



Western Samoa

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1975, No. 14

AN ACT to amend and consolidate the law relating to the sale of goods. [23 December 1975]

BE IT ENACTED by the Legislative Assembly of Western Samoa in Parliament assembled as follows:—

1. Short title—This Act may be cited as the Sale of Goods Act 1975.

2. Interpretation—(1) In this Act, if not inconsistent with the context,—

“Action” includes counterclaim and set-off:

“Buyer” means a person who buys or agrees to buy goods:

“Contract of Sale” includes an agreement to sell as well as a sale:

“Delivery” means voluntary transfer of possession from one person to another:

“Document of title to goods” includes any bill of lading, dock warrant, warehouse keeper’s certificate, and warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by

endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented:

“Fault” means wrongful act or default:

“Future goods” means goods to be manufactured or acquired by the seller after the making of the contract of sale:

“Goods” includes all chattels personal other than money or things in action. The term includes emblements, growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale:

“Plaintiff” includes defendant counterclaiming:

“Property” means the general property in goods, and not merely a special property:

“Quality of goods” includes their state or condition:

“Sale” includes a bargain and sale, as well as a sale and delivery:

“Seller” means a person who sells or agrees to sell goods:

“Specific goods” means goods identified and agreed on at the time a contract of sale is made:

“Warranty” means an agreement with reference to goods which are the subject of a contract of sale, but collateral to the main purpose of such contract the breach of which gives rise to a claim for damages, but not to a right to reject the goods and treat the contract as repudiated:

“Writ of execution” means any writ of sale, warrant of distress, or other writ or warrant of execution under which chattels of any kind may be seized or taken to satisfy process issued out of any Court.

(2) A thing is deemed to be done “in good faith” within the meaning of this Act when it is in fact done honestly, whether it is done negligently or not.

Act, who either has ceased to pay his debts in the ordinary course of business, or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not.

(4) Goods are in a “deliverable state” within the meaning of this Act when they are in such a state that the buyer would under the contract be bound to take delivery of them.

P A R T I

FORMATION OF THE CONTRACT

CONTRACT OF SALE

3. Sale and agreement to sell—(1) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration, called “the price”.

(2) There may be a contract of sale between one part owner and another.

(3) A contract of sale may be absolute or conditional.

(4) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called “a sale”; but where the transfer of the property in the goods is to take place at a future time, or subject to some condition thereafter to be fulfilled, the contract is called “an agreement to sell.”

(5) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

4. Capacity to buy and sell—Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

FORMALITIES OF THE CONTRACT

5. Contract of sale, how made—Subject to the provisions of this Act and of any statute in that behalf, a contract of sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties:

Provided that nothing in this section shall affect the law relating to corporations.

SUBJECT MATTER OF THE CONTRACTS

6. Existing or future goods—(1) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Act called “future goods”.

(2) There may be a contract for the sale of goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

7. Goods which have perished—Where there is a contract for the sale of specific goods, and the goods without the knowledge of the seller have perished at the time when the contract is made, the contract is void

8. Goods perishing before sale but after agreement to sell—Where there is an agreement to sell specific goods, and subsequently the goods, without any fault on the part of the seller or buyer, perish before the risk passes to the buyer, the agreement is thereby avoided.

THE PRICE

9. Ascertainment of price—(1) The price in a contract of sale may be fixed by the contract, or may be left to be fixed in manner thereby agreed, or may be determined by the course of dealing between the parties.

(2) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price.

(3) What is a reasonable price is a question of fact, dependent on the circumstances of each particular case.

10. Agreement to sell at valuation—(1) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party, and such third party cannot or does not make such valuation, the agreement is avoided.

Provided that if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault.

CONDITIONS AND WARRANTIES

11. Stipulations as to time—(1) Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale.

(2) Whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract.

(3) In a contract of sale “month” means *prima facie* calendar month.

12. When condition to be treated as warranty—(1) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition, or may elect to treat the breach of such condition as a breach of warranty, and not as a ground for treating the contract as repudiated.

(2) Whether a stipulation in a contract of sale is a condition, the breach of which may give rise to a right to treat the contract as repudiated, or a warranty, the breach of which may give rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated, depends in each case on the construction of the contract. A stipulation may be a condition, though called a “warranty” in the contract.

(3) Where a contract of sale is not severable, and the buyer has accepted the goods or part thereof, or where the contract is for specific goods the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty, and not as a ground for rejecting the goods and treating the contract as repudiated, unless there is a term of the contract, express or implied, to that effect.

(4) Nothing in this section shall affect the case of any conditions or warranty fulfilment of which is excused by law by reason of impossibility or otherwise.

13. Implied undertaking as to title, etc—In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is—

- (a) An implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass;
- (b) An implied warranty that the buyer shall have and enjoy quiet possession of the goods;
- (c) An implied warranty that the goods are free from any charge or encumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made.

14. Sale by description—Where there is a contract for the sale of goods by description there is an implied condition that the goods shall correspond with the description; and if the sale is by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

15. Implied conditions as to quality or fitness—Subject to the provisions of this Act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows:

- (a) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he is the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose:

Provided that in the case of a contract for the sale of a specific article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose.

- (b) Where goods are bought by description from a seller who deals in goods of that description (whether he is the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality: there shall be no implied condition as regards defects which such examination ought to have revealed;
- (c) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade;
- (d) An express warranty or condition does not negative a warranty or condition implied by this Act unless inconsistent therewith.

SALE BY SAMPLE

16. Sale by sample—(1) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.

(2) In the case of a contract for sale by sample there is an implied condition—

- (a) That the bulk shall correspond with the sample in quality;
- (b) That the buyer shall have a reasonable opportunity of comparing the bulk with the sample; and
- (c) That the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

P A R T II

EFFECTS OF THE CONTRACT

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER

17. Goods must be ascertained—Where there is a contract for the sale of unascertained goods, no property in the goods is transferred to the buyer unless and until the goods are ascertained.

18. Property passes when intended to pass—(1) Where there is a contract for the sale of specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, and the circumstances of the case.

19. Rules for ascertaining intention—Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:

Rule 1. Where there is an unconditional contract for the sale of specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment or the time of delivery, or both, is postponed.

Rule 2. Where there is a contract for the sale of specific goods, and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing is done, and the buyer has notice thereof

Rule 3. Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to weigh, measure, test, or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing is done, and the buyer has notice thereof.

Rule 4. Where goods are delivered to the buyer on approval, or "on sale or return" or other similar terms, the property therein passes to the buyer—

- (a) When he signifies his approval or acceptance to the seller, or does any other act adopting the transaction;
- (b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection then, if a time has been fixed for the return of the goods, on the expiration of such time, and if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

- Rule 5. (1) Where there is a contract for the sale of unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.
- (2) Where, in pursuance of the contract, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by buyer, or not) for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract.

20. Reservation of right of disposal—(1) Where there is a contract for the sale of specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled.

(2) In such case, notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

(3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is *prima facie* deemed to reserve the right of disposal.

(4) Where the seller of goods draws on the buyer for the price, and transmits the bill of exchange and bill of lading to the buyer together to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honour the bill of exchange, and if he wrongfully retains the bill of lading the property in the goods does not pass to him.

21. Risk *prima facie* passes with property—(1) Unless otherwise agreed, the goods remain at the seller's risk until

the property therein is transferred to the buyer; but when the property therein is transferred to the buyer the goods are at the buyer's risk, whether delivery has been made or not:

Provided that where delivery has been delayed through the fault of either buyer or seller, the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

(2) Nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party.

TRANSFER OF TITLE

22. Sale by person not the owner—(1) Subject to the provisions of this Act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Provided that nothing in this Act shall affect—

- (a) The provisions of the Mercantile Law Act 1908, N.Z or any other enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof;
- (b) The validity of any contract of sale under any special common law or statutory power of sale, or under the order of a Court of competent jurisdiction.

23. Sale under voidable title—Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

24. Revesting of property in stolen goods on conviction of offender—(1) Where goods have been stolen and the offender is prosecuted to conviction, the property in the goods so stolen reverts in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them, whether by sale or otherwise.

(2) Notwithstanding any enactment to the contrary, where goods have been obtained by fraud or other wrongful means not amounting to theft, the property in such goods shall not revert in the person who was the owner of the goods, or his personal representative, by reason only of the conviction of the offender.

25. Seller or buyer in possession after sale—(1) Where a person having sold goods continues or is in possession of the goods, or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him of the goods or documents of title under any sale, pledge, or other disposition thereof, or under any agreement for sale pledge, or other disposition thereof to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorised by the owner of the goods to make the same.

(2) Where a person, having bought or agreed to buy goods, obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, or under any agreement for sale, pledge, or other disposition thereof to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner:

Provided that if the lien or other right of the original seller is expressed in an instrument duly registered, and if the person selling, pledging, or disposing of the goods or agreeing so to do is the mortgagor or bailee named in such instrument, then the person receiving the goods shall be deemed to have had notice of the contents of such instrument.

26. Effect of writs of execution—A writ of execution against goods binds the property in the goods of the execution debtor as from the time when the writ is delivered for execution:

Provided that no such writ shall prejudice the title to such goods acquired by any person in good faith and for valuable consideration, unless such person had at the time when he acquired his title notice that such writ or any other writ under which the goods of the execution debtor might be seized or attached had been delivered for execution.

P A R T III

PERFORMANCE OF THE CONTRACT

27. Duties of seller and buyer—It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

28. Payment and delivery are concurrent conditions—Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions - that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

29. Rules as to delivery—(1) Whether it is for the buyer take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties.

(2) Apart from any such contract, express or implied, the place of delivery is the seller's place of business, if he has one, and if not, his residence :

Provided that if the contract is for the sale of specific goods, which to the knowledge of the parties when the contract is made are in some other place, then that place is the place of delivery.

(3) Where under the contract of sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(4) Where the goods at the time of sale are in the possession of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf:

Provided that nothing in this section shall affect the operation of the issue or transfer of an any document of title to goods.

(5) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(6) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

30. Delivery of wrong quantity—(1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he must pay for them at the contract rate.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade special agreement, or course of dealing between the parties.

31. Instalment deliveries—(1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

(2) Where there is a contract for the sale of goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract

and the circumstances of the case, whether the breach of contract is a repudiation of the whole contract or whether it is a severable breach, giving rise to a claim for compensation but not to a right to treat the whole contract as repudiated.

32. Delivery to carrier—(1) Where, under a contract of sale, the seller is authorised or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is *prima facie* deemed to be a delivery of the goods to the buyer.

(2) Unless otherwise authorised by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer by a route involving sea transit, under circumstances in which it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their sea transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such sea transit.

33. Risk where goods delivered at distant place—Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must, nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

34. Buyer's right of examining goods—(1) Where goods are to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford

the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

35. Acceptance—The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when after the lapse of a reasonable time he retains the goods without intimating to the seller that he has rejected them.

36. Buyer not bound to return rejected goods—Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them.

37. Liability of buyer for neglecting or refusing delivery—Where the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods:

Provided that nothing in this section shall affect the right of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract.

P A R T IV

RIGHTS OF UNPAID SELLER AGAINST THE GOODS

38. "Unpaid seller" defined—(1) The seller of goods is deemed to be an "unpaid seller", within the meaning of this Act,—

- (a) When the whole of the price has not been paid or tendered.
- (b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been ful-

filled by reason of the dishonour of the instrument or otherwise.

(2) In this Part of this Act the term “seller” includes any person who is in the position of a seller, as, for instance, an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid or is directly responsible for the price.

39. Unpaid seller’s rights—(1) Subject to the provisions of this Act, and of any statute in that behalf, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has, by implication of law,—

- (a) A lien on the goods, or right to retain them for the price, while he is in possession of them;
- (b) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them;
- (c) A right of resale, as limited by this Act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

UNPAID SELLER’S LIEN

40. Unpaid seller’s lien—(1) Subject to the provisions of this Act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

- (a) Where the goods have been sold without any stipulation as to credit;
- (b) Where the goods have been sold on credit, but the term of credit has expired;
- (c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien, notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

41. Part delivery—Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien or retention on the remainder, unless such part delivery has been made under such circumstances as to show an agreement to waive the lien or right of retention.

42. Termination of lien—(1) The unpaid seller of goods loses his lien or right of retention thereon—

- (a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods;
- (b) When the buyer or his agent lawfully obtains possession of the goods;
- (c) By waiver thereof.

