

[221]

THE MAINTENANCE OF AUTHORITY IN NATIVE AFFAIRS  
(NO. 2) ORDINANCE, 1928.

Western Samoa.

No. 1, 1928.



## 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.

Title

1. This Ordinance may be cited as "The Maintenance of Authority in Native Affairs (No. 2) Ordinance, 1928."

Administrator may declare area in Territory to be a disturbed area.

2. If and whenever the Administrator is satisfied that a state of civil commotion which threatens the public safety has arisen or is likely to arise in any area of the Territory he may by writing under his hand declare such area to be a disturbed area and thereupon shall forthwith cause notice of such declaration and of the effect thereof according to this Ordinance to be published in that area in the Samoan language in such manner as he shall think sufficient.

Provisions as to a disturbed area.

3. Upon any area being declared as aforesaid to be a disturbed area the following provisions of this clause shall apply therein and thereto until such declaration is revoked by the Administrator.

No kind of gathering of Samoans without consent of the Police Officer.

(a) no fono or formal gathering of Samoans and no ta'alolo or procession or concourse of Samoans shall take place or be held in any part of such area without the consent, the burden of proving which shall be upon the person alleging it, of the principal officer of Police in the Territory.

929

193

93

No malaga party to visit area.

(b) no malaga or visiting party of Samoans shall enter or be present in such area and if Samoans not usually resident in such area are found together entering or present to the number of four or more the burden of proving that such persons are not a malaga or visiting party and do not belong to a malaga or visiting party shall be upon the person alleging it.

Samoans not to carry weapons in disturbed area.

(c) no Samoan shall carry or have upon his person in such area save for the purpose of a lawful occupation in which he is presently engaged any gun, knife stick, stone, or other thing which may conveniently be used as a weapon.

Restrictions as to non-residents of disturbed area.

(d) no Samoan not usually resident in such area, shall without the consent of the principal officer of Police in the Territory be present in such area for more than three hours in any period of twenty four hours unless for the purpose (the proof whereof shall be upon him) of attending a religious service, or a gathering approved by the principal officer of Police or of visiting the sick.

Penalty for breach of Clause 2.

4. Any Samoan who takes part in or is present at or with any fono or formal gathering, ta'alolo or procession or concourse which takes place or is held in breach of sub-clause (a) of the preceding clause or who is a member of a malaga or visiting party acting in breach of sub-clause (b) of the said clause and any person who acts in breach of sub-clause (c) or sub-clause (d) of the said clause is guilty of an offence and liable to imprisonment for a term not exceeding one year.

Penalty for destroying notices.

5. Any person who without lawful authority, whereof the proof shall be upon him, defaces, obliterates, covers over, removes or destroys any copy of a notice by or under the authority of the Administrator and affixed to any building or place is guilty of an offence and liable to a fine not exceeding £20 or to imprisonment for a term not exceeding three months.

Penalty for wearing uniforms of political party hindering Government.

6. Any Samoan is guilty of an offence and liable to imprisonment for a term not exceeding 6 months who wears or carries in any public place any distinctive uniform, dress, badge or symbol indicative or commonly supposed to be indicative of the fact that such Samoan belongs to or holds office under any political party which is preventing or hindering the due administration of the executive government of the Territory.

Essays against Police.

7. Any person who (a) resists, assaults or wilfully obstructs, or incites or encourages any person to resist, assault or obstruct any constable in the execution of his duty or any person acting in aid of any such constable or (b) by word or action threatens any constable with intent to intimidate him in the execution of his duty is guilty of an offence and liable to a fine not exceeding £100 or to imprisonment for a term not exceeding one year.

Threatening Police.

Arrest without warrant.

8. (1) Any constable and all persons whom he may call to his assistance may arrest without warrant any person whom such constable has good cause to suspect of having committed a breach of the peace or any offence under the preceding clauses of this Ordinance.

Falling to assist Publice when called on.

(2) Any person who shall be called upon by a constable upon a reasonable necessity to assist

(a) in making an arrest under this clause

OR

(b) in preventing a breach of the peace and who shall fail without lawful excuse to so assist shall be liable to a fine not exceeding £20 or to imprisonment for a period not exceeding 3 months.

Collection of moneys for the said.

9. Any person who

(a) invites any Samoan to contribute any sum of money for any purpose relating to a native movement or native organization not being of a religious or charitable nature or of a nature approved in writing by the Administrator.

(b) receives or has in his possession or under his control any sum of money contributed for any such purpose as aforesaid is guilty of an offence and liable to a fine not exceeding £50.

10. (1) The Administrator may require any person whom he has reason to believe to be or to have been in possession or control of moneys contributed by Samoans for any purpose relative to a native movement or native organization

(a) to furnish to the Administrator within such time as the Administrator shall allow a full and true account verified by the affidavit of such person of all such moneys received or disbursed by such person up to date of such requirement with all such particulars and supporting vouchers as the Administrator may require and as may be available to such person.

Penalty for failing to account.

(2) Any person who being required under the preceding clause to furnish and verify an account as aforesaid fails to do so shall be guilty of an offence and liable to a fine not exceeding £100.

Assented to this 21st day of February, 1928.

[L.S.] GEO. S. RICHARDSON,  
Administrator.

1929

193

93