



Western Samoa

Analysis

<p>Title</p> <p>1. Short title</p> <p>2. Interpretation</p> <p style="text-align: center;">PART I</p> <p style="text-align: center;">GENERAL PROVISIONS AS TO WILLS</p> <p>3. Property which may be disposed of by will</p> <p>4. Wills of minors</p> <p>5. Form of will</p> <p>6. Attesting witness may not benefit</p> <p>7. Revocation of wills by marriage</p> <p>8. Manner of revocation of will</p> <p>9. Alteration in a will after execution</p> <p>10. Revival of revoked will</p> <p>11. Wills to speak from death of testator</p> <p>12. Residuary devises include estates comprised in lapsed and void devises</p>	<p>13. General devise of land to include leasehold as well as freehold land</p> <p>14. Devise of real estate without any words of limitation</p> <p>15. Statutory substitutional gift</p> <p>16. Execution of wills made aboard</p> <p style="text-align: center;">PART II</p> <p style="text-align: center;">WILL OF SERVICEMEN AND SAILORS</p> <p>17. Interpretation</p> <p>18. Persons privileged under this Part in respect of making wills</p> <p>19. Privileged persons may make informal wills</p> <p>20. Wills of minors who are privileged persons</p> <p>21. Modifications of Act in relation to wills of privileged persons</p> <p>22. Will by oral declaration to become void unless testator dies within 12 months</p> <p>23. Repeals</p> <p style="text-align: center;">Schedule</p>
---	---

1975, No. 12

AN ACT for the amendment and consolidation of the law with respect to wills.

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

[23 December, 1975]

Short title—This may be cited as the Wills Act 1975.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Personal estate” shall include any interest in personal property and things which in law or according to custom and usage, are movable:

“Real estate” shall include any interest in land, except that with respect to customary land it shall extend only to interests in leases or licences granted under the authority of the Alienation of Customary land Act 1965:

“Will” means any instrument by which a person makes a disposition of his property to take effect after his death, and includes a codicil, an appointment by will in exercise of a power, and any other testamentary disposition.

PART I

GENERAL PROVISIONS AS TO WILLS

3. Property which may be disposed of by will—Every person may devise, bequeath, or dispose of, by his will executed in manner hereinafter required. all real estate and all personal estate which he shall be entitled to, either at law or in equity, at the time of his death.

4. Wills of minors—(1) Every minor who is of or over the age of 18 years, may make a valid will or revoke a will as if he or she were of full age.

(2) No will made by any person under the age of 18 years shall be valid.

5. Form of will—Every will must be in writing and signed by the testator or some other person in his presence and by his direction and such signature shall be made or acknowledged by the testator in the presence of at least 2 witnesses as his will and the witnesses shall sign their names to the will in the presence of the testator and in the presence of each other at the same time.

6. Attesting witness may not benefit—Where the execution of a will is attested by any person to whom or to whose spouse any gift is made under the will such gift so far as it concerns such person or the spouse of such person or any person claiming under them shall be null and void but such person so attesting shall be admitted as a witness to prove the will.

7. Revocation of wills by marriage—Every will made by a man or woman (except a will expressed to be in contemplation of marriage) shall be revoked by his or her marriage.

8. Manner of revocation of will—(1) No will or codicil, or any part thereof, shall be revoked otherwise than as provided in this section.

- (2) A will or codicil, or any part thereof may be revoked by—
- (a) Another will or codicil executed in the manner set forth in this Act; or
 - (b) Some writing declaring an intention to revoke the same and executed in the manner in which a will is required to be executed by this Act; or
 - (c) The burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

9. Alteration in a will after execution—No obliteration, interlineation, or other alteration made in any will after the execution thereof shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be authenticated by the signature or initials of the testator and the witnesses in the margin or on some other part of the will opposite or near to such alteration or by a memorandum referring to such alteration written at the end of some other part of the will and duly signed by the testator and the witnesses.

10. Revival of revoked will—No will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof or by a codicil executed in manner hereinbefore required and showing an intention to revive the same.

11. Wills to speak from death of testator—Every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary shall appear by the will.

