

THE TRUTH about SAMOA

By the

Hon. O. F. Nelson, M.L.C.
(Western Samoa)

A Review of Events Leading up to the
Present Crisis

AUCKLAND (P.O. Box 1387)
NEW ZEALAND

16th March, 1928



Hon. O. F. Nelson, M.L.C.
(Western Samoa)

The Truth about Samoa

SO much has been said and written about Western Samoa during the past year or so, and so many opposing views have been given from the platform, press, and various official reports, that the public has inevitably become confused as to the real origin of the troubles and the events leading up to the present crisis.

My object here is to review briefly the past history of Samoa, and trace the causes which have brought about the highly critical condition of affairs which now exists and threatens grave disaster.

It is a matter of general knowledge that the fertile and highly-productive islands of Samoa are populated by a Polynesian race which is closely akin to the Maoris of New Zealand in blood, language and organic development. There are about 40,000 Samoans, 1900 of mixed Samoan and European blood and 450 pure Europeans, living in the islands.

The Samoans are a highly intelligent and educated race, modest and dignified in their demeanour; amiable, hospitable, and peace-loving in their disposition. They have been described by the retiring Administrator (General Richardson) in an article to the London "Times" as the "Aristocrats of the Pacific."

A CENTURY OF CIVILISATION.

EDUCATION.

The education and civilisation of the Samoans dates back a century ago, when, about 1828, the activities of the Methodist Mission and the London Missionary Society first began. Since then the education of the Samoans has been more productive and progressive than among any other Pacific race. In an address to the Parliamentary Party from New Zealand which visited Samoa in 1920, the Rev. W. E. Clarke stated that "Probably **not 1 per cent. of the Samoans are unable to read and write,**" and all children attending the schools reach at least the equivalent of the Fourth Standard in New Zealand, many, of course, attaining a much higher standard. So that in the matter of educational attainments the Samoans are much superior to many European nations which have far more than one per cent. of illiterates in their population.

So eagerly was the education offered by the early missionaries welcomed and sought by the Samoans, and so apt and receptive were they as pupils,

that in the course of a very few years Samoan teachers were used by the missionaries to assist their work in other islands of the Pacific. Every village became eager to secure and support a trained teacher. Funds were subscribed freely, and in 1844 a training college for Native teachers was instituted at Malua, and from the early work of the London Missionary Society, Methodists, Marist Brothers and Sisters there has developed the splendid system of education which the Samoans enjoy to-day.

The higher branches of education, technical and agricultural training, have also been developed by voluntary effort, and for many years past the whole of the missionary work has been supported solely by the Samoans themselves. They have by voluntary effort raised an annual sum of from £10,000 to £12,000 for the maintenance of this system. The fund is now controlled by the Samoans themselves, and the Native trustees have shown a keen grasp of finance in its administration.

I have dwelt a little on this phase of Samoan evolution to show that a people of whom over 99 out of every 100 can read and write, and who can, unaided, collect and administer a revenue of some £10,000 per annum for educational and spiritual work, cannot be regarded by outsiders as a "backward" race, still dwelling in a gloom of pagan ignorance and savagery, and incapable of taking an active and intelligent interest in their own government and the financial affairs of their Territory.

The voluntary system of education described continued unaltered through the Tripartite Control, the German regime, and the Military Occupation by the New Zealand forces. It is only in the last year or two that the present Administration has sought to graft the old system on to new ideas of a State one. The credit for the existing system is due entirely to the voluntary efforts which established, fostered and perfected it, and not to those who now seek to remodel it on different lines, the real value of which to the rising generation of Samoans is viewed by many with misgiving and doubt, and the superiority of which has yet to be proved.

POLITICAL AND ADMINISTRATIVE.

It was in the early seventies when Samoa first attracted the attention of America, and Colonel Steinberger, an American official, visited Samoa. He established a Government with two Houses—the Upper, known as "Taimua," and the Lower House, called "Faipule." Malietoa Talavou was then King of Samoa. Subsequently Germany became interested, and in 1876 entered into an agreement with Malietoa for the protection of the persons and property of German nationals. In 1878 Chief Mamea visited Washington and arranged a Treaty of Friendship between the United States of America and Samoa. This was quickly followed by Great Britain negotiating a treaty, in 1879, with Samoa, and Germany again approaching the Samoan Government demanding a Treaty with the "most favoured nation" clause inserted.

Real trouble between Samoa and Foreign Powers began in 1883, when the German Consul established Tamasese as a king in opposition to Malietoa Laupepa, who was then reigning. Great Britain and America awoke to the fact of the interference of Germany in the kingship of Samoa, and began to take a more active part in Samoan affairs. The feeling between the Consuls of Great Britain, Germany and America became bitter and intense. In 1888-1889 war was waging in the Islands, with Germany

supporting one faction (Tamasese) and Great Britain and America supporting the Malietoa-Mataafa faction. This culminated in the great hurricane of March, 1889, when the American (three) and German (three) warships in Apia Harbour, were all wrecked. The British ship of war, "Calliope," was the only vessel afloat after the hurricane. A conference of the Powers was then held in Berlin, and the outcome of that meeting was the signing of the Treaty of Berlin, 1889, by which the autonomy of the King and Government of Samoa was acknowledged by the Great Powers, and arrangements were made for giving assistance to the "autonomous" government of Samoa by appointing a Chief Justice and a President of the Municipality of Apia. After many delays these two officials were appointed by the Powers, and they arrived in Samoa.

The Samoan King, Government, and people hailed with great favour the new order, and it was expected that all disputes amongst the Powers and the recurring internal troubles would be ended. The first Chief Justice, Conrad Cedererandz, received a great ovation from the Chiefs and people. His initiation of office gave promise of peace and prosperity. Troubles, however, soon arose, and the old rivalries of the Powers were renewed. Between the Chief Justice and the President of the Municipality of Apia, who was also Custodian of the Revenue of the Government and of the Municipality of Apia, a form of "dictatorship" was practised, and this was strongly resented by the King and the Government.

AN OLD-TIME MAU.

The white residents of the Municipality of Apia also took part in the opposition to the dictatorial methods of the President of the Municipality, whose communications and actions in conjunction with the Chief Justice aroused suspicion. The European and American residents took an active part in denouncing the form of dictatorship then being attempted. Amongst the British who opposed the Berlin officials was the late Robert Louis Stevenson, whose efforts brought about a change of officials. But after Mr. Stevenson's death in 1894 the German official still inclined towards the style of a dictator, and strong protests were made by the Europeans and Samoans against the unwarranted interference with the "Autonomy" of the Samoan Government and the rights of the **hereditary chiefs**. Samoan affairs continued in this unsatisfactory state for a number of years. The rivalries of the Consuls and their nationals did not improve conditions. The Samoans refused to pay their taxes. They would not contribute to the payment of salaries to officials who were ignoring their rights. They considered, also, the salaries of the Chief Justice and of the President too high in proportion to the revenues of the country, even if all taxes were paid.

Then, in 1898, King Malietoa Laupepa died and the case in the Supreme Court of Samoa between the adherents of Malietoa and Mataafa was concluded in December, 1898, when the Chief Justice declared Tanumafili, the son of Malietoa Laupepa, to be the rightful successor to the Kingship of Samoa. This decision led to active hostilities between the parties. Again the differences of the Consuls were the cause of these troubles. The German Consul openly defied the Chief Justice, whose decision in matters concerning the Kingship of Samoa was final, as provided in the Berlin Treaty, and the adherents of Mataafa received both moral and active support from the German section and their friends, whilst the Malietoa Tanumafili King party was supported by the British and American forces and nationals.

As a result of the unfortunate fighting which followed, when a number of European and American lives was sacrificed, the Powers found it necessary to appoint a High Commission to investigate into the cause of the troubles in Samoa. This Commission arrived in Samoa in the month of March, 1899, and began this investigation. At the time the High Commissioners arrived an armistice had been arranged between the warring parties as requested by the Consular Representatives of Great Britain and America, who, with their nationals, were taking an active part in the hostilities.

GERMANY ASSUMES A PROTECTORATE.

Malietoa was asked to surrender the Kingship of Samoa to the High Commissioners on behalf of the Great Powers. He acceded to this. Then the arms were called in and given up by the Samoans. As an outcome of the work of the High Commission, the Islands were divided between Germany and America. Those Islands now under the Mandatory Authority of New Zealand were placed under the protection of Germany. There is this significant fact to be noted: When the Berlin Treaty, acknowledging the autonomy of Samoa and declaring a joint Protectorate over Samoa by the Powers, was signed by representatives of Great Britain, Germany and America, it was stipulated that before ratification the Treaty had to receive the assent of the King and Government of Samoa, but when the arrangement was made to partition the Islands there was no stipulation that the convention between the Three Great Powers had to be assented to by Samoa before going into effect. This led the Samoans to believe, and they still believe, that their autonomy has not been curtailed in any manner. Realising this fact, the Chiefs of the American Group granted a Deed of Cession of their Islands to the American Government. The German Governor, Dr. Solf, would have desired a similar cession to Germany of these Islands of Western Samoa, but Mataafa and his Chiefs maintained that they would acknowledge no greater right of possession of the Islands than that of a Protectorate. The German Colonial Office classed "Samoa" as a "Protectorate" only, and not as a "Colony."

NEW ZEALAND TAKES CHARGE

This was the relation of Samoa to Germany at the time of the outbreak of the Great War when the New Zealand Expeditionary Forces landed in the month of August, 1914. The Samoan Chiefs took no part in the military operations between the New Zealand forces and the Germans in Samoa. They were especially advised by Dr. Schultz that the Samoans were to keep aloof, as the trouble did not concern them. A few weeks afterwards, when ex-King Malietoa offered to raise men to assist the New Zealand Forces in Samoa, the Military Administrator, Colonel Logan, gracefully declined the offer on the grounds that the Samoans were not required to participate in the quarrel between Great Britain and Germany. The Samoans remain an independent nation with a Protectorate over them exercised by one of the Great Powers, instead of by the Three Powers under the Berlin Treaty. It has since been stated by persons on behalf of the Mandatory that the Samoans are a **subdued** people, having been conquered in war, and that their nationhood has been lost. This has caused great offence to the Samoans, and the idea of subjugation by the New Zealand Forces is strongly resented by them.

With the outbreak of the War in 1914 came the military occupation by the New Zealand Expeditionary Force, and the hoisting of the British flag, with Colonel Logan installed as military Administrator. During this phase there was not the slightest trouble with either the Europeans or Natives, who had been under the German flag for fourteen years. Many Samoan-born joined up for service with the Allies, and business proceeded as usual. It was most unfortunate that the celebration of the Armistice, in 1918, was immediately followed by a terrible epidemic of influenza, which devastated the population, and some 8000 Samoans perished. Although pneumonic influenza was raging in New Zealand, the New Zealand boat brought it from there without any warning. American Samoa, a few hours' steam away, remained free of the plague, and proffered medical assistance, which was so desperately needed by us. This offer was rejected by our authorities, and the awful visitation swept through Western Samoa unchecked.

THE ISSUE OF THE MANDATE.

By Article 119 of the Treaty of Peace with Germany, signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over Western Samoa. By a solemn Covenant of the League of Nations, at Geneva on December 17th, 1920, the Allied Powers agreed that a Mandate should be conferred upon His Britannic Majesty, to be exercised **on his behalf** by the Government of New Zealand, to administer German Samoa. The degree of authority exercised by New Zealand as Mandatory is explicitly defined by the Council of the League of Nations, whose consent is required for any modifications of the terms of the mandate, and New Zealand solemnly agreed that any dispute between the Mandatory and another member of the League of Nations shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant. All this is set out in the schedule to the Samoa Act, 1921. The Covenant also provided that:—

To those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in this Covenant. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

(The words of the Mandate were translated from the English language into the Samoan language and distributed amongst the Chiefs.)

The impression conveyed by the terms of the Mandate was that New Zealand was placed in the position of a Trustee, with Western Samoa as its ward. That idea gained strength through the fact that each year since the issue of the Mandate a detailed account of its administrative activities, and replies to a very lengthy questionnaire, have been furnished by the New Zealand Government to the League of Nations, and also to the Permanent Mandates Commission which peruses the reports and the replies to questions, and submits its comments on them to the League.

THE MANDATE REPUDIATED.

In spite of the plain meaning of the Covenant, and the annual accounting of the New Zealand Government to the Permanent Mandates Commission, the idea has been deliberately fostered and maintained by Ministers and high officials, both in New Zealand and Samoa, that Western Samoa is now an annexed part of the Dominion, and that the League of Nations cannot interfere with the administration of the Mandatory, and that, no matter to what extent maladministration and breaches of the Covenant of the League of Nations may occur, the inhabitants of the Mandated Territory have no redress and no right of appeal to the League.

A radio circulated among the Samoans of Savai'i in July, 1927, contained the following statement signed by the Rev. Mr. Lewis, Secretary for Native Affairs:—

“The subject of extending punishment towards Europeans who cause trouble in Samoa has now been deliberated upon and approved by the Premier of New Zealand. It has been declared by the British Government during the past week they will not receive any complaint coming from any person in Samoa, but all troubles arising in this country of Samoa are proper for settlement by the Governor of Western Samoa and the Government of New Zealand. The Associated Governments of all the world have passed a law, thus:—No complaint of any nature from any country under any Mandate or protection such as Samoa will be able to present any complaints before the League of Nations who will be unable to receive them.”

That was a deliberate and wilful distortion of the truth, and failed to impress the Samoans, who had read the Covenant of the League of Nations in their own language, and knew of the relationship of the Mandatory with the League, and also its obligations to the Permanent Mandates Commission. A full copy of this radio from the Rev. Lewis was published in the Samoa “Guardian” of August 11th, and the accuracy of the translation has never been challenged.

General Richardson also issued, officially, to the Faipules in November, 1927, a “Catechism” about the Mandate and the League of Nations. The “questions and answers” were so worded as to assure the Fono of Faipules that the only connection between Samoa and the League of Nations is the reading of a report once a year by the Permanent Mandates Commission, and that no dissatisfied Samoan can go before the League and appear before the Commission, and also Samoans cannot present a petition to the League and any petition so sent will not be received and considered, but will be sent to the Government of the Mandated Territory.

A PETITION TO BRITAIN

Following the acceptance of the Mandate from the League of Nations by New Zealand came the visit of the Parliamentary Party in the “Mokoia” in March, 1920, when the proposed Constitution for Samoa under New Zealand administration was discussed by the inhabitants with the head of the party, Sir James Allen, Minister for External Affairs, and the members of the Legislature who accompanied him.

The first reception was given by the Faipules, and in the address presented by them the first paragraph stated:—

“The people of Western Samoa have obediently accepted the order issued by His Majesty King George V. in placing Western Samoa under the care of New Zealand. Should dissatisfaction of the Samoan become greater with the Administration it will then be possible for the Samoans to appeal that Samoa shall be ruled from England by the Colonial Office.”

