



Western Samoa

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1975, No. 10

AN ACT to amend and consolidate the law relating to trade and commerce.

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

[23 December 1975]

1. Short title—This Act may be cited as the Mercantile Law Act 1975.

PART I

MERCANTILE AGENTS

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

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

“Goods” includes wares and merchandise:

“Mercantile agent” means an agent having in the customary course of his business as such agent authority either to sell goods, or to consign goods for the purpose of sale, or to buy goods, or to raise money on the security of goods:

“Pledge” includes any contract pledging or giving a lien or security on goods, whether in consideration of an original advance, or of any further or continuing advance, or of any pecuniary liability.

(2) A person shall be deemed to be in possession of goods, or of the documents of title to goods, where the goods or documents are in his actual custody, or are held by any other person subject to his control or for him or on his behalf.

DISPOSITIONS BY MERCANTILE AGENTS

3. Powers of mercantile agent with respect to disposition of goods—(1) Where a mercantile agent is, with the consent of the owner, in possession of goods or the documents of title to goods, any sale, pledge, or other disposition of the goods made by him when acting in the ordinary course of business of a mercantile agent shall, subject to the provisions of this Part of this Act, be as valid as if he were expressly authorised by the owner of the goods to make the same:

Provided that the person taking under the disposition acts in good faith, and has not at the time of the disposition notice that the person making the disposition has not authority to make the same.

(2) Where a mercantile agent has, with the consent of the owner, been in possession of goods or of the documents of title to goods, any sale, pledge, or other disposition which would have been valid if the consent had continued shall be valid notwithstanding the determination of the consent, provided that the person taking under the disposition has not at the time thereof notice that the consent has been determined.

(3) Where a mercantile agent has obtained possession of any documents of title to goods by reason of his being or having been, with the consent of the owner, in possession of the goods represented thereby, or of any other documents of title to the goods, his possession of the first-mentioned documents shall, for the purposes of this Part of this Act, be deemed to be with the consent of the owner.

(4) For the purposes of this Part of this Act the consent of the owner shall be presumed in the absence of evidence to the contrary.

4. Effect of pledges of documents of title—A pledge of the documents of title to goods shall be deemed to be a pledge of the goods.

5. Pledge for antecedent debt—Where a mercantile agent pledges goods as security for a debt or liability due from the pledgor to the pledgee before the time of the pledge, the pledgee shall acquire no further right to the goods than could have been enforced by the pledgor at the time of the pledge.

6. Rights acquired by exchange of goods or documents

—The consideration necessary for the validity of a sale, pledge, or other disposition of goods in pursuance of this Part of this Act may be either a payment in cash, or the delivery or transfer of other goods, or of a document of title to goods, or of a negotiable security, or any other valuable consideration: but where goods are pledged by a mercantile agent in consideration of the delivery or transfer of other goods, or of a document of title to goods, or of a negotiable security, the pledgee shall acquire no right or interest in the goods so pledged in excess of the value of the goods, document, or security when so delivered or transferred in exchange.

7. Agreements through clerks, etc.—For the purposes of this Part of this Act an agreement made with a mercantile agent through a clerk or other person authorised in the ordinary course of business to make contracts of sale or pledge on his behalf shall be deemed to be an agreement with the agent.

8. Provisions as to consignors and consignees—(1) Where the owner of goods has given possession of the goods to another person for the purpose of consignment or sale, or has shipped the goods in the name of another person, and the consignee of the goods has not had notice that such person is not the owner of the goods, the consignee shall, in respect of advances made to or for the use of such person, have the same lien on the goods as if such person were the owner of the goods, and may transfer any such lien to another person.

(2) Nothing in this section shall limit or affect the validity of any sale, pledge, or disposition by a mercantile agent.

9. Effect of transfer of document of title to goods on vendor's lien, and right of stoppage in transitu—Where a document of title to goods has been lawfully transferred to a person as a buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, the last-mentioned transfer shall have the same effect for defeating any vendor's lien or right of stoppage in transitu as the transfer of a bill of lading has for defeating the right of stoppage in transitu:

Provided that this section shall be construed subject to section forty-eight of the Sale of Good Act 1908 (NZ).

MISCELLANEOUS

10. Mode of transferring documents—For the purposes of this Part of this Act the transfer of a document may be by endorsement, or where the document is by custom or by its express terms transferable by delivery, or makes the goods deliverable to the bearer, then by delivery.

11. Saving of rights of true owner—Nothing in this Part of this Act shall—

- (a) Authorise a mercantile agent to exceed or depart from his authority as between himself and his principal, or exempt him from any liability, civil or criminal, for so doing; or
- (b) Prevent the owner of goods from recovering the goods from a mercantile agent or his trustee in bankruptcy at any time before the sale or pledge thereof; or
- (c) Prevent the owner of goods pledged by a mercantile agent from having the right to redeem goods at any time before the sale thereof, on satisfying the claim for which the goods were pledged and paying to the mercantile agent, if by him required, any money in respect of which such agent would by law be entitled to retain the goods or the documents of title thereto, or any of them, by way of lien as against the owner, or from recovering from any person with whom the goods have been pledged any balance of money remaining in his hands as the produce of the sale of the goods after deducting the amount of his lien; or
- (d) Prevent the owner of goods sold by a mercantile agent from recovering from the buyer the price agreed to be paid for the same, or any part of that price, subject to any right of set-off on the buyer against such agent.

12. Saving for common law powers of mercantile agent—The provisions of this Part of this Act shall be construed in amplification and not in derogation of the powers exercisable by a mercantile agent independently of this Part of this Act.

PART II

BILLS OF LADING

13. Rights of action and liabilities to vest in consignees and endorsees—Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading, to whom the property in the goods therein mentioned passes on or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of action, and be subject to the same liabilities, in respect of such goods as if the contract contained in the bill of lading had been made with himself.

14. Right of stoppage in transitu, or claim for freight, not affected—Nothing herein shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

15. Bill of lading in hands of consignee, etc., conclusive evidence as against master, etc.—Every bill of lading in the hands of the shipper or of a consignee or endorsee for valuable consideration, representing goods to have been shipped on board a vessel, shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading has had actual notice at the time of receiving the same that the goods were not in fact laden on board.

16. Special provisions as to “received for shipment” bills to lading—(1) In this section the expression “received for shipment bill of lading” means a shipping document issued in accordance with the provisions of this section, signed by a person purporting to be authorised to sign the same, and acknowledging that the goods to which the document relates have been received for shipment.

(2) No “received for shipment” bill of lading shall be issued—

- (a) Until the goods are in possession of the owner of the ship or of some person duly authorised on his behalf;
- (b) Except for a named ship in which space has been actually reserved;
- (c) Earlier than twenty-one days before the time when the ship is expected to be in port in readiness to load;

but the issue of a "received for shipment" bill of lading shall be sufficient evidence until the contrary is proved that the requirements of this subsection have been complied with.

(3) Every "received for shipment" bill of lading shall contain a provision that, in the event of the goods being unavoidably shut out from the named ship, the shipowner shall forward the goods by his next available ship, or, at his option, by a ship of some other owner, or by a ship sailing within a specified number of days, but otherwise on the same terms and conditions, *mutatis mutandis*, as if the goods were actually shipped by the named ship.

(4) Every "received for shipment" bill of lading shall for all purposes be deemed to be a valid bill of lading with the same effect and capable of negotiation in all respects and with the consequences as if it were a bill of lading acknowledging that the goods to which it relates had been actually shipped on board.

17. When master may be exonerated from liability

—The master or other person so signing any bill of lading may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper or of the holder, or some person under whom the holder claims.

PART III

DELIVERY OF GOODS, AND LIEN FOR FREIGHT

18. Interpretation—In this Part of this Act, if not inconsistent with the context,—

"Entry" means the entry required by the Customs laws to be made for the landing or discharge of goods from an importing ship:

- “Goods” includes every description of wares and merchandise:
- “Owner of goods” includes every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods subject in the ease of a lien to such lien:
- “Report” means the report required by the Customs laws to be made by the master of any importing ship:
- “Shipowner” includes all master of the ship and every other person authorised to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of such ship:
- “Warehouse” includes all warehouses, buildings, and premises in which goods when landed from ships may be lawfully placed.
- “Warehouse owner” means the occupier of any warehouse as hereinbefore defined:
- “Wharf” includes all wharves, quays, docks, and premises in or upon which any goods when landed from ships may be lawfully placed:
- “Wharf owner” means the occupier of any wharf as hereinbefore defined.

19. Power to shipowner to enter and land goods in default of entry and landing by owner of goods—Where the owner of goods imported from foreign parts into Western Samoa fails to make entry thereof, or, having made entry thereof, to land the same or take delivery thereof, and to proceed therewith with all convenient speed by the times severally hereinafter mentioned, the shipowner may make entry of and land or unship the said goods at the times, in the manner, and subject to the conditions following, that is to say:

- (a) If a time for the delivery of the goods is expressed in the charterparty, bill of lading, or agreement, then at any time after the time so expressed;
- (b) If no time for the delivery of the goods is expressed in the charterparty, bill or lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, after the report of the ship;

- (c) If any wharf or warehouse is named in the charter-party, bill of lading, or agreement as the wharf or warehouse where the goods are to be placed, and if they can be conveniently there received, the shipowner in landing them by virtue of this enactment shall cause them to be placed on such wharf or in such warehouse;
- (d) In other cases the shipowner, in landing goods by virtue of this enactment, shall place them on or in some wharf or warehouse on or in which goods of a like nature are usually placed, such wharf or warehouse been if the goods are dutiable a wharf or warehouse duly approved by the Minister of Customs for the lading of dutiable goods;
- (e) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry made by the shipowner;
- (f) If any goods are for the purpose of convenience in assorting the same landed at the wharf where the ship is discharged, and the owner of the goods at the time of such landing has made entry and is ready and offers to take delivery thereof and to convey the same to some other wharf or warehouse, such goods shall be assorted at landing; and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of an consequent on such landing and assortment shall be borne by the shipowner;
- (g) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make such delivery, and also failed at the time of such offer to give the owner of the goods correct information of the time at which such goods can be delivered, then the shipowner shall, before landing or unshipping such goods under the power hereby given to him, give to the owner of the goods

or of such wharf or warehouse as last aforesaid twenty-fours' notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without such notice, do so at his own risk and expense.