12. Residuary devises include estate comprised in lapsed and void devises—Unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise contained in such will, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

13. General devise of land to include leasehold as well as freehold land—A devise of the land of the testator, or of the land of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would described a leasehold estate if the testator had no freehold estate which could be described by it, shall be construed to include the leasehold estates of the testator, or his leasehold estate, or any of them, to which such description shall extend, as the case may be, as well as freehold estates, unless a contrary intention shall appear by the will.

14. Devise of real estate without any words of limitation—Where any real estate shall be devise to any person without any words of limitation, such devise shall be construed to pass the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

15. Statutory substitutional gift—(1) Unless a contrary intention appears by the will, where any person is a child of the testator to whom (whether as a named or designated person or as a member of a class) any property is devised or bequeathed in terms that would enable that person to take the property for any estate or interest not determinable at or before the death of that person if that person survived the testator, and that person dies in the lifetime of the testator (whether before or after the testator makes the will) leaving any child or children living at the time of the of the death of the testator, the devise or bequest shall take effect as if the will had contained a substitutional gift devising or bequeathing the property to such of the children of that person as are living at the time of the testator's death and if more than one of them then in equal shares among them.

(2) In this section, "child" means any child, whether legitimate or illegitimate, provided that an illegitimate relationship between a father and his child shall not be recognised unless there is proof that the paternity of the father has been acknowledged by or established against the father while both the father and child were living.

16. Execution of wills made abroad—Every will made out of Western Samoa shall be held to be well executed for the purpose of being admitted in Western Samoa to probate if made as required by the law of the place where the same was made, or by the law of the place where the person was ordinarily resident when the same was made.

PART II

WILLS OF SERVICEMEN AND SAILORS

17. Interpretation—In this Part, unless the context otherwise requires,—

"Formal will" means a will made in accordance with section 5:

"Informal will" means a will which is expressed in any form of words whether written or spoken and which is not made in accordance with section 5:

"Privileged person" means a person who is declared by section 18 to be a privileged person.

18. Persons privileged under this Part in respect of making wills—Without restricting the powers conferred by Part I, it is declared that every person shall be a privileged person for the purposes of this Part at any material date, if at that date, he is a member of any emergency force for the defence of Western Samoa ordered pursuant to the provisions of Article 106 of the Constitution, or a member of any armed force within or outside Western Samoa who is in actual military service, or is a mariner or seaman who is at sea.

19. Privileged persons may make informal wills—(1) Subject to the provisions of this Part, any privileged person may make an informal will.

(2) Any privileged person may revoke any previous formal or informal will by any words whether written or spoken declaring an intention to revoke the same.

(3) Subject to the provisions of this Part, all the provisions of this Act (except section 5) shall apply to informal wills.

(4) Notwithstanding anything to the contrary in any other enactment, an informal will may be proved upon such evidence as the Court may consider sufficient.

20. Wills of minors who are privileged persons—Notwithstanding anything to the contrary in subsection (2) of section 4, an informal will made by a privileged person who is under the age of 18 years shall be as valid as it would have been if the testator had been over that age.

21. Modification of Act in relation to wills of privileged persons—(1) Nothing in section 6 shall cause to be null and void any gift to any person who attests the execution of any will or to the spouse of any such person, if at the date of the execution of the will the testator was a privileged person.

(2) Notwithstanding anything to the contrary in section 8, where any testator who is a privileged person directs or authorises either in writing or orally) any other person to burn or tear or otherwise destroy any will of the testator with the intention of revoking the same, any burning, tearing or other destruction effected pursuant to the direction or authority shall (notwithstanding that it does not take place in the testator's presence) be as effective to revoke the will as it would have been if it had taken place in his presence.

(3) Nothing in section 9 shall require any obliteration, interlineation, or alteration made in any formal or informal will to be executed in accordance with that section if the obliteration, interlineation, or alteration was made by the testator or by some person in his presence and by his direction, and while the testator was a privileged person.

22. Will by oral declaration to become void unless testator dies within 12 months—(1) Where any testator who dies after the commencement of this Act has (whether before or will which has not been validly revoked and which was not either expressed in writing and signed by the testator, or after the commencement of this Act) made a valid informal

wholly written by the testator, at a time when he could make a valid informal will, the will shall not have any force or effect unless the testator dies within 12 months after he made the will.

(2) In this section the term "will" includes any words declaring an intention to revoke a will.