In reply, Sir James Allen said: “With regard to the wishes of the members of the Samoan Parliament, I am glad to know that the people have obediently accepted the order issued by King George’s Government placing Samoa under New Zealand. New Zealand accepts that care as a sacred trust.”

The assurances of the Minister were not fully satisfactory to the Samoan representatives, as in 1921 a petition to King George was signed by 26 Faipules in which they prayed that: “Because of our increasing dissatisfaction with the Administration of the Government of New Zealand, which is a branch of your Empire, appointed by Your Majesty to control Western Samoa, the homeland of your humble servants, we herein petition with the greatest respect that, may it please Your Majesty to release us from the control of the New Zealand Government, but that you may be pleased to place Western Samoa under the direct control of the Colonial Office in England.”

The petition also urged that only a Governor be appointed by the King, as the Faipules, with the assistance of Europeans of long standing among them, could carry out the making of laws.

The same signatories of the Samoan “Parliament” also sent a lengthy petition to H.R.H. the Prince of Wales, who had visited the Territory in the “Renown” and had been warmly welcomed. They asked His Highness to intercede for them with his Royal father. They remarked: “We honour Great Britain and rejoice because we are under the protection of the same great flag as Your Royal Highness. We do not rejoice in the Government of New Zealand. This Government ignored us. We pay taxes, but have no voice in the legislation or the expenditure. We desire to preserve our nation for Samoa, to be able to govern our people wisely, justly and without great expense.”

These extracts prove conclusively that at the very outset of New Zealand’s attempt to administer the Mandate, and from the Constitution Order of 1919 onwards, the Samoans were dissatisfied and claiming a greater share in the government of their country. That demand is more insistent than ever to-day, when Samoa is seething under a military dictatorship which admits being unable to function.

In 1921 the New Zealand Parliament passed the Samoa Act, 1921, “to make provision for the Government of Western Samoa,” but the Act made no provision for any right of the people of Samoa to have a voice in the government of the country. The machinery of government was by Ordinances of the Administrator, acting with the advice and consent of a Legislative Council which was wholly nominative, and more than half of which was to be officers of the Public Service. Neither European nor Native taxpayers had any vote in the appointment of the “unofficial” members.

A VICIOUS ORDINANCE.

In 1922 an Ordinance was passed "to control certain Samoan Customs" which revived a German proclamation issued in 1901, and gave the Administrator power to banish from his village, without trial, any Samoan whose presence was a source of danger to the "peace, order or good government thereof," and also the right, without trial, to deprive any Samoan of the title by which he had been known to his people. This power of banishment had formerly been possessed by the Samoans themselves, and used very rarely as a means of protecting the harmony of the village or district against objectionable inhabitants, while the right to deprive any Chief or other Native authority of his title was the privilege solely of those who had conferred it on him, or had agreed to it passing to him as an hereditary right.

Under the Ordinance here set out, Samoa has since witnessed a sequence of banishments and degradations without trial of sacred and high Chiefs by a military dictator against whose cruel decrees there has been no appeal.

Supplement to the Western Samoa Gazette—Published by Authority.
No. 42. Monday, September 11. 1922.

153

THE SAMOAN OFFENDERS ORDINANCE 1922.

Western Samoa.

No. 6, 1922.

**An Ordinance****AN ORDINANCE TO CONTROL CERTAIN SAMOAN CUSTOMS.**

WHEREAS by a Proclamation made by the Imperial German Governor dated the sixteenth day of September, 1901, the Samoan Natives were forbidden themselves to exercise the custom of local banishment and WHEREAS powers in that behalf were thereafter exercised by the said Imperial German Governor, and WHEREAS by a Proclamation dated the twentieth day of March, 1916, and by a Regulation dated the twelfth day February, 1918, made by the Military Administrator of Samoa, provision was made for the manner in which applications for local banishment should be dealt with, and the above recited Proclamation of the 16th September, 1901, was declared to be in force and its operation was extended, and WHEREAS it is desirable to make the way plain in respect of powers concerning titles, Now, therefore, this Ordinance is made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act, 1921.

1. This Ordinance may be cited as the Samoan Offenders Ordinance, 1922.

2. No Samoan person, whether he be a Chief, Orator or Government Official, shall expel or take part in expelling any person from his village or district, under a penalty of imprisonment for a term not exceeding one year.

3. If the Administrator is satisfied that the presence of any Samoan in any village, district or place, is likely to be a source of danger to the peace, order or good government thereof, the Administrator may, by order signed by him, order such Samoan to leave any village, district or place in Samoa and to remain outside such limits for such time as the Administrator shall think fit, and by the same or any subsequent order, the Administrator may order such Samoan to reside in any place specified in such order.

4. When the Administrator in pursuance of the authority conferred by this Ordinance has ordered any Samoan to leave any village, district or place, he may by the same or any subsequent order if he is satisfied that such a course is necessary in the public interest and whether default has been made in compliance with such order or not, authorise the arrest of such Samoan and his removal from such village, district or place to such other place as may be specified in the order, and thereupon any constable may, without warrant, arrest such Samoan and remove him from such village, district or place and take him to such other place specified in the order.

5. If any Samoan is found in the village, district or place defined in any order under Clause 3 hereof in breach of such order after the expiration of such term as may be specified in the order, he shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

6. (1) The Administrator may from time to time, if he is satisfied that such a course is necessary for the peace, order and good government of Samoa, or of any part thereof, by order signed by him directed to any Samoan, prohibit the use by such Samoan of any Samoan title or titles named in such order for such time as the Administrator may think necessary.

(2) Any Samoan who after any such order has been served on him uses any Samoan title in breach of such order, shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

7. Any order made by the Administrator under this Ordinance may be at any time revoked by the Administrator.

8. For the purposes of this Ordinance the word "Samoan" shall have the meaning given to it in Section 3 of the Samoa Act, 1921.

9. No prosecution for any Offence under this Ordinance shall be heard save by the Chief Judge of the High Court of Western Samoa.

Assented to this 11th day of
September, 1922.

[L.S.] R. W. TATE,
Administrator.

A MEASURE OF SELF-GOVERNMENT!

The Samoan Act of 1921 having created such strong dissatisfaction among the whole population, an Amending Act was passed by the New Zealand Parliament in 1923 providing for a Legislative Council of not less than six "official" members (of the Public Service) and "unofficial" members (not more in number than the "official" ones) who might be either elected or nominated to the Legislative Council.

The Amending Act also sought to appease the Samoans' demand for a voice in the government of the country by setting up a Native Council to be known as the Fono of Faipules, and nominated by the Administrator to advise him on Native matters. But while the right of appointment rested with the Administrator, the 1923 Act laid down that "no Native shall be appointed as a Faipule who is not qualified in accordance with existing Samoan usage and custom to occupy the position of Faipule in any council or body having advisory functions."

So far as the Legislative Council is concerned, the election of three members was called for and, together with the Hon. Mr. Williams and the Hon. Mr. Westbrook, I was elected a member in 1923. The same three were re-elected in November, 1926, by an overwhelming majority against the "ticket" standing in support of the Administrator, although more than half the electors were employees of the Administration or persons under financial and other obligations to the Administration. The Council during my terms consisted of six official members and the three elected ones. The Administrator was President, and his officers voted as a solid bloc with him. Any attempt of the elected members to carry through reforms was futile, and any opposition to the policy of the "Government" was overwhelmed by a two-to-one vote. The Judge of the High Court was a member: he would introduce some Ordinance he wished passed: he would then sit on the Bench to construe and administer it. The Administrator admitted before the Royal Commission that the "official" members of the Legislative Council were expected to vote with him on all matters of policy, and that everything introduced by him was a matter of policy!

When the Act of 1923 was introduced into the New Zealand Parliament, the Minister in charge of the measure, the Hon. C. J. Parr, stated that it was proposed to increase the membership of the Council to eleven—six official members, three elected Europeans, and two elected Samoans. The Minister waxed very eulogistic over the Bill. He said: "For the first time the principle of election to the Council is recognised. . . . The point I wish to stress is that we are trying the experiment of giving Samoa a partial local government. I should think that this is the first time in the history of any colony where, within three years after being taken over, elective powers such as these are given to the people; but the Administration is satisfied that the experiment is worth while. . . . We propose now to put on this (Legislative) Council two Samoans, to be elected by the Samoans themselves."

That was the promise of the responsible Minister on page 260, No. 14, 1923 N.Z. "Hansard." But so far that pledge has never been kept, and every attempt of the Natives themselves or the elected members of the Council to have it honoured has been frustrated, and no satisfactory explanation of the repudiation has been forthcoming.

GENERAL RICHARDSON ARRIVES.

In this same year (1923) the term of the first civil Administrator, Colonel R. W. Tate, expired, and applications for the position of Administrator were advertised for in the New Zealand papers. None of the applicants was considered suitable for this responsible position, but the Government appointed Major-General Sir Geo. S. Richardson who had first come to New Zealand as a non-commissioned instructor to the Permanent Artillery, and by the end of the Great War had reached the rank of Major-General, but, so far as I can learn, had no experience dealing with a race like the Samoans, nor in the sphere of diplomacy or political administration.

However, he was the person selected for the position at the critical period when Samoa was receiving its first experiment in what Sir James Parr called "partial local government."

For the first term of his engagement I was on the best of terms with General Richardson, as I had been with Colonel Logan and Colonel Tate during their Administrations. Having been born in Samoa, and knowing intimately both the European and Samoan viewpoint on local matters, I was frequently consulted by all three of the Administrators mentioned. I gave them what knowledge I possessed, and my opinion on questions when asked. I did not inflict my views on them, but gave what advice I could when it was sought. I have abundant evidence that such assistance as I rendered from the day of the New Zealand occupation in 1914 until October, 1926, was highly appreciated by all three Administrators who held office, and I introduce this personal note to refute the false allegation now made that I have fallen out with every Administrator who has held office in Samoa.

Towards the end of his first term of office General Richardson began to tend towards harsh methods with Natives who opposed his ideas of administration. The cruel and senseless policy of banishment, degradation, and deprivation of titles under the infamous Ordinance of 1922, already quoted, began to develop to an alarming degree. My health compelled me to go to Australia in February, 1926, and remained there till August of that year. General Richardson's term was extended for two years in March, 1926. While I was in Australia I was alarmed at news I received from Samoa informing me that the Natives were chafing and growing very restless, owing to the growth of the banishments and loss of titles inflicted by the Administrator. For instance, two Samoan employees of my firm at Apia were imprisoned without trial for not returning to their villages by order of the Administrator, and I was satisfied that a serious crisis was fast developing in the Territory.

A MINISTERIAL PROMISE.

I returned from my health trip to Australia via New Zealand, and went to Wellington, where, on the 1st September, 1926, I was granted an interview by the Right Honorable Mr. J. G. Coates, Prime Minister of New Zealand. The Hon. W. Nosworthy, Minister of External Affairs in charge of Samoa, and Sir Maui Pomare, Minister for the Cook Islands, were present on the 1st September, 1926. I related in detail the conditions existing in Samoa, and received a very sympathetic hearing from the three Cabinet Ministers, more particularly from the Prime Minister. The Prime Minister requested the Minister of External Affairs to pro-

ceed to Samoa to investigate the matter by first opportunity. Mr. Nosworthy stated that he would only be able to leave by the following steamer in October. The Prime Minister also referred to the Administrator, General Richardson, as once his superior military officer in words which were not complimentary to him in that capacity.

I returned to Samoa by the September steamer and reported to my elected colleagues on the Legislative Council the result of my interview with the three Cabinet Ministers in Wellington, and the promise of the Minister of External Affairs (Hon. Mr. Nosworthy) to come down by the October steamer.

On my return to Apia I was tendered a public reception, at which General Richardson made a very flattering speech of welcome home, referring in the highest terms to my activities in the social and public life of the Territory. He said I had always and was ever promoting the welfare of Samoa and its people. He referred to me in a very complimentary manner as a colleague in the Legislative Council. He pointed out to the youths of Samoa that my life was a model for them to follow, and concluded by saying: "I, personally, am merely a passing phase in your lives. . . . **Mr. Nelson will, however, be with you always,** and I wish him long life, happiness, and may his prosperity increase." In view of the fact that a little more than a year later the same gentleman ordered my deportation from my native land for five years, his forecast that I **would be with them always** suggests that His Excellency possessed about equal capacity as a Prophet and an Administrator.

A CITIZENS' COMMITTEE FORMED.

But at that time we were more concerned in Samoa with getting ready for the promised visit of the Minister, and the three elected M.L.C.'s agreed that the best preliminary would be to convene a public meeting of citizens, where the matters to bring before the responsible Minister could be discussed openly and above board. An advertisement was inserted in the "Samoa Times," and the meeting was held on October 15, 1926. There were about 250 Europeans and Samoans present. Various problems were discussed at great length, and it was resolved that a Citizens' Committee be appointed consisting of the three elected M.L.C.'s, six Europeans (representing the merchants, traders and planters), and six Samoan Chiefs representing the Native interests.

That was the origin of the now famous Citizens' Committee, elected at a representative public meeting of 250 citizens which was convened by public notice, and carried through in a constitutional and orderly manner. The Citizens' Committee appointed then met and divided into sub-committees, which drew up reports on the following subjects:—Agriculture and Imported Labour; Finance; Medical; Legislative; Native Affairs; Prohibition.

At the first public meeting it was learned that the Minister had postponed his trip, and it was resolved that a radio be sent respectfully and urgently asking him to reconsider the postponement. This wire was sent through the Administrator's office on October 16th, and, no answer being forthcoming by October 27th, another radio was drafted, but not sent, as when it was handed in we were informed that a reply had been received to the first radio some days previous and had been promptly sent to my

office, close by. To this day I have never received that radio, nor any explanation as to how it was "lost."

However, we learned that the Hon. Mr. Nosworthy had decided it "impossible" to visit us till the following May (nine months after we expected him, according to the promise given me in Wellington by the Prime Minister in the presence of Sir Maui Pomare and Mr. Nosworthy). That procrastination of the responsible Minister was, in my considered opinion, an irreparable blunder, and I fancy political history in New Zealand will view him as the Cabinet Minister who fiddled with wireless while Samoa was smouldering.

The Committee considered the position and decided to proceed with the reports of the sub-committees and place them before another public meeting of citizens. This meeting was called for November 12, and the hall was crowded with 663 Europeans and Samoans. I was again appointed chairman, and before the meeting commenced Mr. McCarthy, the Crown Solicitor and Acting-Secretary to the Administrator, produced a letter from General Richardson which he wished to be read to the meeting and translated for the information of the Natives present.