20. Continuation of lien for freight if shipowner gives notice—(1) If at any time when any goods are landed from any ship and placed in the custody of any person as a wharf or warehouse owner the shipowner gives to the wharf or warehouse owner notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice, the goods so landed shall in the hands of the wharf or warehouse owner continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof.

(2) The wharf or warehouse owner receiving such goods shall retain them until the lien is discharged as hereinafter mentioned, and if he fails so to do shall make good to the shipowner any loss thereby occasioned to him.

(3) On production to the wharf or warehouse owner of a receipt for the amount claimed as due, and delivery to the wharf or warehouse owner of a copy thereof or of a release of freight from the shipowner, the said lien shall be discharged

21. Lien to be discharged on deposit with warehouse owner—The owner of the goods may deposit with the wharf or warehouse owner a sum of money equal in amount to the sum so claimed as aforesaid by the shipowner, and there upon the lien shall be discharged, but without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

22. Right of warehouse owner, if no notice is given, to pay deposit to shipowner—If such deposit is made with the wharf or warehouse owner, and the person making the same does not within fifteen days after making it give to the wharf or warehouse owner notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the shipowner, or that he does not admit any sum to be so payable, the wharf or warehouse owner

may at the expiration of such fifteen days pay the sum so deposited over to the shipowner, and shall by such payment be discharged from all liability in respect thereof.

23. Course to be taken if notice to retain is given—If such deposit is made with the wharf or warehouse owner, and the person making the same does within fifteen days after making it give to the wharf or warehouse owner notice as aforesaid, -

- (a) The wharf or warehouse owner shall immediately apprise the shipowner of such notice, and shall pay or tender to him out of the sum deposited the sum admitted by such notice to be payable, and shall retain the balance or, if no sum is admitted to be payable, the whole of the sum deposited for thirty days from the date of the said notice;
- (b) At the expiration of such thirty days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on him, the wharf or warehouse owner shall pay the said balance or sum over to the owner of the goods, and shall by such payment be discharged from all liability in respect thereof.

24. After ninety days warehouse owner may sell goods by public auction—If the lien is not discharged and no deposit is made as hereinbefore mentioned, the wharf or warehouse owner may, and if required by the shipowner shall, at the expiry of ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as may be fixed by Lloyd's Agent or any surveyor to be appointed by such wharf or warehouse owner, sell by public auction either for home use or exportation the said goods, or so much thereof as may be necessary to satisfy the charges hereinafter mentioned.

25. Notices of sale to be given—(1) Before making such sale the wharf or warehouse owner shall give notice thereof by advertisement in one newspaper circulating in the neigh-

bourhood, a copy whereof shall be kept posted up in some conspicuous part of the said wharf or warehouse.

(2) If the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents in the possession of the wharf or warehouse owner, or is otherwise known to him, such wharf or warehouse owner shall give notice of the sale to the owner of the goods by letter sent by post.

(3) But the title of a bona fide purchaser of such goods shall not be invalidated by reason of the omission to send notice as hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

26. Moneys arising from sale, how to be applied—In every case of any such sale as aforesaid the wharf or warehouse owner shall apply the moneys received from the sale in the following order:

- (a) If the goods are sold for home use, in payment of any Customs or excise duties owing in respect thereof;
- (b) In payment of the expenses of the sale;
- (c) In the absence of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, in payment of the rent, rates, and other charges due to the wharf or warehouse owner in respect of the said goods;
- (d) In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods;
- (e) But in the case of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, then such charges shall have priority according to the terms of such agreement; and
- (f) The surplus, if any, shall be paid to the owner of the goods.

27. Warehouse owner's rent and expenses—Where goods are placed in the custody of a wharf or warehouse owner under the authority of this Part of this Act, the said owner shall be entitled to rent in respect of the same, and shall also have power from time to time at the expense of the owner of the goods to do all such reasonable acts as in the

judgement of the said wharf or warehouse owner are necessary for the proper custody and preservation of such goods, and shall have a lien thereon for the said rent and expenses.

28. Warehouse owner's protection—Nothing in this Part of this Act shall compel any wharf or warehouse owner to take charge of any goods which he would not be liable to take charge of if this Part of this Act had not passed, nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Part of this Act.

PART IV

UNPAID VENDORS OF WAREHOUSED GOODS

29. Interpretation—In this Part of this Act, if not inconsistent with the context, -

“Bonded warehouse” means a building approved and appointed by the Minister of Customs for the warehousing of goods without payment of duty on on the first entry thereof:

“Free warehouse” means a building licensed by the Minister of Customs to be used exclusively for the storage of any goods not liable to the payment of Cutoms duties, or whereon such duties have been paid previously to storage:

“Goods” includes wares and merchandise of every description:

“Pledge” means any deposit and delivery of warrants or certificates with intent that the holder thereof may dispose of the goods to which such warrants or certificates relate in the event of the terms of the deposit not being fulfilled by the persons making the same:

“Pledgee” means the person in whose favour the deposit of the warrants or certificates is made:

“Sale” means any absolute disposition of goods, whether for payment to be made in cash or upon credit:

“Subpurchaser” means any person purchasing from or under the person to whom the original bonder or storer of goods in a bonded or free warehouse sold the same and delivered the warrants or certificates relating thereto:

“Warehouse Keeper’s” means the person having the management of any bonded or free warehouse, whether the warehouseman himself or a person employed by him:

“Warehouse Keeper’s book” means the book wherein the warehouse keeper enters a list of all goods received in and delivered out of the warehouse managed by him:

“Warehouseman” means the person for whose immediate benefit and under whose control the storage of goods in a bonded or free warehouse is carried on:

“Warrants” or “certificates” means any receipt or undertaking issued by or on behalf of the warehouseman, and signed by him or on his behalf, acknowledging the receipt in a specified warehouse of goods to be held on behalf of a person named and described, giving the particulars of the goods stored, the marks or brands (if any) thereon, the terms upon which the goods are stored, and containing an undertaking on the part of the warehouseman to deliver the same to the endorsee, holder, or bearer of the warrant or certificate.

30. Unpaid vendor’s lien determined on delivery of bond warrants to bona fide holder for value—In all cases where warrants or certificates for goods liable to the payment of Customs duties are issued, importing a receipt of such goods by or on behalf of any bonded warehouseman and an undertaking to deliver the same to the holder of the warrants or certificates on presentation and demand, and on payment of the duties, rents, and charges lawfully demandable, and such warrants or certificates are delivered over on a sale of the goods by the person to whom the said warrants or certificates are issued by or on behalf of the warehouse, the rights, legal and equitable, of such person, as an unpaid vendor, to stop the actual delivery of the goods comprised in and affected by such warrants or certificate shall be deemed at an end when such warrants or certificate are

delivered over bona fide and for value, on either a sale or pledge of the said goods by any person purchasing from the original bonder thereof.

31. Possession of warrants prima facie evidence of ownership—On a sale or pledge of goods stored in any bonded warehouse, the possession of warrants or certificates importing a receipt and undertaking to deliver as aforesaid shall be deemed prima facie evidence of the ownership of the holder of the said warrants or certificates in the goods and merchandise affected thereby.

32. Holder of warrant entitled to delivery—Any holder of a warrant or certificate importing the obligations aforesaid shall be entitled, on request and on compliance with the terms of the contract implied by such warrants or certificates between the warehouseman and the original bonder of the goods, to have delivery thereof, or to have his name entered upon the books of the warehouse keeper as the owner of the said goods.

33. Registered holder of warrant deemed to be owner—Save in the event of fraud being proved in the procurement of the entry of the name of the holder of the certificates or warrants in the warehouse keeper's books, the person whose name is so entered shall be conclusively deemed the then owner in possession of the said goods, subject to the provisions hereinafter contained.

34. Lien of registered transferee of warrant determined on delivery of warrant bona fide and for value—In the event of any transfer being entered in the books of the warehouse keeper, and the then owner of bonded goods delivers over the warrants or certificates relating to or affecting the same to any other person on a sale or pledge of the said goods, and such warrants or certificates are afterwards delivered over bona fide and for value to any subpurchaser or pledgee by the person receiving the same from the owner whose name is entered as aforesaid, the rights legal and equitable of the said owner as an unpaid vendor to stop the actual delivery of the goods comprised in and affected by such warrants or certificates shall be deemed at an end as from the time of the bona fide delivery of the warrants or certificates to the first subpurchaser or pledgee for value.

35. Warrants of free goods put on the same footing as bond warrants—Where goods are stored in any free warehouse, and warrants or certificates, importing on behalf of the warehouseman a receipt of the goods and an undertaking to deliver the same on presentation and demand and on payment of the rents and charges lawfully demandable, are delivered to and accepted by the person originally warehousing such goods, the respective rights and liabilities of the warehouseman and warehouse keeper, and of the persons to whom the said warrants or certificates were originally issued, or are afterwards delivered or redelivered upon a resale or pledge bona fide and for value of the goods, or in whose name the ownership may be transferred in the books of the warehouse keeper, or who afterwards acquires possession bona fide and for value of the said warrants or certificates, shall be the same in all respects as is hereinbefore provided with regard to goods liable to the payment of Customs duties and stored in a bonded warehouse.

36. Provisions same in respect of bonded and free warehouses—The provisions herein relative to the rights of or incident to the ownership of goods stored in a bonded warehouse shall be as applicable to the ownership of goods stored in a free warehouse as if such provisions had been respectively repeated and expressly applied thereto.

37. Vendor's lien not prejudiced save as against bona fide subpurchaser or pledge for value, etc.—Nothing herein shall in any way prejudice the rights of an unpaid vendor of goods to stop delivery thereof until payment of the price payable to him whenever such rights may be lawfully exercised without detriment or injury to any subpurchaser or pledgee bona fide and for value, or to the rights of any trustee in bankruptcy claiming under the purchaser from the unpaid vendor.

38. Goods not to be transferred in books of warehouseman except on production of warrant—(1) No entry shall be made in the books of any warehouseman or keeper of any bonded or free warehouse transferring the ownership or possession of any goods, unless the person applying for such entry to be made produces and delivers up the warrants or certificates originally issued.

(2) Thereupon the warehouseman or the keeper of his warehouse may cancel the said warrants or certificates and issue others in lieu thereof, and such new warrants or certificates may in like manner be cancelled and others issued in substitution thereof.