23. Repeals—The enactment specified in the Schedule are repealed as part of the law of Western Samoa.

SCHEDULE

The Wills Act 1837 (United Kingdom).

The Wills Amendment Act 1852 (United Kingdom).

The Wills Amendment Act 1955 (New Zealand).

The Wills Amendment Act 1958 (New Zealand).

The Wills Amendment Act 1960 (New Zealand).

Part VIII of the Land and Titles Protection Ordinance 1934
No. 2.

Section 368 of the Samoa Act 1921 (New Zealand).



By Authority:

V. L. CRICHTON, ACTING GOVERNMENT PRINTER, APIA, WESTERN SAMOA—1976.



Samoa i Sisifo

Vaevaevaina

Igoa

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

VAEGA I

*Tu'utu'uga Ese'ese e Fa'asino
i Mavaega*

3. Mea totino ia e mafai ona tu'u-ese atu i se mavaega
4. Mavaega a tamaiti
5. Tulaga tino mai o mavaega
6. O tagata molimau e molimauina se mavaega e le ono mafai ona fa'amanuiaina ai
7. O le toe soloia o mavaega ina ua fa'aipoipo
8. Faiga e toe soloia ai se mavaega
9. Suiga i totonu o se mavaega a ua uma ona sainia
10. O le toe aloa'ia fa'ale-tulafono o se mavaega na soloia
11. E tautala mavaega mai le aso e maliu ai le e ona le mavaega
12. O meaalofo totoe na tu'uina atu i se mavaega e aofia ai esetete na aofia i ni meaalofo na tuuina atu i se mavaega ua fa'amutaina le aoga ma ua fa'a-leagaina
13. O meaalofo ese'ese tau ele'ele ia aofia ai fanua o lo o umia

- fa'alisi fa'apea ma ele'ele totino o lo o umia sa'oloto
14. Meaalofo tau esetete tumau e tuuina atu i se mavaega e aunoma so o se upu e fa'atapula'aina ai
15. Meaalofo tau se tagata e aveavea ma sui fa'ale-tulafono
16. Fa'atinoga ma le sainia o mavaega na faia i nu'u mamao

VAEGA II

*Mavaega a Tagata o Vaega'au
ma Seila*

17. Fa'amatalaina o upu
18. Tagata ua tulaga aloa'ia i lalo o lenei Vaega i le itu i le faiga o mavaega
19. E mafai e tagata tulaga aloa'ia ona faia ni mavaega fa'asausaunoa
20. Mavaega a tamaiti ua aveavea ma tagata tulaga aloa'ia
21. Fetu'utu'una'iga o le Tulafono i le itu i mavaega a tagata tulaga aloa'ia
22. O mavaega e faia i se ta'utinoga fai-fofoga ia fa'aleaogaina faale-tulafono a e se'ia vagana ai ona ua maliu le e ona le mavaega i totonu o le 12 masina
23. Mea ua soloia Fa'amatalaga

1975, Nu. 12.

**O SE TULAFONO mo le toe teuteuina ma le fa'amautuina
o le tulafono e fa'asino i mavaega.**

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

1. Igoa pu'upu'u—E mafai ona ta'ua le Tulafono lenei o le Tulafono o Mavaega 1975. [23 Tesema 1975]

2. Fa'amatalaina o upu—I totonu o lenei Tulafono, a e vagana ai ona ua mana'omia e le fa'aupuga nisi uiga e ese ai, —

“Esetete tau le tagata lava ia” o le a tatau ona aofia ai so o se aia i se mea totino a le tagata lava ia ma ni mea ia e ono mafai ona feavea'i i le tulafono po o e tusa ai ma le aganu'u ma le fa'aaogaina:

“Esetete tumau” o le a tatau ona aofia ai so o se aiā i se fanua, a e vagana ai i le itu i ele'ele fa'ale-aganu'u o le a tatau ona fa'ato'ā fa'aaogaina ai i ni aiā i ni lisi po o ni laisene na fa'atagaina i lalo o le pule-fa'ataga a le Tulafono o le Fa'aliliuina o Ele'ele Fa'ale-Aganu'u 1965:

“Mavaega” o lona uiga o so o se pepa fa'ale-tulafono lea ua faia ai e se tagata se fuafuaga e fa'ama'apeina ai ana mea totino o le a fa'amamaluina ina ua tuana'i lona maliu, ma e aofia ai se pepa e fa'aopoopo i se mavaega ina ia suia ai, fa'aopoopo i ai, po o le fa'amatalaina ai le mavaega, se tofiga e faia e le mavaega i le fa'ataunu'uina o se pule, ma so o se tasi lava fuafuaga tau le mavaega.