(2) The unpaid seller of goods, having a lien or right of retention thereon, does not lose his lien or right of retention by reason only that he has obtained judgment for the price of the goods.

STOPPAGE IN TRANSITU

43. Right of stoppage in transitu—Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu - that is to say, he may resume possession of the goods as long as they are in course of transit, and may retain them until payment or tender of the price.

44. Duration of transit—(1) Goods are deemed to be in course of transit from the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee.

(2) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.

(3) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf, and con-

tinues in possession of them as bailee for the buyer, or his agent, the transit is at an end, and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(4) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, the transit is not deemed to be at an end, even if the seller has refused to receive them back.

(5) When goods are delivered to a ship chartered by the buyer, it is a question, depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent to the buyer.

(6) Where the carrier or other bailee wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf, the transit is deemed to be at an end.

(7) Where part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement to give up possession of the whole of the goods.

45. How stoppage in transitu effected—(1) The unpaid seller may exercise his right of stoppage in transitu either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to or according to the directions of the seller. The expenses of such redelivery must be borne by the seller.

RESALE BY BUYER OR SELLER

46. Effect of subsale or pledge by buyer—Subject to the provisions of this Act, the unpaid seller's right of lien or retention or stoppage in transitu is not affected by any sale or

other disposition of the goods which the buyer may have made, unless the seller has assented thereto:

Provided that where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, then, if such last-mentioned transfer was by way of sale, the unpaid seller's right of lien or retention or stoppage in transitu is defeated, and if such last-mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or retention or stoppage in transitu can only be exercised subject to the rights of the transferee.

47. Sale not generally rescinded by lien or stoppage in transitu—(1) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage in transitu.

(2) Where an unpaid seller who has exercised his right of lien or retention or stoppage in transitu resells the goods, the buyer acquires a good title thereto as against the original buyer.

(3) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to resell, and the buyer does not within a reasonable time pay or tender the price, the unpaid seller may resell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.

(4) Where the seller expressly reserves a right of resale in case the buyer should make default, and on the buyer making default resells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim the seller may have for damages.

P A R T V

ACTIONS FOR BREACH OF THE CONTRACT

REMEDIES OF THE SELLER

48. Action for price—(1) Where, under a contract of sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods ac-

ording to the terms of the contract, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract of sale, the price is payable on a day certain irrespective of delivery, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract.

49. Damages for non-acceptance—(1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or if no time was fixed for acceptance, then at the time of the refusal to accept.

REMEDIES OF THE BUYER

50. Damages for non-delivery—(1) Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or if no time was fixed, then at the time of the refusal to deliver.

51. Specific performance—(1) In an action for breach of contract to deliver specific or ascertained goods the Court may, if it thinks fit, on the application of the plaintiff, by its judgment direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on payment of damages.

(2) The judgment may be unconditional, or upon such terms and conditions as to damages, payment of the price, and otherwise, as the Court deems just; and the application by the plaintiff may be made at any time before judgment.

52. Remedy for breach of warranty—(1) Where there is a breach of warranty by the seller, or where the buyer elects or is compelled to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods; but he may—

- (a) Set up against the seller the breach of warranty in diminution or extinction of the price; or
- (b) Maintain an action against the seller for damages for the breach of warranty.

(2) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(3) In the case of breach of warranty of quality, such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

(4) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage.

53. Interest and special damages, or recovery of money paid—Nothing in this Act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

P A R T VI

SUPPLEMENTARY

54. Exclusion of implied terms and conditions—Where any right, duty, or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by usage, if the usage is such as to bind both parties to the contract.

55. Reasonable time a question of fact—Where by this Act any reference is made to a “reasonable time”, the question what is a reasonable time is a question of fact.

56. Rights and duties under Act enforceable by action—Where any right, duty, or liability is declared by this Act, it may, unless otherwise by this Act provided, be enforced by action.

57. Auction sales—(1) Where goods are put up for sale by auction in lots, each lot is *prima facie* deemed to be the subject if a separate contract of sale.

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner: until such announcement is made any bidder may retract his bid.

(3) Where a sale by auction is not notified to be subject to a right to bid on behalf of the seller, the seller shall not bid himself or employ any person to bid at such sale, nor shall the auctioneer knowingly take any bid from the seller or any such person. Any sale contravening this rule may be treated as fraudulent by the buyer.

(4) A sale by auction may be notified to be subject to a reserved or upset price, and a right to bid may also be reserved expressly by or on behalf of the seller.

(5) Where a right to bid is expressly reserved, but not otherwise, the seller, or any one person on his behalf, may bid at the auction.

58. Savings—(1) The rules in bankruptcy from time to time in force relating to contracts of sale shall continue to apply thereto, notwithstanding anything in this Act.

(2) The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, and in particular the rules relating to the law of principal and agent, and the effect to fraud, misrepresentation, duress or coercion, mistake, or other invalidating cause, shall continue to apply to contracts for the sale of goods.

(3) The provisions of this Act relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge, or other security.

(4) Nothing in this Act shall affect the enactments in force relating to chattels transfer, or any other enactment in force relating to the sale of goods.

59. Repeal—The Sale of Goods Act 1908 (New Zealand) is hereby repealed as part of the law of Western Samoa.





Samoa i Sisifo

Vaevaeina

Igoa

1. Igoa pu'upu'u
2. Fa'amatalaina o upu

VAEGA I

FA'AVAEINA O LE FEAGAIGA

FEAGAIGA O LE FAATAUINA ATU

3. Fa'atauina atu ma le maliega ina ia faatau atu
4. Gagatia ona faatau mai ma faatau atu

TULAGA E MASANI AI O
FEAGAIGA

5. Feagaiga o le faatau atu, e faapefea ona faia

'AUTU O LE FEAGAIGA

6. Oloa o i ai nei po o i le humanai
7. O oloa ua leaga
8. Oloa ua leaga a o le'i faatauina atu a ua uma ona malilie e faatau atu

O LE TAU

9. Faamaonia o le tau
10. Maliliega ina ia faatau atu i se tau ua fuafuaina

TU'UTU'UGA MA FAAMAONIGA

11. Tu'utu'uga e uiga i taimi
12. O afea e ave'a ai tuutuuga o se faamaoniga
13. Ta'utinoga ua manino mai e uiga i le pule, ma isi mea
14. Fa'atauina atu i luga o faamatalaga
15. Tu'utu'uga ua manino mai e uiga i le tulaga lelei po o le malosi

FAATAUINA ATU I OLOA
FAATAITAI

16. Faatauina atu i oloa faataitai

VAEGA II

AOGA O LE FEAGAIGA

FAALILIUINA 'ESE ATU O MEA
TOTINO I LE VA O LE TAGATA NA TE
FA'ATAUINA ATU MA LE
TAGATA NA TE FAATAUINA MAI

17. E tatau ona faamaonia oloa
18. E tuufaasolo le pule pe a ua faamoemoeina ina ia tuufaasolo
19. Tulafono faatonutonu mo le faamaonia o le faamoemoe
20. Taofia o le ai'a tatau e tuueseina atu ai
21. E tuufaasolo atu le tulaga lamatia i lona foliga mai faatasi ma le pule

FAALILIUESEINA ATU O PULE

22. Faatau atu e se tagata e le o ia lea e ona
23. Faatau atu i lalo o se pule ua le o toe aoga
24. Toe tuuina atu o le pule i oloa na gaoia i luga o le faamaonia o le solitulanoa a le tagata ua solitulafono
25. Tagata ua na faatau atu po o le tagata ua na faatau mai ua na umia ina ua uma ona faatau atu
26. Aoga o tusi faa-poloa'iga mo le faatinoina

VAEGA III

FAATINOINA O LE FEAGAIGA

27. Tiute o le tagata na te faatauina atu ma le tagata na te faatauina mai
28. Totogi ma le auina atu o tuutuuga e o faatasi
29. Tulafono faatonutonu faataitai i le auina atu
30. Auina atu o aofa'iga sesē
31. Auina atu i vaega auaua'i
32. Auina atu i le tagata na te aveina

33. Tulaga lamatia pe a faapea ua auina atu oloa i se nofoaga mamao
 34. Aia tatau o le tagata na te faatauina mai e iloilo oloa
 35. O le taliaina
 36. E le noatia le tagata na te faatauina mai ina ia toe faafo'i atu oloa ua te'ena
 37. Noatiaga o le tagata na te faatauina mai mo le faatamala po o le te'ena ona aveina

VAEGA IV

AIA TATAU O LE TAGATA
 NA TE FAATAUINA ATU E LE'I
 TOTOGIINA FA'ASAGA
 I OLOA

38. Ua faamaninoina le "tagata na te faatauina atu e le'i totogiina"
 39. O le aiā tatau e taofi ai a le tagata na te faatauina atu e le i totogiina

O LE AIA TATAU E TAOFI AI
 A LE TAGATA NA TE
 FAATAUINA ATU E LE I TOTOGIINA

40. O le aiā tatau e taofi ai a le tagata na te faatauina atu e le i totogiina
 41. O le auina atu na o se vaega
 42. O le faamutaina o le aiā tatau e taofia ai

O LE TAOFIA O LE AUINA ATU

43. Aiā tatau e taofi ai a o auina atu
 44. O le umi o le taimi o le auina atu
 45. Faiga e fai a'i le taofia a o auina atu

TOE FAATAUINA ATU E LE
 TAGATA NA IA FAATAUINA MAI PO O
 LE TAGATA NA IA
 FAATAUINA ATU

46. O le uiga o le toe faatauina atu po o le folafolaga a le tagata na te faatauina mai
 47. O le faatau atu e lē masani ona soloia ona o le aiā e taofia ai po o le taofia a o auina atu

VAEGA V

TAGI MO LE SOLIA O LE
 FEAGAIGA

O TOOMAGA O LE TAGATA NA TE
 FAATAUINA ATU

48. Tagi mo le tau
 49. O tagi ma tau'i mo le lē taliaina

O TOOMAGA O LE TAGATA NA TE
 FAATAUINA MAI

50. O tagi ma tau'i mo le lē auina atu
 51. Faiga faapitoa
 52. To'omaga mo le solia o se faamaoniga
 53. O tului ma tagi faapitoa mo ni tau'i, po o le toe faaolaina mai o tupe na totogi atu

VAEGA VI

FAAOPOPO

54. Tuueseina o tulaga ma tuutuuga e pei ona ua mautinoa
 55. Taimi e talafeagai ai o se itu lea i se mea moni
 56. Aiā tatau ma tiute i lalo o le Tulafono e ono mafai ona faamalosia i se tagi
 57. Faatautu'i
 58. O mea ua faasaina
 59. O mea ua soloia

1975, Nu. 14

O SE TULAFONO e toe teuteu ma fa'amautuina ai le tulafono e fa'atatau i le fa'atauina atu o oloa.