39. Special contracts restraining negotiability of warrants

—(1) Notwithstanding anything herein, the person originally storing goods in any bonded or free warehouse, and the warehouseman thereof, may enter into a special contract restraining the negotiability of the warrants or certificates issued in respect of the said goods, or providing some special method of transfer of the property in and possession of such goods.

(2) In every such case the terms of such special contract shall be incorporated in and made to appear upon the face of the said warrants or certificates, so that the holder thereof may have his attention expressly directed thereto.

40. Warehouseman's lien not prejudiced by sale or transfer of goods—No transfer of the ownership or possession of the goods stored in any bonded or free warehouse shall in any way prejudicially affect the lien or rights of the warehouseman in respect of any rent or charges previously incurred or become payable on account of the goods the ownership or possession whereof may be so transferred as aforesaid.

41. Repeal—The Mercantile Law Act 1908 (New Zealand) is hereby repealed as part of the law of Western Samoa.



SAMOA I SISIFO

Vaevaeina

Igoa

1. Igoa pu'upu'u

VAEGA I

SUI SO'OUPU O OLOA FEFA'ATAUA'I

2. Fa'amatalaina o upu

TU'UESEINA ATU O OLOA E SUI
SO'OUPU O OLOA FEFA'ATAUA'I3. Pule a le sui so'oupu o oloa
fefafa'ataua'i i le itu i le tuueseina
atu o oloa4. Taunu'uga o le fa'aliliuina atu o
pepa fa'amaonia o le pule5. O le fa'aliliuina atu o se mea e
fa'amau a'i se aitalafu na mua'i
faia6. Aiā tatau na maua i le fa'afe-
sua'iga o oloa po o ni pepa
fa'amaonia7. Feagaiga e ala atu i failautusi,
ma isi8. Tu'utu'uga e fa'asino i ē e auina
atu oloa ma ē e auina iai ni oloa9. Taunu'uga o le fa'aliliuina atu
o le pepa fa'amaonia o le pule i
oloa i luga o le aiā tatau a lē
na te fa'atauina atu e taofia ai
se mea totino a le isi tagata seia
o'o ina ua totogi le aitalafu, ma
le aiā tatau e taofia ai ni oloa o
lo o auina mai

MEA ESE'ESE

10. Faiga e fai a'i le fa'aliliuina o
pepa fa'amaonia11. Fa'asa'oina o aiā tatau a le
tagata moni e ōna oloa12. Mea ua fa'asa'oina mo pule tau le
tulafono lautele a le sui so'oupu
o oloa fefa'ataua'i

VAEGA II

PEPA FA'AMAONI O UTA OLOA

13. Aiā tatau e fai ai se tagi ma
noataga e tu'uina atu i tagata
e auina i ai oloa ma tagata e
fa'amaonia pepa o oloa14. Aiā tatau e taofia ai oloa i le
auina mai, po o ni talosaga mo
totogi o uta, e lē a'afia ai15. O le pepa fa'amaoni o uta oloa
o loo i a'ao o lē e ave i ai oloa,
ma isi, e ave lea ma molimau
mautū e faasaga i le ali'iva'a,
ma isi16. Tu'utu'uga fa'apitoa e fa'asino i
pepa fa'amaoni o uta oloa fea-
vea'i "ua maua mai mo le auina
ese atu i va'a"17. O le taimi e mafai ona lē ta'u-
salaina ai le ali'iva'a mai se
noataga

VAEGA III

FA'AO'OINA ATU O OLOA, MA LE AIA
TATAU E TAOFIA AI SEIA O'O
INA UA TOTOGI MAI TOTOGI
O UTA

18. Faamatalaina o upu.

19. Pule a lē e ōna le va'a e ulufale
ai ma la'u mai i uta oloa pe afai
ua le faia se pepa o oloa ulufale
ma la'uina mai i uta e lē e ona
oloa20. Fa'aaauuina o le aiā tatau e
taofia ai oloa seia o'o ina ua
totogi atu totogi o le aveina i
va'a pe afai ua tu'uina atu se
fa'aaliga e lē e ona le va'a21. Ia ave'eseina le aiā tatau e taofia
ai oloa ina ua totogi atu se tupe-
teu i lē e ōna le fale-teuoloo22. Aia tatau a le e ona le fale-teu-
oloo, pe afai e leai se fa'aaliga
ua tuuina atu, e totogi atu ai se
vaega-tupe i lē e ōna le va'a23. Faiga e ao ina faia pe afai ua
tuuina atu se fa'aliga ina ia
taofia pea24. E mafai e lē e ōna le fale-teuoloo
ina ua tuana'i le ivasefulu aso
ona fa'atau atu oloa i se fa'atau-
tu'i faitale25. Fa'asilasilaga o fa'atautu'i e ao
ina tu'uina atu

26. O le faiga e fa'aaogaina ai tupe e maua mai fa'atautu'i
 27. Totogi o lisi ma tupe alu a lē e ōna le fale-teuoloa
 28. Pui-puiga o lē e ōna le fale teu-oloa

VAEGA IV

TAGATA E FA'ATAUINA ATU
OLOA UA I FALE TEU-OLOA E LE'I
TOTOGIINA

29. Fa'amatalaina o upu
 30. O le aiā tatau a lē e fa'atauina a'u oloa e le i totogiina e fa'amutaina ina ua fa'ao'o atu tusi fa'amaoni o oloa taofia i se tagata na faamaonia na te umia mo le tau o sea lava mea
 31. O le umia o tusi fa'amaoni o le ulua⁴ molimau faamaonia lava lea o le pule
 32. O lē o lo o umia le tusi faamaoni ua ia te ia le aiā tatau e faao'o atu ai oloa ia te ia
 33. O lē o lo o umia le tusi faamaoni ua resitara ia fa'atatauina o ia lea e ōna oloa
 34. O le aiā tatau a lē ua resitara e fa'aliliu atu i ai le tusi faamaoni
 e fa'amutaina ina ua faao'o atu le tusi fa'amaoni i le agaga fa'amaoni ma mo le tau o oloa
 35. O tusi fa'amaoni o oloa sa'oloto ua tu'uina atu i luga o le tulaga tutusa e pei o tusi fa'amaoni o oloa taofia
 36. E tutusa lava tu'utu'uga i le itu i fale-teuoloa o oloa taofia ma oloa sa'oloto
 37. E lē fa'aieagaina le aiā tatau a lē e fa'atauina atu oloa a e vagana ai i le itu e fa'asaga i lē na toe fa'atauina oloa po o lē ua fa'aliliu atu i ai se mea e puipui a'i le toe totogiina o le tau, ma isi mea
 38. Ia lē fa'aliliuina ni oloa i totonu o tusi a lē e va'aia le fale tau-oloa seia vagana ai ona ua tu'uina mai le tusi fa'amaoni
 39. Feagaiga fa'apitoa e taofia ai le ono mafai ona fa'afesoloa'i tusi fa'amaoni
 40. O le aiā tatau a lē e va'aia le fale teu-oloa e taofia ai oloa seia totogi se aitalafu e lē fa'aieagaina ona o le fa'atauina atu po o le fa'aliliuina atu o oloa
 41. Mea ua soloia

1975, Nu. 10

O SE TULAFONO e toe teuteu ma fa'amautū a'i le tulafono e fa'asino i le fefa'ataua'iga ma mea tau pisinisi.

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

[23 Tesema 1975]

1. Igoa pu'upu'u—(1) O lenei Tulafono e mafai ona ta'ua o le Tulafono o Oloa Fefa'ataua'i 1975.

VAEGA I

SUI SO'OUPI O OLOA FEFAATAUA'I

2. Fa'amatalaina o upu—(1) I totonu o lenei Vaega o le Tulafono lenei, pe afai e lē fete'ena'i ma le fa'aupuga, - "Pepa fa'amaoni o le pule" e aofia ai so o se pepa o uta oloa feavea'i, tusi fa'amaoni a le uafu, pepa fa'amaoni a le tagata e tautia fale teu-oloa, ma se tusi fa'amaoni po o se poloa'iga mo le faao'oina atu o oloa, ma so o se tasi lava pepa e fa'aaogaina i le

fa'agasologa e masani ai o le pisinisi e avea ma fa'amaoniga o le umia po o le pulea o oloa, po o lo'o faatagaina ai po o ua fa'auigaina ia fa'atagaina ai, tusa po o luga o se fa'amaoniga po o le fa'aoina atu, o le tagata o lo o ia umia le pepa e fa'aliliu atu pe na te talia ai oloa ia e fa'asino i ai ia pepa: "Oloa" e aofia ai mea e gaosia mo le fa'atauina atu ma oloa e fa'atau mai mo le toe fa'atauina atu:

"Sui So'oupu o oloa fefa'ataua'i" o lona uiga o se sui so'oupu ua ia te ia, i le fa'agasologa e masani ai o lana pisinisi a o avea o sea sui so'oupu, le pulefa'ataga tusa pe fa'atau atu ai oloa, po o le auina atu ai ni oloa mo le itu tau le fa'atauina atu, po o le fa'atauina mai o oloa, po o ina ia sailia ai ni tupe i luga o le puipuiga malu a ia oloa:

"Fa'aliliuina atu o se mea totino e fa'amau a'i se aitalafu" e aofia ai so o se feagaiga o lo o fa'aliliuina atu ai po o ua tu'uina atu ai se aiā tatau po o se puipuiga malu i luga o oloa, tusa lava pe avea ma tau i o se ulua'i tupe na tu'uina atu fa'aaitalafu, po'o o so o se tasi lava tupe fa'aaitalafu po o se tupe fa'aaitalafu e fa'aauuina pea, po'o o so o se noataga tau tupe.

(2) O le a fa'atatauina lava se tagata e fa'apea o lo o umia e ia oloa, po o pepa fa'amaonia o le pule i oloa, pe afai o lo o iai oloa po o pepa i lalo tonu o lana tausiga, po o lo'o umia e so o se tasi lava tagata a e noatia ma fai fuafua i lana pule'aga po o mo ia lava po o e avea ma ona sui.