This letter was the beginning of the "Big Stick" policy which has grown more and more vicious, from the inception of the Citizens' Committee to the present policy of "Big Guns" to overawe the Mau. In his letter to the meeting, General Richardson expressed his strong disapproval of European and Samoan citizens meeting together to discuss public affairs of common interest, and suggested that it be discontinued. In spite of the veiled threat behind the request, and the presence of the police in the hall and outside, only seven persons withdrew from the meeting, and over 650 remained to hear and discuss the reports of the sub-committees which were submitted by the Citizens' Committee elected at the previous meeting.

DELEGATION TO NEW ZEALAND ELECTED.

At both public meetings the names of those present and a full report of the proceedings were taken down, both on behalf of the Committee and by an official of the Administration. There was nothing in the nature of disorder, nor any semblance of disrespect, disloyalty, or sedition in the speeches and discussions. As chairman of the meetings I pointed out, although such indication was quite superfluous at this meeting in Apia, that the fullest respect must always be paid the Administrator as representative of the King, but that in his capacity of Prime Minister and head of the Government in the Legislative Council General Richardson's political policy was a fair subject for criticism by any citizen. The failure of the Minister to keep his promise to visit us in November, and his refusal to reconsider his decision, was a great disappointment to the meeting, and it was resolved that a deputation of three Europeans and six Samoan High Chiefs be appointed to convey the reports of the sub-committees to the Minister in Wellington, and that he be asked to receive the deputation in January.

In reply to this request, the Minister stated he was prepared to receive the delegation in January, 1927, but that all representations must first be submitted to the Administrator for report, and any matter touching upon Native affairs must be placed before the Fono of Faipules. The reports of the sub-committees as approved by the public meeting were forwarded to the Administrator, and High Chiefs selected went to their

districts with the object of obtaining contributions towards the expenses of their journey to New Zealand. Their activities at once made them subject to threats and intimidation from the officials of the Administration. Three were arrested, and orders under the "Samoan Offenders' Ordinance" were issued against them compelling them to reside in fixed places, and nowhere else, for varying periods. They were notified by the police that their application for passports to New Zealand would be refused. The elected M.L.C.'s wired the Minister strongly objecting to the discipline which was being meted out to the Chiefs.

The radio reply of Mr. Nosworthy was that he would only be guided in Native affairs by the Fono of Faipules, and he would not receive the Samoan members of the delegation until he knew their representations were endorsed by the Fono of Faipules. When it is realised that the principal matter of Native concern to be submitted to the Minister was— (1) the contention of the great body of Samoans that **the Faipules did not represent them**, but were merely paid officials and mouthpieces of the Administration; (2) that the Samoans desired direct representation on the Legislative Council as promised by Sir James Parr in the New Zealand Parliament in 1923: it will then be seen how absurd was the statement of the Minister that he would not listen to these Samoan Chiefs unless what they had to say against the Faipules was approved by the very Faipules whose qualifications and actions were being challenged and repudiated!

A WARNING TO MR. NOSWORTHY.

The Citizens' Committee wired the Minister advising him that his confidence in the Administrator, and his Faipules, was not shared by the Natives or European residents, nor would his faith in them remedy the grievances we wished to lay before him. The Committee declared their loyalty and sincere desire for friendly relations, but warned the Minister that his attitude was shaking our faith in New Zealand's ability to administer the Mandate in Samoa's best interests.

In view of the fact that the Chiefs were being punished for their action in accepting nomination to a constitutional and loyal delegation, and debarred from leaving Samoa, it was decided that only one of the European members of the delegation appointed should proceed to New Zealand with the reports and files, and interview the Prime Minister there. Mr. S. H. Meredith went to New Zealand in January and interviewed the Rt. Hon. J. G. Coates, who was very sympathetic, but could only refer the matter to Mr. Nosworthy, and the Minister declined to have anything more to do with the matter until he could go down and investigate the trouble on the spot. Mr. Meredith found that the press of New Zealand would give him very little publicity about our grievances, or allow him to ventilate our wrongs, although officials of the Administration on leave were given space freely for propaganda work in praise of their own work and the governing genius of the Administrator. To counteract this and make the maladministration of Samoa known to the New Zealand public Mr. Meredith set out the plain facts in a small pamphlet which was widely distributed, and aroused the ire of the governing authorities in both Samoa and New Zealand.

Mr. Meredith returned and reported to the Committee, and, in view of Mr. Nosworthy's "**Taihoa**" policy of "wait and see," representative Natives

from all districts of Samoa prepared a petition to the New Zealand House of Representatives, which was forwarded to a Member of Parliament for presentation at the 1927 session. The delay and evasion of the Administration in dealing with the complaints in Samoa was now followed by a policy of suppression and misrepresentation which it was hoped would smother the movement, and in view of the fact that the only newspaper in the Territory was a servile organ of the Administration, the supporters of the Citizens' Committee decided to establish an opposition paper—the "Samoa Guardian"—edited by Mr. E. W. Gurr, a British-born subject, who had lived over forty years in Samoa, and who had held high official positions with the Government of Samoa under the Tripartite control, and with the American Administration, Eastern Samoa, which offices brought him in closer political touch with the Samoans than any other European or American who has lived in Samoa.

MR. NOSWORTHY'S LONG-DELAYED VISIT.

In June of last year the long-delayed visit of the Minister for External Affairs materialised, and he arrived on June 2nd, just in time to assist in the King's Birthday celebrations on June 3rd. There was a sports gathering under the auspices of the administrative officers, and also one organised by the Natives, not in any spirit of "rivalry," but to afford everyone the opportunity of celebrating the holiday as an act of homage to the King. Citizens had generously subscribed funds for the "sports," controlled by the Administration. There were, however, thousands of Samoans who could not take part in the whole of those sports, and so it was arranged that **old** Samoan games, in which the older Samoans could participate, should be played after the aquatic sports, in which all Samoans then in Apia district combined in a united celebration.

There was also an Official Ball at Government House, to which even the elected representatives of the Legislative Council were not invited; so, to wind up the holiday, a number of those omitted from the official function at Government House organised an impromptu dance at my home, which was in the nature of a "surprise party," and for which no preparations had been made.

I refer to these trivial matters because an absurd amount of party capital was made of them by Mr. Nosworthy and others in a petty attempt to impugn our loyalty to the Throne, which is as sincere and earnest as that of any Government official in the Territory, and the whole-hearted celebration of the Sovereign's Birthday by all sides in politics should have been a matter for congratulation by a Minister of the Crown, instead of a subject for childish and ill-tempered criticism.

Mr. Nosworthy arrived on June 2nd and stayed with his official staff at Government House as guest of the Administrator, and although the chief object of his belated visit, promised nine months previously, was to consider the complaints of the Citizens' Committee, he delayed meeting us for nine days, and when we waited on him on June 11th the deputation was received in a most extraordinary fashion, which further increased our existing deep misgivings.

THE MINISTER'S AMAZING ATTITUDE.

Without waiting to receive the original reports from the Citizens' Committee, or to hear the explanatory remarks which were necessary to elucidate the many subjects touched on, the Minister at once started reading a long speech which had been prepared, grossly distorted the objects and aims of the Citizens' Committee, and accused its members of activities and conduct of which they had not been guilty. We were referred to, inferentially, as "a sore" which might need "the surgeon's knife" before it became "a festering wound on the body politic of Samoa." The High Chiefs present were asked would they "like a constitution similar to that granted to the Mandated Territory of South-West Africa?" An insulting comparison in Samoa which no responsible Minister would dare put to the Maoris of New Zealand. All this, and thousands of words more, were read to us from the prepared speech before we had been allowed to say a single word on the objectives of the deputation! He advised us that he would not listen to a word from the Europeans present on the subject of Native Affairs, nor would he hear anything from the Samoan Chiefs except any personal grievances they wished to ventilate.

If this was not like pouring petrol on a smouldering heap, then it was a highly incendiary attitude to take up, and, although Mr. Nosworthy was at some pains to assure us that in his coming "the Government did not send a fool here," his incredible reception of a peace-seeking deputation of the elected M.L.C.'s, responsible citizens, and representative High Chiefs, has since been widely condemned by persons of widely opposing views in politics as utterly tactless and extremely foolish.

THE EUROPEANS CEASE ACTIVITIES.

Following this inflammatory fiasco with the deputation from the Citizens' Committee, the Minister informed us two days later that he had telegraphed the Prime Minister, and that the Samoa Immigration Order was being amended so that British subjects and Samoa-born Europeans could be deported without trial. We were ordered by Mr. Nosworthy to cease forthwith our activities with the Natives and undo the harm caused. We protested strongly to both Mr. Nosworthy and General Richardson against the suggestion that we were disloyal and seditious agitators, and asked for specific instances or detailed charges, but those have never yet been given to me or my colleagues, nor to the Parliamentary Committee on the Samoan Petition, or the Royal Commission on Samoa. To the general charge of disloyalty and sedition we have given emphatic denials on oath, from the platform, and in the press. Yet they have been persisted with by those responsible for the Government propaganda in order to inflame public opinion against us, and every demand we have made for the stating of one single instance of such conduct has remained unanswered through the many months which have elapsed.

On receipt of the Minister's threat of the 13th June, 1927, to deport the European members of the Committee, and his instruction to cease all activities among the Native people, we at once saw the leaders of the Native Committee and advised them of the situation. We urged them to disperse peacefully to their homes, obey all the laws and every authority set over them, and seek to remedy their grievances by none other than constitutional and peaceful means. The Administrator was at once notified that we had done our utmost to carry out the Minister's request, and had gone to

some pains and expense to assist in the return to their districts of the large gathering of Natives who had assembled at Apia for the Minister's 'malaga' and fono. From that time to the present the European members of the Committee have taken no part directly or indirectly in the activities of the Mau, which has gone its own way, and the movement might have developed on very different lines had not the Europeans who possessed the confidence of the Samoans been forbidden to meet them and act as a much-needed influence towards caution.

OBJECTS OF "THE MAU."

Many readers may not be quite clear as to the growth of the MAU which now dominates the situation in Samoa. Up to June, 1927, the Citizens' Committee consisted of both European and Samoan members; but, as related above, the Minister ordered the Europeans to cease from all activity with the Natives under threat of deportation without trial. This left the Samoans to themselves, and we were no longer able to offer them any advice or guidance. At that time every Native member was pledged to the following declaration:—

The advancement of Samoa and to present to the Administration and the Government of New Zealand from time to time subjects concerning the government of Western Samoa which may be considered by the members of the League essential for the promotion of the peace, order, good government and the general welfare of the Territory.

1. We declare and believe that man's heritage from God is to help each other, irrespective of race, station, colour and creed, and that all men are equal in the sight of God.

2. We declare and believe that it is the privilege of a person living under the British flag, and especially the duty of a British subject, to assist the members of a subject race in advancement towards civilisation, good morals, and a Government of the People in accordance with the will of the People.

3. We declare and believe, that all Constitutional Authority shall be maintained and respect must be shown to all persons placed in authority from the Administrator to the village policeman.

4. That whilst maintaining authority and showing respect, we declare and believe that it is a privilege and a duty to Society and Government, of every person, to endeavour to procure by lawful means the alteration of any matter affecting the Laws, Government, or Constitution of the territory which may be considered prejudicial to the welfare and best interests of the people.

Whether these objects and policy are still being adhered to I am unable to say personally, as I have had no contact with the Mau leaders since July last except under circumstances which I will refer to later. But it is clear now that at least one new plank appears in its objective, and that is a demand for Home Rule and self-government—"Samoa for the Samoans." A policy which was never advocated by the original movement, and which we had only heard preached by Sir George Richardson in Samoa.

After the blazing indiscretions of Mr. Nosworthy when he met the Citizens' Committee in June, and offended the noble High Chiefs present by offering the Samoans the same constitution for Samoa as existed in South-West Africa, at the same time refusing to recognise them as representatives of their people, the Mau spread with rapidity and intensity, until it embraced almost every Samoan except the Government's Faipules, Native officials and their families.

A MILITARY DICTATORSHIP DEVELOPS.

Following Mr. Nosworthy's visit came a reign of terror as the Administration frantically strove to suppress the movement by force and punishment. The velvet glove which the military Administrator sported in his early days of office had worn itself threadbare, and the mailed fist was visible on all hands. The military complex began to dominate the mind which had once set itself on functioning as an administrative faculty; moral suasion, diplomacy, patience, and an attempt to grasp the Samoan viewpoint totally disappeared as arrogance and dictatorship developed. There was a reversion to type as the Administrator threw back to the drill sergeant who regarded Samoa as his barrack square, and a state of martial law prevailed. That view was expressed by many independent observers and unbiased visitors, like Sir Joseph Carruthers, a former Prime Minister of New South Wales, and Mr. W. E. Clarke, Principal of the Wesley College in New Zealand.

In one month fifty Chiefs of the Mau were dealt with. Banishments deprivation of titles, imprisonment, and other degradations were the means adopted to smother the Mau. But still the movement spread, and every victim of the military dictatorship brought more and more recruits to the ranks of the oppressed. Rival clans who had long been at enmity with each other forgot the feuds and rivalries of generations, and became close-knit in a common cause against a military martinet who was trampling ruthlessly on all that the Samoans have held sacred for centuries past. That, in brief, describes the origin and rise of the Mau, which now embraces 90 per cent. of the Samoans, and has penetrated to persons and places little dreamed of in official circles.

DEPORTATION WITHOUT TRIAL.

Meantime, in June, 1927, the Citizens' Committee had appointed Mr. A. G. Smyth and myself to visit New Zealand to give evidence on the Samoans' petition to Parliament, and we applied to the police for passports in the usual way. We were then advised by the Administrator that on our return circumstances might cause our immediate deportation (without trial, of course) under the amended Immigration Order. That this threat was pure bluff, intended to gag us or frighten us from speaking too freely in New Zealand, became clear when we reached the Dominion, and found, in August, the Government there bringing down a Bill to amend the Samoa Act, and give the Administrator power to deport any European whom he had reason to believe was hindering the functioning of the Administration, and to carry out deportation proceedings without giving the person accused any trial, producing any evidence, or calling any witnesses in support of the charge. It was amazing for Mr. Smyth and me to watch this iniquitous Act being rushed through the House with all the force of a commanding majority at one sitting, and the proceeding reminded me of the Legislative Council in our Island home when the Administrator-Premier introduced some Government measure which he wanted put through in a hurry.

18, Geo. V.

**SAMOA AMENDMENT
NEW ZEALAND**

1927, No. 7

An Act to Amend the Samoa Act, 1921.

5th August, 1927.

(1) If the Administrator has reason to believe that any person is preventing or hindering the due performance by the Government of the Dominion of New Zealand of its functions and duties under the terms of the Mandate set forth in the First Schedule to the principal Act, and of the Covenant of the League of Nations, or the due administration of the executive government of the Territory, he may, by writing under his hand, require such person to appear before him at a time and place to be named in such writing to show cause why the provisions of this Act should not be made applicable in his case.