[23 Tesema 1975]

UA FAIA e le Fono Aoaofa o Samoa i Sisifo i totonu o le Palemene ua potopoto e fa'apea:—

1. Igoa pu'upu'u—O le igoa pu'upu'u o lenei Tulafono e mafai ona ta'ua o le Tulafono tau le Faatauina atu o Oloa 1975.

2. Fa'amatalaina o upu—(1) I totonu o le Tulafono lenei, pe afai e le fete'ena'i ma le fa'a'upuga, —

“Tagi” e aofia ai ma tagi tete'e atu ai ma tagi e faa-fetaui a'i:

“Tagata na te fa'atauina mai” o lona uiga o se tagata o ia lea ua na fa'atau mai po o ua malie e fa'atau mai oloa:

“Feagaiga mo le fa'atau atu” e aofia ai se maliliega ina ia fa'atau atu e fa'apea foi ma se fa'atau atu:

“Auina atu” o lona uiga o le fa'aliliuina atu i le loto malie o le 'umia mai le tasi tagata i le isi:

“Pepa fa'amaoni o le pule i oloa” e aofia ai se pepa fa'amaoni o oloa ua i le va'a, pepa fa'amaoni o oloa ua i le uafu, pepa fa'amaoni a le tagata na te va'aia le fale e teu ai oloa, ma le pepa fa'amaoni po o le polo'aiga mo le auina atu o oloa, ma so o se tasi pepa fa'amaoni e fa'aaogaina i faiga e masani ai tau-pisinisi e avea ma fa'amaoni o le 'umia po o le pulea o oloa, po o ua fa'atagaina ai po o ua fuafua-ina ia fa'atagaina ai, ina ua sainia po o le auina atu, le tagata o i ai pepa fa'amaoni ina ia fa'aliliu atu po o ina ia taliaina oloa o lo'o ta'ua ai i totonu:

“Sesē” o lona uiga o se faiga sesē po o se masei:

“Oloa i le lumana'i” o lona uiga o oloa o le a gaosia po o le a maua e le tagata na te fa'atau atu ina ua uma ona faia le feagaiga mo le fa'atau atu:

“Oloa” e aofia ai mea totino uma tau le tagata e mafai ona fela'ua'ia e 'ese ai na i lo tupe po o mea e aia i ai i lalo o le malie o le isi tagata. E aofia ai i le fa'a'upuga fua o fa'ato'aga, fa'ato'aga o lo o ola a'e, ma mea o lo o pipi'i i le po o o lo o avea ma vaega o le fanua ia ua malilie i ai ina ia ave'eseina a o le'i fa'atauina atu po o o lo o i ai i le feagaiga mo le fa'atau atu:

“Lē ua tagi” e aofia ai lē ua tete'e ua na faia se tagi e tete'e atu ai:

“Pule” o lona uiga o le pule lautele o lo o i ai i oloa, ma e le na o se mea totino fa'apitoa:

“Tulaga lelei o oloa” e aofia ai lo latou tulaga po o le tino mai:

“Fa'atau atu” e aofia ai se feagaiga ma le fa'atau atu, e fa'apea foi ma se fa'atau atu ma le auina atu:

“Tagata na te fa’atauina atu” o lona uiga o se tagata o ia lea ua na fa’atauina atu po o ua malie e fa’atau atu oloa:

“Oloa fa’apitoa” o lona uiga o oloa ua fa’ailoaina ma ua malilie i ai i le taimi lea ua faia ai se feagaiga mo le fa’atau atu:

“Puipuiga malu” o lona uiga o se maliliega fa’atau i oloa ia o lo o avea ma ‘autū o se feagaiga mo le fa’atauina atu, ae peita’i e fa’aopoopo i le ‘a’ano moni ‘autū o sea feagaiga o lona soliga ua mafua ai se tagi mo se fa’amaliega tau tupe, ae le mo se aia tatau e te’ena ai oloa ma fa’atatauina ai le feagaiga e fa’apea ua soloia ai:

“Tusi fa’a-poloa’iga mo le fa’ataunu’uina” o lona uiga so o se tusi faa-poloa’iga mo le faataunu’uina atu, tusi saisai mo le aveina o mea totino, po o se isi tusi faa-poloa’iga po o se tusi saisai mo le faataunu’uina i lalo o lea tusi e mafai ai ona aveina faamalosi mea totino o so o se ituaiga po o le aveina e totogi a’i taulumaga na faatonuina mai e so o se Fa’amasinoga.

(2) Ua fa’atatauina se mea fa’apea ua faia “ma le fa’atua-tuaga lelei” e tusa ai ma le uiga o lenei Tulafono pe afai o le mea moni na faia ma le fa’amaoni, tusa pe sa faia ma le fa’atamala pe leai.

(3) Ua fa’atatauina se tagata e fa’apea ua le mafai ona totogi ana aitalafu, e tusa ai ma le uiga o lenei Tulafono, o ia lea pe ua le toe totogiina a na aitalafu i le auala masani o pisinisi, po o ua le mafai ona totogi a na aitalafu ina ua tatau ona totogi, tusa pe ua na faia se faiga o le gaumativa pe leai.

(4) Ua i ai oloa i se “tulaga e auina atu ai” e tusa ai ma le uiga o lenei Tulafono pe afai ua i ai i latou i se tulaga e fa’apea ai ua noatia le tagata na te fa’atauina mai ina ia aveina i latou.

VAEGA I

FA’AVAEINA O LE FEAGAIGA

FEAGAIGA O LE FA’ATAU ATU

3. Fa’atau atu ma le maliliega ina ia fa’atau atu—(1) O se feagaiga o le fa’atau atu o oloa o se feagaiga lea e fa’apea ai o le tagata na te fa’atauina atu ua na fa’aliliu’eseina atu po o

ua malie ina ia fa'aliliu'eseina atu le pule i oloa i le tagata na te fa'atauina mai mo se fa'atatau tau tupe, ua ta'ua. "o le tau".

(2) O le a mafai ona i ai se feagaiga o le fa'atau atu i le va o se tagata na te pulea se vaega ma se tasi.

(3) E mafai i se feagaiga o le fa'atau atu ona ma'oti po o e i ai ni tu'utu'uga.

(4) Afai i lalo o se feagaiga o le fa'atau atu ua fa'aliliu'eseina atu le pule o oloa mai le tagata na te fa'atauina atu i le tagata na te fa'atauina mai i le e ta'ua le feagaiga "o se fa'atau atu"; ae peita'i a fa'apea o le fa'aliliu'eseina atu o le pule i oloa o le a faia i se taimi lumana'i, po o e fai fuafua i ni tu'utu'uga e fa'ataunuina mulimuli ane, e ta'ua le feagaiga "o se maliliea e fa'atau atu".

(5) O se maliliea e fa'atau atu e avea o se fa'atau atu pe a fa'apea ua uma le taimi po o ua fa'ataunu'uina tu'utu'uga ia e fai fuafua i ai le fa'aliliu'eseina atu o le pule.

4. Gafatia ona fa'atau mai ma fa'atau atu—O le gafatia ona fa'atau mai ma fa'atau atu e fa'atonutonuina e le tulafono lautele e uiga i le gafatia ona fai se feagaiga, ma fa'aliliu'eseina atu ma maua le pule.

TULAGA E MASANI AI O LE FEAGAIGA

5. Feagaiga o le fa'atau atu, e fa'apefea ona faia—I le noatia ma fai fuafua i tu'utu'uga o leni Tulafono ma o so o se tulafono tumau faapena, e mafai ona faia se feagaiga o le fa'atau atu i se faiga tusia (pe fa'atasi ai ma le po o e aunoa ma le fa'amau fa'ailoga), po o i se 'upu tu'ufofoga atu, po o i se vaega ua tusia po o i se vaega tu'ufofoga atu, po o e mafai ona fa'apea ua mautinoa mai i uiga o itu:

Ae vagana ai ona e fa'apea e leai se mea o i totonu o leni fuai'upu o le a tatau ona a'afia ai le tulafono e fa'ataau i fa'alapotopota.

'O LE 'AUTU O LE FEAGAIGA

6. O oloa o iai nei po o i le lumana'i—(1) O oloa ia o lo'o avea ma 'autu o se feagaiga mo le fa'atau atu e mafai ona fa'apea o oloa o iai nei, o lo'o pulea po o o lo'o 'umia e le

tagata na te fa'atauina atu, po o o oloa o le a gaosia po o le mauaina e le tagata na te fa'atauina atu ina ua uma ona faia le feagaiga e fa'atau atu ai, lea o lo'o ta'ua i totonu o le Tulafono lenei o "oloa i le lumana'i".

(2) E mafai ona iai se feagaiga mo le fa'atau atu o oloa, o le mauaina o ia oloa e le tagata na te fa'atauina atu e fa'alagolago lea i luga o se mea e le o mautinoa pe mafai ona tupu mai pe leai.

(3) A fa'apea i se feagaiga mo le fa'atau atu ua fa'amoe-moe le tagata na te fa'atauina atu ina ia faia nei se fa'atauina atu o oloa i le lumana'i, i le e avea la le feagaiga o se maliliega ina ia fa'atau atu oloa.

7. O oloa ua faaleagaina—A fa'apea o iai se feagaiga mo le faatau atu o oloa fa'apitoa, ma ua fa'aleagaina o oloa e aunoa ma le iloa e le tagata na te fa'atauina atu i le taimi ina ua faia le feagaiga, i le e leai se aoga o le feagaiga.

8. Oloa ua fa'aleagaina a o le'i faia le faatau atu ae ina ua uma ona i ai le maliega e faatau atu ai—A faapea o iai se maliliega e fa'atau atu oloa fa'apitoa, ae mulimuli ane ua fa'aleagaina oloa e aunoa ma so o se sesē i le itu a le tagata na te fa'atauina atu po o le tagata na te fa'atauina mai ao le'i o'o ina o'o atu le tulaga lamatia i le tagata na te fa'atauina mai, i le ua avea lea ma mea e fa'aleagaina ai le feagaiga.

O LE TAU

9. Fa'amaonia o tau—(1) O le tau i totonu o se feagaiga o le fa'atau atu e mafai ona fuafuaina e le feagaiga, po o e mafai ona ta'atia se'i fuafua i se faiga ua malilie i ai i le feagaiga, po o e mafai ona fuafuaina i le fa'agasologa feutaga'iga i le va o itu.

(2) A fa'apea ua le fuafuaina le tau e tusa ai ma tu'utu'uga ua ta'ua muamua atu i le e tatau i le tagata na te fa'atauina mai ona totogi se tau e talafeagai ai.

(3) O le ā lava le tau e talafeagai ai o se itu lea i se mea moni, e faalagolago i tulaga o itu ta'itasi fa'apitoa.

10. Maliliega e fa'atau atu i le tau fuafuaina—(1) A fa'apea ua i ai se maliliega e fa'atau atu oloa i luga o tu'utu'uga e fa'apea o le a fuafuaina le tau i se fuafuaga a se tasi tagata, ma o sea tagata ua na le mafai po o ua na le faia sea fuafuaga o le tau, i le ua fa'aleaogaina ai le maliliega.

Ae vagana ai ona e fa'apea afai ua auina atu oloa po o so o se vaega o oloa i ma ua aveina ma fa'aaogaina e le tagata na te fa'atauina mai e tataua lava ia te ia ona totogiina se tau e talafeagai ai mo ia mea.

(2) A fa'apea ua taofia sea tagata mai le faia o se fuafuaga o le tau ona o le sesē o le tagata na te fa'atauina atu po o le tagata na te fa'atauina mai, e mafai e le itu e le o sesē ona fai se tagi mo tau i fa'asaga i le itu ua sesē.

TU'UTU'UGA MA FA'AMAONIGA

11. O maliliega fa'ataua i taimi—(1) Vagana ona e 'ese ai se fa'amoemoe o lo'o alia'i mai i tu'utu'uga o le feagaiga, o maliliega fa'ataua i taimi e totogi ai ua le o fa'atauaina e avea o le 'a'ano tonu o se feagaiga mo le fa'atau atu.

(2) Pe o so o se isi maliliega fa'ataua i le taimi o le 'a'ano moni lea o le feagaiga pe leai e fa'alagolago lea i luga o tu'utu'uga o le feagaiga.

(3) I se feagaiga o le fa'atau atu o le "masina" o lona uiga e pei ona mamao mai o le masina fa'ale kalena.

12. O afea e avea ai tu'utu'uga o se fa'amaoniga—(1) A fa'apea o se feagaiga o le fa'atau atu e noatia i so o se tu'utu'uga o le a fa'ataunu'uina e le tagata na te fa'atauina atu, e mafai e le tagata na te fa'atauina mai ona soloia le tu'utu'uga, po o e mafai ona filifili e avea se soliga o sea tu'utu'uga o se soliga o le fa'amaoniga, ma ae le o se mafua'aga mo le avea ai o le feagaiga e fa'apea ua soloia ai.

(2) Pe o se maliliega i totonu o se feagaiga o le fa'atau atu o se tu'utu'uga, o le solia o lea maliliega e mafai ona tupu mai ai se aia tataua e fa'apea ai ua soloia le feagaiga, po o se fa'amaoniga, o lona solia e mafai ona tupu mai ai se tagi mo se tau i ae le i se aia tataua e te'ena ai oloa ma avea ai le feagaiga e fa'apea ua soloia, e fa'alagolago lea i itu ta'itasi i le faa'upuga o le feagaiga. E mafai ona avea se maliliega o se tu'utu'uga, e ui ina ta'ua o se "fa'amaoniga" i totonu o le feagaiga.

(3) A fa'apea e le mafai ona tu'u faa'ese'eseina se feagaiga mo le fa'atau atu, ma ua talia e le tagata na te fa'atauina mai oloa po o se vaega o oloa, po o a fa'apea o le feagaiga e fa'atatau mo oloa fa'apitoa o le pule ua tu'uina atu i le tagata na te fa'atauina mai, o le solia o so o se tu'utu'uga e tatau ona fa'ataunu'uina e le tagata na te fa'atauina atu e faato'a mafai ona avea o se solia o le fa'amaoniga, ae le o se mafua'aga mo le te'ena o oloa ma avea ai le feagaiga e fa'apea ua soloia, vagana ai ua iai se tu'utu'uga i totonu o le feagaiga, ua fa'aalia ma'oti po o ua ma'utinoa lava, e fa'atatau i lena itu.