TU'UESEINA ATU O OLOA E SUI SO'OUPU O OLOA FEFA'ATAUA'I

3. Pule a le sui so'oupu o oloa fefaataua'i i le itu i le tu'ueseina atu o oloa—(1) Afai o se sui so'oupu o oloa fefa'ataua'i ua ia te ia, fa'atasi ai ma le maliega o lē e ōna, ni oloa po o ni pepa fa'amaonia o le pule i oloa, so o se fa'atauina atu, fa'aliliuina atu o se mea totino e fa'amau a'i se aitalafu, po o se tasi lava tu'ueseina atu o oloa na faia e ia a o lo'o fa'efaagai ai ma le fagasologa e masani ai o le pisinisi a se sui so'oupu o oloa fefa'ataua'i o le a tatau lava, a e noatia ma fai fuafua i tu'utu'uga o lenei Vaega o le Tulafono lenei ona aloa'ia fa'ale-tulafono e paisea'i lava na matuā fa'atagaina manino o ia e lē e ōna oloa na te faia lea lava itu:

Ae vagana ai ona fa'apea o le tagata na te aveina i lalo o le tu'ueseina atu ua na faia lava lea itu i le agaga fa'amaoni, ma ua le'i silafia e ia i le taimi o le tu'ueseina atu e fa'apea o le tagata o lo'o faia le tu'ueseina atu e lē o ia te ia se pulefa'ataga na te faia ai lea lava itu.

(2) Afai o se sui so'oupu o oloa fefa'ataua'i ua ia te ia, fa'atasi ai ma le maliega o lē e ōna, ni oloa po o ni pepa fa'amaonia o le pule i oloa, fa'atauina atu, fa'aliliuina atu o se mea totino e fa'amau a'i se aitalafu, po o se tasi lava tu'ueseina atu lea semanū e aloa'ia fa'ale-tulafono pe a na fai e fa'aauau pea le maliega, e ui lava ina e le'i fa'amutaina le maliega, a e vagana ai ona fa'apea sa le'i silafia e le tagata o lo'o aveine i lalo o le tu'ueseina atu i le taimi o lea lava tu'ueseina atu e fa'apea ua fa'amutaina le maliega.

(3) Afai o se sui so'oupu o oloa fefa'ataua'i ua na maua ma umia so o se pepa fa'amaonia o le pule i oloa ona ua ia te ia po o ua umia e ia, fa'atasi ai ma le maliega o lē e ōna, le umia o oloa ua fa'apea ona avea ai ia pepa ma sui, po'o so o se tasi lava pepa fa'amaonia o le pule i oloa, o lona umia o pepa ua ta'ua muamua o le a tatau lava, mo le a'ano moni o lenei Vaega o le Tulafono lenei, ona fa'atatauina e fa'apea ua i ai fa'atasi ma le maliega o lē e ōna.

(4) Mo le a'ano moni o lenei Vaega o le Tulafono lenei, o le maliega o lē e ōna, o le a tatau ona fa'apea ua i ai, pe afai e leai se fa'amatalaga molimau e ese ai.

4. Taunu'uga o le fa'aliliuina atu o pepa fa'amaonia o le pule—O le fa'aliliuina atu o pepa fa'amaonia o le pule i oloa o le a fa'atatauina lava e avea o le fa'aliliuina atu o le umia o oloa.

5. O le fa'aliliuina atu o se mea e fa'amau a'i se aitalafu na mua'i faia—Afai ua fa'aliliu atu e se sui so'oupu o oloa fefa'ataua'i ni oloa e avea ma puipuiga malu mo se aitalafu po o se noataga e tatau ona totogi atu mai lē na te fa'aliliuina atu i lē na fa'aliliu atu i ai sea oloa a o lumana'i ai le taimi o le fa'aliliuina atu, o le a lē tatau ona maua e lē na fa'aliliu atu i ai se tasi aiā tatau i oloa na i lo le tulaga sa ono mafai ona fa'amalosia e lē na te fa'aliliuina atu i le taimi na fa'aliliu atu ai le umia o sea lava mea.

6. Aia tatau e maua i le fa'afesuia'iga o oloa po o pepa fa'amaonia—O le tau e ono tatau ai mo le tulaga aloa'ia fa'ale-tulafono o se fa'atauina atu, fa'aliliuina atu, po o se

tasi lava tu'ueseina atu o oloa ina ia tusa ai ma lenei Vaega o le Tulafono lenei, e mafai lava ona faia i se togiga i tinoitupe, po o le fa'ao'oina atu po o le fa'aliliuina atu o nisi oloa, po o se pepa fa'amaonia o le pule i oloa, po'o o puipuiga malu e ono mafai ona fa'afesoloa'i, po o so'o se tasi lava mea aogā e avea ma tau'i; a e peita'i afai ua fa'aliliu atu ni oloa e se sui so'oupu o oloa fefa'ataua'i e avea ma tau'i o le fa'ao'oina atu po o le fa'aliliuina atu o nisi oloa, po'o se pepa fa'amaonia o le pule i oloa, po o se puipuiga malu e ono mafai ona fa'afesoloa'i, o le a tatau i lē na fa'aliliu atu i ai ona leai se aiā tatau po o se aiā na te maua i oloa na fa'apea ona fa'aliliu atu ua silia i lo le tau o oloa, pepa, po o se puipuiga malu pe a o'o ina ua fa'apea ona faao'o atu pe fa'aliliu atu i le fa'afesuia'iga.

7. Feagaiga e ala atu i failautusi, ma isi—Mo le a'ano moni o lenei Vaega o le Tulafono lenei, o se feagaiga na faia ma se sui so'oupu o oloa fefa'ataua'i e ala atu i se failautusi po o se tasi lava tagata ua fa'atagaina i le fa'agasologa e masani ai o le pisinisi na te faia ni feagaiga tau le fa'atauina atu po o le fa'aliliuina atu o se mea e fa'amau a'i se aitalafu e avea ma ona sui, o le a fa'atauina lava o se feagaiga ma le sui so'oupu.

8. Tu'utu'uga e fa'asino i ē e auina atu oloa ma ē e auina i ai ni oloa—(1) Afai ua tu'uina atu e lē e ōna oloa le umia o oloa i se tasi tagata mo le itu tau le auina atu po o le fa'atauina atu, po o ua na auina atu i wa'a ni oloa i le igoa o se tasi tagata, ma sa le'i maua e le tagata ua auina atu i ai oloa se fa'alaliga e fa'apea o sea tagata e lē o ia o lē e ōna oloa, o le a tatau i lē ua auina atu i ai oloa, i le itu i ni tupe fa'aitalafu na tu'uina atu i, po o mo le fa'aogaina e sea tagata, ona maua e ia le aiā tatau lava e tasi e taofia ai se mea seia o'o ina ua totogi le aitalafu i luga o oloa e peisea'i lava o lea tagata o ia lea e ōna oloa, ma e mafai ona na fa'aliliuina so o sea aiā tatau i se tasi tagata.

(2) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona fa'atapula'aina pe afāina ai le tulaga aloa'ia fa'ale-tulafono o so o se fa'atauina atu, fa'aliliuina atu, po o le tu'ueseina atu o oloa e se sui sooupu o oloa fefa'ataua'i.

9. Taunu'uga o le fa'aliliuina atu o le pepa fa'amaonia o le pule i oloa i luga o le aiā tatau a lē na te fa'atauina atu e taofia ai se mea totino a le isi tagata seia o'o ina ua totogi

le aitalafu, ma le aiā tatau e taofia ai ni oloa o lo'o auina mai

—Afai o se pepa fa'amaonia o le pule i oloa ua fa'aliliu atu e tusa ai ma ala o le tulafono i se tagata e avea o se tagata ua na fa'atauina po o lē e ōna oloa, ma ua fa'aliliu atu e lea tagata le pepa fa'amaonia i se tagata o ia lea ua na aveina le pepa fa'amaonia i le agaga fa'amaoni ma mo se tau tāua, o le fa'aliliuga ua ta'ua mulimuli o le a tatau ona iai le fa'amamaluga lava e tasi mo le fa'alēaogaina o le aiā tatau a so o se tagata e fa'atauina atu oloa po o le aiā tatau e taofia ai ni oloa o lo'o auina mai, e pei ona iai i se pepa fa'amaoni o uta oloa mo le fa'alēaogaina o le aiā tatau e taofia ai oloa o lo'o auina mai:

A e vagana ai ona o lenei fuaiupu o le a tatau ona fa'a-uigaina fa'apea e noatia ma fai fuafua i le fuaiupu e 48 o le Tulafono o le Fa'atauina Atu o Oloa 1908 (Niu Sila).

10. Faiga e fai ai le fa'aliliuina o pepa fa'amaonia

—Mo le a'ano moni o lenei Vaega o le Tulafono lenei, o le fa'aliliuina o se pepa fa'amaonia e mafai lava ona faia i se fa'amaoniga, po o, pe afai o le pepa e tusa ai ma le aganu'u po o ona tu'utu'uga ua fa'aalia manino, e ono mafai ona fa'aliliu i le faao'oina atu, po o ua faia ia ono mafai ai ona fa'aliliu atu oloa i lē o lo'o tau'aveina, o lona uiga la e faia i le faao'oina atu.

11. Fa'asaoina o aiā tatau a le tagata moni e ōna oloa

—E leai se mea o i totonu o lenei Vaega o le Tulafono lenei o le a tatau ona -

- (a) Fa'atagaina ai se sui so'oupu o oloa fefa'ataua'i ina sopo atu pe se'e ese atu mai lana pule-fa'ataga i le va o ia lava ma lona alii pule, pe tu'usaunoaina ai o ia mai so o se noataga, tau le va o tagata po o se solitulafono, mo le faia o sea mea; po o
- (e) Taofia ai lē e ōna oloa mai le toe maua e ia o oloa mai se sui so'oupu o oloa fefa'ataua'i po o sona sui e tausia oloa ua lē mafai ona toe totogi ana aitalafu i so o se taimi a o lumana'i ai le fa'atauina atu po o le fa'aliliuina atu o sea lava oloa; po o
- (i) Taofia ai lē e ōna oloa na fa'aliliuina e se sui so'oupu o oloa fefa'ataua'i mai le maua e ia o le aiā tatau na te toe fa'atauina mai ai oloa i so o se taimi a o le'i fa'atauina atu sea lava oloa, ina ua uma ona fa'amalieina le talosaga lea na ala ai ona fa'aliliu atu

oloa ma totogi atu i le sui so'oupu o oloa fefa'ataua'i, pe afai e mana'omia e ia, so o se tupe lea e ono tatau ona maua e sea sui so'oupu e tusa ai ma ala o le tulafono e taofi a'i oloa po o ni pepa fa'amaonia o le pule e fa'asino iai, po'o so o se tasi o ia mea, e ala atu i se aiā tatau e taofia ai se mea a se tasi tagata seia o'o ina ua toe totogi se aitalafu e fa'asaga i lē e ōna, po o mai le toe maua mai so o se tagata o ia lea ua fa'aliliu atu i ai le umia o oloa so o se paleni o tupe o lo o totoe i ona lima e avea o le tupe na maua mai le fa'atauina atu o oloa ina ua uma ona to'eseina le aofa'iga o le tupe o lana aiā tatau e taofia ai se mea seia o'o ina ua totogi se aitalafu; po o

- (o) Taofia ai lē e ōna oloa na fa'atau atu e se sui so'oupu o oloa fefa'ataua'i mai le toe maua e ia mai le tagata na fa'atauina le tau na malilie i ai e ao ina totogi mo ia lava oloa, po o so o se vaega o lea tau, a e noatia ma fai fuafua i so o se aiā tatau e fai ai se talosaga mo se vaega-tupe ua ma'oti e fa'afe-taia'i ai le atoa po o se vaega o le tupe ua talosagaina i le itu i lē na fa'atauina e faasaga i sea sui so'oupu.

