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THE ORDINANCES AMENDMENT ORDINANCE,  
1936.

Western Samoa.

No. 4, 1936.



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.

1. This Ordinance may be cited as "The Ordinances Amendment Ordinance, 1936." Short Title.

2. Part I of "The General Laws Ordinance, 1931," is hereby amended by adding the following subsection to section 15 thereof General Laws Ordinance, 1931, Amended.

- (4) Every person who wilfully gives a false name or information to a constable with intent to mislead him in the execution of his duty shall be guilty of an offence and shall be liable to three months' imprisonment

and by adding the following sections thereto :—

*Hawking and Peddling Goods :*

15B. (1) Any Samoan (or any other person duly licensed in that behalf in manner hereinafter provided) may peddle

- (a) foodstuffs (other than milk cream bread or meat) grown in or produced in Samoa ;  
(b) fish and shell fish caught in or near to any water included within the territorial limits of Samoa ;  
(c) Samoan curios and artifacts of the Samoan people

Provided that no person shall be entitled by virtue of the provisions of

this section to sell any Samoan Foodstuffs in breach of the provisions of "The Native Market Ordinance, 1927."

(2) No person other than a Samoan shall peddle any of the things authorized by the last preceding subsection hereof unless he is the holder of a peddler's license

(3) Every peddler's license shall be issued by and at the discretion of the Inspector of Police upon the payment of one pound and shall continue in force until the 31st day of March then next ensuing.

(4) Every person who shall peddle any goods or things save under the authority of and in accordance with the provisions of this section shall be guilty of an offence and be liable to a fine of Ten pounds.

(5) If the holder of a peddler's license shall be convicted of any offence against 'The Sale of Food and Drugs Act, 1908,' or the regulations thereunder or against Section 192 of 'The Samoa Act, 1921,' his license shall thereupon be deemed to have been cancelled.

(6) This section shall not come into force until the first day of April 1937.

*Chief of Police defined :*

15c. Where in any Act Regulation or Ordinance the words Commissioner of Police, Inspector of Police or Principal or Chief Officer of Police occur they shall be deemed to mean the Inspector in command of the Samoa Constabulary referred to in paragraph (i) of Clause 3 of 'The Samoa Prisons and Constabulary Order, 1929.'

3. Part IV of "The General Laws Ordinance, 1931," is hereby amended by adding the following Section immediately after Section 21 thereof :

21A. The Administrator may from time to time in his discretion suspend for such period as he thinks fit the operation of Section 21 hereof and may in the like discretion terminate any such suspension.

4. (1) Subsection 2 of section 3 of "The Ordinances Amendment Ordinance, 1934" (amending "The Dog Registration Ordinance, 1923") is hereby repealed and the following subsection substituted therefor :—

(2) By deleting section 5 and substituting the following :—

The fee to be paid for registration shall be 4/- for each male and 8/- for each female dog Provided that if registration shall be effected on or before a date in any registration year fixed for the purpose by the Administrator by notice published in the Gazette and the 'Savali' or within three months from the date of the birth of the dog the fee shall be reduced 2/- for each male and 4/- for each female dog.

(2) This section shall be deemed to have come into operation on the first day of April 1936.

Dog Registration Ordinance, 1923 further Amended.

5. Section 2 of "The Native Market Ordinance, 1927" is hereby amended by

Amendment  
to the Native  
Market Ordinance, 1927.

(a) deleting the definition of Samoan foodstuffs and substituting therefor the following:—

'Samoan foodstuffs' means and includes

- (a) all fruit vegetables poultry and eggs grown or produced in Samoa; *except S. fruit and mangoes, (Sec. 4 & 5, 1927)*
- (b) meat grown and cooked in Samoa;
- (c) fresh fish and fresh shell fish;
- (d) all such bread cakes buns and similar goods and all such Samoan prepared foods as shall be made cooked or baked (as the case may be) in Samoa.

(b) adding the following sections after section 9 thereof:

- 9A. The holder of a market license may if duly licensed under 'The Revenue Ordinance, 1929,' carry on at his stall in the Market the businesses of a confectioner or a tobacconist or either of them.
- 9B. The provisions of paragraph (c) of Subsection (1) of section 4 of 'The Shopping Hours Ordinance, 1931,' shall be read subject to the provisions of the last preceding section hereof.
- 9C. Save as provided by Section 9A. hereof it shall not be lawful for the holder of a market license to carry on or permit to be carried on at his stall in the market any trade or business other than the sale of Samoan foodstuffs.

6. "The Road Traffic Ordinance, 1931," is hereby amended

The Road  
Traffic Ordinance, 1931,  
Amended.

(a) by repealing subsection (2) of section 12 and substituting the following subsection:—

(2) Every person who uses a motor car or motor omnibus in breach of this section or who permits any motor car or motor omnibus to be so used, and every person who uses a motor vehicle other than a motor car or a motor omnibus in breach of subsection (1) of the last preceding section or who permits such a motor vehicle to be so used, commits an offence and is liable to a fine of twenty pounds for every day on which any such motor vehicle is so used.

(b) by repealing subsection (4) of Section 17 thereof and substituting the following subsection:—

(4) Every person who drives a public motor vehicle without being the holder of a motor driver's license specially endorsed to authorize the driving of such a vehicle and the employer of such last-mentioned person commits an offence and is liable to a fine of Twenty pounds.

