The Revolt of the Samoans

Although the Samoan Archipelago is only a group of very small fly-specks on the map of the world, the little islands have written themselves stormily into human history since the eventful day, about a hundred years ago, when that intrepid missionary, the Rev. John Williams, landed there and persuaded the Malietoa of that time to embrace Christianity. In my pamphlet, "Samoa" (written in 1918), I have outlined the various incidents which marked the progress of events from the coming of the whites to our capture of Samoa from the Germans during the World War; and I do not propose to go over that ground again. My purpose, in this pamphlet, is to give publicity to some phases of the disturbed situation which has developed in Western Samoa during the past four or five years—for it is doubtful whether, at any period of its stormy history under white domination, its people have been so wholly dissatisfied with the conditions imposed upon them by foreigners as they are at the present moment with the consequences of the military dictatorship which we are exercising over them. As Sir Joseph Carruthers (ex-Premier and anti-Labour Legislative Councillor of New South Wales) has protested, our Administration is setting aside the fundamental principles of British justice in dealing with its political opponents; it arrests and imprisons those who disagree with its policy; in many cases it deports without the semblance of a trial its opponents against whom it can produce no evidence that would warrant a prosecution in the law courts. It deprives Native chiefs of hereditary titles, and in consequence gravely offends the Samoan people by this foreign interference with the tribal rights of the Natives.

Sir Joseph Carruthers has said that he holds documentary evidence proving that two Native chiefs of Upolu who accepted the invitation of the Minister of External Affairs (during his recent visit) to state their grievances were arrested shortly after the Minister left the island, and, without trial, were deported on the grounds that they were disaffected persons.

The Hon. O. F. Nelson, M.L.C., giving evidence before the Joint Samoa Committee, made revelations concerning the extraordinary experience of the Chief Afamasaga. In the early part of the Administrator's term of office, that official made much of Afamasaga, calling for cheers for him at public gatherings, and so on. Later on, because Afamasaga's activities displeased the Administrator, the chief was ordered to drop the title of Afamasaga and to be known in future as Lago Lago. The deprivation of the chief's title was an affront to the Samoan people, and they refused to recognise the order and continued
to address the chief by his proper title. The legal effect of the Administrator's order was that Afamasaga was no longer a chief and therefore had no authority with the people. Some time back, when a number of Natives were gathered in the vicinity of Afamasaga's village, the Administrator sent for the Samoan whom he had deprived of chiefly power and demanded that he should order the people to return to their homes. The Administrator must have known that, if his own deprivation order held good, Afamasaga (no longer a chief) had not the right to do what the Administrator was now demanding. And yet, because he did not do it, the Administrator punished him. He was punished for not doing what the Administrator had deprived him of the power to do, according to Mr. Nelson's evidence. The additional punishment took the form of deportation (without trial) to the island of Apolima; and the principal effect of the deportation would appear to have been to intensify the resentment of the Western Samoans generally, and to antagonise the residents of Apolima, who up to this time had sided with the Administration.

THE MEMORY OF A TRAGEDY THAT LINGERS

Added to the natural resentment which arises because of the tyranny of our present-day methods is the memory of the tragedy of the influenza epidemic of 1918 (recalled with intense bitterness by Sir Maui Pomare in his speech of protest on the third reading of the Samoa Amendment Bill in the House on July 26). If the Samoans had no other reason than this for their hostility to us, that hostility would be well founded. Sir Maui Pomare charged that the people of New Zealand were responsible for more than a fourth of the population of Western Samoa being wiped out in that epidemic. The "Talune," berthed at Auckland alongside the "Niagara" (which brought pneumonic influenza to New Zealand), was given a clean bill of health when she sailed for Samoa, and no mention was made of the fact that she had had influenza on board at Auckland or of the outbreak of influenza in the Dominion. No radiograph had gone from the authorities here to the Administration at Samoa to intimate that influenza was now a notifiable disease in New Zealand. On her way to Samoa the "Talune" was quarantined at both Suva and Levuka, and at least six of the passengers and a number of the crew, as well as some of the Fijian labourers (carried because their labour was cheaper than that of the Samoans), were ill with influenza. When the vessel arrived at Apia no mention was made of the quarantining, and there was no entry in the official log of the "Talune" on her voyage to Apia of any sickness on board, as required by law. Moreover, no temperatures were taken at Apia. If this had been done, the vessel must have been refused pratique, and possibly there would have been no epidemic in Samoa and thousands of lives would have been saved.

Even more criminal was the history which followed. Within a week's time the epidemic was raging in Western Samoa, and death was cutting a wide swathe in the ranks of the Samoans. On November
the United States Governor of Eastern Samoa radiographed from Pago Pago offering help. Pago Pago is only ten hours’ steam from Apia, and there is a nationalised (naval) medical service there with up-to-date equipment. Ten hours would have brought highly-qualified medical officers and many trained nurses and orderlies to the work of life-saving in Western Samoa; and yet the offer was not accepted by the New Zealand Administration. Not only was this so, but the Administrator closed down all wireless communication with Pago Pago, and allowed no call subsequently to go out to that station for assistance. And consequently there died thousands of Samoans whose lives might have been saved but for this display of administrative criminality and ineptitude.