12. Mea ua fa'asaoina mo pule tau le tulafono lautele a le sui so'oupu o oloa fefa'ataua'i—O tu'utu'uga o lenei Vaega o le Tulafono lenei o le a tatau ona fa'auigaina i le tulaga fa'alauteleina a e lē o le fa'aitiitia ai o pule e ono mafai ona fa'ataunu'uina e se sui so'oupu o oloa fefa'ataua'i i le tulaga auliuli o lenei Vaega o le Tulafono lenei.

VAEGA II

PEPA FAAMAONI O UTA OLOA

13. Aiā tatau e fai ai se tagi ma noataga e tu'uina atu i tagata e auina iai oloa ma tagata e fa'amaonia pepa o oloa—O tagata ta'itasi uma e ave i ai oloa o lo o ta'ua le igoa i totonu o se pepa fa'amaoni o uta oloa, ma tagata ta'itasi uma e fa'amaonia se pepa o uta oloa, o ia lea e se'e atu i ai le pule i oloa o lo o tā'ua ai i totonu, po o ona o sea uta oloa po o le fa'amaoniga, o le a ono tatau ai ona fa'aliliu

atu i, ma tu'uina atu ia te ia aiā tatau uma e fai ai se tagi, ma ia noatia ma fai fuafua i ia lava noataga, i le itu i ia oloa e peisea'i lava o le feagaiga o lo o aofia i totonu o le pepa fa'amaoni o uta oloa na faia ma ia lava.

14. Aiā tatau e taofia ai oloa ile auina mai, po o ni talosaga mo totogi o uta, e lē afaina ai—E leai se mea o i totonu iinei o le a tatau ona fa'aleagaina pe afaina ai so o se aiā tatau e taofia ai oloa i le auina mai, po o so o se aiā tatau e talosagaina ai totogi o uta e fa'asaga i le tagata muamua na te auina mai i va'a po o lē e ōna, po o so o se noataga o lē e ave iai oloa po o lē na te sainia le fa'amaoniga ona o, po o, e avea ma taunu'uga o lona avea o lē e ave iai oloa po o lē na te sainia le fa'amaoniga po o e uiga i sana lisiti tau le maua mai o oloa ona o, po o e avea ma taunu'uga o sea uta oloa po o le fa'amaoniga.

15. O le pepa fa'amaoni o uta oloa o lo o i a'ao o lē e ave iai oloa, ma isi, e avea lea ma molimau mautū e fa'asaga i le aliiva'a, ma isi—O pepa fa'amaoni ta'itasi uma o uta oloa ua i a'ao o lē na te aumaia i va'a po o se tagata e ave iai oloa po o lē e sainia le fa'amaoniga mo se taui tāua, o lo o avea ma sui o oloa e fa'apea ua uma ona auina atu i luga o se va'a, o le a avea lava lea ma molimau mautū o sea uta oloa e fa'asaga i le aliiva'a po o se tasi lava tagata ua na sainia lea lava pepa fa'amaoni, e ui lava ina faapea o ia oloa po o se vaega o ia lava oloa atonu e le i fa'apea ona auina atu i va'a, ae seia vagana ai ona sa maua e sea tagata o lo o umia le pepa fa'amaoni o le uta oloa se fa'aaliga i le taimi e maua mai ai ia mea e fa'apea o le mea moni sa le i la'uina ia oloa i luga o le va'a.

16. Tu'utu'uga fa'apitoa e fa'asino i pepa fa'amaoni o uta oloa feavea'i e fa'apea "ua maua mai mo le auina atu i va'a"—(1) I totonu o lenei fuaiupu o le fuaitau "pepa fa'amaoni o uta oloa ua maua mai mo le auina atu i va'a" o lona uiga o se pepa e aveine ai oloa i va'a na tu'uina atu e tusa ai ma tu'utu'uga o lenei fuaiupu, ua sainia e se tagata ua fa'atatauina e fa'apea ua fa'atagaina na te sainia sea lava pepa, ma o lo o fa'amaonia ai e fa'apea o oloa e fa'asino i ai le pepa, ua uma ona maua mai mo le uta ua auina atu i va'a.

(2) E leai se pepa fa'amaoni o uta oloa "ua maua mai mo le auina atu i va'a" o le a tatau ona tu'uina atu -

- (a) Seia o'o ina ua iai oloa i lē e ōna le va'a po o se tasi lava tagata ua fa'atagaina i ala e tatau ai mo lea itu;
- (e) Seia vagana ai ona ua uma ona taofia fa'aagaaga e se va'a ua ta'ua le igoa se avanoa mo oloa;
- (i) I se taimi e i luma mai na i lo le luasefulu-tasi aso a o lumana'i ai le taimi ua fa'amoemoeina o le a iai le va'a i totonu o le taulaga e sauniuni ai mo le la'uina o le uta;

a e peita'i o le tu'uina atu o se pepa fa'amaoni o uta oloa "ua maua mo le auina atu i va'a" o le a tatau ōna avea lea o se molimau ua lava seia o'o ina ua fa'amaonia e fa'apea ua le i tausisia aiaiga o lenei fa'afuaiupu.

(3) O pepa fa'amaoni ta'itasi uma o uta oloa "ua maua mo le auina atu i va'a" o le a tafau lava ona aofia ai se tu'utu'uga e fa'apea, a o'o ina ua lē ma'alofia le tapunia o oloa mai le va'a ua ta'ua le igoa, o le a tatau i lē e ōna le va'a ona na auina atu oloa i lona va'a e soso'o ai e ono mafai ona avanoa, po o, i lana lava filifiliga, i se va'a o se tasi tagata e ōna se va'a, po o, e se va'a e malaga ese atu i totonu o se aofaiga ua fa'aalia ma'oti o aso, a e peita'i i se tasi lava faiga e ese ai, ia faia i luga o tu'utu'uga ma aiaiga lava e tasi, fa'atasi ai ma ni suiga e ono tatau ai, e peisea'i lava na auina atu oloa e le va'a lava lea ua ta'ua le igoa.

(4) O pepa fa'amaoni ta'itasi uma o uta oloa "ua maua mo le auina atu i va'a" o le a tatau mo mata'upu uma lava ona fa'atatauina e avea o se pepa fa'amaoni o uta oloa e aloa'ia fa'ale-tulafono fa'atasi ai ma le fa'amamaluga lava e tasi ma e ono mafai ona faia ai ni feutaga'iga i itu uma ma faatasi ai ma ni taunu'uga e tasi e peisea'i lava o se pepa fa'amaoni o uta oloa o lo o fa'amaonia ai e fa'apea o oloa e fa'asino i ai lea pepa fa'amaoni ua uma lava ona auina atu i luga o le va'a.

17. O le taimi e lē ta'usalaina ai le ali'iva'a mai se noataga
—O le ali'iva'a po o se tasi lava tagata ua fa'apea ona na sainia so o se pepa fa'amaoni o se uta oloa e mafai ona lē ta'usalaina o ia lava i le itu i sea fa'aaliga sesē. i lona fa'aalialia e fa'apea na pogai mai sea mea e aunoa ma so o se uiga fa'atalalē o le itu ia te ia, ma o le mea atoa na pogai mai lea uiga i se faiga tau-fa'asesē a lē e auina atu oloa i va'a, po o lē o lo o umia oloa, po o se tasi lava tagata o ia lea ua faia ai e lē o lo o umia oloa se talosaga.

VAEGA III

FAAO'AINA ATU O OLOA, MA LE AIA TATAU E TOFIA AI
SEIA O'O INA UA TOTOGI MAI TOTOGI O UTA

18. Fa'amatalaina o upu—I totonu o lenei Vaega o le Tulafono lenei, pe afai e lē fote'ona'i ma le fa'aupuga, -

“Pepa o oloa ulufale” o lona uiga o le pepa o oloa ulufale e mana'omia e tulafono o le Tiute e ao ina faia mo le fa'atulauele'eleina po o le la'u'eseina o oloa mai se va'a o lo o aumai ai oloa:

“Oloa” e aofia ai so o se ituaiga o oloa e gaosia mo le fa'atauina atu ma oloa e fa'atau mai mo le toe fa'atauina atu:

“Lē e ōna oloa” e aofia ai tagata ta'itasi uma o ia lea e tatau i le taimi nei, tusa lava pe avea o lē e ōna po o le sui so'oupu mo lē e ōna, ona ia te ia oloa, a e noatia ma fai fuafua i le itu i se aiā tatau e fa'asino i sea aiā tatau e taofia ai oloa seia o'o ina ua totogi se aitalafu:

“Lipoti” o lona uiga o le lipoti e mana'omia e tulafono o le Tiute ina ia faia e le ali'iva'a o so se va'a o lo o aumai ai oloa:

“Lē e ōna le va'a” e aofia ai le ali'iva'a o le va'a ma so o se tasi lava tagata ua fa'atagaina e galue e avea ma sui so'oupu mo lē e ōna po o lē e tatau ona na maua le totogi o uta, totogi mo le lē la'uina o se uta i totonu o le vaitaimi atofaina, po o nisi lava totogi e tatau ona totogi i le itu i sea va'a:

“Fale teuoloa” e aofia ai fale teuoloa uma, fale, ma nofoaga ia a o'o ina ua tulauele'ele oloa mai va'a e mafai ona tu'uina ai e tusa ai ma ala o le tulafono:

“Lē e ōna le fale teuoloa” o lona uiga o lē o lo o nofoia so o se fale teuoloa e pei ona mua'i fa'amaninoina iinei:

“Uafu” e aofia ai uafu uma, uafu ma'a, uafu e toe fa'afou ai va'a, ma nofoaga ia a o'o ina ua tulau'ele'ele i ai i totonu po o ona luga a'e so o se oloa mai va'a e mafai ona tu'uina ai e tusa ai ma ala o le tulafono:

“Lē e ōna le uafu” o lona uiga o lē o lo o nofoia so o se uafu e pei ona mua'i fa'amaninoina iinei.