VAEGA I

TU'UTU'UGA ESE'ESE E FA'ASINO I MAVAEGA

3. Mea totino ia e mafai ona tu'ueseina atu i se mavaega—E mafai e tagata ta'itasi uma ona tu'uina atu i se mavaega, mavaea'iina, po o le tu'ueseina atu, i sana mavaega e sainia i le faiga ua aiaia mulimuli ane iinei, esetete tumau ma esetete lē tumau uma ia o le a tatau ona maua e ia, tusa po o luga o le tulafono po o i se tulaga e sa'o ma tonu, i le taimi o lona maliu.

4. Mavaega a tamaiti—(1) O tamaiti uma o ia lea ua na aulia po o ua i luga a'e o le 18 tausaga le matua, e mafai ona na faia se mavaega aloa'ia fa'ale-tulafono po o le toe soloia o se mavaega e peisea'i lava ua aulia e ia le atoaga o tausaga o le matua.

(2) E leai se mavaega na faia e so o se tagata e i lalo ifo o le 18 tausaga le matua o le a tatau ona aloaia fa'ale-tulafono.

5. Tulaga tino mai o mavaega—O mavaega ta'itasi uma e tatau lava ona faia i se faiga tusia ma sainia e le tagata e ana le mavaega po o se tasi lava tagata a o auai o ia, ma, i luga o lana fa'atonuga ma o sea sainiga o le suafa o le a tatau lava ona faia po o le fa'amaonia e le tagata e ana le mavaega a o lo o auai le lē itiiti ifo i lo le to'a 2 ni tagata molimau e avea o lana mavaega, ma o le a tatau ona sainia e tagata molimau o la'ua igoa i le mavaega a o lo o auai le tagata e ana le mavaega ma a o lo o auai isi tagata ta'itasi i lea lava taimi.

6. O tagata molimau e molimauina se mavaega e lē ono mafai ona fa'amanuiaina ai—Afai ua molimauina le sainiga o se mavaega e so o se tagata o ia lea po o o lona to'alua ua faia i ai so o se meaalofoa i lalo o le mavaega, o sea meaalofoa e tusa ai ma le tulaga e a'afia ai sea tagata po o le to'alua o sea tagata po o so o se tagata o lo o ia talosagaina i lalo o i la'ua, o le a tatau lava ona faaleaogaina ma le aloa'ia faale-tulafono ae peitai, o sea tagata ua faapea ona na molimauina o le a tatau lava ona avanoa e ulufale e avea o se tagata molimau na te fa'amaonia le mavaega.

7. O le toe soloia o mavaega ina ua fa'aipoipo—O mavaega ta'itasi uma na faia e se tane po o se fafine (a e vagana ai se mavaega na fa'aalia ai e fa'apea o lo o mafaufauina se fa'aipoipoga) o le a tatau lava ona toe soloia ina ua fa'aipoipo o ia.

8. Faiga e toe soloia ai se mavaega—(1) E leai se mavaega po o se pepa e toe suia ai se mavaega, po o so o se vaega o sea lava mea, o le a tatau ona toe soloia i se tasi lava faiga e ese ai na i lo mea e pei ona i ai i totonu o lenei fuaiupu.

(2) O se mavaega po o se pepa e toe suia ai se mavaega po o so o se vaega o sea lava mea e mafai ona toe soloia e —

(a) Se tasi mavaega po o se pepa e toe suia ai se mavaega ua sainia i le faiga o lo o fa'aalia i totonu o lenei Tulafono; po o

(b) Se tusitusiga o lo o ta'utinoina ai se fa'amoemoe ina ia toe soloia lea lava mea ma ia fa'atinoina i le faiga lea ua mana'omia e ao ina sainia ai se mavaega e le Tulafono po o

- (c) O le susunuina, saeia, po o le fa'atāma'ia i se tasi lava faiga e ese ai lea lava mea e le tagata e ana le mavaega, po o e se tagata a o auai o ia ma i luga o lana fa'atonuga, fa'atasi ai ma le manatu ina ia toe soloia lea lava mea.