(2) If such person shall duly appear as required the Administrator shall inform him generally of the matters which have induced such belief as aforesaid, and shall grant him full opportunity of denial or explanation.

(3) After hearing such person, if he has appeared according to such requirement as aforesaid, or without such hearing if such person has refused or neglected to so appear, the Administrator, if satisfied that such person is preventing or hindering the due performance of the functions and duties or the due administration as aforesaid, may by order under his hand, if authorised in that behalf by the Governor-General-in-Council, require such person,—

(a) If a European, to depart from Samoa, and to refrain absent from Samoa for a period not exceeding five years to be named in such order.

(b) If a Samoan, to remove to a place in Samoa defined in such order and not to depart therefrom for a period not exceeding two years to be named in such order.

(4) If after knowledge of the making of such order such person, if a European, fails to comply with the requirement within thirty days, or if a Samoan within fourteen days, he commits an offence against this Act.

(5) An order made by the Administrator under this Act may at any time be revoked by him, either absolutely or conditionally, if authorised in that behalf by the Governor-General-in-Council.

3. (1) When the Administrator in pursuance of this Act has ordered any person to depart from Samoa, or to remove to a defined part of Samoa, he may by the same or any subsequent order, if he considers such a course necessary in the public interest, and whether or not default has yet been made in obedience to the order, authorise the arrest of that person and—

(a) In the case of a European, authorise his deportation from Samoa on a vessel about to leave Samoa:

(b) In the case of a Samoan, authorise his removal under arrest to the place in Samoa defined in the order.

(2) Where a person is arrested pursuant to such authority he may be detained in custody until his deportation or removal is practicable.

4. (1) If a person required to depart from Samoa returns to Samoa before the expiration of the period defined in the order, or before the revocation of the order, he commits an offence against this Act.

(2) If a person ordered to remove to and remain in a defined part of Samoa leaves that defined part before the expiration of the period defined in the order, or before the revocation of the order, he commits an offence against this Act.

5. Every person who commits an offence against this Act, or aids or abets any other person in the commission of an offence against this Act, is liable to imprisonment for a term not exceeding twelve months or a fine not exceeding one hundred pounds .

6. For all the purposes of the preceding sections of this Act the Union (Tokelau) Islands shall be deemed to form part of Samoa.

THE SAMOANS PETITION TO PARLIAMENT.

The petition of the Samoans to the New Zealand Legislature was referred to a Joint Committee of both Houses, with Sir James Allen as chairman, and, of course, an overwhelming majority of Government supporters in its personnel. Sir John Findlay, K.C., was briefed to appear for the petitioners, but, owing to illness, his partner, Mr. Hoggard, took his place, while the Department of External Affairs went outside the Crown Law Officers to brief Mr. M. Myers, K.C., to oppose the petition, and the Committee adopted the unusual course of sitting behind closed doors with those present pledged to secrecy regarding the proceedings. I was the only witness called, and occupied the stand for eleven days. But, in spite of being subjected to strong cross-examination by a lawyer described in the House as "the fiercest counsel in New Zealand," my evidence remained unshaken. It is strange that, although this evidence was released in Samoa and was available there, the Government refused to lay the printed copies of the evidence on the table of Parliament for the information of members and the public, although a radio message from Sir James Allen to Samoa pledged that this would be done.

While I was giving evidence on the petition at this secret enquiry there were some startling developments, as about half-way through the enquiry the Prime Minister had been asked by the Administrator to appoint a Royal Commission to enquire into Samoan affairs, "on account of the unwarranted (sic) untruths" which were being circulated about him. We in Samoa had constantly urged for a Royal Commission which General Richardson had as strenuously opposed, and said we were only seeking it to save our faces and fool the Samoans. Just as I was concluding my wearying appearance as a witness the Royal Commission was announced, and the Petition Committee decided to hear no more evidence, although Colonel Hutchen, Assistant Administrator, was there from Samoa with all the files and documents and every facility to answer our charges and refute my evidence. This meant that whereas the Citizens' Committee had laid all their cards on the table, and disclosed the whole of their attack, the Administration would have a badly-needed interval in which to frame replies and launch a counter-attack, of which we had been given no details. We were given no time between the appointment and departure of the Commissioners to prepare our case, or secure suitable counsel in New Zealand who could proceed to Samoa at such hurried notice. Then, too, I had the files and many important documents with me in Wellington which would be wanted by our counsel in Apia to prepare their briefs before the arrival of the Commission.

The slim tactics adopted by the Government may have appealed to the sporting instincts of the Cabinet, but they were not so appreciated by the unsophisticated residents of Samoa. The only counsel available for us in Samoa were Mr. Baxter and Mr. Slipper, both young practitioners there,

with only a "one-man" office each, and who had to fight a gallant and uphill battle against all the machinery of the Government in Wellington and Apia, with the Crown Prosecutor from Auckland as leader, the local Crown Solicitor as second counsel, and a local law agent, Mr. Gustav Klinkmuller, assisting them.

A ROYAL COMMISSION IN A HURRY.

When the scope of the Royal Commission was made public, the order of reference was found to be so restrictive that our New Zealand counsel, Sir John Findlay, entered a strong protest, and advised the Citizens' Committee to have nothing to do with it, and I, for one, decided to take his advice. I was immediately assailed by the Prime Minister, Government supporters, and the press as shirking the issue and avoiding the very sort of tribunal we had demanded. In the face of this, and against the advice of our counsel, we decided to appear, and Mr. Smyth and I hurried to Samoa, via Sydney, to arrive there a week after the Commission had opened. I soon discovered that Sir John Findlay, K.C., had been very wise in advising us to have nothing to do with the Commission. Its attitude towards our counsel and witnesses indicated all too clearly in which direction it was leaning, and its report was not difficult to anticipate. Anything against the Citizens' Committee or the Mau was magnified out of all proportion, while evidence against the Administration was viewed through the other end of the telescope. As one example I may quote the fact that the Administrator was the last witness called, and, after cross-examination, was recalled the next day to answer a series of questions put to him by the Chairman (Sir Chas. Skerrett). General Richardson immediately read his written answers to them, which he brought already prepared. I leave the obvious inference to the reader.

I have already referred to the haste with which the Royal Commission was appointed at the request of the Administrator while I was giving evidence on the petition before the Parliamentary Committee in New Zealand, and the speedy manner in which it was rushed away to Samoa, without giving us time to prepare our case or arrange with New Zealand counsel to go to Samoa. Mr. Coates refused to extend the scope of the enquiry to include such important subjects as the deportation of British subjects without trial, but in reply to Sir John Findlay's protest against the undue haste which gave us no time to prepare our case, the Prime Minister stated that the Chairman of the Commission, Sir Chas. Skerrett, had agreed to hold over the opening of the proceedings in Samoa to allow us time to prepare our case if such were required.

At the time the Commission left New Zealand I was still consulting with our legal advisors in New Zealand, but on account of the violent insinuations that I was deserting the Samoans and the cause I had hitherto professed to advocate, I hurried to Apia by the quickest route. I found on reaching there that the Commission had opened without delay and that there was general dissatisfaction with the manner in which the enquiry was proceeding during its first week's sittings.

A POSTPONEMENT PROMISE REPUDIATED.

On the application of Mr. Baxter (counsel for the Citizens' Committee and the Mau) at the opening of the Royal Commission in Samoa for a postponement as promised by the Prime Minister, the Chairman (Sir Charles Skerrett) replied:—

"The statement of the Prime Minister was made at the time when it was assumed that Mr. Nelson would be coming to Samoa by the same steamer as the Commission. The idea was to give him a few days to ascertain the position for himself; but he did not arrive, and the conditions seem to be substantially altered."

Anyone who has read the published correspondence between the Prime Minister and Sir John Findlay on the question of the promised postponement cannot possibly arrive at any other conclusion than that either the Prime Minister or the Chief Justice of New Zealand, who was Chairman of the Commission, has grossly and deliberately misrepresented the matter. Hear Mr. Baxter's reply to the Chairman's remark about altered conditions:

"They are so far as he is concerned, but they are not so far as counsel is concerned, except for the worse. If he had been here, he would have been of some assistance to us."

Mr. Baxter then pointed out that he had briefed no Native evidence at all. "My unfortunate position is that I do not know what evidence the Natives are able to give," was Mr. Baxter's statement, and as the European members of the Committee had been ordered by the Minister to avoid all contact with members of the Mau, it was difficult for anyone to know what evidence could be offered by them. All the Chief Justice would say in reply to this was: "I venture to say that the less the Native evidence is briefed the better it will be in the interests of truth: so far from that being a disadvantage in the investigation of the truth, it appears to me to be a distinct advantage." Apparently these sage remarks were not meant to apply to the well-briefed Native evidence called by the Administration so far as truthfulness was concerned. The Chairman also made a reference to "Mr. Nelson's wilful abstention from taking part in the investigations before the Commission," which was quite uncalled for, when he must have been aware that I had remained in New Zealand to complete my consultations with Sir John Findlay, legal advisor to the Committee, and was returning to Samoa with all speed.

Two days before I arrived, the Samoans deliberately refused to appear before the Commission. It was only after urgent pleading by the Hon. Mr. Williams, Acting-Chairman of the Citizens' Committee, that they reluctantly agreed to appear. I was present in the Court House when Mr. Slipper, second counsel for the petitioners, walked out of the Court at about 3.45 and informed Mr. Baxter and myself that he would simply refuse to continue, as the Chief Justice had bombarded him with interpolations and interruptions all day. On an application for an adjournment that day, the Chairman, evidently realising the position agreed without demur, even though he took it very badly when an adjournment was asked for before 5 p.m. on another occasion for reasons easily as good.

Even though our counsel had reason to protest against the way the proceedings were being reported, and corrections had had to be allowed, no facilities were given for two typistes especially engaged in Sydney to check the reports on behalf of the petitioners, or to accompany the Commission on the *malaga* to Savai'i, with the result that we were not given the opportunity to check any of the proceedings held in Fagamalo (Savai'i).

"WHY BOTHER ABOUT BRITISH COURTS?"

When Mr. Slipper was cross-examining the Administrator on banishments he asked: "Can you give any reason why these cases should not have been dealt with by the ordinary British Court?" the Administrator replied: "Many of them are Fa'a-Samoa offences." The Chairman (Sir Charles Skerrett) was not long in taking up the cudgels and, among other things, he said: "Why bother about British Courts?" This seems a strange remark from the Chief Justice and Deputy Governor-General of a British Dominion, where at least the value of "British Justice" dispensed by "British Courts" should be fully appreciated.

To facilitate the work of the Commission and its resentment of any repetition of evidence on any subject, our counsel had to agree to grouping as many as sixteen banished Natives, by appointing one of them to give evidence on behalf of the lot, even though the circumstances were not altogether similar in every case. The Commissioners allowed Government officials to read long prepared statements, which were taken as evidence, although the petitioners were not given similar privileges; in fact, anything other than direct answers to counsel's questions were considered "statements," and were disallowed.

Tuimalealiifano, one of the two official Advisers to the Administrator, and one of the highest chiefs in the land, followed the course laid down for the Royal Commission and applied for permission to be heard. He was rejected, because the Royal Commission considered he could not give any material assistance to the Commission. This caused intense resentment among the Samoans, and confidence in the Commission was reduced to a negligible quantity, to say the best of it. Rightly or wrongly, it was felt that the Commission was more anxious to return to New Zealand as soon as possible than to make a thorough investigation.

COPRA AND PROHIBITION.

In spite of the apparent hurry and scurry to get away, the Royal Commission, after devoting a lot of time to the inquiry on the Copra policy of the Administration, which, after all, was not one of the complaints of the Mau, and finding that "it cannot be said that the conditions under which the Samoans sold their copra to the traders were just or reasonable," they go on to say that the system was a matter of policy, and **"does not come within the scope of the inquiry."** Yet they continue by saying:—

"We have not found it necessary to come to any determination upon the submissions of the traders that they were not making undue profit . . . nor do we think it a material matter for our inquiry whether the costs and charges debited by the Reparation Estates against the sale proceeds are not sufficient."

If this is not the height of inconsistency, then I should like to know what is.

After going to great pains to disclose errors in the report of the Citizens' Committee on Finance, the Royal Commission reports: "At the same time, we wish to make it clear that it was impossible for us to enter into a detailed inquiry as to the organisation or staffing of the Administration." The citizens have contended throughout that there was excessive overstaffing, and that, on the whole, the finances of the Territory

were wantonly squandered. New Zealand has, in the past, subsidised the the Samoan Treasury with anything up to £20,000 per annum, and more will now be required. It has been pointed out more than once to the New Zealand Government that there would be no need for this subsidy if over-staffing and excessive salaries to officials were eliminated. If there is a department which still requires a "detailed inquiry" it is the Treasury. The Commission could not find time for this. A year or two hence the Mau will probably be blamed for the first loan of £100,000 from New Zealand, which amount was expended before the Samoan people knew anything about it.

The law prohibiting the importation and sale of alcoholic liquors by and to Europeans was not defended by the Administration. Government officials gave evidence against Prohibition, and not a single witness was called in favour of it. After hearing all the evidence offering, the Commission reports: "The consideration of this matter is **not within the scope of the inquiry** which we were directed to hold, and **we are not entitled to express an opinion** on it." Further on, the Report states: "It appears clear that the (Prohibition) legislation has proved effective, etc." If this is not an opinion, what is it?

Let me say at once that Prohibition has nothing to do with the present unrest, and the Samoans have always been prohibited. Prohibition is not General Richardson's baby. It was in force before he arrived. He has openly told the Europeans in Samoa that he does not believe in it. He knows his officials are brewing beer. He did not give evidence in favour of Prohibition before the Royal Commission. No official gave such evidence. The Inspector of Police and other leading officials gave evidence against Prohibition. The Europeans, whilst they dislike Prohibition, do not blame General Richardson for it. Prohibition has nothing to do with the present unrest, and Mr. Coates knows that as well as he knows the falseness of his statement about copra.

In respect to the complaint that the system of government permitted of an absolute dictatorship by the Administrator, the Royal Commission reports: "This charge will be carefully dealt with later on, and shown to be, in our opinion, unfounded." If the arbitrary banishment of Samoans, the deprivation of hereditary titles, the deportation of Europeans, all without proper trial, can be effected by other than a dictator, then I will stand corrected.

Regarding the method of appointing Faipules, the Commission reports: "We are satisfied that he (General Richardson) did consult the people of the district before appointing a Faipule and assured himself that the appointment would be an agreeable one to them." But few of the Mau (comprising over 90 per cent. of the Samoans) remember ever having been consulted in the appointment of a Faipule.

The Samoan people have openly protested against the present Faipules and the method of their appointment. The anomalous position to-day is that the Faipules stand by the Administrator and his drastic policies in opposition to practically the whole of their constituents. This should justify the claim that the Faipules are not representatives of the people, but are what the Administrator himself terms his "chief officials in the districts."