19. Pule a lē e ōna le va'a e ulufale ai ma la'u mai i uta oloa pe afai ua lē faia se pepa o oloa ulufale ma la'uina mai i uta e lē e ona oloa—Afai ua lē faia e lē e ōna oloa se pepa ulufale o oloa e fa'aulufale mai ai ia lava oloa mai vaega o atunu'u ese i totonu o Samoa i Sisifo, po o, ina ua uma ona faia se pepa ulufale o ia lava oloa, ina ia la'uina mai i uta ia oloa po o le fa'ao'oina atu o ia lava oloa, ma sagai atu loa i le vave atoatoa e ono talafeagai ai i taimi ese'ese ua ta'ua mulimuli ane iinei, e mafai e lē e ōna le va'a ona faia se pepa ulufale o oloa ma la'uina mai i uta po o le la'ueseina mai le va'a o oloa ua ta'ua i luga i taimi, i le faiga ma i le noatia ma fai fuafua i tu'utu'uga ua ta'ua i lalo, o lona uiga e fa'apea:

- (a) Afai ua fa'aalia se taimi mo le fa'ao'oina atu o oloa i totonu o le feagaiga tau le togipauina o se va'a e ave ai oloa, pepa fa'amaoni o uta oloa, po o se feagaiga, o lona uiga la o so o se taimi ina ua tuana'i le taimi na fa'apea ona fa'aalia;
- (e) Afai e leai se taimi mo le fa'ao'oina atu o oloa ua fa'aalia i totonu o le feagaiga tau le togipauina o se va'a e ave ai oloa, pepa fa'amaoni o uta oloa, po o se feagaiga, o lona uiga la o so o se taimi a ua tuana'i le muta'aga o le fitusefulu-lua itula, a e le aofia ai se Aso Sa po o se aso malolo, ina ua tuana'i le lipoti a le va'a;
- (i) Afai ua ta'ua le igoa o so o se uafu po o se fale teuoloa i totonu o le feagaiga tau le togipauina o se va'a e ave ai oloa, pepa fa'amaoni o se uta oloa, po o se feagaiga e fa'asino i le uafu po o le fale teuoloa lea o le a tu'u ai oloa, ma afai e mafai ona talia i latou iina i ala e talafeagai ai, o le a tatau i lē e ōna oloa i le la'uina o i latou i uta e tusa ai ma le tulaga aloa'ia o lenei tulafono ona poloa'iina i latou ina ia tu'uina i luga o sea uafu po o totonu o sea fale teuoloa;
- (o) I isi lava itu, o le a tatau i lē e ōna le va'a, i le la'uina i uta o oloa e tusa ai ma le tulaga aloa'ia o lenei tulafono, ona tu'uina i latou i luga po o totonu o se uafu po o se fale teuoloa lea e masani ona tu'uina ai oloa o se ituaiga e uiga tutusa, o sea uafu po o se fale teuoloa, pe afai o ni oloa e tatau ona tiute, o

se uafu lava po o se fale teuoloa ua fa'amaonia i ala e tatau ai e le Minisita o Tiute mo le la'uina i uta o oloa e tatau ona tiute;

- (u) Afai i so o se taimi, a o le'i la'uina i uta po o a'o le'i la'ueseina oloa mai le va'a, ua nofo sauni lē e ōna oloa ma ua ofo mai na te la'uina i uta po o ua na fa'ao'oina mai i uta ia lava oloa, o le a tatau ona fa'atagaina o ia na te faia lea itu, ma o lana pepa o oloa ulufale mai o le a tatau i se tulaga fa'apena ona sili atu ona mana'omia na i lo so o se pepa o oloa ulufale mai na faia e lē e ōna le va'a;
- (f) Afai, mo le itu tau le fa'afaigofieina ona fa'avasega ia lava oloa, ua la'u i uta so o se oloa i le uafu lea o lo o la'u'eseina ai le uta a le va'a, ma ua faia e lē e ōna oloa se pepa ulufale o oloa i le taimi o sea la'uina i uta, ma ua nofo sauni ma ofo mai na te faia le fa'ao'oina atu o ia lava oloa ma na te tauaveina ia oloa i se tasi lava uafu po o se fale teuoloa, o ia oloa o le a tatau lava ona fa'avasega i le taimi e la'u ai i uta; ma o le a tatau, pe afai e tapaina malosi, ona fa'ao'o atu i lē e ōna ia oloa i totonu o le luasefulu-fa itula talu ona fa'avasegaina, ma o le tupe e alu ai ma e pogai mai i sea la'uina i uta ma le fa'avasegaina o le a tatau lava ona tauaveina e lē e ōna le va'a;
- (g) Afai, i so o se taimi a o le'i la'uina i uta po o e le'i la'u'eseina oloa mai le va'a, ua faia e lē e ōna ia lava oloa se pepa ulufale o oloa mo le la'uina i uta ma le teuina i se fale teuoloa o ia lava oloa i so o se uafu po o se fale teuoloa fa'apitoa e ese ai na i lo lea na la'ueseina ai le uta a le va'a, ma ua ofo mai ma ua nofo sauni na te faia le fa'ao'oina atu o ia lava oloa, ma ua lē faia e lē e ōna le va'a sea fa'ao'oina atu, ma ua na lē faia fo'i i le taimi o sea ofo le tu'uina atu i lē e ōna oloa se fa'aaliga sa'o e uiga i le taimi lea e mafai ona fa'ao'o atu ai oloa, o lona uiga la o le a tatau i lē e ōna le va'a, a o le'i la'uina i uta po o a'o le'i la'ueseina mai le va'a ia oloa i lalo o le pule ua tu'uina atu nei ia te ia, ona tu'uina atu i lē e ōna oloa po'o o sea uafu po o se fale teuoloa ua ta'ua mulimuli i luga se fa'aaliga tusia e luasefulu-fa itula e uiga i lona nofo sauni e fa'ao'o atu oloa, ma o le a tatau, pe afai ua na la'uina i

uta po o ua na la'ueseina mai le va'a ia lava oloa e aunoa ma se fa'aaliga fa'apena, ona na faia lea itu i lona lava finagalo a e ono lamatia ai ma e totogi lava e ia tupe e alu ai.

20. Fa'aauauina o le aiā tatau e taofia ai oloa seia o'ona ua totogi atu totogi o le aveina i va'a pe afai ua tu'uina atu se fa'aaliga e lē e ōna le va'a—(1) Afai, i so o se taimi pe a o'ona ua la'u i uta so o se oloa mai so o se va'a ma ua tu'uina atu i le pui puiga a so o se tagata o ia lea o lē e ōna se uafu po o se fale teuoloa, ua tu'uina atu e lē e ōna le va'a i lē e ōna le uafu po o le fale teuoloa se fa'aliga tusia e fa'apea o lo o tumau pea ona noatia oloa i se aiā tatau e taofia ai seia o'ona ua totogi atu totogi o le aveina i va'a po o nisi lava totogi e tatau ona totogi atu i lē e ōna le va'a, e o'ona atu i se aofaiga o tupe o le a tā'ua i totonu o sea fa'aaliga, o oloa ua fa'apea ona la'u i uta o le a tatau lava a o iai i a'ao o lē e ōna le uafu po o le fale teuoloa ona fa'aauau pea le noatia i lea lava aiā tatau e taofia ai seia o'ona ua totogi le aitalafu, pe afai e iai, mo ni totogi e pei ona sa noatia ai i latou a o le'i la'uina mai i uta ia lava oloa.

(2) O lē e ōna le uafu po o le fale teuoloa ua na mauaina ni oloa fa'apena o le a tatau ona na taofia i latou seia o'ona ua aveeseina le aiā tatau e taofia ai se mea se'ia o'ona ua totogi se aitalafu e pei ona ta'ua mulimuli ane iinei, ma afai ua na lē faia lea itu, o le a tatau ona totogi atu e ia i lē e ōna le va'a so o se mea ua leiloa pe maumuina ua fa'apea ona a'afia ai o ia.

(3) Ina ua tu'uina atu i lē e ōna le uafu po o le fale teuoloa se lisiti mo le aofa'iga o tupe ua fa'atagisia e tatau ona totogi, ma le fa'ao'oina atu i lē e ōna le uafu po o le fale teuoloa o se kopi o lea lava lisiti po o se pepa e tatala ai i tua le uta oloa mai lē e ōna le va'a, o le a tatau lava ona ave'eseina ai le aiā tatau ua ta'ua i luga.

21. Ia ave'eseina le aiā tatau e taofia ai oloa ina ua totogi se tupe teu i lē e ōna le fale teuoloa—E mafai e lē e ōna oloa ona tu'uina atu i lē e ōna le uafu po o le fale teuoloa se vaega-tupe e tutusa le aofa'iga ma le vaega-tupe ua fa'apea ona talosagaina e pei ona ta'ua muamua i luga e lē e ōna le va'a, ma o le a fa'apea lava ona ave'eseina ai le aiā tatau e taofia ai se oloa seia o'ona ua totogi se aitalafu, a e peita'i e aunoa ma le fa'aleagaina ai o so o se tasi lava auala

fa'ale-tulafono atonu o lo o iai i lē e ōna le va'a mo le toe maua mai o totogi o uta.