(4) E leai se mea o i totonu o lenei fuai'upu o le a tatau ona a'afia ai le itu i so o se tu'utu'uga po o se fa'amaoniga o lona faataunu'uina ua fa'avanoaina e le tulafono ona o le mafua'aga o le lē mafai ona faia po o ona o se tasi itu e 'ese ai.

13. Ta'utinoga ua manino mai e uiga i le pule, ma isi mea—I totonu o se feagaiga o le fa'atau atu, vagana ona o itu o le feagaiga ua fa'apea ua fa'aalia ai se manatu e 'ese ai, ua iai —

- (a) Se tu'utu'uga ua manino mai i le itu i le tagata na te fa'atauina atu e fa'apea i le itu i se fa'atau atu e iai lona aia tatau e fa'atau atu ai oloa, ma e fa'apea i le itu i se maliliega e fa'atau atu o le a iai lona aia tatau e fa'atau atu ai oloa i le taimi o le a tu'u-fa'asolo atu ai le pule;
- (e) Se fa'amaoniga ua manino mai e fa'apea o le a tatau i le tagata na te fa'atauina mai ona na maua ma fa'afiafiaina i le pulea filemu o oloa;
- (i) Se fa'amaoniga ua manino mai e fa'apea ua sa'oloto oloa mai so o se aitalafu po o se noatiaga mo le lelei o so o se isi tagata, e le'i ta'utinoina po o sa iloa e le tagata ua na fa'atauina mai a o lumana'i ai po o i le taimi na faia ai le feagaiga.

14. Fa'atauina atu e tusa ma fa'amatalaga—A fa'apea ua iai se feagaiga mo le fa'atau atu o oloa e tusa ma fa'amatalaga; i le ua iai se tuutuuga ua manino mai e faapea ua tatau i oloa ona tutusa ma faamatalaga ma afai o le fa'atau atu ua faia i oloa fa'ata'ita'i, e fa'apea fo'i i fa'amatalaga i le e le lava ona fa'apea o le vaegatele o oloa ua tutusa ma le oloa faata'ita'i pe a fai e le tutusa fo'i oloa ma fa'amatalaga.

15. Tu'utu'uga ua mautinoa lava fa'atatau i le tulaga lelei po o le malosī—I le noatia ma fai fuafua i tu'utu'uga o lenē Tulafono ma o so o se tulafono tumau ua faia mo lea itu, e leai se fa'amaoniga po o se tu'utu'uga ua manino mai e fa'atatau i le tulaga lelei po o le malosī mo so o se fuafuaga fa'apitoa o oloa na aveina atu i lalo o le feagaiga o le fa'atau atu, vagana ona e pei ona tu'uina atu i lalo:

- (a) A fa'apea o le tagata na te faatauina mai, ua na fa'ailoaina atu i se uiga ta'utino po o ua mautinoa lava i le tagata na te fa'atauina atu le fuafuaga fa'apitoa ua mana'omia ai oloa, ina ia fa'aalia ai e fa'apea ua fa'alagolago le tagata na te fa'atauina mai i le tomai po o le faai'uga a le tagata na te fa'atauina atu, ma o oloa e tusa ia ma se fa'amatalaga lea o lo'o iai i totonu o le tulaga e masani ai o le pisinisi a le tagata na te fa'atauina atu ina ia tu'uina atu (tusa pe o ia o le tagata na te gaosia pe leai), ua iai se tu'utu'uga ua mautinoa mai e fa'apea o le a tatau i oloa ona fetau i se itu e talafeagai ai mo lea fuafuaga;

Ae vagana ai ona e fa'apea i le itu i se feagaiga mo le fa'tau atu o se mea ua fa'aalia ma'oti i lalo o lona pateni po o i se isi igoa tau fefa'ataua'iga, i le e leai se tu'utu'uga ua mautinoa mai e fa'atatau i lona fetau mo so o se fuafuaga fa'apitoa.

- (e) A fa'apea ua fa'atauina mai oloa i luga o fa'amatalaga mai le tagata na te fa'atauina atu o ia lea e fefa'ataua'i i oloa e tusa ma ia fa'amatalaga (tusa pe o ia o le tagata na te gaosia pe leai), i le ua iai se tu'utu'uga ua mautinoa lava e fa'apea e tatau i oloa ona iai i se tulaga lelei e mafai ai ona fa'atauina atu:

Ae vagana ai ona e fa'apea afai ua iloiloina e le tagata na te fa'atauina mai oloa, o le a tatau ona leai se tu'utu'uga ua mautinoa e fa'atatau i itu lē lelei ia sa tatau ona fa'aono alia'i mai i sea su'e-su'ega;

- (i) O se fa'amaoniga ua mautinoa lava po o se tu'utu'uga e fa'atatau i itu lelei po o le fetau mo se fuafuaga faapitoa e mafai ona fa'aopopo iai i le fa'aaogaina tau fefa'ataua'iga;

- (o) O se fa'amaoniga po o se tu'utu'uga ua fa'aalia ma'oti e lē fa'aleaogāina ai se fa'amaoniga po o se tu'utu'uga ua mautinoa e tusa ai ma lenei Tulafono vagana ai ona ua 'ese'ese ma le Tulafono.

FA'ATAU ATU I OLOA FAATA'ITA'I

16. **Fa'atau atu i oloa fa'ata'ita'i**—(1) O se feagaiga o o le fa'atau atu o se feagaiga lava lea o le fa'atau atu i oloa fa'ata'ita'i pe a fa'apea o iai se tu'utu'uga i totonu o le feagaiga, ua fa'aalia ma'oti po o ua mautinoa, e fa'asino i lena itu.

(2) I le itu i se feagaiga mo le fa'atau atu i oloa fa'ata'ita'i o lo'o iai se tu'utu'uga ua mautinoa —

- (a) E fa'apea o le vaega tele o le a tatau ona tutusa ma le oloa fa'ata'ita'i i le itu i le tulaga lelei;
- (e) E fa'apea e tatau i le tagata na te fa'atauina mai ona isi se avanoa talafeagai e fa'atusatusa ai le vaega tele ma le oloa fa'ata'ita'i; ma
- (i) E fa'apea ia tatau i oloa ona sa'oloto mai so o se itu le lelei, e le mafai ai ia i latou ona fa'atauina atu, ia o le a le mafai ona manino mai i luga o su'esu'ega talafeagai o le oloa fa'ata'ita'i.

VAEGA II

O AOGA O LE FEAGAIGA

O LE FA'ALILIU'ESEINA ATU O LE PULE I LE VA O LE TAGATA
NA TE FA'ATAUINA ATU MA LE TAGATA NA TE
FA'ATAUINA MAI

17. **E tatau ona fa'amaonia Oloa**—A fa'apea ua i ai se feagaiga mo le fa'atauina atu o oloa e le'i faamaonia, e leai se pule i totonu o oloa ua fa'aliliu'eseina atu i le tagata na te fa'atauina mai vagana ai ma se'ia o'o ina fa'maonia oloa.

18. **Ua tu'ufa'asolo atu le pule pe a ua fa'amoemoeina ina ia tuufaasolo atu**—(1) A fa'apea ua iai se feagaiga mo le fa'atauina atu o oloa faapitoa po o ua fa'amaonia, ua fa'aliliu'eseina atu le pule o i totonu ia i latou i le tagata na te faatauina mai i se taimi e pei ona fa'amoemoeina e itu o lea feagaiga ina ia fa'aliliu'eseina atu ai.

(2) Mo le fuafuaga o le fa'amaonia o le fa'amoemoe o itu, ia tatau ona manatu i tu'utu'uga o le feagaiga, le amio a itu, ma itu e fa'asino i le mata'upu.

19. Tulafono fa'atonutonu mo le fa'amaonia o le fa'amoemoe—Vagana ona ua aliali mai se fa'amoemoe e 'ese ai, o mea ua ta'ua i lalo o tulafono fa'atonutonu ia mo le fa'amaonia o le fa'amoemoe o itu e uiga i le taimi o lea tu'u faasolo atu ai le pule i oloa i le tagata na te fa'atauina mai:

Tulafono fa'atonutonu 1. Afai ua iai se feagaiga e aunoa ma ni tuutuuga mo le fa'atauina atu o oloa fa'apitoa, o lo'o i se tulaga e mafai ona auina atu ai, i le o le pule i oloa ua tu'ufa'asolo atu i le tagata na te fa'atauina mai pe a fai ua faia le feagaiga, ma e leai sona t'aua o le fa'apea pe o le taimi e tologi ai po o le taimi e auina atu ai, po o mea e lua, ua toe tolopō.

Tulafono fa'atonutonu 2. Afai ua iai se feagaiga mo le fa'atauina atu o oloa fa'apitoa, ma ua noatia le tagata na te fa'atauina atu ina ia faia se mea i oloa mo le fuafuaga ina ia tu'uina oloa i se tulaga e mafai ai ona auina atu, e le o tu'u fa'asoloina atu le pule se'ia vagana ua faia senā mea, ma ua fa'ailoa atu lea itu i le tagata na te fa'atauina mai.

Tulafono fa'atonutonu 3. Afai ua i ai se feagaiga mo le fa'atauina atu o oloa fa'apitoa i se tulaga e mafai ai ona auina atu, ae peita'i ua noatia le tagata na te fa'atauina atu ina ia fuaina le mamafa, fuafua le telē, ma fa'ata'ita'i, po o le faia o se tasi faiga po o se mea fa'atau i oloa mo le fuafuaina o le tau, ua le tu'u fa'asoloina atu le pule se'ia vagana ua faia sena faiga po o se mea, ma ua fa'ailoa atu lea itu i le tagata na te fa'atauina mai.

Tulafono fa'atonutonu 4. Afai ua auina atu oloa i le tagata na te fa'atauina mai i luga o le fa'atagana, po o "i luga o le fa'atau atu po o le toe fa'afo'i" po o nisi faa'upuga fa'apena, ua tu'u fa'asolo atu le pule i nā oloa i le tagata na te fa'atauina mai —

(a) Pe a fa'apea ua ia fa'ailoa atu lana fa'amaoniga po o po o lona taliaina i le tagata na te fa'atauina atu, po o le faia o so o se tasi faiga e fa'amaonia ai le fetu'una'iga;

- (e) Pe a fa'apea ua na le fa'ailoa atu lana fa'amaoniga ai po o lana taliaina i le tagata na te fa'atauina atu, ae ua na taofia oloa e aunoa ma le tu'uina atu o se fa'aaliga o le te'ena i le taimi lava lena, pe afai ua uma ona fuafuaina se taimi, mo le toe faafo'i atu o oloa, ina ua fa'amutaina lena taimi, ma pe afai e leai se taimi ua fuafuaina, i luga o le fa'amutaina o se vaitaimi e talafeagai ai. O le a le taimi e talafeagai ai o se itu lea e uiga i se mea moni.

Tulafono fa'atonutonu 5. (1) Afai ua iai se feagaiga mo le faatau atu o oloa e le'i fa'amaonia po o i le lumana'i i luga o fa'amatalaga, ma o oloa e tusa ma na fa'amatalaga ma o lo'o iai i se tulaga e auina atu ai ua fa'atauinaina e aunoa ma ni tu'utu'uga i le feagaiga pe e le tagata na te fa'atauina atu fa'atasi ai ma le maliega o le tagata na te fa'atauina mai po o e le tagata na te fa'atauina mai fa'atasi ai ma le maliega o le tagata na te fa'atauina atu, ua tu'u atu loa iina le pule i oloa i le tagata na te fa'atauina mai. O sana maliega e mafai ona fa'aalia ma'oti po o e fa'apea ua mautinoa lava, ma e mafai ona tu'uina atu a o lumana'i ai po o ina ua tuana'i le faia o le tu'u'eseina.

- (2) Afai i le fa'ataunu'uina o le feagaiga, ua auina atu e le tagata na te fa'atauina atu oloa i le tagata na te fa'atauina mai, po o i se tagata na te la'uina oloa po o i se isi tagata ua tuuina atu i ai oloa na te va'aia (pe ua taua lona igoa e le tagata na te faatauina mai pe leai) mo le fuafuaina o le auina atu i le tagata na te faatauina mai, ma ua na le o taofia le aia tatau e faaliliu'eseina atu ai, i le ua faatatauina e faapea ua na tuu'eseina oloa e aunoa ma ni tuutuuga i totonu o le feagaiga.

