRAL COMMANDING HIS MAJESTY'S AUSTRALIAN FLEET.

Dated 23rd October, 1914.

(Received in Colonial Office, 26th December, 1914.)

At Suva Colonel Logan embarked fifteen prominent Samoans. These were representatives of each important village on both islands belonging to the Germans. They were landed at Apia on the disembarkation of the expedition, and dispersed immediately to distribute the intelligence to the Samoans as to our intentions.