(c) by adding the following section at the end of Part I thereof:—

20A. (1) If a license to use a motor vehicle issued for a period of less than one year under the powers conferred by subsection (2) of section 73 of 'The Revenue Ordinance, 1929,' shall not be renewed to the 31st day of March next after the first issue

thereof the owner shall forthwith on the expiration of such license deliver to the Registrar the registration plates then current in respect of the motor vehicle.

(2) An owner who wilfully fails to comply with the provisions of the last preceding subsection shall be guilty of an offence and liable to a penalty of Ten pounds.

(d) by adding the following subsections after subsection (1) of section 23 thereof :—

(1A.) Every person driving a motor vehicle which is in any manner involved in an accident in which any person is killed or injured shall forthwith report such accident in writing to the Inspector of Police on the prescribed form ;

(1B.) If such driver is so physically incapacitated as to be unable to make such report and there is another person or persons concerned in the accident who is not incapacitated, such other person or persons shall forthwith make such report to the Inspector of Police ;

(1c.) Such report shall be made upon the form or forms to be prescribed by Regulation.

7. Section 18 of "The Road Traffic Amendment Ordinance, 1934," is hereby amended by deleting the word "two" where it appears in the third line thereof and substituting the word "four" therefor.

Electric Lines  
Ordinance,  
1925,  
Amended.

8. "The Electric Lines Ordinance, 1925," is hereby amended by adding the following section :—

12 Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity from any line shall be guilty of an offence and liable to three months' imprisonment if the value of the electricity wasted, diverted or consumed does not exceed Two pounds and to twelve months' imprisonment if the said value exceeds Two pounds.

Water Supply  
Ordinance,  
1934,  
Amended.

9. (1) Section 17 of "The Water Supply Ordinance, 1934" is hereby amended by adding the words "a member of" after the words "conferred upon" in the fifth line thereof

(2) Paragraph (ii) of Section 21 of "The Water Supply Ordinance, 1934," is hereby amended by deleting the words "The Water Supply Offences Ordinance, 1922," and substituting therefor the words "section 42 of 'The Revenue Ordinance, 1929.'"

General Laws  
(No. 2) Ordinance,  
1932,  
Amended.

10. "The General Laws (No. 2) Ordinance, 1932," is hereby amended by adding the following section at the end thereof :—

15 (1) The common law right of an owner or occupier of land to sever the branches of trees growing on the land of another if such branches overhang his land shall on the coming into force of this Ordinance cease to apply in Samoa in respect of coconut trees.

(2) The owner or occupier of land who severs a coconut tree or any part of a coconut tree overhanging his land commits an unlawful act for which he shall be liable in damages.

(3) If an owner or occupier of land (hereinafter referred to as the plaintiff) proves to the satisfaction of the High Court that any part of a coconut tree growing on the land of another overhangs the plaintiff's land the said Court may in its discretion and subject to such terms and conditions as it may impose order that such tree be felled and for such purpose may authorize the plaintiff to enter upon the land on which the tree is growing.

(4) All proceedings under the last preceding subsection shall be commenced by way of motion in accordance with the Rules of the Court.

II. "The Fees and Costs of the High Court Ordinance, 1921," is hereby amended:—

Fees & Costs  
of High Court  
Ordinance,  
1921,  
Amended.

(1) by deleting the fees for filing statement of claim appearing on the first page of the said Ordinance and substituting the following therefor:—

(a) Where the amount or the value of the land or chattel claimed does not exceed £10	... ..	3/-
Exceeds £10 but does not exceed £50	... ..	10/-
Exceeds £50 but does not exceed £100	... ..	15/-
Exceeds £100 but does not exceed £200	... ..	£1/10/-
Exceeds £200	... ..	£2

(b) In proceedings for divorce, mandamus, prohibition, injunction, declaration or otherwise, where the relief claimed is not the payment of money or the recovery of land or chattels	... ..	10/-
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(2) by deleting the words "on claim or value" in the 7th line of the second page of the said Ordinance (relating to hearing fees) and all words and figures down to and including the words and figures "exceeding £200 30/-" and substituting the following therefor:—

(a) Where the amount or the value of the land or chattel claimed does not exceed £10	... ..	3/-
Exceeds £10 but does not exceed £50	... ..	10/-
Exceeds £50 but does not exceed £100	... ..	15/-
Exceeds £100 but does not exceed £200	... ..	£1
Exceeds £200	... ..	£1/10/-

(b) In actions for divorce	... ..	£2
(c) In proceedings for mandamus, prohibition, injunction, declaration, or otherwise, where the relief claimed is not the payment of money or the recovery of land or chattels	... ..	£1

(3) by deleting the words and figures "Hearing of act-



ions for divorce 60/-" where they appear on the 37th line of the second page of the said Ordinance.

(4) by deleting the words and figures "Appeals in High Court. Hearing application for leave and order thereon, 10/-. Hearing appeal 10/-" where they appear on the 43rd and 44th lines of the second page of the said Ordinance.

Copra Ordinance, 1929, Amended.

12. ~~The Copra Ordinance, 1929," is hereby amended by adding after section 3 thereof the following section :-~~

3A. (1) ~~It shall not be lawful for any person either to sell or to purchase coconuts or to employ any other person to sell or to purchase coconuts for the purpose of being made into copra for sale or export.~~

(2) ~~Every person who acts in contravention of this section commits an offence and is liable to a fine of Twenty pounds.~~

*Repealed by No. 7, 1949*

Assented to this 30th day of December, 1936.

A. C. TURNBULL,

(L.S.)

Acting Administrator.

By Authority:

JOHN WILLIAM LISTON, at the WESTERN SAMOA MAIL,  
APIA, WESTERN SAMOA.