20. Taofia faa'aga'aga o le aia tatau e faaliliu'eseina atu ai
 —(1) Afai ua i ai se feagaiga mo le fa'atauina atu o oloa ua fa'aalia ma'oti, po o a fa'apea ua tu'u'eseina mulimuli ane oloa i totonu i le feagaiga, e mafai e le tagata na te fa'atauina atu, e tusa ma tu'utu'uga o le feagaiga po o le tu'u'eseina ona taofia fa'aagaga le aia tatau e fa'aliliu'eseina atu ai oloa se'ia vagana ua fa'ataunu'uina tu'utu'uga fa'apitoa.

(2) I se itu fa'apena, e ui lava ina ua auina atu oloa i le tagata na te faatauina mai, po o i le tagata na te lauina po o le tagata na te vaaia mo le fuafuaga o le auina atu i le tagata na te faatauina mai, ua le o tuuina atu i le tagata na te faatauina mai le pule i oloa se'ia vagana ua faataunu'uina tuutuuga na faia e le tagata na te faatauina atu.

(3) Afai ua auina atu oloa i va'a, ma e tusa ai ma le pepa fa'amaoni o le teuina o oloa i le uta a le va'a o ia oloa e auina atu e tusa ma le poloa'iga a le tagata na te fa'atauina atu po o lona sui soo'upu, ua fa'atatauina le tagata na te fa'atauina atu e pei ona foliga mai e faapea ua na taofia fa'agaaga le aia tatau mo le fa'aliliu'eseina atu.

(4) Afai ua faia e le tagata na te fa'atauina atu oloa se poloa'iga mo le tagata na te fa'atauina mai oloa mo le tau, ma ua ia auina atu le poloa'iga mo le totogi fa'atasi ai ma le pepa fa'amaoni o oloa ua la'uina i va'a i le tagata na te fa'atauina mai ina ia mautinoa le taliaina po o le totogiina o le poloa'iga mo le totogi, ua noatia le tagata na te fa'atauina mai ina ia toe faafo'i le pepa fa'amaoni o oloa ua la'uina i va'a pe afai na te le totogiina le poloa'iga mo totogi ma afai ua na taofia ma le lē sa'o le pepa faamaoni o oloa ua lauina i va'a e le tu'u faasolo atu ia te ia le pule o oloa.

21. O itu e lamatia ai e pei ona iloa tino mai e tu'ufa'a-solo atu fa'atasi ma le pule—(1) Vagana ona e 'ese se itu ua malilie iai, e tumau pea oloa i le tulaga e lamatia ai i le tagata na te fa'atauina atu se'ia o'o ina fa'aliliueseina atu le pule o iai i le tagata na te fa'atauina mai; ae peita'i afai ua fa'aliliu'eseina atu le pule o iai i le tagata na te fa'atauina mai i le o le tulaga lamatia o oloa e palasi lea i le tagata na te fa'atauina mai, tusa pe ua auina atu pe leai;

Ae vagana ai ona e faapea afai ua faatuai ona auina atu ona o se masei o so o se tasi o le tagata na te fa'atauina mai po o le tagata na te fa'atauina atu, i le oloa i le tulaga e lamatia ai e palasi lea le itu ua fa'atamala e uiga i so o se pa'ū semanu e le tupu mai pe a na le seanoa lena fa'atamala.

(2) E leai se mea o i totonu o lenei vaega o le a tatau ona a'afia ai tiute po o noatiaga o so o se tasi o le tagata na te fa'atauina atu po o le tagata na te faatauina mai e avea ai o se tagata na te tausia oloa a le isi itu.

FA'ALILIU'ESEINA ATU O LE PULE

22. Fa'atauina atu e le tagata e lē o se pule—(1) I le noatia ma fai fuafua i tu'utu'uga o lenei Tulafono, afai ua fa'atauina atu oloa e se tagata o ia lea e lē o sē e ona ia oloa, ma o ia lea ua na le o fa'atauina atu oloa i lalo o le pule fa'ataga po o fa'atasi ai ma le maliega o le tagata e pule, e lē maua e le tagata na te faatauina mai se pule o oloa e sili atu na i lo le pule sa i ai i le tagata na na fa'atauina atu, vagana ona ua taofia le tagata e pule ona o ona lava uiga mai le fa'afitia o le pule faataga a le tagata na te faatauina atu e faatau atu ai.

(2) Ae vagana ai ona e fa'apea e leai se mea o i totonu o lenei Tulafono o le a tatau ona a'afia ai —

(a) Tu'utu'uga o le Tulafono Fa'avae o Oloa Fefa'ataua'i 1908. Niu Sila po o so o se tasi lava tulafono e mafai ai e le tagata e pei e pule i oloa ona tu'u'ese atu ia oloa e peisea'i ai o ia lea o le pule moni o ia oloa;

(e) Le tulaga aloa'ia o so o se feagaiga o le faatau atu i lalo o so o se tulafono lautele faapitoa po o se pule fa'ale tulafono e fa'atau atu ai, po o i lalo o se polo-aiga a se Faamasinoga e iai pulega agava'a.

23. Fa'atau atu i lalo o le pule e fa'aono fa'aleaogaina Afai o le tagata na te fa'atauina atu oloa e iai sana pule e e fa'aono fa'aleaogaina i ia oloa, ae peita'i e le'i fa'aleaogaina lana pule i le taimi na faia ai le fa'atau, e maua e le tagata na te faatauina mai le pule lelei i oloa, pe afai sa na faatauina ia oloa ma lona loto mama ma e aunoa ma lona iloa o le faaletonu i le pule a le tagata na na faatauina atu.

24. Toe tu'uina atu o le pule i oloa gaoia i luga o le fa'asalaga o le tagata solitulafono—(1) Afai sa gaoia oloa ma ua molia ma ua fa'asalaina le tagata solitulafono, o le pule i oloa ua fa'apea ona gaoia e toe tu'u atu i le tagata o ia lea e ona oloa, po o sona sui, e ui i so o se fetu'una'iga na faia i le va lea ma i latou, tusa pe i le fa'atauina atu po o i se tasi faiga e 'ese ai.

(2) E ui lava i so o se tulafono e 'ese ai, afai na maua oloa i se auala taufaasese po o nisi uiga le sa'o e le tutusa ma le gaioi, e le tatau ona toe tu'u atu le pule i na oloa i le tagata o ia lea sa iai le pule o oloa, po o lona lava sui, i luga o na o le mafua'aga fa'apea ua fa'asalaina le tagata solitulafono.

25. O le 'umia e le tagata na te fa'atauina atu po o le tagata na te fa'atauina mai ina ua uma le fa'atau—(1) Afai o le tagata ua uma ona na fa'atauina atu oloa ua fa'aauau pea po o o lo'o ia te ia pea oloa, po o pepa fa'amaoni o le pule o oloa, o le auina atu po o le fa'aliliu'eseina atu e lena tagata, po o se sui soo'upu tau fefa'ataua'iga o lo'o galue mo ia, o oloa po o pepa fa'amaoni o le pule i lalo o so o se fa'atau atu, folafolaga, po o se tasi fa'aliliu'eseina atu o ia mea, po o i lalo o so o se maliliega mo le fa'atau atu, folafolaga, po o se tasi fa'aliliu'eseina atu o ia mea, i so o se tagata ua na mauaina ia mea ma le loto sa'o ma e aunoa ma lona iloa o se fa'atauga na faia muamua, o le a tutusa lelei lava le aoga peisea'i o le tagata lea na na faia le auina atu po o le fa'aliliu'eseina atu se fa'atagaina ma'oti lava e le tagata e iai le pule o oloa ina ia faia lea mea.

(2) Afai o se tagata, ua uma ona na fa'atauina po o ua malie na te fa'atauina mai oloa, ua na maua, fa'atasi ma le maliega o le tagata na te fa'atauina atu, le'umia o oloa po o pepa fa'amaoni o le pule o oloa, o le auina atu po o le fa'aliliu'eseina atu e lena tagata, po o e se sui soo'upu tau fefa'ataua'iga o lo'o galue mo ia, o oloa po o pepa fa'amaoni o le pule, i lalo o so o se fa'atau atu, folafolaga, po o se tasi fa'aliliu'eseina atu o ia mea, po o i lalo o so o se maliliega mo le fa'atau atu, folafolaga, po o se tasi fa'aliliu'eseina atu o ia mea, i so o se tagata ua na taliaina ia mea ma le loto mama, ma e aunoa ma le iloa o so o se lieni po o se tasi aia tatau a le tagata na na ulua'i fa'atauina atu fa'ataua i oloa, o le a tatau ona tutusa pau le aoga peisea'i o le tagata na na faia le auina atu po o le fa'aliliu'eseina atu o se sui soo'upu tau fefa'ataua'iga o lo'o ona umia oloa po o pepa fa'amaoni o le pule fa'atasi ai ma le maliega o le pule:

A'e vagana ai ona e faapea afai o le lieni po o se tasi aia tatau a le tagata na na ulua'i fa'atauina atu o lo'o fa'aalia ma'oti i se feagaiga ua fa'amauina, ma afai o le tagata ua na fa'atauina atu, folafolaina atu, po o ua fa'aliliu'eseina atu oloa po o ua malie ina ia faia fa'apea o ia lea o lo'o mokesiina atu po o le tagata ua tu'u fa'atuatuaina atu i ai oloa o lo'o ta'ua i totonu o sea feagaiga, i le o le tagata ua na taliaina oloa o le a tatau ona fa'atauaina e fa'apea sa na iloa lava mea o lo'o i totonu o sea feagaiga.

26. O le aoga o Tusi fa'a-poloa'iga mo le fa'ataunu'uina—O se tusi faapolo'aiga mo le fa'ataunu'uina e faasaga i oloa ua noatia ai le pule i oloa a le tagata aitalafu fa'atau-

nu'uina i ai e amata mai le taimi ina ua auina atu le tusi fa'a-poloa'iga mo le fa'ataunu'uina:

Ae vagana ai ona e fa'apea e leai se tusi fa'a-poloa'iga fa'apena o le a tatau ona fa'aleagaina ai le pule i ia oloa na maua e so o se tagata i lona loto mamā ma mo se fa'atatauga ta'ua, vagana o lea tagata sa na iloa i le taimi na ia maua ai le pule e faapea o sea tusi faa-poloaiga po o se tasi lava tusi faa-poloa'iga lea e fa'aono mafai ai ona faoina po o le noatia o oloa a le tagata aitalafu e fa'ataunu'uina i ai sa auina atu mo le fa'ataunu'uina.

VAEGA III

FA'ATINOINA O LE FEAGAIGA

27. Tiute o le tagata na te faatauina atu ma le tagata na te fa'atauina mai—O le tiute lea o le tagata na te fa'atauina atu ina ia auina atu oloa, ma o le tagata na te fa'atauina mai ina ia talia ma totogi oloa, e tusa ai ma tuutuuga o le feagaiga mo le faatau atu.

28. Totogi ma le auina atu o tu'utu'uga e o fa'atasi—Vagana ona ua malilie i se tasi itu e 'ese ai, o le auina atu o oloa ma le totogiina o le tau o tu'utu'uga ia e o fa'atasi — o lona uiga e fa'apea, e tatau i le tagata na te fa'atauina atu ona nofo sauni ma ia malie ina ia tu'uina atu le 'umia o oloa i le tagata na te fa'atauina mai e fa'afesuia'i ma le tau, ma o le tagata na te fa'atauina mai o le a tatau lava ona nofo sauni ma ia malie e totogi le tau i le fa'afesuia'i ma le 'umia o oloa.

29. Tulafono fa'atonutonu mo le auina atu—(1) O le itu i le pe tatau i le tagata na te fa'atauina mai oloa ona 'aumaia ma 'umia oloa po o mo le tagata na te fa'atauina atu ina ia auina atu oloa i le tagata na te fa'atauina mai o le itu lava lea e fa'alagolago i itu ta'itasi i luga o le feagaiga, ua fa'aalia tino po o ua mautinoa lava, i le va o itu.