NEED FOR "WISDOM AND CAUTION."

In respect to the power of the Administrator to banish Samoans from their homes to another part of the Territory, the Commission finds: "We are therefore of opinion that it is not prudent or safe to **wholly repeal** the power which we are considering; and, further, that no demand exists for such a repeal. The power, of course, ought to be exercised **with wisdom and caution.**" The Mau petitioned Parliament for the repeal of these drastic laws, and now the Commission claims "no demand exists for such a repeal." Furthermore, the Commission carefully avoids any reference as to what amount of "wisdom and caution" was exercised by the Administrator in making banishment orders before the Mau was ever formed, but which nevertheless were largely responsible for the present unrest.

Samoan High Chiefs who desired time to consider the Administrator's half-baked schemes were charged with disloyalty, banished without trial, and deprived of their chiefly titles. Fifty-six Chiefs were banished before the Mau was formed, and fifty after.

In lieu of a trial, these Chiefs had to submit to an inquiry by some Fapiule or official whose report the Administrator acted upon. The reporting official was sometimes drunk when he conducted his inquiry. One Resident Commissioner of Savaii, a notorious moral pervert and drunkard, who subsequently committed suicide, concluded one of these inquiries by falling dead drunk from his chair to the floor. Nevertheless, the Chief was banished on the mere report of this drunken moral leper who had been polluting the clean youth of Samoa, while the Chief who was punished had never received a fair trial.

The complaints made by the Samoans against the Medical Tax, the individualisation of family lands now held under a communal system, the presentation of emblems of sovereignty to New Zealand, and the Faipule Laws are all real and well founded. Evidence was given in support of these complaints. I ask the New Zealand people to compare the evidence in these matters with the findings of the Commission. They can then judge for themselves and unprejudiced readers will easily realise why the Commission and its Report are not respected by the Samoan people, and they will begin to realise why the Mau is to-day stronger than ever.

In respect to the cancellation of traders' licenses, three traders were deprived of their right to earn a livelihood by the Administrator cancelling their licenses to trade and ordering them to cease trading. I can hardly believe it a mere coincidence that these three men were all in the employ of my firm, O. F. Nelson and Co. Ltd. Counsel for the Administration, Mr. V. R. Meredith, of Auckland, admitted to the Royal Commission that the procedure adopted by the Administrator was wrong, and made no attempt to defend it. The Commission comments favourably on the admissions made by the counsel for the Administration, but made no attempt to find redress for the three traders who were wrongfully deprived of their livelihood by the Administrator, and who had not, up to the time I left Samoa, been informed by the Administrator that they may resume their former occupations. In fact, their own counsel, Mr. Slipper, did not feel disposed to advise them, on the strength of the Commission's Report, to again apply for trading posts. The nearest approach to the Commission finding against the Administrator is in reference to this matter where it states: "The position was misconceived by the Administrator's legal ad-

visers." When the Administrator gave evidence before the Commission and stated that he set up a board of the Crown Solicitor and two other officials to advise him on the cancellation of traders' licenses, the Samoan Crown Solicitor (Mr. McCarthy) passed a note to Mr. Baxter, next to whom I was sitting, that he did not remember being asked to act on such a board.

COPRA NOT THE CAUSE.

The Prime Minister says—and he knows it is false—that "the Administrator's experimental native copra-selling policy was largely responsible for the present movement." The Prime Minister knows that the Administrator **did not start handling native copra until March, 1927.** He knows the trouble in Samoa began long before that. My first complaints to him were made in September, 1926, and the trouble was well started before then.

The Prime Minister also knows that the Administrator's dealings in copra were mere retaliation against myself. I gave it on oath that before the Administrator started handling copra I received a warning through Judge Woodward to stop advocating the cause of the Samoans, or the Administrator would buy native copra. Judge Woodward has not dared to go into the witness-box to deny this. Judge Woodward is the Chief Judge of the High Court in Samoa, and has distinguished himself by his political electioneering on behalf of the Administration, and his assaults on members of the Mau, for which he has been haled before the Junior Judge and fined; his counsel, Mr. Klinkmueller (a German solicitor), pleading guilty and asking for the maximum penalty to be imposed in order to prevent the facts being given in evidence.

It passes my comprehension how the Prime Minister can expect to get away with such patent falsehoods as have characterised his public utterances on Samoan affairs. That the Government should resort to such methods must convince reasonable people that the Government's case is hopeless.

The Royal Commission concluded its sittings on the 27th October, and hastened back to New Zealand. It was thought that the reason for the hasty appointment of the Commission, and the manner in which it rushed at once to Samoa to carry its work out with extraordinary speed, was to enable it to report to Parliament before the session closed. But on returning the Commissioners took things in a leisurely fashion, strongly contrasting with their impatience in Samoa, and their report was not signed until November 29th. Parliament adjourned on December 5th, without an opportunity of discussing the evidence on the petition, or the report of the Royal Commission, and members expressed the opinion that the Government was shirking the Samoan issue, and evading the subject being discussed by the elected representatives of the people. No other conclusion can be drawn from its tactics.

As soon as Parliament was dissolved an official summary of the Commission's findings was broadcast, in which everything condemning the Citizens' Committee and the Mau, or in praise of the Administration, was given full prominence, but the illegality of cancelling traders' licenses, and the issue of the Book of "Laws," containing many mere resolutions, were kept in the background. This summary was published in Apia on December 9th, and on the 14th the Administrator requested me to appear before him under the Samoan Amendment (Deportation Without Trial) Act of 1927.

THE DEPORTATION PROCEEDINGS.

The notice ran as follows:—

In the matter of the Samoa Amendment Act, 1927.

To OLAF FREDERICK NELSON, of Apia, Merchant.

WHEREAS I have reason to believe that you are hindering the due administration and executive government of the Territory of Western Samoa NOW THEREFORE I, GEORGE SPAFFORD RICHARDSON, Administrator of the said Territory, hereby require you to appear before me on the 16th day of December 1927 at 9.30 a.m. o'clock in the forenoon at the Office of the Administrator at Apia to show cause why the provisions of the above entitled Act should not be made applicable in your case. For your information I hand you herewith a copy of the above entitled Act. I have to inform you that I am prepared to permit you, on your appearance, to have the assistance of counsel or other person to assist you in showing cause accordingly. You may also tender any written statement or other document, or produce any person or witnesses. For your further information I have to inform you that the matters by reason of which I believe you to be hindering administration as aforesaid are:—

You are the recognised and active head of an organisation called the "Mau" or League of Samoa, the purpose of which is to secure self-government for Samoa and in furtherance of such purpose, by unlawful means to frustrate and render ineffective, and which is frustrating and rendering ineffective, the functioning of the Administration of the Territory.

Dated the 14th day of December, 1927.

(Signed) GEO. S. RICHARDSON,
Administrator of Western Samoa.

Before appearing next day in reply to this requisition, I addressed the following written statement to the Administrator:—

To His Excellency,
The Administrator of Western Samoa,
APIA.

IN PURSUANCE of the suggestion and permission made and given by Your Excellency in your notice under the above intituled Act dated the 14th day of December 1927 and served upon me OLAF FREDERICK NELSON on the 15th day of December 1927 at 10.30 a.m. requiring me to appear before you at 9.30 a.m. on the 16th day of December 1927, to show cause why the provisions of the above intituled Act should not be made applicable in my case, I respectfully tender the following written statement:—

1. The report of the Royal Commission has not yet been made public in Samoa.
2. The summary which has been made public is not a report and cannot be relied on to express fully the findings of the Royal Commission. In any case, that summary is not, except as to extracts, in the words of the Royal Commissioners. There are expressions in the summary that strongly support this view.
3. The summary makes it clear, however, that in the words of the Royal Commissioners "little reliance" could be placed on the evidence of the Natives to the effect that I have told them not to obey the laws and regulations of the Government. It further makes plain that there is no evidence that I was concerned in any propaganda of this kind which might have emanated from the Committee of the Mau at Apia.
4. I cannot accept responsibility for statements by Natives to the effect that they recognise me as head of the Mau, nor does Your Excellency's requisition give any facts in support of such a view.
5. I am not a member of the "Mau" as it is now operating. I was elected Chairman of the original Citizens' Committee, whose object was merely to place grievances before the Hon. the Minister for External Affairs. Those objects are clearly set forth in the typed statements forwarded to Your Excellency for transmission to the Hon. the Minister in December last. Beyond that object and those grievances, I and the said Committee never have gone.
6. The Citizens' Committee was only part of the "Mau" and ceased definitely to take any part in "Mau" deliberations or to have anything actively to do with the "Mau"

subsequent to the directions of the Hon. the Minister during his visit in June last.

7. There was no disposition on the part of the Natives to disobey the laws of the land during the period prior to June when the Citizen's Committee was in active control of the two-fold organisation.

8. I have no knowledge to the effect that it is the purpose of the "Mau" to secure self-government. No such idea was ever mooted or even hinted at during the period in which I was active on the Citizens' Committee.

9. I have not been at any time a party to, nor have I ever countenanced any "means" lawful or unlawful "to frustrate and render ineffective the functioning of the Administration."

10. Whilst it is true that the above intitled Act states that "the Administrator shall inform him (the person requisitioned) generally of the matters which have induced such belief as aforesaid," yet it is equally true that the same clause provided that the Administrator "shall grant him (the person requisitioned) full opportunity of denial or explanation."

11. I submit that there can be no possibility of a "full opportunity of denial or explanation" unless the hearing of the "matters" is based upon the following essentials:

- (a) Definite written charges to be made and delivered to the person required to appear.
- (b) Time in which to prepare a defence and collect evidence in refutation of those charges.
- (c) All evidence to be on oath.
- (d) The right of cross-examination.

Your Excellency's requisition does not make provision for any of these essentials, and in their absence I am practically helpless except so far as I may make general denials to "general charges." Moreover, I am called upon to prove negatives. It is the universally accepted rule in both logic and law that he who affirms must prove, and that no man can or should be called upon to prove a negative.

12. It is to be noted that if I were guilty of the charges either generally stated or implied in Your Excellency's requisition, I could undoubtedly have been prosecuted under the usual Statute Law in the King's Court for seditious conduct, or taking part in an unlawful assembly. In that case the essentials I have referred to would govern the enquiry. No such prosecution has ever been brought.

13. When Your Excellency wrote to me on the eve of my departure for New Zealand, I replied asking Your Excellency, in effect, to tell me of any charges Your Excellency had to make against me. Your Excellency's reply disclosed no definite charge. It merely blamed me for acting as chairman on a certain committee. I desire to point out that that Committee was a thoroughly constitutional and legal body and that no facts were alleged to show how the peace, order and good government were endangered by that Committee.

14. Since then and up to a week after the commencement of the sittings of the Royal Commission, I was absent from Samoa.

15. Any apparent activities on my part in connection with the Citizens' Committee since the visit of the Hon. the Minister in June last, have been solely for the purpose of bringing matters before the Royal Commission, as was evidently expected both by the Royal Commission and the New Zealand Cabinet, and was certainly approved of by my New Zealand counsel, namely, Sir John Findlay, K.C., K.C.M.G.

Dated this 16th day of December, 1927.

(Signed) O. F. NELSON.

Following this letter, I appeared before General Richardson, accompanied by Messrs. Baxter and Slipper as legal advisors. The following is a verbatim report of the proceedings:—

Mr. Baxter: "Mr. Nelson appears before your Excellency this morning in accordance with the notice issued by you under the provisions of the Samoa Amendment Act, 1927. I am appearing to assist him, together with my friend Mr. Slipper. I do not propose to speak at any length. Mr. Nelson's evidence will consist of the statement already placed before you by me. I wish to bring under your notice a letter which was sent to the Samoan Committee before the receipt of your communication. It was sent on the 13th December. It is as follows:—

"TO THE LEADERS OF THE 'MAU.'

"On the termination of the enquiry of the Royal Commission, it was decided that, when the decision of the Commission came to hand, we were again to meet you to discuss the matter. The decision has now arrived, and is published in the 'Samoa Guardian,' so it was our intention to meet you this week. On referring the matter to counsel they have advised us that no useful purpose can be served by our meeting you. Such a meeting would be undoubtedly misconstrued and made to appear as if we had broken the orders of the Minister prohibiting Europeans from participating in Native affairs. The decision, as published, shows that in the minds of the Commission the Administrator and Administration are right and the Mau are wrong in all the matters under dispute. Most of the blame has been placed on us, the European section of the Citizens' Committee, more especially on the Chairman. The decision only discloses the findings of the Commission, but no recommendation of what should be done is contained therein. Furthermore, this decision, or even a small portion of it, cannot be made effective until after it had been considered by the Parliament or Government of New Zealand and they had given their decision on it.

"Yours respectfully,

CITIZENS' COMMITTEE (European Section).

"(Signed) O. F. NELSON, Chairman."

"Commenting on the notice itself, I just wish to mention that we are put in the unfortunate position of being asked to prove a negative, which is practically impossible. We can only say "No" to what is alleged, and such a course is unknown both in logic and law, where it is accepted he who affirms must prove, and that no man should be called upon to prove a negative. Nevertheless, we are bound by the requirements of your letter. The evidence in chief is before you, and Mr. Nelson is attending for the purpose of answering any questions which may be asked. I suggest that Mr. Slipper and myself may be entitled to ask one or two questions if it is necessary to clear up any point.

THE ADMINISTRATOR'S "CHARGES."

General Richardson: I cannot receive any questions from counsel or from Mr. Nelson unless it deals with the general question. I have called Mr. Nelson here this morning to answer a charge which was set out in a letter to him yesterday. That charge I will now read:—

"You are the recognised and active head of an organisation called the 'Mau,' or League of Samoa, the purpose of which is to secure self-government for Samoa, and in furtherance of such purpose by unlawful means to frustrate and render ineffective, and which is frustrating and rendering ineffective, the functioning of the administration of the territory."

"You have been called here this morning to defend this charge which has been drawn up in accordance with the Samoa Amendment Act, 1927. The charge is set forth in the letter of yesterday, and a copy of the Act was also sent with it. The defence has been handed to me by counsel this morning. It is in writing, and I have already been considering it, and I may consider it a little further; but I wish you to have the fullest opportunity of saying what you wish to say concerning the charge. I have no question on that paper for the moment; but I would like to ask one or two before I consider what action should be taken. I want you to be quite assured that I will allow you the fullest time to deal with this matter. I will now ask you one or two questions.

General Richardson: "Have you addressed meetings of the Mau, Mr. Nelson?"—Not since the Minister's order, except in respect to the sitting of the Royal Commission.

"Have you been in communication with Native members of the Committee during the past month?"—We wrote them that letter, and Natives call on me on business, and the only thing that I have asked them to do was to collect some money to pay for the expenses of the past Counsel's fees and what we have paid out. I understood when I was being examined by the Select Committee in Wellington that that course would be quite justifiable.