9. Suiga i totonu o se mavaega a ua uma ona sainia—E leai se mea ua soloi ese, mea ua tusia i le va o laina, po o se tasi lava suiga ua faia i totonu o so o se mavaega a ua uma ona sainia sea lava mavaega o le a tatau ona aloa'ia fa'ale-tulafono pe iai so o se fa'amamaluga, ae vagana ai le tulaga o le a lē aliali mai ai upu po o le a'ano moni o le mavaega a o lumana'i ai sea suiga, se'ia vagana ai ona o le a tatau ona fa'amaonia ma aloa'ia fa'ale-tulafono sea suiga i le sainia o le igoa po o mataitusi amata o le igoa o le tagata e ana le mavaega ma tagata molimau i totonu o le avanoa po o se tasi lava vaega o le mavaega e fa'afesaga'i po o e latalata ane i sea suiga po o i se fa'amatalaga oto'oto e fa'asino i sea suiga ua tusi ai le faai'uga po o se tasi lava vaega o le mavaega ma ua sainia i ala e tatau ai e le tagata e ana le mavaega ma tagata molimau.

10. O le toe aloa'ia fa'ale-tulafono o se mavaega na soloia—E leai se mavaega po o se pepa e toe teuteu a'i se mavaega, po o so o se vaega o sea lava mea, lea o le a tatau ona toe soloia i so o se faiga, o le a tatau ona toe aloa'ia fa'ale-tulafono i se tasi lava faiga e ese ai na i lo le toe sainia o sea lava mea po o i se pepa e toe teuteu a'i se mavaega ua sainia i le faiga e mana'omia ua ta'ua muamua iinei ma o lo o fa'aalia ai se manatu ina ia toe aloa'ia fa'ale-tulafono lea lava mea.

11. E tautala mavaega mai le aso e maliu ai lē e ōna le mavaega—O mavaega ta'itasi uma o le a tatau lava ona fa'auigaina, fa'atasi ai ma fuaitau e fa'asino i le esetete tumau ma esetete e mafai ona feavea'i o lo o aofia ai i totonu, e tautala mai lava ma amata fa'amamaluina e peisea'i na sainia sea mea i le taimi a o lumana'i ai le maliu o lē e ōna le mavaega, a e se'ia vagana ai ona o le a fa'aalia se manatu e ese ai e le mavaega.

12. O meaalofo totoe na tu'uina atu i se mavaega e aofia ai esetete na aofia i ni meaalofo na tu'uina atu i se mavaega ua fa'amutaina le aogā ma ua fa'alēaogaina—Se'ia vagana

ai ona o le a fa'aalia se manatu e ese ai e le mavaega, o se esetete tumau po o se aiā o lo o i ai i totonu e pei ona o le a aofia po o ua i ai le manatu e ao ina aofia i so o se meaalofo o lo o i ai i totonu o sea mavaega, lea o le a tatau ona lē taulau po o e tatau ona fa'ale-aogaina fa'ale-tulafono ona o le maliu o lē na tu'uina atu i ai le meaalofo i le taimi o lo o soifua ai pea lē e ōna le mavaega, po o ona o sea meaalofo e lē talafeagai ai ma le tulafono po o e lē ono mafai ona fa'ataunu'uina i se tasi lava faiga e ese ai, o le a tatau lava ona aofia i le meaalofo totoe (pe afai e i ai) o lo o aofia i totonu o sea mavaega.