Eastern Samoa remained immune from the epidemic, while the population of Western Samoa was decimated; and it is possible that New Zealand will never succeed in living down the memory of that crime against Western Samoa, committed in 1918.

THE LEGISLATIVE COUNCIL AND PROMISES DISHONOURED

Another source of genuine dissatisfaction in Samoa is the flagrant manner in which promises made by the New Zealand Government have been dishonoured. This is especially so in connection with the Legislative Council. The Samoa Constitution Order, 1919, provided for a Legislative Council to consist wholly of nominated members—four of whom were to be “official” members, with unofficial members not more in number than the official members. The Samoa Act, 1921, repeated this provision; and there was soon a demand on the part of both Samoans and Europeans for representation. The 1922 Samoa Report says that among a certain section of the Samoans “there is a desire for complete self-government”; and the 1923 Report sets forth that “the citizens of Western Samoa are most anxious to be granted direct representation on the Legislative Council as a first step towards self-government.” The pressure of this sentiment produced the sections of the Samoa Amendment Bill, 1923, relating to the Legislative Council. This amendment changed the number of official members from “not less than four” to “not more than six,” and retained the provision that the unofficial members should be not more in number than the official members, but added that “the unofficial members may be either elected members or partly elected and partly nominated members, as the Governor-General-in-Council from time to time determines.” The Governor-General-in-Council was empowered to determine the number of members to be elected and the mode of election, the qualification of electors and candidates, the tenure of the elected representatives, and the forfeiture of their office. He was also to decide when the Legislative Council should meet. The nominee members were to hold office at the pleasure of the Governor-General-in-Council or for five years. From this it will be seen how absolutely the New Zealand Government held in its own hands the power to control the affairs of Samoa.
In introducing the 1923 Bill, the then Minister of Education, Mr. (now Sir James) Parr went to much trouble to explain that one of its purposes was to give the Samoans the right to elect two of their own number to the Legislative Council. The Europeans were to have the right to elect three representatives. Mr. Parr said the Government was trying the experiment of giving Samoa a partial local government. For the first time the principle of election to the Council was being recognised, and he thought that this was the first time in the history of any colony where, within three years after being taken over, elective powers such as these were given to the people. A general discussion developed on the proposal to give Legislative Council representation to the Samoans, and the Minister's statements were accepted as the Government's policy. In the same year, the Samoa Legislative Council passed an Ordinance in conformity with the amending Act and the Minister's promises. But, after four years had elapsed, the promise made by the Government remained unfulfilled; and, when challenged on this point last session, the only excuse the Government could offer was in effect that, through not understanding the position, Mr. Parr in 1923 misrepresented the Government's intentions. This, of course, does not explain why when Mr. Parr's statement was made it was acquiesced in by the then Prime Minister and every member of the Cabinet. Moreover, if Mr. Parr's pronouncement was really a mistake, it is peculiar, to say the least, that it should not have been corrected until after four years had gone, and then only after the matter was raised from the Opposition benches.

Mr. Parr's 1923 statement contained another promise which in its essentials has been dishonoured. This affected the electoral rights of the Europeans, who (he said) would have the right to elect three of their number to the Legislative Council. It is true that three European Legislative Councillors have been elected; but the electoral qualification has been determined on a property and income basis which disfranchises 75 per cent. of those who should have the right to vote. According to the evidence given before the Joint Samoa Committee, there are about 1,000 adults in Samoa who rank as Europeans; but on the electoral list last election there were only 222 qualified electors!

At the last sitting of the Samoa Legislative Council (which was the only sitting permitted to be held since the election in 1926), the Hon. O. F. Nelson moved in favour of giving the Samoans representation on the Council as promised them in connection with the Samoa Amendment Act, 1923, and the Samoa Legislative Council (Elective Membership) Order, 1923. The motion was met by the Administrator with the objection that there was no workable scheme by which they could get "suitable" Samoans elected to the Council—Samoans who would be acceptable to the whole of the Samoan people, he explained. The Administrator did not raise the objection that either Mr. Parr's promise or the Legislative Council Ordinance was made in error. All the Government members voted against Mr. Nelson's motion.
It may interest readers to know that after the 1926 elections the elected members of the Legislative Council were required to obtain passports before they could visit their constituents in islands other than that on which they lived.

**DISSATISFACTION WITH THE FONO OF FAIPULES**

Another source of real dissatisfaction is the manner in which the Fono of Faipule is set up and functions. Speaking in the House on July 26, Sir Maui Pomare, the Maori member of the Coates Cabinet, declared that the Fono of Faipule is an absolutely worthless body. He suggested that it was not constituted in the way of legislation for the Samoans by the Samoans, and that there was nothing similar to it in any part of the world. This is the general opinion of the Samoans who are opposed to the policy of the Administration, and it is also the opinion of most people who have studied the Samoan position.