(2) E 'ese ai mai so o se tasi feagaiga fa'apena, ua fa'aalia tino po o ua mautinoa lava, o le nofoaga mo le auina atu o le nofoaga lava lea o le pisinisi a le tagata na te fa'atauina atu, pe afai e ia te ia sea nofoaga, ma afai e leai, o lona fale e mau ai:

Ae vagana ai ona e fa'apea afai o le feagaiga e mo le fa'atauina atu o oloa faapitoa, lea ua iloa e itu i le taimi na faia ai le feagaiga o lo o i se tasi nofoaga, i le o lena nofoaga o le nofoaga lea e auina atu ai.

(3) Afai e tusa ma le feagaiga o le fa'atau atu ua noatia le tagata na te fa'atauina atu ina ia auina atu oloa i le tagata na te fa'atauina mai, ae peita'i e leai se taimi ua fuafuaina mo le auina atu o oloa, e noatia le tagata na te fa'atauina atu ina ia auina atu oloa i totonu o se taimi e talafeagai ai.

(4) Afai o oloa i le taimi na fa'atauina atu ai o lo o 'umia e se tasi tagata e ese ai, e leai la se auina atu mai le tagata na te faatauina atu i le tagata na te faatauina mai vagana ma se'ia oo ina faailoa atu e lena tagata e ese ai i le tagata na te faatauina mai e faapea o lo o ona taofia oloa mo ia:

Ae vagana ai ona e fa'apea e leai se mea e tasi i totonu o lenei vaega o le a tatau ona aafia ai le faia o le tuuina atu po o le faaliliu'eseina atu o so'o se pepa faamaoni o le pule i oloa.

(5) O le tãpã fa'amalosi mai po o se ofo atu o le auina atu o oloa e mafai ona avefa'apea e leai se aoga vagana ua faia i se itula e talafeagai ai. O le itu i le itula e talafeagai ai o se fesili lea e uiga i se mea moni.

(6) Vagana ona ese se itu ua malilie i ai, o tupe fa'aalu mo ma e fa'atatau i le tu'uina atu o oloa i se tulaga e mafai ai ona auina atu o le a tatau lava ona tauaveina e le tagata na te fa'atauina atu.

30. Auina atu o se aofa'iga sesē—(1) Afai ua auina atu e le tagata na te fa'atauina atu se aofa'iga o oloa e itiiti ifo na i lo le aofa'iga na ia fai feagaiga ai e fa'atauina atu, e mafai e le tagata na na fa'atauina mai ona te'ena ia mea, ae peita'i afai ua taliaina e le tagata na te fa'atauina mai ia oloa ua auina mai fa'apea, e tatau ia te ia ona totogi ia mea i le totogi e tusa ai ma le feagaiga.

(2) Afai ua auina atu e le tagata na te fa'atauina atu i le tagata na te fa'atauina mai se aofa'iga o oloa e tele atu na i lo le aofa'iga na ia fai feagaiga ai e fa'atau atu, e mafai e le tagata na te fa'atauina mai ona talia oloa ua aofia i totonu o le feagaiga ae te'ena le vaega o totoe, po o e mafai e ia ona te'ena le aofa'i atoa. Afai ua talia e le tagata na te fa'atauina mai oloa atoa uma ua fa'apea ona auina mai e tatau ia te ia ona na totogi i le tau e tusa ai ma le feagaiga.

(3) Afai e auina atu e le tagata na te fa'atauina atu i le tagata na te fa'atauina mai oloa na ia fai feagaiga ai e fa'atau atu a ua fefiloi ma oloa e ese so latou fa'amatalaga e le o aofia i totonu o le feagaiga, e mafai e le tagata na te fa'atauina mai ona talia oloa ia e tusa ai ma le feagaiga ae te'ena le vaega o totoe, po o e mafai ona na te'ena le aofa'i atoa.

(4) O tu'utu'uga o lenei vaega e noatia ma fai fuafua i so o se tu masani o feagaiga fa'apitoa tau fefa'ataua'iga, po o se faiga tau feutaga'iina i le va o itu.

31. Auina atu i vaega auaua'i—(1) Vagana ona 'ese se itu ua malilie i ai, e le noatia le tagata na te fa'atauina mai oloa ina ia na talia le auina mai o oloa i ni vaega auaua'i.

(2) Afai ua i ai se feagaiga mo le fa'atauina atu o oloa ina ia auina atu i vaega auaua'i, ia o le a tatau ona totogiina fa'a'ese'ese, ma ua faia e le tagata na te fa'atauina atu ni auina atu fa'aletonu fa'atatau i se vaega auaua'i e tasi pe sili atu, po o ua fa'atamala po o ua musu le tagata na te fa'atauina mai e ave po o e totogi le vaega auaua'i e tasi po o le sili atu, e avea lea o se fesili i itu ta'itasi uma e fa'alagolago i tu'utu'uga o le feagaiga ma itu e tau i le mataupu, pe o le solia o le feagaiga o se lafoa'ia lava lea o le feagaiga atoa po o se solia e mafai ona tu'u'ese mai, ma e mafai ai ona faia se tagi mo se tau'i ae le o se aia tatau e fa'apea ai ua lafoa'ia le feagaiga atoa.

32. Auina atu i le tagata na te aveina—(1) Afai, i lalo o se feagaiga mo le fa'atau atu, ua fa'atagaina po o ua mana'omia le tagata na te fa'atauina atu ina ia auina atu oloa i le tagata na te fa'atauina mai, o le auina atu o oloa i se tagata na te aveina, tusa pe sa ta'ua e le tagata na te fa'atauina mai pe leai, mo le fuafuaga o le auina atu i le tagata na te fa'atauina mai ua fa'ataua lava i le foliga mai e avea o se auina atu o oloa i le tagata na te fa'atauina mai.

(2) Vagana ona ese se itu ua fa'atagaina e le tagata na te faatauina mai, o le a tatau lava i le tagata na te fa'atauina atu ona faia se feagaiga ma le tagata na te aveina e fai ma sui o le tagata na te fa'atauina mai e pei ona o le a talafeagai ai, i le manatu atu i le uiga o oloa ma isi itu e tau i le mataupu. Afai ua pa'u i le tagata na te fa'atauina atu ona faia fa'apea, ma ua leiloa po o ua fa'aleagaina oloa a o aveina atu, e mafai e le tagata na te fa'atauina mai ona te'ena ona avea o le auina

atu i le tagata na te aveina e fa'apea o se aveina atu lava lea ia te ia, po o e mafai ona taofia ma noatia le tagata na te fa'atauina atu mo mea ua fa'aleagaina.

(3) Vagana ona ese se itu ua malilie i ai, afai ua auina atu oloa e le tagata na te fa'atauina atu i le tagata na te fa'atauina mai i se auala e aofia ai ma le auina atu i le sami, i lalo o tulaga ia e masani ona inisiuaina ai, e tatau i le tagata na te fa'atauina atu ona tu'uina atu sea fa'aaliga i le tagata na te fa'atauina mai ina ia mafai ai e ia ona inisiuaina oloa a o aveina atu i le sami, ma, afai ua lē faia fa'apea e le tagata na te fa'atauina atu, o le a tatau ona fa'atauina oloa e fa'apea ua i ai i se tulaga e fa'aono lamatia ai fa'asino ia te ia a o aveina atu i le sami.

33. Tulaga lamatia pe afai ua auina atu oloa i se nofoaga mamao—Afai ua malie le tagata na te fa'atauina atu oloa ina ia auina atu oloa i se tulaga e fa'aono lamatia ai faasino ia te ia i se nofoaga e 'ese ai nai lo lena o lo'o i ai ina ua fa'atauina atu, e tatau lava i le tagata na te fa'atauina mai ona, tusa lava po o le ā, ma e vagana ai ona 'ese se itu ua malilie i ai, ona na tau'aveina le tulaga e fa'aono lamatia ai o le fa'aleagaina o oloa e masani lava ona i ai a o aveina atu.

34. Aiā tatau o le tagata na te fa'atatauina mai e iloilo ai oloa—(1) Afai ua auina atu oloa i le tagata na te fa'atauina mi, ia na te le'i iloilo ina muamua, ua le fa'atatauina o ia e fa'apea ua na talia ia mea vagana ai ma se'ia o'o ina na maua se avanoa e talafeagai ai e iloilo ai ia mea mo fuafuaga o le fa'amaonia pe ua tusa ai ia mea ma le feagaiga.

(2) Vagana ona ese se itu ua malilie i ai, afai ua ofo atu e le tagata na te fa'atauina atu le auina atu o oloa i le tagata na te fa'atauina mai, ua noatia o ia, i luga o se talosaga, ina ia tu'uina atu i le tagata na te fa'atauina mai se avanoa e talafeagai ai e iloilo ai oloa mo le fuafuaga o le faamaonia pe ua tusa ai i latou ma le feagaiga.

35. Taliaina—Ua faatatauina le tagata na te faatauina mai e fa'apea ua na talia oloa pe afai ua na fa'ailoa atu i le tagata na te fa'atauina atu e fa'apea ua na talia ia mea, po o pe a fa'apea ua uma ona auina atu oloa ia te ia, ma ua na faia so o se faiga fa'atatau i ia mea e le tusa ai ma le pule a le tagata na te fa'atauina atu, po o afai ina ua mavae se vaitaimi

e talafeagai ai a o ol'o ia taofia pea oloa, e aunoa ma le fa'aali atu i le tagata na te fa'atauina atu e fa'apea ua ia te'ena ia mea.

36. E le noatia le tagata na te fa'atauina mai ina ia toe faafoi oloa ua te'ena—Vagana ona ese se itu ua malilie i ai, afai ua auina atu oloa i le tagata na te faatauina mai, ma ua ia te'ena ona talia ia mea, ma o loo i ai le aia tatau e fai aai faapea, e le noatia o ia ina ia toe faafoi ia mea i le tagata na te faatauina atu, a'e peita'i ua lava lava pe afai na te faaali atu i le tagata na te faatauina atu e faapea ua ia teena ona talia o ia mea.

37. Noatiaga o le tagata na te fa'atauina mai ona ua fa'atamala po o ua na te'ena ona ave—Afai ua nofo sauni ma ua malie le tagata na te faatauina atu e auina atu oloa, ma ua talosagaina le tagata na te fa'atauina mai ina ia ave, ma ua le aveina e le tagata na te fa'atauina mai i totonu o se vaitaimi e talafeagai ai ia oloa, e noatia o ia i le tagata na te fa'atauina atu mo so o se mea e leiloa na tupu mai ona o lona fa'atamala po o lona te'ena ona aveina, ma e fa'apea fo'i mo se totogi e talafeagai ai mo le va'aia ma le tausia o oloa :

Ae vagana ai ona e fa'apea e leai se mea i totonu o lenei vaega o le a tatau ona a'afia ai aiā tatau o le tagata na te faatauina atu pe afai o le faatamala po o le teena e le tagata na te faatauina mai ona ave e tusa lea ma se lafoa'ia o le feagaiga.

VAEGA IV

AIA TATAU O LE TAGATA NA TE FAATAUINA ATU E LE'I TOTOGIINA FA'ASAGA I OLOA

38. Fa'amaninoina o le "tagata na te fa'atauina atu e le'i totogiina"—(1) O le tagata na te fa'atauina atu oloa ua fa'atatauina e avea o se "tagata na te fa'atauina atu e le'i totogiina", e tusa ai ma le uiga o lenei Tulafono, —

(a) Pe afai o le tau atoa e le'i totogiina po o e le'i ofoina atu;

(e) Pe afai ua maua mai se poloa'iga mo se totogi po o se tasi pepa fa'ale tulafono e avea o se totogi fa'atu'utu'uga, ma o le tu'utu'uga lea na maua mai ai lea

mea e le'i fa'ataunu'uina ona o le mafuaaga e faapea ua fa'aleaogaina lea pepa fa'ale tulafono po o ona o se tasi itu e 'ese ai.

(2) I lenei Vaega o lenei Tulafono o le fuaitau "tagata na te fa'atauina atu" e aofia ai so o se tagata o ia lea o lo'o i le tulaga o se tagata na te fa'atauina atu, e pei, mo se fa'ata'i-ta'iga, se sui soo'upu o le tagata na te fa'atauina atu o ia lea o lo'o fai aga'i i ai le pepa o le la'uina o oloa i le va'a, po o se tagata e auina atu iai oloa po o se sui soo'upu o ia lea na na totogiina e ia lava po o e noatia i se faiga tu'usa'o mo le tau.