13. O meaalofo escese tau ele'ele, ia aofia ai fanua o lo o umia fa'a-lisi fa'apea ma ele'ele totino o lo o umia sa'oloto—O se meaalofo ua tu'uina atu i se mavaega tau ele'ele e lē e ōna le mavaega, po o o le ele'ele o lē e ona le mavaega i totonu o so o se nofoaga po o lo o nofoia e so o se tagata na tā'ua i totonu o lana mavaega, po o ua fa'amatalaina i se tasi lava tulaga e ese ai i se faiga fa'asalalau, ma so o se tasi lava meaalofo fa'asalalau na tu'uina atu i se mavaega lea o le a fa'amatalaina ai se esetete o lo o umia fa'a-lisi pe afai e leai se esetete e umia sa'oloto na i ai i lē e ōna mavaega lea se ono mafai ona fa'amatalaina e ia, o le a tatau lava ona fa'augaina fa'apea e aofia ai le esetete o lo o umia fa'a-lisi a lē e ona mavaega, po o lana esetete e umia fa'a-lisi, po o so o se tasi o i latou lea o le a tatau ona faaaoaga i ai sea faamalama lamaga so o se tasi o i latou e ono a'afia ai, fa'apea foi ma esetete e umia sa'oloto, a e se'ia vagana ai ona o le a fa'aalia se manatu e ese ai e le mavaega.

14. Meaalofo tau esetete tumau e tu'uina atu i se mavaega e aunoa ma so o se upu e fa'atapula'aina ai—Afai o so o se esetete tumau o le a tu'uina atu fa'ameaalofo i se mavaega i so o se tagata e aunoa ma so o se upu e fa'atapula'aina ai, o sea meaalofo ua tu'uina atu i se mavaega o le a fa'augaina lava ua tu'uina atu ai le esetete atoa po o se aiā lea sa i ai i lē e ōna le mavaega le pule na te tu'ueseina atu ai i se mavaega i sea esetete tumau, a e se'ia vagana ai ona o le a fa'aalia se manatu e ese ai e le mavaega.

15. Meaalofa tau se tagata e avea ma sui fa'ale-tulafono—(1) Se'ia vagana ai ona ua aliali mai se manatu e ese ai i le mavaega, pe afai o so o se tagata o ia o se tamaitiiti a lē e ōna le mavaega o ia lea (tusa lava po o se tagata e pei ona ua ta'ua le igoa po o se tagata ua lautogia po o le avea o se tasi o se vasega) ua tu'uina atu i ai so o se mea totino i se mavaega po o ua mavaea'ina i ni tu'utu'uga ia o le a mafai ai e lea tagata ona na aveina le mea totino mo so o se esetete po o se aiā e lē ono mafai ona fa'amutaina i le taimi, po o, a o lumana'i ai le maliu o lea tagata pe afai o lo o soifua pea lea tagata a e ua maliu lē e ōna le mavaega, ma ua maliu lea tagata a o lo o soifua pea le tagata e ōna le mavaega (tusa po o le taimi a o lumana'i ai po o ua tuana'i ai le faiga o le mavaega e le tagata e ōna le mavaega) ua tu'ua se tamaitiiti po o ni tamaiti o lo o ola pea i le taimi o le maliu o lē e ōna le mavaega, o le meaalofa na tu'uina atu i se mavaega po o se mea ua tu'uina atu i se tagata mai se mavaega, o le a tataua lava ona fa'amamaluina e peisea'i na aofia ai i le mavaega se meaalofa i se tagata e avea ma sui, o lo o tu'uina atu ai se meaalofa i se mavaega po o ua mavaea'iina ai le mea totino i se tasi o le fanau a lea tagata e pei ona o lo o ola pea i le taimi o le maliu o le tagata e ōna le mavaega, ma afai e sili atu i lo le to'atasi i latou o lona uiga la, ia vaevaeina i vaega tutusa ia i latou.

(2) I totonu o lenei fuaiupu, o le "tamaitiiti" o lona uiga o so o se tamaitiiti, tusa lava pe na fanau mai i ni matua ua fa'aipoipo po o ni mātua fa'apouliuli, a e vagana ai ona e lē tataua ona aloa'ia se fāia fa'apouliuli i le va o se tāmā ma sana tamaitiiti se'ia vagana ai ona ua i ai se fa'amaoniga e fa'apea o le tulaga fa'a-matua o le tamā ua fa'amaonia e, po o ua fa'amautuina e fa'asaga i le tamā a o lo o soifua uma le tamā ma le tamaitiiti.