When the clauses of the Samoa Amendment Bill, 1923, were before Parliament, it was generally understood that the Fono would be set up in conformity with the tribal customs of the Samoans. From time immemorial, the Samoans say, they have selected their own Faipules or representatives on the Government; and at no time in their history have the Faipules either interfered or been allowed to interfere with their hereditary family names or their civic privileges by banishing chiefs from one village to another or one island to another. The Rev. Geo. Brown ("Melanesians and Polynesians") says that there was a time when the Faipules were representative of the people, and the real power in any village was with them—"they made laws, levied fines, and generally ruled the village."

To-day the position is altogether different. The Samoans now regard the Faipule as the phonograph of the Administration. An Official Report from the office of the Administration may be held to confirm this view. It says: "When the Fono meets, the Faipules present to the Administrator such matters as they desire him to consider, and the Administrator presents to the Faipules such matters as he desires them to consider; and after consideration the Administrator makes decisions upon the various matters raised, and where orders are necessary he issues them." This means that every decision that goes out is the decision of the Administrator. The Faipules have neither legislative nor administrative capacity; and as an advisory body their position is farcical. The Samoans feel that, in respect to the Fono of Faipules, as with the Legislative Council, a promise solemnly made has been dishonoured. This is borne out by the statement of Mr. R. C. Clarke, president of the New Zealand Wesley College, who on his return from Samoa about the middle of last year declared that among the main grievances of the Samoans was a too dictatorial and militaristic form of administration, and he also said that there was great dissatisfaction with the method of appointing the Faipules. "It is said that the Administrator has no time for those who will not echo his words," said Mr. Clarke; "and criticism of the
Administration is taken as disaffection and disloyalty." Certain high chiefs who had ventured to express in quite mild terms their disapproval of the Administration had been deported; and when the dissatisfaction arising from the appointment of lesser chiefs was met by the Administration with a statement that character rather than rank should be the basis of appointment, it was countered by the Mau with the charge that servility counted with the Administration far more than either character or rank.

THE GOVERNMENT DEFEATED AT THE POLLS

Messrs, Nelson, Westbrook and Williams were the sitting Legislative Councillors in 1926; and, when the election of that year was held, notwithstanding the restricted franchise and the fierce opposition of the official elements (it was stated in evidence that both Judges canvassed for votes for the opponents of the sitting members), they were able to score a two-to-one majority over the Government candidates. Heavily defeated by the electors, the Government only permitted one sitting of the Legislative Council to be held; and now it is announced that the Hon. O. F. Nelson (who headed the poll in 1926) has been deported along with two other political opponents of the Government, Messrs. Gurr and Smyth; while the other two elected representatives have been threatened with deportation. While I have not received a copy of the report of the recent Royal Commission, I have seen in one of the newspaper condensations of it a statement that there was no evidence that Mr. Nelson was connected with any of the propaganda against the Government; and, in any case, it is quite clear that his only offence has been that he disagreed with the policy of the Administration. He is the elected representative of the European people in Samoa, and it is safe to say that in his political opposition to the Government he reflects the views of nearly all the Europeans outside the official circle. A native of Samoa, born of a Samoan mother, those who are in a position to know say that he carries the confidence of quite 90 per cent. of the Samoan Natives. Major A. W. A. Richardson, who was in charge of the Samoa garrison up to 1920, and therefore second in authority to the Administrator, said in July last that there must be something wrong when Nelson complained. The Major recalled the fact that when influenza was taken to Samoa by New Zealand, Mr. Nelson offered the whole of his store and everything else he possessed if it could be used in saving the lives of the people.

I personally disagree with very many of Mr. Nelson's viewpoints; but that fact imposes on me no obligation to remain silent when the New Zealand Government clothes General Richardson (an official bird of passage) with power to drive such a citizen from his native land without any charge being laid against him and without the least semblance of the ordinary right of trial which it is the boast of Britishers is guaranteed to every individual citizen. It has been well said that in our administration of Samoa we have abrogated every principle of
Magna Charta; and we have tarnished our own good name by our proclamation to the world that whoever in Samoa dares to criticise our Administration will be met with a sentence of deportation.

THE ADMINISTRATOR AND MR. NELSON

On September 28, 1926, the Hon. O. F. Nelson was welcomed back to Samoa after an absence of six months (spent in quest of health); and the Administrator eulogised him as one who would stand out conspicuously as having played an important part in promoting the welfare of Samoa. Mr. Nelson, he said, was able to represent Samoa with ability and dignity, and he would introduce him with confidence to any society in any part of the world. He told the young men that they should regard Mr. Nelson’s life as an inspiration to them, and declared that he (Nelson) had well earned the public appreciation and approval he was receiving that evening.

A few months later the General was pouring out fierce denuncia-
tions of Mr. Nelson, whom he offensively described as “the wealthy half-caste merchant, whose aim was apparently to increase his power and influence so as to advance his commercial interests.” The Administrator was also declaring that Mr. Nelson was a seditionary, a disseminator of lies, a European agitator, and one of six who were “the real ulcer of Samoa.” Later still he was suggesting that Mr. Nelson was aiming at becoming Governor of Western Samoa, and he was also demanding power to deport Nelson from Samoa without the formality of a trial. If there was nothing else to be said against the Administrator, the language used by him in this connection would show that he is temperamentally unfitted for the position he holds.