22. Aiā tatau a lē e ōna le fale teuoloa, pe afai e leai se fa'aaliga ua tu'uina atu, na te totogiina ai se tupe-teu i lē e ōna le va'a—Afai ua totogi atu sea tupe-teu i lē a ōna le uafu po o le fale teuoloa, ma o le tagata na te faia lea itu ua na lē tu'uina atu i lē e ōna le uafu po o le fale teuoloa i totonu o aso e sefululima talu ona faia lea itu se fa'aaliga tusia ina ia taofia sea lava mea, o lo o fa'aalia ai i totonu o sea fa'aaliga le vaegatupe, pe afai e iai, lea ua na fa'amaonia mai e ao ina totogi atu i lē e ōna le va'a, po o le fa'apea na te lē fa'amaonia so o se vaegatupe e ao ina totogi atu fa'apena, e mafai e lē e ōna le uafu po o le fale teuoloa i le faai'uga o sea sefululima aso ona totogi atu le vaegatupe ua fa'apea ona teuina i lē e ōna le va'a, ma o le a tatau i luga o sea togiga ona fa'agafuaina ai mai noataga uma i le itu i ia lava oloa.

23. Faiga e ao ina faia pe afai ua tu'uina atu se fa'aaliga ina ia taofia pea—Afai ua totogi atu se tupe-teu fa'apena i lē e ōna le uafu po o le fale teuoloa, ma o le tagata o lo o faia lea itu ua na tu'uina atu i totonu o le sefululima aso talu ona totogi atu sea tupe se fa'aaliga e pei ona ta'ua mua i luga, —

(a) O le a tatau i lē e ōna le uafu po o le fale teuoloa ona na logoina loa lava lē e ōna le va'a e uiga i sea fa'aaliga, ma o lea tatau ona totogi atu po o le ofoina atu ia te ia mai le vaegatupe na teuina le vaegatupe na tautinoina e sea fa'aaliga e ao ina tatau ona totogi atu, ma o le a tatau ona taofia le paleni po o, pe afai e leai se vaegatupe ua ta'utinoina e ao ina tatau ona totogi atu, o le aofa'iga atoa o le vaegatupe na teuina mo le tolusefulu aso mai le aso o le fa'aaliga ua ta'ua i luga;

(e) I le fa'aiuga o sea tolusefulu aso, a e seia vagana ai ona ua fa'auluina ni taualumaga fa'ale-tulafono i lea lava taimi e lē e ōna le va'a e fa'asaga i lē e ōna oloa ina ia toe maua mai ai le paleni po o le vaegatupe ua ta'ua i luga, po o, i se tasi lava faiga e ese ai mo le tuteuina o so o se feinaua'iga i le va o i latou e uiga i le totogi o uta oloa po o nisi lava totogi e pei ona ta'ua i luga, ma ua tu'uina atu se

fa'aaliga tusia ia te ia, o le a tatau i lē e ōna le uafu po o le fale teuoloa ona totogi atu le paleni ua ta'ua i luga po o le vaegatupe i lē e ōna oloa, ma o le a tatau i luga o sea togiga ona fa'agafuaina ai mai noataga uma i le itu i ia lava oloa.

24. E mafai e lē e ōna le fale teuoloa ina ua tuana'i le ivasefulu aso ona fa'atau atu oloa i se fa'atautu'i faitele—Afai e le'i ave'eseina le aiā tatau e taofia ai se mea seia o'o ina ua totogi se aitalafu ma e leai se tupeteu na totogi e pei ona ta'ua muamua iinei, e mafai e lē e ōna le uafu po o le fale teuoloa, ma pe afai e mana'omia e lē e ōna le va'a o le a tatau lava, i le fa'aiuga o le ivasefulu aso mai le taimi na tu'uina ai oloa i lana tausiga, po o, pe afai o ia oloa o se itu-aiga o mea e ono mafai ona vave fa'aleagaina, i se vaitaimi vave e ono mafai ona atofaina e le Pule o le Tiute po o so'o se tagata o le a tofia e sea tagata e ōna le uafu po o le fale teuoloa, ona fa'atau atu i se fa'atautu'i faitele tusa lava pe mo le fa'aogaina i totonu o le atunu'u po o le auina ese atu o oloa ua ta'ua i luga, po o se aofa'iga o ia lava oloa atonu e ono tatau ai ina ia totogi a'i totogi ua ta'ua mulimuli ane iinei.

25. Fa'asilasilaga o le fa'atautu'i e ao ina tu'uina atu—(1) A o le'i faia sea fa'atautu'i o le a tatau i lē e ōna le uafu po o le fale teuoloa ona na tu'uina atu se fa'asilasilaga e uiga i le a itu i se fa'asalalaua fa'alau'itele i totonu o se nusipepa e tasi, o se kopi o lea fa'asilasilaga o le a tatau ona fa'aalia tumau i se vaega e faigofie ona iloa ai o le uafu po o le fale teuoloa ua ta'ua i luga.

(2) Afai ua fa'aalia le tuatusi o lē e ōna oloa i luga o le pepa fa'amaoni o le uta oloa, po o luga o so o se tasi o pepa o lo o umia e lē e ōna le uafu po o le fale teuoloa, po o ua silafia e ia i se tasi lava faiga e ese ai, o le a tatau i sea tagata e ona le uafu po o le fale teuoloa ona tu'uina atu se fa'aaliga e uiga i le fa'atautu'i i lē e ōna oloa i se tusi e auina atu i le meli.

(3) A e peita'i, o le pule a se tagata na te fa'atauina ai i le agaga fa'amaoni ni oloa fa'apena o le a lē tatau ona fa'aleagaina fa'ale-tulafono ona o le lē auina atu o se fa'aaliga e pei ona ta'ua muamua iinei, ma o le a lē tatau foi ona noatia so o sea tagata na te fa'atauina ina ia na su'esu'eina pe mata ua auina atu se fa'aliga fa'apena.

26. O le faiga e fa'aaogaina ai tupe e maua mai le fa'atautu'i—I itu ta'itasi uma o so o sea fa'atautu'i e pei ona ta'ua muamua i luga, o le a tatau lava i lē e ona le uafu po o le fale teuoloa ona na fa'aaogaina tupe e maua mai le fa'atautu'i i le fa'asologa ua tu'uina atu i lalo:

- (a) Pe afai e fa'atau atu oloa mo le fa'aaogaina i totonu o le atunu'u, e totogi a'i so o se tiute a le Ofisa o Tiute po o tiute o oloa gaosia mo le fa'atauina atu e le'i togia i le itu i ia lava oloa;
- (e) E totogi a'i tupe alu o le fa'atautu'i;
- (i) Pe afai e leai so o se feagaiga i le va o lē e ona le uafu po o le fale teuoloa ma lē e ona le va'a e uiga i le tulaga fa'amuamua o a latou totogi e faasino tonu iai e totogi ai le totogi o lisi, totogi o mea ese'ese, ma nisi lava totogi e tatau ona totogi atu i lē e ona le uafu po o le fale teuoloa i le itu i oloa ua ta'ua i luga;
- (o) E totogi a'i le aofa'iga o tupe na talosagaina e lē e ona le va'a e fa'apea ua tatau ona totogi mo le aveina o uta po o nisi lava totogi i le itu i oloa ua ta'ua i luga;
- (u) A e peita'i, i le itu i so o se feagaiga i le va o lē e ona le uafu po o le fale teuoloa ma lē e ona le va'a e uiga i le tulaga fa'amuamua o a latou totogi e fa'asino tonu iai, o lona uiga la o le a tatau ona tu'uina atu i totogi fa'apena le tulaga fa'amuamua e tusa ai ma tu'utu'uga o sea feagaiga; ma
- (f) O le tupe fa'asilia, pe a fai e iai, o le a tatau ona totogi atu i lē e ona oloa.

27. Totogi o lisi ma tupe alu a lē e ona le fale teuoloa—Afai ua tu'uina atu oloa i le tausiga a se tagata e ona le uafu po o le fale teuoloa i lalo o le pule-fa'ataga a lenei Vaega o le Tulafono lenei, o lē e ona ua ta'ua i luga o le a tatau ona maua e ia le totogi o le lisi i le itu i sea lava mea, ma o le a ia te ia foi le pule mai lea taimi i lea taimi a e totogi e le e ona oloa tupe e alu ai, na te faia ai ni gaoioiga uma e ono tatau ai e pei ona ua iai i le faaiuga tonu a lē e ona le uafu po o le fale teuoloa ua ta'ua i luga e ono tatau ai mo le tausiga e tatau ai ma le puipuiga saogalemu o ia oloa, ma o le a ia te ia se aiā tatau e taofia ai ia lava oloa seia o'o ina ua totogi mai totogi o lisi ma tupe alu ua ta'ua i luga.

28. Puipuiga o lē e ona le fale teuoloa—E leai se mea o i totonu o lenei Vaega o le Tulafono lenei o le a tatau ona fa'amalosia ai so o se tagata e ona le uafu po o le fale teuoloa na te tau'aveina le pulea e so o se oloa, lea se manū e lē ono tatau ona noatia ai o ia na te tau'aveina le pulea pe a na fai e le'i pasia lenei Tulafono, ma e lē tatau fo'i ona noatia o ia na te va'aia le itu i le tulaga aloa'ia fa'ale-tulafono o so o se aiā tatau e taofia ai se oloa seia o'o ina ua totogi se aitalafu na talosagaina e so o se tagata e ona le va'a i lalo o lenei Vaega o le Tulafono lenei.