16. Fa'atinoga ma le sainia o mavaega na faia i nu'u maa-mao—O mavaega ta'itasi uma na faia i fafo atu o Samoa i Sisifo o le a tataua lava ona fa'atatauina e fa'apea ua lelei ona fa'atinoina ma sainia mo le itu tau le fa'aulufaleina mai i totonu o Samoa i Sisifo ina ia fa'amaonia pe afai na faia e pei ona aiaia e le tulafono a le nofoaga lea na fai ai lea lava mavaega, po o e le tulafono a le nofoaga lea sa masani ona mau ai le tagata i le taimi na faia ai lea lava mavaega.

VAEGA II

Mavaega a Tagata o Vaega'au ma Seila

17. Fa'amatalaina o upu—I totonu o lenei Vaega, a e se'ia vagana ai ona ua mana'omia e le fa'aupuga nisi uiga e ese ai, —

“Mavaega aloa'ia” o lona uiga o se mavaega na faia e tusa ai ma le fuaiupu e 5:

“Mavaega fa'asausaunoo” o lona uiga o se mavaega lea ua fa'aalia i so o se tulaga tino mai o upu, tusa lava po o ua tusia pe na tautalagia ma sa le i faia lea mavaega e tusa ai ma le fuaiupu e 5:

“Tagata tulaga aloa'ia” o lona uiga o se tagata o ia lea ua fa'aalia manino e le fuaiupu e 18 e avea o se tagata tulaga aloa'ia.

18. Tagata ua tulaga aloa'ia i lalo o lenei Vaega i le itu i le faiga o Mavaega—E aunoa ma le fa'atapula'aina ai o pule ua faae'e atu e le Vaega I, ua fa'aalia manino nei e fa'apea o lea avea lava tagata ta'itasi uma o se tagata tulaga aloa'ia mo le aano moni o lenei Vaega i so o se aso atofaina, pe afai e o o atu i lea aso, ua avea o ia o se sui auai o so o se vaega'au fa'aagaaga mo le puipuiga o Samoa i Sisifo na poloa'iina e tusa ai ma tu'utu'uga o le Mataupu e 106 o le Fa'avae, po o se sui auai o so o se vaega'au faa-aaupegaina i totonu po o fafo atu o Samoa i Sisifo o ia lea ua i ai tonu i totonu o galuega fa'afitafita, po o ia o se seila po o se tagata auva'a o lo o i galuega i le sami.

19. E mafai e tagata tulaga aloa'ia ona faia ni mavaega fa'asausaunoo—(1) I le noatia ma fai fuafua i tu'utu'uga o lenei Vaega, e mafai e so o se tagata tulaga aloa'ia ona na faia se mavaega fa'asausaunoo.

(2) E mafai e so o se tagata tulaga aloa'ia ona toe soloia so o se mavaega aloa'ia po o se mavaega fa'asausaunoo talu ai i ni upu tusa lava po o ua tusia po o ua tautalagia o lo o fa'aalia manino ai se manatu ina ia toe soloia lea lava mavaega.

(3) I le noatia ma fai fuafua i tu'utu'uga o lenei Vaega, o tu'utu'uga uma o lenei Tulafono (a e vagana ai le fuaiupu e 5) o le a tatau lava ona fa'aaogaina i mavaega fa'asausaunoo.

(4) E ui lava i so o se mea e ese ai o i totonu o so o se tasi lava tulafono, a e mafai ona fa'amaonia se mavaega fa'asausaunoa i luga o se fa'amatalaga molimau e pei ona ua manatu le Fa'amasinoga e lava ma tatau ai.

20. Mavaega a tamaiti ua avea ma tagata tulaga aloa'ia—E ui lava i so o se mea e ese ai o i totonu o le fa'afuaiupu (2) o le fuaiupu e 4, a o se mavaega fa'asausaunoa na faia e se tagata tulaga aloa'ia o ia lea o lo o i lalo ifo o le 18 tausaga le matua, o le a tatau lava ona aloa'ia fa'aletulafono e pei lava ona semanū e aloa'ia fa'aletulafono pe a na fai ua i ai le tagata e ōna le mavaega i luga a'e o ia tausaga o le matua.