POWER TO PUNISH EUROPEANS IN SAMOA

Repeatedly the Administrator deemed it necessary to say that he was handicapped through having no power to punish European offend-
ers. The same assertion was made more than once in the New Zealand Parliamnet. The statement was wholly without foundation, as a glance at the various enactments affecting Samoa under our rule will demonstrate.

New Zealand first administered Samoa under the Samoa Constitution Order, 1919, and the Treaties of Peace Acts of 1919 and 1920. In 1921 the Samoa Act (really a re-enactment of the Samoa Constitution Order) was passed by the New Zealand Legislature. Sections 100 and 101 of this Act provide the usual penalties for treason and inciting to mutiny; and section 102 decrees a penalty of two years’ imprisonment for sedition, which is interpreted as exciting disaffection against the Parliament or Government of New Zealand or against the Government of Samoa, exciting ill-will between different classes of the people, inciting to lawlessness and violence, or attempting to procure changes in the laws, government, or constitution of Samoa other than by lawful means. So that there was ample power to punish any European guilty of any breach of the law in this direction.
The 1921 Act conferred on the Governor-General-in-Council power to make regulations for the government of Samoa; but it gave no power to make Orders-in-Council empowering the deportation (without trial) of the political opponents of the Government.

PENALISING PROCLAMATIONS AND ORDINANCES

When Western Samoa was under German control, the Imperial German Governor, by a Proclamation dated September 16, 1901, forbade the Samoan people any longer to exercise the custom of local banishment, and vested the power of banishment in himself. Up to this time the Samoans had been in the habit of banishing chiefs and others who transgressed the tribal law. The Governor was now empowered to order any Samoan to leave his own village and reside in any specified place for whatever term was stipulated. A Native disobeying a banishment order could be arrested without warrant and taken to the place of his banishment; he could also be sentenced to imprisonment for one year.

By a Proclamation made on March 20, 1916, and a Regulation dated February 12, 1918, we declared the German Proclamation of 1901 still to be in force; and in 1922 we promulgated the Samoa Offenders' Ordinance, made in pursuance of the Samoa Act, 1921, but based on the German Proclamation of 1901. This Ordinance vested in the New Zealand Administrator of Samoa the powers of banishment formerly taken by the Imperial German Governor. The penalties for disobeying a banishment order remained the same.

In 1922 the Police Offenders Ordinance was enacted. This provided a penalty of £20, with the alternative of imprisonment, for any one making, repeating, or publishing any false rumour—whether he believed it to be false or not—calculated to create agitation, distress, disaffection, resentment, or dissension among the people of Western Samoa.

The Ordinances of 1922 were followed by the Samoa Immigration Consolidation Order, 1924, which empowered the Administrator to order the deportation of anyone who had not been permanently resident in Samoa for at least a year, or who was alien-born, if he (the Administrator) was satisfied that such person was disaffected, disloyal, or likely to be a source of danger to the peace, order, and good government of Samoa. A fine of £100 and imprisonment for six months were the penalties provided for disobeying a deportation order; and the Administrator could have the deportee arrested and placed on an outward-bound steamer.

The Maintenance of Authority in Native Affairs Ordinance came next. This was put through the Samoa Legislative Council in March last. It provided a fine of £100 or imprisonment for a year for anyone who by speech or act did anything likely to undermine the authority of or to excite disaffection against any Native authority. The same penalties were provided for anyone making any statement likely to undermine the authority of the Government of Samoa among the
Natives. It was set forth that it was to be no defence that the person charged did not know that his statement was false or did not know or intend it to be misleading. This astonishing measure was designed to terrorise into silence the widespread opposition to the Faipules appointed by the Administration and whose status was repudiated by the Samoan people in 30 out of 33 villages. It was not unlike the one-sided law of “seditious tendency” so effectively used against the political opponents of the New Zealand Government in the war years. Whoever should be charged under its provisions could have no hope of acquittal if the prosecution desired a conviction. Ample power was here not only to punish any law-breaker, but even to victimise law-abiding political opponents.

AN ADVENTURE INTO ILLEGALITY

The 1924 Samoa Immigration Consolidation Order and the 1927 Maintenance of Authority in Native Affairs Ordinance might have been thought to give sufficient punitive powers to the Administration; but apparently those in authority did not think so; and, on June 20 of this year, an amending Order-in-Council was promulgated, extending the provisions of the Samoa Immigration Consolidation Order to Europeans who were either native-born or permanently resident in Samoa. Even if those responsible really believed that the Samoa Act, 1921, gave them the authority to make this Order-in-Council (which it did not), it might have been expected that, from the Australian High Court decision in the Walsh-Johnson case, they would have known that they could not bring native-born citizens of Samoa, or citizens who were permanent residents there, under an immigration law made by Order-in-Council in 1927; and, consequently, they might have been expected to know that the adventure they were embarking upon was founded on illegality. If they were not aware of it at the time, it would be interesting to know when they discovered the fact.