VAEGA IV

TAGATA E FA'ATAUINA ATU OLOA UA I FALEOLOA E LE'I TOTOGIINA

29. Fa'amatalaina o upu—I totonu o lenei Vaega o le Tulafono lenei, pe afai e lē fete'ena'i ma le fa'aupuga, -

“Fale e teu ai oloa noatia” o lona uiga o se fale ua fa'amaonia ma atofaina e le Minisita o Tiute mo le teuina ai o oloa e aunoa ma le totogiina o se tiute i le faato'ā ulufale mai o ia lava oloa:

“Fale teuoloa sa'oloto” o lona uiga o se fale ua laisene e le Minisita o Tiute ina ia fa'aaogaina fa'apitua mo le teuina ai o so o se oloa e lē noatia i le totogiina o tiute a le Ofisa o Tiute, po o ni oloa ia ua uma ona totogiina ai muamua ni tiute a o le'i teuina

“Oloa” e aofia ai ni oloa ua gaosia mo le fa'atauina atu ma ni oloa na fa'atau mai mo le toe fa'atauina atu o so o se ituaiga:

“Fa'aliliuina atu o se mea totino e fa'amau a'i se aitalafu” o lona uiga o so o se tupe-teu ma le fa'ao'o-ina atu o ni tusi fa'amaoni po o ni pepa fa'amaoni ma le fa'amoemoe e fa'apea, e mafai e le o lo o umia sea lava mea ona na fa'atauina atu oloa e fa'asino i ai ni tusi fa'amaoni po o ni pepa fa'amaoni fa'apena pe a o'o ina ua lē fa'ataunu'uina tu'utu'uga o le tupe-teu po o le mea ua tu'uina atu e tagata latou te faia sea lava itu:

- “Lē ua faʻaliliu atu iai se mea e faʻamau ai se aitalafu” o lona uiga o le tagata e mo lona lelei le tuʻuina atu o tusi faʻamaoni po o pepa faʻamaoni ua faia:
- “Faʻatauina atu” o lona uiga o so o se tuʻueseina atu atoatoa o oloa, tusa lava pe mo le totogiina atu o ni tupe o le a faia i tinoi-tupe po o luga o se faiga faʻa-aitalafu:
- “Tagata ua na toe faʻatauina mai” o lona uiga o so o se tagata ua na faʻatauina mai, po o, i lalo o le tagata o ia lea na ia muaʻi taofia po o le tagata na muaʻi teuina oloa i totonu o se fale teuoloa mo oloa taofia po o oloa saʻoloto na faʻatauina atu ia lava oloa ma faʻaoʻo atu tusi faʻamaoni po o pepa faʻamaoni e faʻasino i ia lava oloa:
- “Lē e tausia le fale teuoloa” o lona uiga o le tagata ua ia te ia le pulea o so o se fale teuoloa ma oloa taofia po o oloa saʻoloto, tusa po o le tagata lava ia e tausia le fale teuoloa po o se tagata ua faʻafai-galuegaina e ia:
- “Tusi a lē e tausia le fale teuoloa” o lona uiga o le tusi lea e tusia ai i totonu e lē e tausia le fale teuoloa se faʻasologa o oloa uma na maua mai i totonu ma sa auina ese atu mai le fale teuoloa o lo o pulea e ia:
- “Lē e vaʻaia le fale teuoloa” o lona uiga o le tagata o ia lava lea e mo lona lelei ma o lalo ifo o lana puleʻaga e tauʻaveina ai le teuina o oloa i totonu o se fale teuoloa mo oloa taofia po o oloa saʻoloto:
- “Tusi faʻamaoni” po o “pepa faʻamaoni” o lona uiga o so o se lisiti po o se taʻutinoga e noatia ai na tuʻuina atu e, po o, e avea ma sui o lē e vaʻaia le fale teuoloa, ma ua sainia e ia po o se tasi e avea ma ona sui, o lo o faʻamaonia ai le maua mai i totonu o se fale teuoloa ua faʻaalua maʻoti o oloa o le a taofia ai mo se tagata ua taʻua ai le igoa ma ua faʻamatalaina, o lo o tuʻuina atu ai faʻamatalaga auiliili o oloa ua teuina, faʻailoga po o faʻailoga faʻapitoa o le fausaga (pe afai e i ai) o lo o i luga o sea lava oloa, ma o lo o aofia ai se taʻutinoga e noatia ai le itu i lē e vaʻaia le fale teuoloa ina ia na faʻaoʻoina atu ia lava oloa i lē ua na sainia se faʻamaoniga e ave iai, lē na te umia, po o lē o lo o tauʻaveina le tusi faamaoni po o le pepa faʻamaoni.

mai ai e avea ma sui o lē e va'aia le fale teuoloa se lisiti o oloa ma se ta'utinoga e noatia ai ina ia fa'ao'o atu ia lava oloa i luga o le tu'uina mai ina ua tapaina, ma i luga o le totogiina o totogi o lisi ma totogi e ono mafai ona tapaina e tusa ai ma ala o le tulafono, ua fa'ao'o atu i, ma ua talia e le tagata na ia mua'i teuina i le fale teuoloa ni oloa fa'apena, o aiā tatau ma noataga e fa'asino tonu iai o le tagata e va'aia le teuoloa ma lē e tausia le fale teuoloa, ma, o tagata ia na mua'i tu'uina atu iai tusi fa'amaoni po opepa fa'amaoni ua ta'ua i luga, po o na fa'ao'o atu mulimuli ane pe na toe fa'a-o'o atu mulimuli ane iai i luga o le toe fa'atauina atu po o le fa'aliliuina atu i luga o le agaga fa'amaoni ma mo le toe totogiina o le tau o oloa, po o ia lea o lona igoa e le umia i le agaga fa'amaoni ma mo le tau po o le aogā o tusi fa'amaoni po o pepa fa'amaoni ua ta'ua i luga, o le a tatau lava ona tulaga tutusa i itu ese'ese uma e pei ona ua aiaia muamua iinei e faasino i oloa e noatia i le totogiina o ni tiute a le Ofisa o Tiute ma sa teuina i totonu o se fale teuoloa o oloa taofia.

36. E tutusa lava tu'utu'uga i le itu i fale teuoloa o oloa taofia ma oloa sa'oloto—O tu'utu'uga o lo o ta'ua iinei e fa'asino i aiā tatau a, po o, e ono alia'i mai i le pule o oloa ua teuina i totonu o se fale teuoloa o oloa taofia o le a tatau lava ona mafai ona fa'aaogaina i le pule o oloa ua teuina i totonu o se fale teuoloa o oloa taofia ua teuina i totonu o se fale teuoloa sa'oloto e peisea'i lava na toe tā'ua ia tu'utu'uga i itu ta'itasi e fa'asino tonu iai ma ua fa'aalia manino e fa'aaogaina iai.

37. E lē fa'aleagaina le aiā tatau a lē e fa'atauina atu oloa a e vagana ai i le itu e fa'asaga i lē na te toe fa'atauina oloa po o lē ua fa'aliliu atu iai se mea e puipui a'i le toe totogiina o le tau, ma isi mea—E leai se mea o i totonu iinei o le a tatau ona fa'aleagaina ai so o se auala aiā tatau a se tagata e fa'atauina atu oloa e le'i totogiina na te taofia ai le fa'ao'oina atu o sea lava oloa seia o'o ina ua totogi le tau e tatau ona totogi atu ia te ia i so o se taimi e ono mafai ona fa'atauina ai e tusa ai ma ala o le tulafono ni aiā tatau fa'apena e aunoa ma se leaga po o se mafatiaga e o'o i so o se tagata na te toe fa'atauina mai po o lē ua fa'aliliu atu iai se mea e fa'amau a'i le toe totogiina o se aitalafu i le agaga fa'amaoni ma mo le tau, po o le itu i ni aiā tatau a so o se

tausi-mavaega ina ua gau-mativa ma ua le mafai ona totogi ana aitalafu o lo o talosagaina i lalo o lē na fa'atauina mai oloa mai le tagata na fa'atauina atu e le'i totogiina.

38. Ia lē fa'aliliuina ni oloa i totinu o tusi a lē e va'aia le fale teuoloa seia vagana ai ona ua tu'uina mai le tusi fa'amaoni—(1) E leai se mea tusia o le a tatau ona faia i totonu o tusi a so o se tagata e va'aia se fale teuoloa po o lē e tausia so o se fale teuoloa o lo o taofia po o oloa sa'oloto e faaliliuina ai le pule po o le umia o so o se oloa, a e vagana ai ona ua tu'uina mai ma ua fa'ao'o mai e le tagata o lo o talosaga mai mo se mea tusia fa'apena ina ia faia ni tusi fa'amaoni po o ni pepa fa'amaoni na mua'i faia.

(2) E mafaia loa lava e lē e va'aia le fale teuoloa po o lē e tausia lona fale teuoloa ona soloia tusi fa'amaoni po o pepa fa'amaoni ma tu'uina atu nisi lava tusi e sui a'i ia lava mea, ma o ni tusi fa'amaoni po o ni pepa fa'amaoni fou fa'apena e mafai i lea lava faiga e tasi ona soloia ma tu'uina atu nisi tusi e sui a'i ia lava mea.

39. Feagaiga fa'apitoa e taofia ai le ono mafai ona fa'afesoloa'i tusi fa'amaoni—(1) E ui lava i so o se mea o i totonu iinei, a e mafai e le tagata na mua'i teuina oloa i toso se fale teuoloa o oloa taofia po oloa sa'oloto, ma lē na te va'aia ia lava oloa, ona osia se feagaiga fa'apitoa e taofia ai le ono mafai ona fa'afesoloa'i tusi fa'amaoni po o pepa fa'amaoni na tu'uina atu i le itu i oloa ua ta'ua i luga, po o le aiaia o se faiga fa'apitoa tau le fa'aliliuina o le pule i, ma le umia o ia oloa.

(2) I itu ta'itasi uma fa'apena, o le a tatau ona tu'ufa'atasia ai tu'utu'uga o sea feagaiga fa'apitoa i totonu ma faia ina ia alialimai i le itu i luga o tusi fa'amaoni po o pepa fa'amaoni ua ta'ua i luga, ina ia mafai ai e lē o lo o umia sea lava pepa ona matuā taula'i manino atu iai lana silasila.

40. O le aiā tatau a lē e va'aia le fale teuoloa e taofia ai oloa seia totogi se aitalafu e lē fa'aleagaina ona o le fa'atauina atu po o le fa'aliliuina atu o oloa—E leai se fa'aliliuina atu o le pule po o le umia o oloa na teuina i totonu o so o se fale teuoloa o oloa taofia po o oloa sa'oloto o le a tatau ona a'afia ai i so o se auala e fa'aleagaina ai le aiā tatau e taofia ai se oloa seia o'o ina ua totogi se aitalafu po o ni aiā tatau a lē e va'aia le fale teuoloa i le itu i so o se to-

togi o se lisi po o ni totogi na alia'i mai talu ai po o ua o'ona ua tatau ona totogi ona o ni oloa, o le pule po o le umia o ia lava oloa e mafa; ona fa'aliliu atu fa'apena e pei ona tã'ua muamua.

41. Mea ua soloia—O le Tulafono o Oloa Fefa'ataua'i 1908 (Niu Sila) ua soloia nei mai le avea o se vaega o le tulafono a Samoa i Sisifo.