21. Fetu'utu'una'iga o le Tulafono i le itu i mavaega a tagata tulaga aloa'ia—(1) E leai se mea o i totonu o le fuaiupu e 6 o le a tatau ona avea ma mafuaga e soloia ma fa'alēaogina ai fa'ale-tulafono so o se meaalofo i so o se tagata o ia lea ua na molimauina le sainiga o so o se mavaega, po o, i le to'alu o so o sea tagata, pe afai e o'o mai i le aso o le sainiga o le mavaega ua avea lē e ōna le mavaega o se tagata tulaga aloa'ia.

(2) E ui lava i so o se mea e ese ai o i totonu o le fuaiupu e 8, pe afai ua fa'atonuina po o ua fa'atagaina e so o se tagata e ona le mavaega o ia lea o se tagata tulaga aloa'ia (tusa lava pe tusia pe fai-fofoga) so o se tagata ina ia susunu po o le saeia po o le fa'atama'ia i se tasi lava faiga e ese ai so o se mavaega a lē e ōna le mavaega ma le fa'amoemoe ina ia toe soloia ai lea lava mavaega, so o se susunuina, saeia po o se tasi lava faiga e fa'atama'ia ai ua faia e tusa ai ma le fa'atonuga po o le pule-fa'ataga o le a tatau lava (e ui lava ina fa'apca e lē o aufa'atasi ai le e ona le mavaega) ona ia matuā lelei ona faia ina ia toe soloia ai le mavaega e pei lava o le tulaga e ono o o i ai lea itu pe a na fai e faia a o aufa'atasi ai o ia.

(3) E leai se mea o i totonu o le fuaiupu e 9 o le a manomia ai so o se soloi'eseina, tusia o ni upu i le va o laina, po o se suiga e faia i totonu o so o se mavaega aloa'ia po o se mavaega fa'asausaunoa ina ia sainia e tusa ai ma lea fuaiupu pe afai na faia le soloi'eseina, tusia o ni upu i le va o laina, po o se suiga e le tagata e ōna le mavaega po o e se tasi lava tagata a o auai o ia ma i luga o lana fa'atonuga, ma a o avea le tagata e ōna le mavaega o se tagata tulaga aloa'ia.

22. O mavaega e faia i se ta'utinoga fai-fofoga ia fa'alē-aogaina fa'ale-tulafono a e se'ia vagana ai ona ua maliu lē e ōna le mavaega i totonu o le 12 masina—(1) Afai o so o se tagata e ōna le mavaega o ia lea ua maliu a ua tuana'i le amataga o lenei Tulafono ua na faia (tusa po o a o luma-na'i ai po o ua tuana'i ai le amataga o lenei Tulafono) se mavaega fa'asausaunoa e aloa'ia fa'ale-tulafono lea e le i toe soloia fa'ale-tulafono ma sa le i fa'aalia i se faiga tusia ma sainia e le tagata e ona le mavaega, po o ua tusia atoatoa e le tagata e ōna le mavaega, i se taimi lea sa ono mafai ai e ia ona fai se mavaega fa'asausaunoa e aloa'ia fa'ale-tulafono, o le a lē tatau ona i ai i le mavaega so o se fa'amamaluga po o se aogā a e se'ia vagana ai ona ua maliu le e ona le mavaega i totonu o le 12 masina talu ona faia e ia le mavaega.

(2) I totonu o lenei fuaiupu o le fuitau "mavaega" e aofia ai so o se upu o lo o fa'aalia manino ai se manatu ina ia toe soloia se mavaega.

23. Mea ua soloia—O tulafono ua fa'aalia ma'oti i totonu o le Fa'amatalaga ua soloia mai le avea ma vaega o le tulafono a Samoa i Sisifo.

FA'AMATALAGA

O le Tulafono o Mavaega 1837 (Peretania).

O le Tulafono Toe Teuteuina o Mavaega 1852 (Peretania).

O le Tulafono Toe Teuteuina o Mavaega 1955 (Niu Sila).

O le Tulafono Toe Teuteuina o Mavaega 1958 (Niu Sila).

O le Tulafono Toe Teuteuina o Mavaega 1960 (Niu Sila).

Vaega VIII o le Tulafono Fa'amamalu o Fanua ma Sua-fa 1934 Nu. 2.

Fuaiupu 368 o le Tulafono Fa'avae o Samoa 1921 (Niu Sila).

By Authority:

V. L. CRIGHTON, ACTING GOVERNMENT PRINTER, APIA, WESTERN SAMOA—1976.