ILLEGAL THREATS OF DEPORTATION

The unconstitutional Order-in-Council of 1927 was no sooner made than both the Minister and the Administrator hastened to threaten the Government’s principal opponents with deportation. Mr. Nosworthy wrote: “I am to warn Mr. Nelson, Mr. Williams, Mr. Westbrook, Mr. Smyth, Mr. Gurr and Mr. Meredith that the New Zealand Government must, pursuant to the mandate for Western Samoa, exercise its power to deport any or all of you from this territory, unless you and your associates abstain from your present course of action.” There are several points which should be noted here. In the first place, at the time Mr. Nosworthy’s letter was written, the Government of New Zealand had no legal power to deport permanently resident Europeans from Samoa; and, in the second place, nothing specific had been either charged or proved against any of the gentlemen illegally threatened by the Minister. Nor has anything been definitely charged or proved against any of them since.
The amending Order-in-Council, referred to above, was dated June 20, and appeared in the "New Zealand Gazette" on June 23. On the next day, June 24, the Administrator addressed the following letter to the Hon. O. F. Nelson, M.L.C.: "I understand you have applied for a passport from Samoa and intend sailing by the 'Tofua' on July 1. Before your departure let me remind you that your activities as chairman of the Citizens' Committee have caused grave unrest among the Natives of Samoa, signs of which still exist. Take notice, therefore, that on your return circumstances may cause you to suffer immediate deportation under Clause 6 of the Samoa Immigration Consolidation Order as recently amended." A similar threat was sent to Mr. Smyth. Like the Minister's threat, these from the Administrator were illegally made. According to the Administrator himself, at this time he had no power whatever to punish Europeans by deportation; for when making his report (dated July 23) of his Upolu tour, he complains that "there is no power to punish Europeans." He reports that disrespect has been shown to him by the Samoans—in some cases by whole villages, in others by individual Samoans. Like the Minister, the Administrator makes no specific charge, but vaguely says the disrespect to himself "is due to the influence of Nelson's Committee." He suggests that if the Europeans could be punished the trouble would be ended. "Lack of power to punish the Europeans is prolonging the trouble," he says. It is quite clear that what the Administrator meant was that he had no power to deport Europeans without trial; there was certainly almost unlimited power to punish any European proved to be guilty of any breach of the many extremely stringent laws relating to the preservation of order in Western Samoa.

THE LATEST REPRESSIVE LAW

The last repressive measure enacted was the Samoa Amendment Act, 1927. It bears a striking resemblance to Bismarck's "Exceptional Law," which drove numbers of the Prussian Government's political opponents into exile on the eve of Christmas, 1878. The Samoa Amendment Act, 1927, constituted the Government's confession that the amending Order-in-Council of the same year was ultra vires, and that, ipso facto, all the acts done and threats made by virtue of it were illegal. The Samoa Amendment Act, 1927, provides that "if the Administrator has reason to believe" (it will be observed that proof is not necessary) that any person is preventing or hindering the due performance of the Government's functions and duties, he may in writing require such person to appear before him to show cause why he should not be deported; and, having heard the person suspected, the Administrator, without laying any charge whatever and without any form of law-court trial, may deport the suspected person for a period of five years in the case of a European and for two years if the suspect is a Samoan; but the Samoan cannot be sent beyond the islands of Samoa. There is a fine of £100 and imprisonment for a year for any person disobeying a deportation or banishment order.
JOINT COMMITTEE AND ROYAL COMMISSION

Pressure from the Opposition benches forced the hands of the Government up to that point where the Joint Samoa Committee was set up to take evidence and report upon a petition from the chiefs and people of Samoa, presented to Parliament by Mr. H. G. R. Mason, M.P. The Hon. O. F. Nelson and Mr. A. G. Smyth had arrived in New Zealand from Samoa, and it was proposed to call both of them as witnesses. Mr. Myers, K.C., was briefed by the Government, and Sir John Findlay, K.C., by the petitioners. Sir John was unable to attend, however, and his partner (Mr. Hoggard) took his place. Mr. Nelson was the only witness heard. Day by day Mr. Myers (one of the ablest cross-examiners in the Dominion) turned his guns on the Samoan Legislative Councillor without in any way shaking his evidence. At the termination of Mr. Nelson's evidence it was discovered that the Government had decided to end the work of the Committee and to set up a Royal Commission to take evidence in Samoa. Despite the protests of Mr. Howard and myself, the Committee resolved not to present any report to the House until the Royal Commission had terminated its labours. It was also decided that copies of the evidence heard by the Committee should be sent to the Royal Commission. At an early stage of the Committee's proceedings Sir James Allen, chairman of the Joint Committee and with its authority, sent a radiograph to Samoa promising that when the Committee's report was presented to Parliament, the evidence would be printed and also tabled. After the Royal Commission had concluded its sittings, the Joint Samoa Committee was called together again, and a formal report to both Houses was agreed upon. Mr. Howard and I both understood that, the Committee would honour its own and Sir James Allen's promise to the Samoan people, and we were exceedingly surprised to find that the evidence was not tabled when Mr. E. P. Lee reported to the House on behalf of the Committee on December 3. No explanation has yet been forthcoming why the Committee's promise was dishonoured.