"Are you aware that Native members of this Committee (I am speaking of the Native members in Apia) have circulated and are still circulating orders and letters of instruction not to obey orders from the Government, nor to pay taxes?"—I have heard that.

"Have you, as a recognised member of the Committee, or any other member of the Committee taken any steps to prevent these instructions going out?"—When I first heard of it after the Minister's visit I told one or two people who came and told me, that it was a wrong course to adopt, because right throughout our activities with the Samoans, before we were ordered to cease by the Minister, we had exhorted them to make whatever representations they had to make to the Minister in a constitutional manner, we told them on no account to break the laws or to disobey any orders of the Government.

"But since the Minister's visit, have you, or any of the European members of the Committee, taken steps to stop this circulation of propaganda or instructions which were preventing the Government functioning?"—I cannot vouch for what others have done, but as far as I am concerned, I have done what was possible under the restrictions placed upon me in respect to the orders of the Minister.

General Richardson: "The orders of the Minister were to undo the evils that had been done. The movement had been started and appeared to have got beyond control of some of the Natives themselves; and the Minister saw that the influence of the Committee was necessary to readjust matters to their former condition. Have you or any other member of the Committee done your part towards putting these people right in regard to obeying the order of the Minister?"—I have always told them right through to obey the law. As to any instructions which the Mau Committee are said to have issued to the Samoans regarding non-payment of taxes or disobedience to the law, these instructions were not being given as long as we were in the Committee.

"We are aware that the European Committee organised the Mau movement, although at first it was a combined European and Native movement. The growth of the Mau was the result of that. Therefore the responsibility goes back to those who originally organised the movement which got beyond control. Subsequently the Minister ordered those responsible for the trouble to undo their work. Have the European members done that? Not in a negative sense—not by leaving things alone—have they done anything positive by giving instructions about disobeying orders?"—We had one public meeting with the Samoans after that, and that was the day we received the letter from the Minister. We were in Lepea, and read out the letter from the Minister, and told them that they were our instructions, and we asked them to follow out the instructions of the Minister the same as we would.

"WE CANNOT FUNCTION."

General Richardson: "We know the position to-day, that the country is divided. There are one or two districts where we cannot function. In other districts some are in the Mau and some are in the Malo. The simple minds of the Samoans are unable to reason out the position, and it is causing them to look upon these organisations as two separate authorities. We cannot function, and it is necessary that these people should be told from the right sources, from myself and from the source from which they have received their lead, that they are in the wrong, and that they must obey the laws and carry out instructions from constituted authority. I have only this question: Will you now, personally, in the presence of the Secretary of Native Affairs (Rev. Mr. Lewis) give me your word to instruct the Native Committee in Apia to go back to their homes, obey the orders of the Government, and put anything they have to say through the proper channels, through the properly constituted channels to me? The whole trouble is really emanating from the Committee in Apia. Will you personally instruct this Committee to go back to their homes and obey the orders of the Government and stop this attempt to frustrate the functioning of the Government?"—May I ask if you will permit me to consult with my counsel?

General Richardson: "You may do so."

After Mr. Nelson had conferred with Messrs. Baxter and Slipper, the question was again continued by His Excellency: "I put this question in the interests of the country and of the Samoans—I put it to you as man to man and as one who has influence and interest in the country—and I ask you to give me your answer?"—In answer to that question, Your Excellency, I wish to say that I have done that all along. When the Minister gave his order to us, I not only told the Natives to go home, but I also told them that there was nothing for them to do here. The Minister had come and gone. We had met him and presented all our matters to him, and now they would have to wait until they received the reply of the Minister. There was absolutely nothing

for them to do in Apia, and as far as I know the greater part of them left right away. Any further staying on here must have been a later development in their minds, because they agreed to go back. The A'ana people told me they agreed to leave right away that night. I asked counsel about reporting what I had done to His Excellency, and they advised me to do so. If your Excellency asks me again to advise the Natives to go home, obey the laws, and put any complaints through the proper channels, I have been advised to agree to do so.

General Richardson: "Do you not feel it your duty to do this to put a stop to the possibility of conflict between the two sections of natives?"—I feel, as much as anybody, regret at the present state of affairs.

"Your answer is that you are not prepared to do it of your own volition, but will do so if asked?"—The reason was on account of legal difficulties.

"I was not thinking of the legal part of it—what is your answer—yes or no?"—I say, Yes! but to tell them that they are wrong

General Richardson (interrupting): "I did not tell you to say that. Will you personally, and in the presence of the Secretary of Native Affairs, instruct this Committee to go back to their homes and obey the orders of the Government and put their complaints through the proper channels?"—Yes!

I do not actually ask you to use these words. I will allow you to say what you think in your own heart. I am certain that they know that they are wrong, and you know that they are wrong, but if the using of your influence on the Natives is going to be prejudiced I will not ask you to do it."—Yes, but the presence of the Secretary of Native Affairs might make things worse. I am only suggesting this.

"It would be much more satisfactory to him, and I want your answer."—I only just wanted to make a suggestion with the object of carrying it out satisfactorily. If it is only a matter of appearing there with the Secretary of Native Affairs, I cannot instruct them, I can only speak to them.

"My suggestion is that it should be done in the presence of the Secretary of Native Affairs, so that the Natives will see that your action has the backing of the Government. You stated that when you went away you told this Committee to go to their homes. Is it true that you stated that for every member of the Committee sent away from Apia, his place would be taken by one from his district so that it would be kept going?—No!

ABSOLUTE DENIAL OF CHARGES.

General Richardson: That is all the questions I have to ask.

Mr. Slipper: When we spoke of the Mau to-day, Mr. Nelson, is that the same sort of thing that it was nine months ago; is it the same size or is it bigger?—I think it is bigger.

Since the Minister's visit, has there not been a distinct cleavage between the White and Native Committee?—Yes: the Mau have disregarded the exhortations of the Citizens' Committee, as they were given to the people at the last meeting we had with the Samoans.

Do you remember speaking to the Natives at a meeting at the conclusion of the sittings of the Royal Commission?—Yes; I spoke to the Samoans then, and I told them that the sittings of the Royal Commission being concluded, there was nothing for us to do but to wait for the decision. We as the Citizens' Committee now had to go right back to where we were after the visit of the Minister. We were ordered to cease activities with them, which we did, except with regard to collecting money to pay expenses. They were told that when the decision arrived, it would be in respect to matters regarding the Minister's visit and before, in which we were collectively interested; but all things after the order of the Minister we were not responsible for, and therefore we have now to refrain from further activities.

Mr. Slipper: It was said at that meeting that the two parties would separate, but when the result came through and it was in English, the White Committee would report to the Natives?—Yes.

As a matter of fact it was after this report came through that this meeting of the Native Committee was in prospect and that caused your letter of the 13th December?—Yes.

The letter was written because your counsel decided that it was improper even to meet the Committee to report?—We thought that it was better to consult counsel, as we feared that it would not tend to put ourselves right. We adopted the course we did and wrote to them instead of meeting them.

At that meeting at Lepea you told them to go home. Did any other people in the White Committee speak?—I think you will find it in the notes—I am not too sure.

What was the general reply—would they or would they not go home?—The people of A'ana by what I was told said that they would go home that night, and the Savai'i people would go home as soon as they could. Those who had native boats went home. Those who did not have boats of their own had to wait and take their chances in the motor boats; and I, myself, went to the expense of diverting one or two of our own ships from the places they might have gone to, so as to send them to Savai'i and enable the people to get away.

With reference to instructions coming from the Central Committee to the people telling them not to obey the laws—have those instructions, before they have been issued, ever been referred to you or the European Committee in any way?—Never in any one instance.

Apparently they knew that it was of no use?—Yes, because they were contrary to our own instructions to them.

In regard to exhorting them to keep the peace—perhaps you can give His Excellency an example of this morning?—This morning, while waiting at Mr. Baxter's office for news or information from him regarding his meeting with His Excellency, a number of Samoans came in. They were excited and asked what was the trouble. I told them that there was no trouble. They stated that they did not want us to appear before His Excellency. I pleaded with them and begged them and appealed to them in the Samoan way in tears, that if they did not wish to obey me or be guided by me in any way, to do this one thing for me, and that was to ask their people to disperse and not cause any demonstration or bring about the least suspicion of one. This I begged them to do for me personally, because I felt and I told them that a demonstration of that nature would only excite the people and probably lead to trouble, the very last thing in the world that I would like to see, and the very thing that I have fought against. I have used every influence on my part where such was possible to preserve peace and not to excite the people.

"IN AN UGLY MOOD."

Mr. Slipper: Can you tell us in what frame of mind you believe them to be?—I did not like the looks of the people. I felt that they were excited, and I did the very best I could to remove that excited feeling. Furthermore, I might mention that since I received the letter from His Excellency, and apart from consulting counsel and answering one or two European questions, I have not spoken to a soul. I feel that the people are in an ugly mood, and I would not tell them anything that would make them more excited.

Was there more than one district represented?—There was more than one. They came in one after another from different districts, and I exhorted them to get away from that excited feeling. They must have noticed that I meant it from my heart, because they promised to do what I begged them.

There were others present at the time?—Yes, Mr. Bruce, Mr. Smyth, Mr. Pleasants. Mr. Bruce came in to see me about a letter he had received about the Market Hall.

You are interested in both the Market and the Market Hall.—Yes.

Are you prepared to meet His Excellency on that matter?—I asked Mr. Bruce to see Mr. Meredith and tell him, because he is the sub-lessee of the Market Hall Company, that I agree as one of the directors; and furthermore I gave him the letter that was addressed to me and told him to show this to Mr. Meredith, and that I also agreed, as a trustee, to the closing of the market or putting the lights out at six o'clock.

Regarding the question of replacing any member of the Committee who was banished—have you heard of that idea?—I have heard of that, and I asked what that was, and was told that the object was to pacify the people who were being sent away. They would be satisfied if others could take their place.

You realise His Excellency's question—did that idea emanate for you?—No.

Did it emanate from any members of the Committee?—I do not think so.

Was it any concern of yours?—No.

THOSE KING'S BIRTHDAY CELEBRATIONS.

General Richardson: Do you consider, Mr. Nelson, that the demonstration organised by the Committee in front of the Minister in June last was responsible for creating in the psychology of the Samoans and of the "Mau" the idea of making demonstrations in Apia whenever they felt inclined to do so, to show their resentment to Government authority and the Governor?—I would not like to say that.

Referring to demonstrations being made now, as far as I can ascertain, I can see no active steps taken by the Europeans on the Mau Committee to stop those demonstrations. I have taken steps to prevent any of what may be called the "loyal" section from making demonstrations, in order to avoid complications; and it has saved the situation on more than one occasion, but it has occurred to me that that demonstration organised by the Citizens' Committee in June last has been to some extent responsible for the attitude of the natives and made them want to come and demonstrate in Apia. What is your answer to that?—Personally, I wish to deny that the demonstration to the Minister was organised by the White committee. The Natives wanted it themselves in order to prove the contrary of statements that had been made that the Mau only represented a paltry few.

General Richardson: We know how it was organised. I want to know whether you think that it really changed the psychology of the Samoans towards making demonstrations?—I might mention that with the exception of the two or three gatherings since I returned, and which I have definitely requested the committee to abstain from, and which I know the White committee had sent word about to the Samoans, that I had specially wired for no demonstrations or receptions to be made for me—apart from these, I have not witnessed any. If there have been demonstrations, they must have been whilst I was away; I have not seen any. I have heard that there were meetings, but I have not seen any myself, apart from the one on my return.

"MAKING THE POSITION IMPOSSIBLE."

General Richardson: That is all. But for your information I will say that what happened two nights ago illustrates the attitude to-day. When the police try to function there is immediately trouble. Members of the Mau come along and say, "Our organisation will function in opposition to the Government," and it is making the position impossible. Only this morning there are parties coming along the coast to make a demonstration in Apia, and the origin or seat of this trouble is this Mau Committee in Apia. You have answered the question of what you will do. I will consider this matter very carefully, and let you know as soon as possible what recommendations I consider it necessary to make, if any.

Mr. Baxter: The date of the Act, Your Excellency, is the 5th August, 1927, and I submit that it is operative from that date, and that you will not consider anything that happened prior to that date?—**General Richardson:** I am fully aware of that.

This concluded the proceedings.

A FINAL ATTEMPT AT RECONCILIATION.

After that enquiry I sought audience of the Administrator to seek his assistance to make my request to the Samoans effective on his behalf. This interview was not granted until a week later. Meanwhile he had firstly informed me by letter that my evidence on my own behalf was not satisfactory to him, and he had placed the matter in the hands of the Governor-General-in-Council for Cabinet to agree to further action.

Two days later he sent me an order to depart from Samoa and to remain away for five years. The day after this order reached me I was granted an interview. I explained to the Administrator that my influence on the Samoans was not omnipotent, but that he had evidently over-rated it. However, if he would allow me to deliver some conciliatory offer from him I felt confident that a basis of negotiations towards a settlement might be arrived at. This was done by me with full knowledge that I had not only to leave Samoa by the first outgoing steamer, but that I also

felt it my duty for the preservation of peace in Samoa to do all I could to convince the Samoans of the wisdom of the necessity for them to permit me to carry out the Administrator's order without any opposition from them.

On Christmas Eve I arranged a meeting of the Mau and, whereas they were at first unwilling to meet me, owing to Mr. Lewis' presence, I persuaded them to allow the meeting to take place. On the previous night the Administrator sent me an order containing conditions which he wanted me to place before the Samoans. Some of these conditions were so arbitrary and harsh that the Secretary of Native Affairs advised me not to acquaint the Samoans with them. The Secretary of Native Affairs, the Rev. Mr. Lewis, I am told, reported very favourably of my attempt to get the Samoans to agree to the Administrator's terms.

In spite of the negative answer received from the Samoans, I addressed Mr. Lewis a letter on Christmas Day advising a further meeting. In the feeling that the Christmas spirit might meanwhile have persuaded the Samoans to the extent of giving us a better hearing. No reply came to hand for a few days. Meanwhile the Mau leaders held a meeting and decided on a course to pursue which convinced me that any further attempts by me to bring about a reconciliation would be futile. I promptly addressed another letter to Mr. Lewis and advised him of this. To neither letter have I been given the courtesy of a reply.

After my case was dealt with, Mr. E. W. Gurr was charged on similar grounds as myself with hindering the functioning of the Administration. It was also alleged that, as Editor of the "Samoa Guardian," he had published "false and misleading statements" and influenced the Samoans by "sensational falsehood." Mr. Gurr also denied being an active member of the Mau after the Minister's request had been made, and denied writing or publishing anything "sought to bring the Government of the Territory and its officials into the hatred and contempt of its Samoan subjects."