39. Aia tatau o le tagata na te fa'atauina atu e le'i totogiina

—(1) I le noatia ma fai fuafua i tu'utu'uga o lenei Tulafono ma so o se tulafono tumau e fa'asino iai, ma e ui lava ina fa'apea o le pule i oloa atonu ua tu'u fa'asolo atu i le tagata na te fa'atauina mai, e i ai i le tagata na te fa'atauina atu oloa o ia lea e le'i totogiina, i se itu fa'apena, e tusa ai ma le Tulafono, —

(a) Se lieni i oloa, po o le aia tatau e taofia ai ia mea mo le tau, a o lo'o ia te ia pea ia mea;

(e) I le itu i le le mafai e le tagata na te fa'atauina mai ona totogi, se aia tatau e taofia ai oloa a o auina atu ina ua uma ona fa'amavae o ia ma le 'umia o ia mea;

(i) Se aia tatau e toe fa'atau atu ai e pei ona fa'atapula'aina e lenei Tulafono.

(2) Afai e le'i tu'u fa'asolo atu le pule i oloa i le tagata na te fa'atauina mai, e i ai i le tagata na te fa'atauina atu e le'i totogiina, e fa'aopopo i isi ona to'omaga, se aia tatau e taofia ai le auina atu e pei o ma e fa'alautele atu fa'atasi ma isi a na aia tatau o le lieni ma le taofia a'o auina atu pe afai ua tu'ufa'asolo atu le pule i le tagata na te fa'atauina mai.

O LE LIENI A LE TAGATA NA TE FA'ATAUINA ATU E LE'I TOTOGIINA

40. O le lieni a le tagata na te faatauina atu e le'i totogiina

—(1) I le noatia ma fai fuafua i tu'utu'uga o lenei Tulafono, e tatau i le tagata na te fa'atauina atu oloa o ia lea e le'i totogiina ma o lo'o ia 'umia pea ia mea na taofia le umia o ia mea se'ia o'o ina totogiina po o le ofo atu o le tau i itu e pei ona ta'ua i lalo, e fa'apea:

- (a) Pe afai o oloa na fa'atauina atu e aunoa ma se maliliega e uiga i se fa'a-aitalafuina;
 - (e) Pe afai sa fa'atauina atu oloa fa'a-aitalafu, ae peita'i ua uma le taimi o le aitalafu;
 - (i) Pe afai ua le mafai e le tagata na te fa'atauina mai ona totogi.
- (2) E mafai e le tagata na te fa'atauina atu ona fa'atinoina lona aia tatau o le lieni, e ui lava ina faapea o lo'o ia 'umia pea oloa e pei o se sui soo'upu po o se tagata ua tu'u fa'atuatuaina atu iai mo le tagata na te fa'atauina mai.

41. Auina atu na o se vaega—Afai ua auina atu e le tagata na te fa'atauina atu e le'i totogiina, na o se vaega o oloa, e mafai e ia ona faatinoina lana aia tatau o le lieni po o le taofia i luga o mea o totoe, vagana ai o le auina atu o na o se vaega na faia i lalo o ni itu ina ia fa'aalia ai se maliliega e soloia ai le lieni po o le aia tatau e taofia ai.

42. Fa'amutaina o le lieni—(1) E le maua e le tagata na te faatauina atu oloa o ia lea e le'i totogiina lana lieni po o le aia tatau e taofia ai ia oloa—

- (a) Pe afai ua na aveina atu oloa i se tagata na te auina atu po o se tasi tagata ua tu'u fa'atuatuaina atu i ai mo le fuafuaga ina ia auina atu i le tagata na te faatauina mai e aunoa ma le taofia o le aia tatau e tuueseina atu ai oloa;
- (e) Pe afai o le tagata na te fa'atauina mai po o lona sui soo'upu ua na maua e tusa ai ma le tulafono le 'umia o oloa;
- (i) I se faiga e soloia ai ia mea.

(2) O le tagata na te fa'atauina atu oloa o ia lea e le'i totogiina, o lo'o iai se lieni po o se aia tatau e taofia ai ia oloa e le faapea ua le maua ai lana lieni po o lona aia tatau e taofia ai ona o na o le mafua'aga e fa'apea ua uma ona na maua se faai'uga mo le tau o oloa.

TAOFIA A O AUINA ATU

43. Aia tatau e taofia ai a o auina atu—I le noatia ma fai fuafua i tu'utu'uga o lenei Tulafono, afai ua le mafai e le tagata na te fa'atauina mai oloa ona totogi, e i ai i le tagata na te fa'atauina atu oloa o ia lea e le'i totogiina ma ua fa'a-

mavae ma le 'umia o oloa le aia tatau e taofia ai ia mea a o auina atu — o lona uiga e fa'apea, e mafai e ia ona toe fa'aauau ona 'umia o oloa pe a o auina atu pea, ma e mafai ona na taofia ia mea se'ia oo ina totogiina po o le ofo atu o le tau.

44. 'Umi o le vai taimi o le auina atu—(1) Ua fa'atatauina oloa e fa'apea ua i ai i le tulaga o le auina atu amata mai le taimi pe afai ua auina atu i se tagata na te aveina atu i luga o le lau'ele'ele po o le vai, po o se tasi tagata ua tuu faatuuatuaina atu i ai mo le fuafuaga o le auina atu i le tagata na te fa'atauina mai, se'ia o'o ina aveina e le tagata na te fa'atauina mai, po o lona sui soo'upu mo lena itu ia oloa mai le tagata na te aveina atu po o se isi tagata ua tu'u fa'atuatuaina atu i ai.

(2) Afai o le tagata na te fa'atauina mai po o lona sui soo'upu mo lena itu ua na maua se pepa mo le aveina o oloa a o le'i taunu'u mai i latou i le nofoaga tofia e fa'ataunu'u, i ai, ua uma ai iina le auina atu.

(3) Afai, ina ua mavae le taunu'u mai o oloa i le nofoaga tofia, ua fa'ailoa atu e le tagata na te auina atu po o se isi tagata ua tu'u fa'atuatuaina atu i ai i le tagata na te fa'atauina mai po o lona sui soo'upu e fa'apea o lo'o ona taofia oloa mo ia, ma ua fa'aauau ona umia ia mea e pei o se tagata ua tu'u fa'atuatuaina atu i ai mo le tagata na te fa'atauina mai, po o lona sui soo'upu, i le ua uma ai le auina atu, ma e le taua ona fa'apea o se isi nofoaga e fa'ataunu'u i ai oloa atonu sa toe fa'aalia e le tagata na te fa'atauina mai.

(4) Afai ua te'ena oloa e le tagata na te fa'atauina mai, ma o lo'o fa'aauau pea ona umia e le tagata na te aveina atu po o se isi tagata ua tu'u fa'atuatuaina atu i ai ia mea, ua le fa'atatauina le auina atu e fa'apea ua fa'aumaina, tusa lava pe ua te'ena ona toe ave e le tagata na te fa'atauina atu.

(5) Afai ua auina atu oloa i se va'a na togipauina e le tagata na te fa'atauina mai, e avea o se fesili, e fa'alagolago i tu'utu'uga o le itu fa'apitoa, pe o ia mea ua i le va'aiga a le kapeteni e avea ai o ia e pei o se tagata na te auina atu po o e pei o se sui soo'upu mo le tagata na te fa'atauina mai.

(6) Afai o le tagata na te aveina atu po o se isi tagata ua tu'u fa'atuatuaina atu i ai ua te'ena sese ona auina atu oloa i le tagata na te fa'atauina mai, po o lona sui soo'upu mo lena itu, ua fa'atatauina le auina atu e fa'apea ua fa'aumaina.

(7) Afai ua auina atu na o se vaega o oloa i le tagata na te fa'atauina mai, po o lona sui soo'upu mo lena itu, e mafai ona taofia vaega o totoe o oloa a o auina atu, vagana o se na auina atu na o se vaega na faia i lalo o ni itu e fa'aalia ai se maliliega tu'uina atu ai le 'umia o oloa atoa.

45. E fa'apea ona faia o le taofia a o auina atu—(1) E mafai e le tagata na te fa'atauina atu o ia lea e le'i totogiina ona fa'atino lona aia tatau e taofia ai a o auina atu i lona aveina ma 'umia oloa, po o le tu'uina atu o se fa'aaliga o lana aia i le tagata na te aveina po o se isi tagata ua tu'u fa'atuatuaina atu i ai o ia lea o loo ona umia oloa. O sea faaaliga e mafai ona tuuina atu pe i le tagata o loo ona umia tonu oloa po o i lona pule. I le itu ua ta'ua mulimuli, ma ina ia i ai se aoga o le faaaliga, e tatau lava ona tuuina atu i se taimi ma i lalo o ni tulaga e faapea ai o le pule, i le faataunuaina o le utaga e talafeagai ai e mafai ona faafesootai atu lana auauna po'o le sui so'oupu i le taimi e mafai ai ona taofia le auina atu i le tagata na te faatauina mai.

(2) Afai ua tu'uina atu e le tagata na te fa'atauina atu le fa'aaliga o le taofia a o auina atu i le tagata na te aveina, po o le isi tagata ua tu'u faatuatuaina atu i ai o lo'o umia oloa, e tatau ia te ia ona toe auina atu oloa i le po o e tusa ai ma fa'atonuga a le tagata na te fa'atauina atu. O le tupe e fa'aluluina i lea toe auina atu o le a tatau lava ona tau'aveina e le tagata na te fa'atauina atu.

TOE-FA'ATAU ATU E LE TAGATA NA TE FA'ATAU-
INA MAI PO O LE TAGATA NA TE FA'ATAUINA ATU

46. Taunu'uga o le toe-fa'atau atu po o folafolaga a le tagata na te faatauina mai—I le noatia ma fai fuafua i tuutuuga o lenei Tulafono, o le aia tatau o le leni po o e taofi ai po o le taofia a o auina atu a le tagata na te fa'atauina atu o ia lea e le'i totogiina e le a'afia i so o se fa'atau atu po o se isi fa'aliliu'eseina atu o oloa atonu na faia e le tagata na te fa'atauina mai, vagana sa malie atu i ai le tagata na te fa'atauina atu:

Ae vagana ai ona e fa'apea afai o pepa fa'amaoni e pulea ai ia oloa sa fa'aliliuina atu e tusa ai ma le tulafono i so o se tagata e avea ai o le tagata ua na faatauina mai po o le pule

i oloa, ma ua fa'aliliu atu e lena tagata pepa fa'amaoni i se tagata o ia lea ua na aveina pepa faamaoni ma lona loto mama ma mo se faatatauga taua i le, afai o lea faaliliu atu na ta'ua mulimuli na auala atu i se fa'atau, ua fa'aleagaina le aia tatau o le lieni po o e taofi ai po o le taofia a o auina atu a le tagata na te fa'atauina atu o ia lea e le'i totogiina, ma afai o sea fa'aliliuina atu e pei ona ta'ua mulimuli sa auala atu i se folafolaga po o se tasi faaliliu'eseina atu mo se tau, o le aia tatau o le lieni po o e taofi ai po o e taofia ai le auina atu a le tagata na te fa'atauina atu o ia lea e le'i totogiina e fa'at'oa mafai ona fa'atinoina i le noatia ma fai fuafua i aia tatau o le tagata ua fa'aliliuina atu i ai.

47. Faatau atu e le masani ona soloia e le lieni po o le taofia a o auina atu—(1) I le noatia ma fai fuafua i tu'utu'uga o lena fuaiupu, o se feagaiga o le fa'atau atu e le soloia i le na ona fa'ataunu'uina e se tagata na te fa'atauina atu o ia lea e le'i totogiina o lana aia tatau o le lieni po o e taofi ai po o le taofia a o auina atu.

(2) Afai o se tagata na te faatauina atu e le'i totogiina o ia lea ua na faataunu'uina lana aia tatau o le lieni po o e taofi ai po o e taofia ai a o auina atu, ua na toe fa'atau atu oloa, ua maua e le tagata ua na fa'atauina mai se pule lelei fa'asaga aga'i i le ulua'i tagata na na fa'atauina mai.

(3) Afai o oloa e i ai i se uiga e vave leaga, po o afai ua tu'uina atu e le tagata na te fa'atauina atu e le'i totogiina se fa'aaliga i le tagata na te fa'atauina mai o lona fa'amoemoe e toe fa'atau atu, ma ua le totogiina po o ua le ofoina atu le tau e le tagata na te faatauina mai i totonu o se vaitaimi e talafeagai ai, e mafai e le tagata na te faatauina atu e le'i totogiina ona toe faatau atu oloa ma toe faaola mai i le ulua'i tagata na te fa'atauina mai ni tau mo so o se pa'u e mafua mai i lona solia o le feagaiga.