The Royal Commission's Report was in the Prime Minister's hands prior to the session ending, but it was not presented to Parliament because, according to Mr. Coates, neither he nor Cabinet had had an opportunity of making themselves acquainted with its contents. The Prime Minister promised, however, that copies of the Report would be made available to the Press and to members of Parliament also as quickly as possible. On December 9 the Report was released to the Press, but up to this date (January 16, 1928) it is still withheld from members, and none of us is in a position to know its contents other than what we have been able to glean from the condensations which have appeared in the newspapers, and no reason has been given to any of us why the Prime Minister's promise has not been kept.
THE ROYAL COMMISSION AND A CHANGED VIEWPOINT

On July 25, 1927, the Administrator, in his report to the Department of External Affairs, declared that "Nelson and his Committee" hoped to create such a state of confusion in Samoa as would necessitate a Royal Commission being set up, and he protested that if this were done it would enable Nelson to continue intriguing with the Natives and to carry on with his seditious work. For some reason which still remains unexplained, on August 23 (less than a month later) the Administrator sent a radiograph to the Prime Minister which in effect was a demand for a Royal Commission. Some day, when we get access to the official files containing the correspondence between the Government of New Zealand and the Administrator, we shall probably learn why and how the Administrator was induced to make such a sudden change of front in this connection; and, having learned that, we shall know the real reason for the sudden termination of the proceedings of the Joint Samoa Committee.

REVELATIONS THAT WERE MADE

The evidence placed before the Joint Samoa Committee contained revelations which under normal conditions producing a legitimate desire on the part of a majority of members of Parliament for the vindication of justice would have led to prompt action making for material changes at Samoa. But, unfortunately, the conditions were not normal, and Reform Party interests seemed to count for more than any other consideration. Among these revelations were the facts relating to the administration of Justice in Samoa. It is a peculiar feature of the Samoan Administration that the Chief Judge is a nominated member of the Legislative Council, where (according to the evidence given) he is entitled to figure as a partisan politician, introducing repressive legislation and vigorously denouncing those who are opposed to the Government. His speech when introducing the Maintenance of Native Affairs Ordinance in March, 1927, is illuminating when it is remembered that, in the event of prosecutions under the Ordinance, the promoter of the measure would have to decide whether the person charged was guilty under its provisions, and would be supposed to maintain a judicial viewpoint while so deciding. When elections are being held, the Committee was told, both the Chief Judge and his deputy take an active part in the contest, and personally canvass for votes for the candidates who declare themselves in favour of the Administration.

WHEN THE CHIEF JUDGE BROKE THE LAW

Arising out of what the Natives of Samoa regard as New Zealand's maladministration of Western Samoa, there has grown up the great organisation known as the Mau. Its membership is wholly Samoan, and its badge of membership is a purple ribbon. In a brief while thousands of Samoans were found displaying the purple badge; and the spectacle would appear to have aroused the ire of the Chief Judge, who set himself the task of forcibly removing the badges from some of
the wearers. Evidence given before the Joint Samoa Committee described how the Hon. G. E. L. Westbrook, M.L.C., had come upon the Chief Judge in the act of pulling the purple badges off the coats of two Samoan chiefs. Mr. Westbrook saw the Judge throw one of the badges on the ground and stamp on it after tearing it off the chief. There was intense indignation among the Samoans who were aware of what had taken place, and but for the timely intervention of Mr. Nelson when he found certain Natives searching for the Chief Judge the incident easily might have led to violence. In due time an information was laid, charging the Chief Judge with having used insulting behaviour whereby a breach of the peace might have been occasioned. When the case was called, in July last, counsel for the Chief Judge made an endeavour to have the charge withdrawn, and Judge McCarthy (who was on the Bench) also urged a withdrawal. His Honour said that, while the Samoans were quite within their rights, they had in effect brought disgrace on the Chief Judge by having him charged in that court. The Chief Inspector of Police, Mr. Braisby, said that he had urged the Samoans to withdraw the case, but they had decided to go on. The court was adjourned to facilitate a withdrawal; but, after consultation with about a score of other chiefs who were present, the two chiefs against whom the offence had been committed decided to proceed with the charge; whereupon counsel for the defence entered a plea of guilty and suggested that the ends of justice would be met if the maximum fine were imposed. The presiding Judge then asked if there was any need to go into the facts of the case, and the Police Inspector said that if the maximum fine were inflicted there would be no need to state the facts. Consequently, the facts were not stated; but, instead of imposing the maximum fine, Judge McCarthy let the Chief Judge off with the ridiculously light penalty of a fine of £3 and no costs!