In spite of Mr. Gurr's denial of inciting the Mau to defy the authorities, and requests for proof, General Richardson failed to quote one article, or one single sentence, from the "Guardian" in support of his charges. Then Mr. A. G. Smyth was charged only with being "a member of the Mau." Mr. Smyth denied this, and pointed out that he could not speak the Samoan language, and had no association with the Mau natives since the Minister's visit six months before. General Richardson again refused to produce any evidence in support of his "charges," and refused to give any details. He made it clear that Mr. Smyth's crime was going to New Zealand in June to give evidence on the Samoan Petition to Parliament. Mr. Gurr was deported for five years, and Mr. Smyth for two, after this travesty of "British Justice"!

"CHARGES" AGAINST MR. GURR.

To EDWIN WILLIAM GURR, of Apia,
NEWSPAPER EDITOR.

(1) That you are an active member of an organisation called the "Mau," or League of Samoa, the purpose of which is to secure self-government for Samoa, and in furtherance of such purpose by unlawful means to frustrate and render ineffective, and which is frustrating and rendering ineffective, the functioning of the Administration.

(2) That you have since the 26th day of May, 1927, up to the present time circulated in Samoa a publication called the "Samoa Guardian," of which you are the Editor, and which is published by a Company of which you are a shareholder. The said paper

has a supplement prepared and printed under your immediate supervision and control in the Samoan language, in which you are well versed. In such supplement you have since the last-mentioned date consistently and deliberately sought to discredit the executive Government of Samoa and to arouse dissatisfaction and disobedience to the laws and the Administrative Officers of the Government and to belittle them. To attain that purpose you have employed your wide knowledge of the language, customs, mentality, prejudice, party rivalries, and history of the Samoan people, and you have made use of false and misleading statements and suggestions. You have particularly played upon that characteristic of the Samoan people which causes them to give ready credence to sensational falsehood. Under a pretence of loyal motives and solicitude for the Samoan people, you have, in the said publication, and especially in the said supplement, sought to bring the Government of the Territory and its officials into the hatred and contempt of its Samoan subjects.

MR. GURR'S REPLY.

To this request by General Richardson, Mr. Gurr replied with the following statement in writing:—

In the matter of the Samoa Amendment Act, 1927.

IN PURSUANCE of the suggestion and permission made and given by Your Excellency in your notice under the above intitled Act dated the 14th day of December 1927 and served upon me EDWIN WILLIAM GURR on the 15th day of December 1927 at 10.20 a.m. requiring me to appear before you at 10.30 a.m. on the 16th day of December, 1927, to show cause why the provisions of the above intitled Act should not be made applicable in my case, I respectfully tender the following written statement:—

1. The report of the Royal Commission has not yet been made public in Samoa.
2. The summary which has been made public is not a report and cannot be relied on to express fully the findings of the Royal Commission. In any case, that summary is not, except as to extracts, in the words of the Royal Commissioners. There are expressions in the summary that strongly support this view.
3. The summary distinctly states however (in whose wording I am unable to say) that I am "acquitted of wilful misstatement." If there were any "misleading statements" in the Committee's statement to the Hon. the Minister, I respectfully desire to point out that no correction of those statements was vouchsafed to the Committee, until it received a reply from the Hon. the Minister in August last, notwithstanding that the Committee's Statement had been before Your Excellency and the Hon. the Minister since December last.
4. The summary makes no reference to the applying of the above intitled Act to Europeans. This matter was omitted from the Order of Reference.
5. I am not a member of the "Mau" as it is now operating. I was a member of the original Citizens' Committee whose object was merely to place grievances before the Hon. the Minister for External Affairs. Those objects are clearly set forth in the typed statements forwarded to Your Excellency for transmission to the Hon. the Minister in December last. Beyond that object and those grievances, I and the said Committee never have gone.
6. The Citizens' Committee was only part of the "Mau" and ceased definitely to take any part in "Mau" deliberations or to have anything actively to do with the "Mau" subsequent to the directions of the Hon. the Minister during his visit in June last.
7. There was no disposition on the part of the Natives to disobey the laws of the land during the period prior to June when the Citizens' Committee was in active control of the two-fold organisation.
8. I have no knowledge to the effect that it is the purpose of the "Mau" to secure self-government. No such idea was ever mooted or even hinted at during the period in which I was active on the Citizens' Committee.
9. I have not been at any time a party to, nor have I ever countenanced any "means" lawful or unlawful "to frustrate and render ineffective the functioning of the Administration."
10. I have not "sought to discredit the Executive Government of Samoa and to arouse dissatisfaction with and disobedience to the laws and the Administrative officers

of the Government and to belittle them." Nothing of a political nature that has appeared in the "Samoa Guardian" has gone beyond the bounds of truth or fair political criticism. Your Excellency has on more than one occasion stated that you did not object to these.

11. I am unaware of any "false and misleading statements and suggestions" having been made by me, and they are not specifically stated in your requisition.

12. I have never placed before the Samoans any "sensational falsehood." If anything I have said at any time has been incorrect (and no person is always correct), it will be remembered that I am positively "acquitted of wilful misstatement."

13. I am unaware of any grounds upon which Your Excellency can rightly characterise my loyal motives and solicitude for the Samoan people as a "pretence." Your Excellency's requisition gives no specific instances.

14. I am unaware of anything, beyond fact and fair criticism, contained in the supplement to the "Samoa Guardian" which could reasonably be calculated to bring the Government and its Officials into "the hatred and contempt of its Samoan subjects." No detailed charges are laid against me, and no specific instances are given.

15. While it is true that the above intituled Act states that "the Administrator shall inform him (the person requisitioned) generally of the matters which have induced such belief as aforesaid," yet it is equally true that the same clause provides that the Administrator "shall grant him (the person requisitioned) full opportunity of denial or explanation."

16. I submit that there can be no possibility of a "full opportunity of denial or explanation" unless the hearing of the "matters" is based upon the following essentials:

- (a) Definite written charges to be made and delivered to the person required to appear.
- (b) Time in which to prepare a defence and collect evidence in refutation of those charges.
- (c) All evidence to be on oath.
- (d) The right of cross-examination.

Your Excellency's requisition does not make provision for any of these essentials, and in their absence I am practically helpless, except so far as I may make general denials to "general charges." Moreover, I am called upon to prove negatives. It is the universally accepted rule in both Logic and Law that he who affirms must prove and that no man can or should be called upon to prove a negative.

17. It is to be noted that if I were guilty of the charges either generally stated or implied in Your Excellency's requisition, I could undoubtedly have been prosecuted under the usual Statute Law in the King's Court for seditious conduct, or taking part in an unlawful assembly. In that case the essentials I have referred to would have governed the enquiry. No such prosecution has ever been brought.

18. Any apparent activities on my part in connection with the Citizens' Committee since the visit of the Hon. the Minister in June last have been solely for the purpose of bringing matters before the Royal Commission, as was evidently expected both by the Royal Commission and the New Zealand Cabinet, and was certainly approved of by New Zealand Counsel, namely, Sir John Findley, K.C., K.C.M.G."

Dated this 16th day of December, 1927.

(Signed) E. W. GURR.

THE CASE AGAINST MR. GURR.

In the matter of the Samoa Amendment Act, 1927.

APIA, 16th December, 1927.

Appeared: EDWIN WILLIAM GURR.

Mr. Baxter: There is no need for me to open this case again, except that Mr. Gurr will produce the files of the "Samoa Guardian."

General Richardson: "I call upon you, this morning, to defend the charge that is set forth in a letter that was sent to you yesterday, and with which you received a copy of the Samoa Act. The charge is a general one, and is as follows": . . . Then General Richardson quoted from his notification as printed above.

General Richardson: "I will be very pleased for you to fully say anything you desire to say in defence of that. I have your written statement here and I have read it and I will very carefully consider it. I will therefore defer giving you what I consider

the finding necessary for me to give, or what is within my powers, or what recommendations I may have to make to the Governor-General in Council. I will let you or your counsel have it after I have gone further into this matter. Meanwhile, I give you the fullest opportunity to say anything you wish to say."

Mr. Gurr: "Your Excellency: In answer to the first paragraph that I am an active member of an organisation called the Mau, I am not at present time an active member of such an organisation. I distinctly say that it was never a purpose of the League to secure self-government for Samoa. I do not know of anything supplementary to my statement that I wish to make. I am positive that the question of self-government never cropped up at any meetings of the Samoan League when I did have something to do with it, and that was prior to the visit of the Minister. Throughout that period the question of self-government never was discussed, never entered our minds, and it was foreign also to the objects of the League. I have never and would not by unlawful means or any other means endeavour to frustrate the functions of the Government. I have endeavoured since our connection with the Mau was severed by the order of the Minister of External Affairs, when opportunity came forward, upon hearing that members of the Mau were disobeying lawful orders of the Government, strongly urged them to obey all orders and to recognise all officials."

"OBEY ALL THE LAWS."

"It would do them no good in any way to refuse to recognise officials of the Government, Native or European, and that they should obey all the laws. I did this, I recollect, when Tagaloa was before the Court. With reference to the 'Guardian,' it is true that I am the editor and a shareholder of the Guardian Company, and also that reference to the supplement printed in the Samoan language. I have never, through the medium of the 'Samoa Guardian,' either through the English or the Samoan section, sought to discredit the executive Government. I have indulged in fair criticism of the actions of the executive, a criticism which I contend every editor is privileged to make, provided he does it without malice. He may be wrong in his criticism, but if he refrains from stating anything of a malicious nature, or stating anything maliciously, he is privileged to make these criticisms. As to arousing dissatisfaction and disobedience to the laws, that has been very far from my object. On the contrary, I have through the medium of the paper stated that the laws, so long as they exist in their present form, must be obeyed, and, until they are amended or repealed by constitutional methods, the people should respect them and the courts that are enforcing these laws. I have not to my knowledge endeavoured to belittle the Administrative officers of the Government."

RESPECT FOR GOVERNMENT.

"I have urged respect for all Government officials. As to my wide knowledge of the language, customs, etc., and history of the Samoan people, I think your Excellency is giving me credit for a greater knowledge than I possess and, with whatever knowledge I have of Samoa, I have never attempted to create false and misleading statements and suggestions. If it is thought that my statements are misleading, I would be pleased to correct them, even though they have been made some time since. I disdain anything false and misleading. I prefer to be sincere in any statement that I make. I may be wrong sometimes. If I am wrong I will correct any mistakes that I have made. I have avoided playing upon that characteristic of the Samoan people which might cause them to give credence to sensational falsehood. I do not know that I have ever stated any sensational falsehoods. I do not think that the Samoans of the present day, with the advance that they have made during the last forty years, could be persuaded to give ready credence to any sensational falsehood or anything of a false nature."

TRUTH AND FALSEHOOD.

"They have a strong discriminating power. They can distinguish between the truth and falsehood, and if anyone attempted to make them believe anything false they would soon notice it, and if he had any influence over them he would soon lose that influence. They are quick to detect anything of that nature. As to a pretence of loyal motives and solicitude—there has been no pretence on my part. Whatever I have done I have done with a loyal heart and a true solicitude for the Samoan people: there

has been no pretence whatever about it. I would not attempt to bring the Government of the Territory and the officials into hatred and contempt; I would lay myself at once liable to action for sedition or slander if I were to do that, and there is sufficient machinery in the present Government to punish people for doing this. I do not know that there is anything else that I desire to say."

"SAMOA FOR THE SAMOANS."

Mr. Slipper: This idea of self-government—where did you first hear of it?—The first I heard of it was in a speech made by His Excellency at Mulinu'u.

Mr. Slipper: And when did you next hear of it?—A speech was made by Sir Maui Pomare in the House of Parliament in New Zealand.

Did you hear anything of it during the sitting of the Royal Commission.—I heard Sir Charles Skerrett put a leading question to some of the witnesses.

And some answered in the affirmative?—Yes, I think that if they had been told to expect that, in time it would be the natural answer.

As far as you were concerned with the Mau, it was never mooted or hinted?—No, never.

The objects of the League are set forth in the "Guardian" of May the 26th, 1927?—Yes.

Those are the accepted objects of the League, framed early in this year?—Yes.

You cannot recollect the particular incident about Tagaloa?—I cannot recollect the incident. I do recollect urging upon some Samoans to continue to carry out the law concerning rhinoceros beetles. I impressed upon them the necessity as strongly as I possibly could, the necessity for doing this.

As to discriminating the Government—have you ever had your attention called to any particular articles in your paper with a request to correct them, except the "Customs incident" which Mr. McCarthy sent to you?—That is the only time that I remember.

On receipt of that you corrected it?—I immediately exonerated those persons who might have been hinted at in the article.

With that exception, you have not had your attention called to any notice in your paper or had a request to modify anything?—No.

If you had told sensational falsehoods, there is sufficient law of sedition to encompass the matter?—Yes.

Mr. Slipper: Is there seditious libel as well?—Yes.

Has any prosecution been brought against you?—No.

Has it been threatened or suggested?—Not that I know of.

General Richardson: You were in American Samoa for a long time, Mr. Gurr?—Yes, from 1900 to 1924.

You know the Natives well?—I am reputed to know them well.

Do you think that the Natives are competent to reason for themselves in the same way as a European, the criticisms that appear in the press?—There are some—many of them, at the present time.

Do you consider that it is necessary for the peace, order and good government of the Natives that they have confidence in their Administrator?—Yes.

Are the Natives inclined to believe what they see in print?—Some of them are.

Criticisms that have been made by you in the Samoan edition of the "Guardian" and circulated amongst the Samoans, criticisms against the Administrator and the Government—do you consider that they would be inclined to disturb the minds of the Samoan people?—Not the criticisms that I have made.

You remember making a criticism of the Government and against the Administrator in the Samoan language?—I may have, in the course of editing the paper. I would like my attention called to it, as I do not recall any special one just now.

I understand that the League was formed with certain objects, one of which was to obtain by constitutional methods what they desired. Are you aware that the Natives of the Mau have endeavoured repeatedly to adopt unconstitutional methods?—They may have done so during the last few months.

NO EVIL TO UNDO

General Richardson: When the Minister was here he asked you to refrain from and to undo the evils that already had been done. Have you actively carried out these instructions?—There was no evil that we had already done to undo. I could not undo what I had done, because I had worked as I considered for the benefit of the Samoans.

Are you aware that the Committee here sent round instructions not to obey Government orders, and not to pay taxes?—I am aware of it recently, since the Minister's visit. I had nothing to do with them.

Have you used your influence to undo that?—I have endeavoured to persuade the Samoans with whom I have talked to acknowledge the authority of the officials of the Government, and to conform to every regulation. I have also stated this in the Samoa edition of the "Guardian." I recall one incident when a circular letter was written by the Secretary of Native Affairs informing the people that the Administrator was going round the Island, and in order that the Samoans might know this, I put it in the paper and issued an extra leaflet exactly as issued by the Secretary of Native Affairs. At the same time I urged the Samoans to meet the Governor and place their matters before him.