(4) Afai ua taofia maoti e le tagata na te faatauina atu le aia tatau e toe fa'atau atu ai pe a fa'apea ua fa'atamala le tagata na te fa'atauina mai, ma ona ua fa'atamala le tagata na te fa'atauina mai o lea ua toe fa'atau atu ai oloa, ua soloia ai iina le ulua'i feagaga o le fa'atau atu, ae peita'i e aunoa ma se itu o le a fa'aleagaina ai so o se tagi e mafai ona faia e le tagata na te fa'atauina atu mo ni tau.

VAEGA V

O TAGI MO LE SOLIA O LE FEAGAIGA

O TO'OMAGA O LE TAGATA NA TE FA'ATAUINA ATU

48. **Tagi mo le tau**—(1) Afai, i lalo o se feagaiga mo le fa'atau atu, ua tu'u fa'asolo atu le pule i oloa i le tagata na te fa'atauina mai, ma o le tagata na te fa'atauina mai ua fa'atamala ma le sese po o ua tete'e e totogi oloa e tusa ai ma tu'utu'uga o le feagaiga, e mafai e le tagata na te fa'atauina atu ona faia o se tagi fa'asaga ia te ia mo le tau o oloa.

(2) Afai, i lalo o se feagaiga o le faatau tau, e totogiina le tau i se aso ua fa'amaonia tusa pe ua auina atu pe leai, ma o le tagata na te fa'atauina mai ua fa'atamala ma le sese po o ua tete'e e totogi lea tau, e mafai e le tagata na te fa'atauina atu ona faia se tagi mo le tau, e ui ina o le pule i oloa e le'i tu'u fa'asoloina atu, ma e le'i tu'u'eseina fa'apitoa ia oloa mo le feagaiga.

49. **Tagi mo le le taliaina**—(1) Afai o le tagata na te fa'atauina mai ua fa'atamala ma le sese po o ua tete'e e talia ma totogi oloa, e mafai e le tagata na te fa'atauina atu ona fai se tagi fa'asaga ia te ia mo ni taui ona ua le taliaina.

(2) O le fua e fua ai taui o le pa'u fuafuaina lea e mafua tonu mai i se faiga tu'usa'o, ma e pei ona masani ai, i tau-alumaga masani o mea e tutupu, mai le solia o le feagaiga e le tagata na te fa'atauina mai.

(3) Afai o i ai se maketi o maua mo oloa o lo'o ta'ua nei, o le fua mo taui ua manino mai lava o le a faamaonia i le 'ese'esega i le va o le tau e tusa ma le feagaiga ma le tau i le maketi po o e pei ona i ai nei i le taimi po o taimi lea sa tatau ai ona taliaina oloa, po o afai e leai se taimi na fuafuaina mo le taliaina, o le teena ona tali ina.

TO'OMAGA O LE TAGATA NA TE FA'ATAUINA MAI

50. **Tau mo le le auina atu**—(1) Afai o le tagata na te fa'atauina atu ua fa'atamala ma le sese po o ua tete'e e auina atu oloa i le tagata na te fa'atauina mai, e mafai e le tagata na te fa'atauina mai ona fai se tagi fa'asaga i le tagata na te fa'atauina atu mo taui ona ua le auina atu.

(2) O le fua e fua ai taui o le pa'u fuafuaina lea e mafua tonu mai i se faiga tu'usa'o ma e pei ona masani ai, i taoalu-

maga masani o mea e tutupu, mai le solia o le feagaiga e le tagata na te fa'atauina atu.

(3) Afai o i ai se maketi o maua mo oloa o lo'o ta'ua nei, o le fua mo tau'i ua manino mai lava o le a tatau ona fa'amaonia i le 'ese'esega i le va o le tau e tusa ai ma le feagaiga ma le tau i le maketi po o e pei ona iai nei o oloa i le taimi po o taimi sa tatau ai i ia mea ona auina atu, po o afai e leai se taimi na fuafuaina, i le taimi na te'ena ai ona auina atu.

51. Faiga Fa'apitoa—(1) I se tagi mo le solia o le feagaiga ina ia auina atu oloa fa'apitoa po o oloa ua fa'amaonia, e mafai e le Fa'amasinoga, pe afai ua ia manatu ua tatau ai, i luga o le talosaga a le itu tagi, i lana faai'uga ona fa'atonuina e fa'apea ia faia fa'apitoa le feagaiga, e aunoa ma le tu'uina atu o le avanoa i le itu tetee e taofia ai oloa ina ua totogi-atu atu.

(2) E mafai i le faai'uga ona aunoa ma ni tu'utu'uga, po o i luga o ni tulaga ma ni tu'utu'uga e fa'atatau i tau'i, totogiina o le tau, ma nisi itu e 'ese ai, e pei ona finagalo le fa'amasino ua tatau ai; ma e mafai i le talosaga a le itu tagi ona faia i so o se taimi a o le'i faia le faai'uga.

52. To'omaga mo le solia o fa'amaoniga—Afai ua solia le faamaoniga e le tagata na te faatauina atu, po o pe afai ua mana'o po o ua fa'amalosia le tagata na te fa'atauina mai ina ia avea o se solia o se tuutuuga i le itu i le tagata na te faatauina atu e avea o se solia o le faamaoniga, e le tatau i le tagata na te faatauina mai i le na o le mafua'aga o sea solia o le faamaoniga ona na teena oloa; a'e peita'i e mafai e ia ona —

(a) Faatu atu faasaga i le tagata na te faatauina atu le solia o le faamaoniga e faaiti'itia ai po o e ave'esese ai le tau; po o

(e) Faia se tagi fa'asaga i le tagata na te fa'atauina atu mo tau'i mo le solia o le fa'amaoniga.

(i) O le fua mo tau'i mo le solia o le fa'amaoniga o le pa'u fuafuaina lea e mafua tonu mai i se faiga tu'usa'o ma e pei ona masani ai, i le tulaga masani o mea e tutupu, mai le solia o le fa'amaoniga.

(3) I le itu i le solia o le fa'amaoniga tau tulaga lelei, o sea pa'u ua manino mai lava o le 'ese'esega lea i le va o le tau o oloa i le taimi na auina atu ai i le tagata na te fa'atauina mai ma le tau semanu latou te maua pe a na fai e tusa ai ma le fa'amaoniga.

(4) O le mea moni e fa'apea ua fa'atu atu e le tagata na te fa'atauina mai le solia o le fa'amaoniga mo le fa'aititia ai po o le ave'esea ai o le tau o oloa o le a le taofia ai o ia mai le faia o se tagi mo le soliga lava lea e tasi o le fa'amaoniga pe afai ua toe mafatia o ia i nisi itu o le a fa'aleagaina ai.

53. Tului ma tau fa'apitoa, po o le toe fa'aola mai o tupe na totogiina—E leai se mea o i ai i lenei Tulafono o le a tatau ai ona aafia le aiā tatau o le tagata na te faatauina mai po o le tagata na te fa'atauina atu mo le toe fa'aolaina mai o le tului po o mo tau fa'apitoa i so o se itu e fa'apea ai e mafai ona toe fa'aola mai ai e tusa ai ma le tulafono le tului po o tau, po o le toe fa'aola mai o tupe na totogiina pe a fa'apea ua le o'o le fa'atatauga na ala ai ona totogiina.

VAEGA VI

FA'AOPOPO

54. Tu'u'eseina o tulaga ma tu'utu'uga ua mautinoa—Afai o so o se aiā tatau, tiute, po o se noatiaga o le a mafua mai i lalo o se feagaiga o le fa'atau atu ona ua mautinoa mai lava e tusa ai ma le tulafono, e mafai ona fa'aleagaina po o suia i se malilie ua fa'aalia ma'oti po o i taualumaga o feutaga'iina i le va o itu, po o e tusa ai ma tu masani, pe afai o le tu masani e faapea e fusia ai itu e lua o le feagaiga.

55. Taimi e talafeagai ai o se itu lea i se mea moni—Afai ua faia e tusa ai ma lenei Tulafono se fa'atatauga i se "taimi e talafeagai ai" o le fesili po o le a se taimi e talafeagai ai o se fesili lea e tusa ai ma mea moni.

56. Aiā tatau ma tiute i lalo o le Tulafono e mafai ona fa'amalosia i tagi—Afai o so o se aiā tatau, tiute po o se noatiaga ua ta'utinoina i lenei Tulafono, e mafai, vagana ona ua 'ese se itu e aiaia e lenei Tulafono, ona fa'amalosia i se tagi.

57. O fa'atau tu'i—(1) Afai ua tu'uina atu oloa ina ia fa'atau atu i fa'atau tu'i i vaega ta'itasi uma e pei ona manino mai o le a fa'atauina e avea ma 'autu o se feagaiga e 'ese ai mo le fa'atau atu.

(2) O se faatau atu i se faatau tu'i ua atoatoa pe afai ua faailoa atu e le tagata na te faia le faatau tu'i lona uma atoatoa ina ua paū i lalo le samala, po o i isi uiga e masani ai; e mafai e so o se tagata na ofo atu ona toe faafoi mai lana ofo seia vagana ua faia lena faaaliga.

(3) Afai o se fa'atau atu i se fa'atau tu'i e le'i fa'aalia faapea e noatia ma fai fuafua i se aia tatau e tauofo ai mo le tagata na te faatauina atu, e le tatau i le tagata na te faatauina atu ona ia ofo po o na te fa'afaigaluegaina so o se tagata ina ia ofo atu i sea fa'atau, e le tatau fo'i i le tagata na te faia le faatau tu'i ona na talia ma lona iloa so o se ofo mai le tagata na te faatauina atu po o so o se tagata faapena. So o se faatau atu ua solia ai lenei tulafono faatonutonu e mafai ona faatatauina e faapea e le sa'o e le tagata na te faatauina mai.

(4) O se fa'atau atu i se fa'atau tu'i e mafai ona fa'aalia faapea e fai fuafua i se tau ua tu'u'eseina po o ua fuafuaina i luga, ma o se aiā tatau e ofo ai e mafai foi ona tuu'eseina ma'oti e po o mo le tagata na te fa'atauina atu.

(5) Afai ua tuu'eseina fa'apitoa se aiā tatau e ofo ai, ae le i se itu e 'ese ai, e mafai e le tagata na te fa'atauina atu, po o so o se tasi tagata e sui ia te ia, ona ofo i le fa'atau tu'i.

58. Mea ua fa'asaoina—(1) O tulafono fa'atonutonu e uiga i le gaumativa o lo'o fa'amamaluina mai lea taimi i lea taimi e fa'ataatau i feagaiga tau le fa'atau atu o le a tatau ona fa'aauau ona fa'aaogaina iai, e ui lava i so o se mea o i totonu o lenei Tulafono.

(2) O tulafono fa'atonutonu o tulafono lautele, e aofia ai ma le tulafono tau fefa'ataua'iga e masani ai a Europa, vaganā ai i itu e le tutusa ai ma tu'utu'uga ua fa'aalia ma'oti o lenei Tulafono, ma i se itu fa'apitoa i tulafono fa'atonutonu e fa'ataatau i le tulafono o le tagata 'autū ma le sui soo'upu, ma le taunuuga o faiga taufaasese, faafoligasese faamatu'u po'o faafefe, mea sese, po'o isi mafua'aga e faaleaogaina ai, o le a tatau ona faaauau ona faaaogaina i feagaiga mo le faatauina atu o oloa.

(3) O tu'utu'uga o lenei Tulafono e fa'ataatau i feagaiga o le fa'atau atu e le fa'aaogaina i so o se fetu'una'iga e foliga mai e pei o se feagaiga o le faatau atu lea ua faamoemoeina ia fa'aaogaina e tusa ma se mokesi, folafolaga, komisi, po o se isi tulaga e malu puipuia ai.

(4) E leai se mea o i totonu o lenei Tulafono o le a tatau ona a'afia ai tulafono o lo'o fa'amamaluina e fa'ataau i le fa'aliliuina atu o mea totino, po o so o se tasi tulafono o lo'o fa'amamaluina fa'ataau i le fa'atauina atu o oloa.

59. Mea ua solia—O le Tulafono o le Faatauina atu o Oloa 1908 (Niu Sila) ua solia nei e avea o se vaega o le tulafono a Samoa i Sisifo.