WHERE LAW AND COMIC OPERA MEET

It is an amazing fact that, notwithstanding the incident just narrated, Mr. Woodward was allowed to continue in his office of Chief Judge, and to go on awarding substantially heavy penalties for offences lighter in reality than that to which he himself had pleaded guilty. Indeed, the whole Samoan judicature would seem to have taken on a comic opera turn round about this period; for, in the “Samoan Guardian” of July 14, which contained the report of the conviction of the Chief Judge, there is also a report of a sitting of the High Court, at which two Samoan chiefs, Fagaloa and Fuataga, were charged with having failed to obey an order of the Administrator banishing them from their respective districts. The Chief Judge (who had been fined only £3 for behaviour which might have led to violence and possibly bloodshed) sentenced the chiefs each to six months’ imprisonment, and refused a stay of execution of sentence pending appeal! And the chiefs’ offence was wholly passive, while that of the Chief Judge was one of dangerous aggression.
CONCERNING "CONTEMPT OF COURT"

In July last, as I have written, the Native chiefs Fuataga and Fagalaoa were before the High Court of Samoa. Other chiefs were dealt with about the same time. The case against Fuataga and Fagalaoa had been adjourned for a fortnight. The charge was disobedience of a banishment order; and the Administrator in an official communication described the adjournment as "unfortunate." Counsel for the defendants, after sentence had been delivered, lodged an appeal to the Supreme Court of New Zealand, but the Judge at Samoa refused a stay of execution of sentence pending the appeal. The Administrator wrote in his official capacity to the Department: "In order to further delay matters, the lawyer defending the cases of Fuataga and Fagalaoa has applied for an appeal to the Supreme Court of New Zealand, but the Judge, fortunately, did not allow this to interfere with the execution of the sentence." He further wrote: "This appeal is really only a scheme on the part of a lawyer (Mr. Slipper), who is a new arrival here and does not understand Native problems, but apparently wants to curry favour with the Natives. His attitude is helping the agitation, for he knows that such an appeal will not be upheld, but that the delay will give the Natives confidence in him." There is surely something altogether unprecedented in a Governor expressing himself in such terms regarding the conduct of Court cases which are sub judice. I am afraid that if any public man in New Zealand should use similar language with respect to any case that was before the Supreme Court he soon would find himself called upon to answer a charge of contempt of court. One could not imagine any Governor-General of New Zealand similarly criticising the work of the court. Even if there were no question of contempt involved, to most people it would appear to amount to the worst of bad taste for a Governor to be found jubilating because a Judge, having given certain defendants sentenced on a political charge the right to appeal, refuses a stay of execution of sentence pending the hearing of the appeal. But if it is not contempt of court to declare that the Supreme Court will dismiss an appeal set down for hearing before it, the law defining contempt would appear not yet to have been written. Of course, until the Royal Commission's Report is made available to members of Parliament, neither I nor any other member will be in a position to know what view the Commissioners have taken of this unprecedented incident. I can't help feeling that the Administrator's comments on these cases reflects the military mind and is further evidence of General Richardson's temperamental unfitness for the position of Governor of Western Samoa.

THE RIGHT OF TRIAL FOR EUROPEANS AND SAMOANS

The Labour Party insists that the Europeans in Samoa when accused of having committed offences against the law must be given the same full right of trial that prevails in New Zealand. As I have already written, the laws made by us for the administration of Samoa
are so far-reaching and so extremely stringent, that it is practically impossible for any proved offender to escape. But, because the Administration cannot bring proof against any of its political opponents that they have broken the law, power is now taken to deport men for no other offence than constitutional opposition to the Government. During the various proceedings in the House relating to Samoa, I made repeated attempts to get from the Prime Minister, the Attorney-General, the Minister of External Affairs, and others some definite statement of the acts alleged to have been committed in Samoa and the individuals by whom they were committed, but in every case the replies were evasive. The Minister of External Affairs made one very emphatic reply to my query for definite information. "I am not going to waste any time on the hon. gentleman," he said. Because the Labour Party raises objection to the Government's wholly indefensible methods of dealing with its political opponents among the Europeans, we are sometimes met with the spiteful and silly untruth that we are taking sides with the capitalists of Samoa. When we further insist that the Samoan Natives must be accorded the same right of trial that we demand for the Europeans—that the Samoans must not be banished from their homes, villages, and islands without any form of trial, that they must not be deprived of their titles and ordered to change their names and thus be subjected to shame and degradation, we are told that we are encouraging disaffection on the part of the Natives. Now, the New Zealand Government and the New Zealand Administration in Samoa both claim that the Europeans are wholly responsible for the present inflamed position there. It is true they have never yet made a specific charge against any individual European; but, if as they say the Europeans are solely to blame, they have yet to explain why they are inflicting a multitude of punishments and degradations on the Samoans because of what the Europeans have done. From 1924 up to the sitting of the Joint Samoa Committee, between 20 and 30 chiefs had suffered imprisonment, banishment, deprivation of titles and change of names, and other indignities; and in no case where banishment or degradation was inflicted was there even the semblance of a trial. If we should attempt to apply to the Maoris the laws that we are applying in Samoa, or if we should inflict upon the Maori chiefs the punishments and degradations that we are inflicting upon the chiefs of Samoa, we should be lighting the fires of rebellion in the Maori strongholds.