The "Samoa Guardian" has from time to time reported grievances of the Samoan people. Did you convince yourself before publishing these that these grievances were genuine?—Yes; I think that all the grievances that I have stated are genuine.

General Richardson: That is all I have to ask.

Mr. Slipper: His Excellency refers to undoing the harm which you have done. With reference to the issuing of instructions to the Natives to disregard the laws, His Excellency says that they came from the Samoan Committee. Were any of these instructions, at the time of issue or before that, referred to you for confirmation or approval in any way?—No.

By this time you were divorced from the Committee, the Samoan section?—Yes; I advised them in the paper, and verbally when I had a chance to speak to them, to obey the laws and the authorities.

General Richardson: Have you been in contact or communication with any members of the Mau Committee in Apia during the last two or three months?—When the Commission was sitting here, not since; nor after the visit of the Minister.

"CHARGE" AGAINST MR. SMYTH.

The only "charge" against Mr. Smyth was that, among many thousands, he was a member of the Mau.

Apia, 16th December, 1927.

Appeared: ALFRED GEORGE SMYTH.

Mr. Baxter: Mr. Smyth has nothing to add to his statement.

General Richardson: I called you this morning in accordance with the letter which you received yesterday to defend the charge which I have put in it and which I will now read:

"That you are an active member of an organisation called the Mau, or League of Samoa, the purpose of which is to secure self-government for Samoa, and in furtherance of such purpose by unlawful means to frustrate and render ineffective and which is frustrating and rendering ineffective the functioning of the Administration."

I have your statement, but wish to hear anything further which you may have to say on the subject. Have you anything further to say?—No, sir; everything is set out in my reply.

Are you aware that the Native members of the Committee have been and still are circulating instructions to the Natives that Government orders are not to be obeyed, nor taxes to be paid?—I am not aware of that. I do not understand the language.

Has it been reported to you?—No.

When the Minister was here in June he stated to the Committee that he wished them, if I remember rightly, to undo the evil that had already been done. Did you, as a recognised member of that Committee, take any active steps to undo that evil or to prevent false information being circulated around Apia?—After receipt of the

Minister's letter we met at Lepea. We read the letters out and told them that they must obey the orders of the Government and return to work.

You are aware that the Native Committee remained in Apia, and is here to-day?—Yes.

Have you taken any steps to cease their activities which are frustrating the efforts of the Government?—We are not supposed to have met them. We did, after the Commission was over, and told them they must return to work.

Have you done anything to disabuse the minds of the Natives regarding any false reports that have been circulated by yourself and Mr. Gurr?—What reports?

General Richardson: I will not specify. You must be aware that statements were made by you in the press that were not true, in New Zealand and Fiji?—I gave no interview to the New Zealand or Fiji press. An interview purporting to have been given by me was wrong.

Do you know of any false reports that have been circulated?—I did not consider that false reports had been circulated. I saw one that was supposed to have come from me, but it was wrong.

Since the Royal Commission it has been revealed to you that the Natives are very sensitive of the question of Finance. It is part of their psychology to be very critical of Government Finance, owing to various experiences in former years under former Governments. It has gone so far as to cause war, to cause violence in this country. After the Royal Commission you realised that your report was a false one. Has anything been done by you to correct that in the minds of the Samoan people?—I cannot say that I have done anything myself. I think I mentioned to one or two Natives who can talk a little English that we had made a mistake in our figures.

The movement has spread all over Samoa, until we have, to-day, one or two districts wholly not functioning. Some districts are wholly Government and others half-and-half. The position is that there are two parties in Samoa. One party organised under the Committee of which you are a member has been spreading false information about finance emanating from your report. It is not a question of one or two Samoans, it is a question of the whole country; and you have done nothing to correct these false statements?—No, sir.

General Richardson: I will think this matter over very carefully and advise you through Mr. Baxter.

Mr. Slipper: In regard to this propaganda that is alleged to have come from the Central Committee advising the Samoans to disobey the laws, has any of that originated from you or any other member of the Committee?—I do not know anything about the propaganda.

Do you remember how long it was after the meeting in Lepea that you went to New Zealand?—About a week.

You had no opportunity until you came back and the Commission had been sitting a week?—Yes.

Your report on Finance was incorrect?—Yes.

The report was handed in to the Administrator about December of last year?—Yes.

It was before the Administrator and the Minister all the time up till August, when you got a reply about it?—Yes.

Had you ever been corrected on your figures before that reply?—No.

Was that report drawn up for the purpose of circulating among the Samoans?—It was for presentation to the Minister when he arrived here.

You have spoken to individual Natives who understand a little English?—Yes.

Did you ever speak to Lago Lago or Faumuina?—I think I spoke to Faumuina.

Are you prepared to do anything in the way of correcting wrong ideas in the Native mind regarding finance?—Yes, as the report is incorrect.

Did you feel that the errors in the report had been thoroughly exposed and corrected at the Commission?—Yes.

Are you prepared to do anything further?—Yes.

General Richardson: Are you prepared to go and in the presence of the Secretary of Native Affairs address the Native members of the Mau Committee in Apia and

explain and express regret that these errors have been made and which have been the cause of upsetting Samoa?—Yes, for the good of the country.

Have you attended any meetings of the Mau Committee since you returned?—They gave us a reception on our return, and then after the Commission was over we attended a meeting.

You have not attended any others?—No, I do not think so.

Similar "charges" to those against Mr. Smyth were made a week later against the remaining two elected Legislative Councillors, the Hon. A. Williams and the Hon. G. E. L. Westbrook, and also against Mr. S. H. Meredith. All three were ordered to undo the harm they had done, and apologise in the European papers and the official Native Gazette. This they point-blank refused to do, and demanded that the charges be clearly defined. No further action was taken in these cases, but the ugly threat still remains.

A FINAL PROTEST.

The outstanding feature of these farcical proceedings, under the disgraceful Act of 1927, was the fact that General Richardson was the informant, prosecutor, jury, and judge, **all in one**. He refused to make any specific charge and called no witnesses whose evidence and credibility might be tested on oath.

Finally, as Judge, he wrote us three days later (December 19), stating that "after carefully considering the written statements and verbal 'evidence'" he was satisfied we had "not disproved the 'charges,'" and on the 22nd December, 1927, the deportation orders were served on us. Before leaving Samoa I addressed the following protest to General Richardson:—

Apia, Samoa, 5th January, 1928.

His Excellency, The Administrator of Western Samoa, Apia.

Your Excellency,—I strongly protest against your order bearing date of the 22nd December, 1927, requiring me to depart from Western Samoa, and to stay away for the term of five years. My protest is based on the following grounds:—

- (1) No definite charge has been laid against me.
- (2) Your notice, dated 14th December, received by me on the 15th December, at 10.30 a.m., ordering me to appear before you on the 16th December at 9.30 a.m. could not have permitted sufficient time to prepare adequate and proper defence.
- (3) Your Excellency's decision is not based on evidence. No evidence of any sort was given except the statements—written and verbal—of myself, which were entirely in my favour. I was not confronted with any witness to enable any cross-examination. No oath was administered during the proceedings held before Your Excellency.
- (4) I have committed no offence against the laws of the land—not excluding the law passed by the New Zealand Parliament on 5th August, 1927.
- (5) Your order is based on the fact, as stated by Your Excellency, that the Government cannot function. Whilst I neither deny nor admit this statement, I desire to point out that such situation cannot be attributed to any action on my part.
- (6) I have never sought to prevent or hinder the due performance of the functions and duties of the Government. The responsibility for this situation rests with your Administration.
- (7) If the charges made by Your Excellency against me were based on fact, I have no doubt that a prosecution would have been brought against me under the existing laws of the Territory.
- (8) I have not been given the opportunity of having my case dealt with under the ordinary rules of law and procedure—rules that have taken centuries to perfect—rules

that protect an accused person under the laws of England, and should not be set aside by any Act of the New Zealand Parliament, or the newly-granted prerogative of the Administrator.

(9) No man should be punished, or his liberty interfered with, for actions not committed by him, and in any case, the Act under which your order is based does not contemplate the past.

(10) While I and others have been subjected by Your Excellency, without proper trial, to a most grievous punishment for allegedly disturbing the country, yet Your Excellency has requested me in effect to "pull the country together."

(11) I will depart from Western Samoa under this Protest, and in so doing I call Your Excellency's attention to the fact that I do so for the sake of preserving the peace of the Territory and avoiding a possibility of a more violent protest than embodied in this notice by those who recognise the unjust treatment meted out to myself and others. Nevertheless, this protest is entered without prejudice to every legal and political right of which I am possessed, in order to obtain redress for your wrongful order and to restore my status in the Territory and elsewhere; to obtain full compensation for any financial loss sustained by me; to refute the unfounded attacks on my loyalty to the British flag, and to assure my return to my beloved country.

I am, Your Excellency's Obedient Servant,

O. F. NELSON.

Against the sentence of General Richardson there could be no appeal in Samoa, or in New Zealand, where the Prime Minister was replying to slashing attacks from his own press supporters with the ridiculous statement that the steps taken to deport us were **"not in any way a punishment for a crime or an offence"**! The only possible course for us was to appeal to the League of Nations for the justice denied us in what Mr. Coates calls an "educated democracy"! So I am issuing this record on the eve of my departure for Geneva, and leaving it to the enlightened and unbiased citizens of Mr. Coates' "educated democracy" to give their verdict on his administration when an early opportunity offers.

We have every faith in the righteousness of our cause, and await that verdict of the people with every confidence. Autocracy and tyranny may hold sway: coercion and oppression may obtain for a while; and liberty may be crushed to earth for a space: but in the end Truth and Right must triumph, and Justice reign supreme—even in Samoa. The New Zealanders are passionately proud of their island home, and have reason to be. They enjoy a splendid heritage from such sturdy democrats as Sir George Grey, John Ballance and Richard Seddon, and no one regrets more than we do that so humane a people are now being blamed for the mad folly of its politicians and their hopelessly incompetent administration. In consequence of this New Zealand, as the mandatory responsible for Samoa, has now to appear before the civilised nations of the world, and the bar of public opinion, to defend the cruel, degrading, and senseless military dictatorship imposed on a noble race, with whom she should have been proud to be associated in the sacred trust reposed in her by the League of Nations.

I now see a rainbow of hope in the fact that the military dictator (General Richardson) has retired, the head of the controlling department in Wellington (Mr. J. D. Gray) superannuated, and the constituency of the responsible Minister (Mr. Nosworthy) wiped out by a providential act of the electoral boundary commissioners. The disappearance of this Big Three, who were primarily and mainly responsible for the impossible policy adopted, paves the way for a friendly rapprochement and a new era of peace

and goodwill. The Samoans are not a nation to nurse resentment or harbour vengeful feelings against their oppressors. To undo the harm caused will take time. Patience, tact, justice and honest sincerity of purpose may win back their esteem which has been forfeited. But never again, I trust, will an appeal for the exercise of these typical British traits be necessary in an enlightened community like New Zealand. I hope and pray that I may be spared, ere long, to return again to my Island Home, and my mother's people, and find peace, prosperity, and progress in full sway, and our British flag once more regarded in Samoa as an emblem of Truth, Freedom, and Justice.



O le Tusi Faamavae a Taisi ia Samoa

Faafetai i le Atua o lo'o tausia pea si o tatou atunu'u i Lona alofa tunoa. Oute fia faaali lo'u fiafia ina ua mafai ona onosa'i pea Tamalii ma Failuga ma le atunu'u atoa i puapuaga ma faigata sa tutupu ma ua tausi pea le Filemu. Talosia ia faapea ona faia se'i o'o i le i'uga.

Ua mae'a lelei a'u galuega i Niu-Sila. O le a faaulu nei la'u Tusi Talosaga i le Malo Niu-Sila latou te faaooina atu i Malo Soso'o. Oute faamoemoe moni o le a faao'o mai la outou Tusi Talosaga ua tusia ai uma o outou suafa i le masina a sau nei o Aperila ina ia maua faatasi ma la'u Tusi Talosaga le Fono a Malo Soso'o e faia i Seneva i le masina o Juni.

O le aso nei oute malaga ese ai ma Niu-Sila. Oute ui atu i Sini aga'i i Europa ina ia ou papai iai i aso e fai ai le Fono i Seneva. A tonu e iai sina o'u aoga i lena Fono pe a o'o i aso e filifili ai i a tatou Tusi Talosaga ma mataupu tau Samoa. Ua maua nei le tala o le a te'a ese mai foi Lana Afioga le Kovana mai Samoa i le aso nei. Ua tofia o ia e usufono i le Fono i Seneva mo le Malo o Niu-Sila.

Talosia ia manuia le tapuaiga a si o tatou atunu'u ma ia mautu le mea ua outou finagalo iai i lena Fono. Tu'u pea i le Atua.

Oute taase i nei nu'u mamao ae le mafai ona pe lo'u faatuatua o le MEA TONU ua faasaga iai si o tatou atunu'u. O lea foi oute fealuai ai ma le faamoemoe moni ua lata aso tatou te vaaia ai le alofa o le Atua i lenei mataupu. O Ia lava tatou te tuu iai el viiga.

Ia manuia ma ia Soifua.

O Taisi.

Aukilani Niu-Sila,
Aso 16 Mati 1928.

(TRANSLATION)

Farewell Message—Taisi (O. F. Nelson) to Samoa

Thanks be to God that our dear country has been ever kept in His Love. I wish to express my joy in that the Chiefs and Orators and the whole of the people have been patient under the hardships and troubles which have been endured and that Peace has been kept. May it be so until the end.

My work in New Zealand has been thoroughly completed. My Petition is about to be handed in to the New Zealand Government for them to forward to the League of Nations. I am fully confident your Petition, signed by all of you, will be in hand in the coming month of April, so that, together with my own Petition, it will be in time for the Meeting of the League of Nations to be held in Geneva in the month of June.

I leave New Zealand to-day. I shall proceed to Sydney on my way to Europe so as to be there when the meeting is held in Geneva. It is possible I may be of assistance to that meeting when the time comes for the consideration of our Petitions and Samoan affairs. It is now known that His Excellency the Administrator is to leave Samoa on this day. He has been appointed to represent the New Zealand Government in Geneva.

May the hopes of our little country be realised and the matter on which you have set your hearts be accomplished in that meeting. Let us trust in God.

Though in exile in these distant lands, I find it impossible for my faith to wane in the Righteousness of the cause of our people. I therefore move around in the confident hope that the day will soon come when we will see the loving hand of God in this matter. To Him shall we give praise.

May blessing and health ever be yours.

I am TAISI (O. F. Nelson).

Auckland, N.Z., March 16, 1928.

Printed by
NATIONAL PRINTING COY. LTD.
Delta House, Anzac Avenue
AUCKLAND, N.Z.

The TRUTH about SAMOA

PRICE
6d.

By the
Hon. O. F. NELSON, M.L.C.
(WESTERN SAMOA)