THE EUROPEANS, THE DRINK PROBLEM, AND COPRA

Mr. Coates has stated that the Europeans' antagonism to the New Zealand Administration at Samoa arises out of the fact that the Europeans want to introduce liquor into the Western Islands, and also that the traders desire to exploit the Natives by paying low prices for their copra. As to the first of these two points, I have repeatedly stated, both to the Europeans in Samoa and in the House, that the Labour Party will stand solidly against the introduction of liquor.
into the islands. It was part of the evidence before the Joint Samoa Committee, however, that intoxicating liquor is being freely manufactured in Samoa, both by Europeans and Natives, and that officials of the Administration are among those actively engaged in its manufacture and consumption. As to the charge against the traders: I have no doubt whatever that private capitalism in Samoa would not greatly differ from capitalism in New Zealand or any other country; it would probably exploit the Native copra producers with the same avidity that it exploits the working-farmers and wage-workers here. But there is an easy and common-sensible way out of that difficulty. Let the marketing of copra be nationalised; let the Administration constitute itself the sole purchaser of copra from the Natives and the sole wholesale distributor to purchasers abroad. This would give the Natives the benefit of the amount that now goes in middlemen's profits. When this was put to Mr. Coates in the House his reply seemed to indicate that he regarded the proposal as constituting too serious an interference with private enterprise. The Government apparently thinks that it would never do to administer the law in Samoa so as to ensure to the Natives the full social value of the product of their labour; and, accordingly, some traders are to be permitted to carry on with the work of exploitation.

A DEMAND FOR THE "DISPERSION" OF THE MAU

Shortly after the deportation order was served on the Hon. O. F. Nelson and Messrs. Gurr and Smyth, the Administrator called the Hons. A. Williams and G. E. L. Westbrook and Mr. Meredith before him, and demanded that they should meet the Mau Committee in Apia and submit to him in writing within one week a statement of "what they propose to do to disperse the Mau." The order apparently covered a threat of deportation if the Mau were not dispersed. The demand was as ridiculous as its accomplishment was impossible; and constituted yet another of those fantastic tricks which men clothed in a little brief authority play before high heaven, and the only effect of which is to make the angels weep. Even if the two Legislative Councillors and Mr. Meredith were ever so willing, they would have no more hope of dispersing the Mau than either General Richardson or the New Zealand Government would have of regaining the confidence of the Samoan people. The Mau is the organisation of the Samoans; it is the inevitable product of the conditions which we have imposed on Samoa, and it reflects the strivings of the people for rights of self-government and for immunity from oppression. I am inclined to the view that the Mau (whether under its present name or some other) will continue its existence until the Samoans gain that degree of recognition of their rights as a people which they are now justly claiming from us. Besides, the Mau spirit has been strengthened and its antagonism to the Government intensified by the deportation orders against the Hon. Mr. Nelson and Messrs. Smyth and Gurr.
A SENSELESS DICTATORSHIP AND A DANGEROUS SITUATION

When Sir Maui Pomare spoke in the House of Representatives on July 26 last—on the Samoa Amendment Bill—his speech was an eloquent protest against his own Government's policy in Samoa. He recalled that some of the Maori wars, including the Te Kooti episode and the conflict at Taranaki, were the outcome of banishments without trial. His denunciation of our treatment of the Samoan chiefs and their banishment and the deprivation of their titles without trial was both dramatic and effective; and his declaration that no drop of Samoan blood must be shed left no doubt as to what is in the minds of the Maori people of New Zealand with respect to the position in Samoa. That position as I see it in this opening month of 1923 is extremely grave. However much the official eye may be closed to the fact, the Samoans are in open revolt against our rule in their country. Fortunately, this revolt has not expressed itself violently, and I for one devoutly hope that it will never do so. The Samoans will be wise if they continue to rely on the pressure of their own peaceful efforts in Samoa and the constitutional endeavours of the friends of Samoa in New Zealand and elsewhere; for the Natives themselves have far more to lose from a demonstration of violence than have their oppressors. Unfortunately, the terrorist deportations and banishments of Europeans and Samoans guilty of nothing beyond constitutional opposition to the policy of the Administration has intensified the spirit of revolt; and the volcanic rumblings on the eve of the forced departure of the Hon. O. F. Nelson and Mr. Smyth, followed by the Native demonstration at Apia and before the Administrator's building, reveals the intensity of the feeling which exists. That there has been no outbreak of violence we owe mainly to the counsels of Mr. Nelson and the Samoan chiefs and other opponents of the Government who are among the victims of its methods. In my opinion the situation calls for prompt action on the part of the League of Nations, as well as for an immediate recognition by the people of New Zealand of the heavy responsibility which they carry in the matter. Our government of Samoa constitutes an accumulation of intolerable administrative acts, outrageous injustices against individual Samoans, and the infliction of raw wounds upon Samoan dignity and self-respect which will take long in their healing. These things, added to the proclaimed determination of the New Zealand Government to force its undemocratic will on both the Samoan people and the European residents by means of a senseless dictatorship leaves the situation where—falling the intervention of the League of Nations—anything at all may happen in Western Samoa.