

The Beetle Ordinance, 1921.

Western Samoa.

(S. M. A. L.)

No. 7, 1921.

AN ORDINANCE

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 Constitution Order, 1920.

This Ordinance may be cited as "The Beetle Ordinance, 1921."

1. Proclamation No 68 given at Apia on the 12th day of November, 1919, is hereby revoked.

2. In this Ordinance where not inconsistent with the context:

The term "person" includes any partnership, company or corporation.

The term "search" or "searching" where not inconsistent with the context means search or searching for cocconut beetles (*oryctes nasicornis*.)

The term "beetles" where not inconsistent with the context means cocconut beetles, their larvae and eggs.

The term "occupier" means every person in occupation of land and includes the owner of any land which is unoccupied or whereof the occupier is unknown or cannot be found.

The term "Inspector" means any person under the control of the Director of Agriculture appointed to inspect plantations for the purposes of this Ordinance.

The term "foreign contract labour" means and includes any Chinese, Solomon Island or other labourer not being a Samoan born in Samoa who has contracted to work as a labourer for a specified period in Western Samoa.

The term "employer of foreign contract labour" means any person who, whether as a householder, owner of land, public servant or otherwise howsoever employs any foreign contract labourer and includes any overseer or manager or person having control of any foreign contract labourer.

PART I.

DUTIES OF OCCUPIERS OF LANDS.

3.(1) Every occupier of land shall effectually clean and keep clean the same of all dead or rotten trees and palms, vegetable rubbish, empty cacao pods and cocconut husks, and shall remove and destroy all decaying posts and all cocconut logs used for fences, bridges, pig-sticks or other structures.

(2) No occupier of land shall use for any fence, bridge, pigsty or other structure on the same any cocoanut logs or any posts other than live posts or posts of hardwood approved by an inspector.

(3) Any occupier of land who fails to comply with the provisions of this clause commits an offence, and is liable to a fine not exceeding \$25.

4. (1) The Director of Agriculture or any inspector may at all reasonable times enter upon lands for the purpose of ascertaining if the requirements of the last preceding clause have been complied with.

(2) In any case where default has been made by the occupier in complying with any of the said requirements, the Director of Agriculture may, by notice in writing to the occupier, specify the requirements as to which default has been made, and order him to do the necessary work to comply with them within the period specified in the notice; and it shall be the duty of the occupier to do such work.

(3) If the occupier fails or neglects to duly comply with such notice the Director of Agriculture or any inspector may enter upon the said land and do the work at the expense in all things of the occupier; but nothing herein shall relieve the occupier of any fine which he may have incurred by reason of his failure or neglect.

(4) The amount of any such expense shall be recoverable by the Director of Agriculture from the occupier with costs by action in the Court.

PART II.

DUTIES OF EMPLOYERS OF FOREIGN CONTRACT LABOUR.

5. (1) Every employer of foreign contract labour shall forthwith notify the Director of Agriculture of the names and numbers of all foreign contract labourers in his employ or under his control and the capacity in which such labourers are employed and shall punctually advise the Director of Agriculture in writing of any change in the personnel of such labourers in his employ or under his control.

(2) Every employer of foreign contract labour shall cause all the foreign contract labourers in his employ or under his control to be diligently employed and every such labourer shall diligently employ himself between the hours of 8 a.m. and 12 noon of each successive Monday exclusively in searching.

(3) Should a public holiday or day observed as a Sunday or a public salamiy or day of mousning fall on a Monday, the employer shall cause the labourers in his employ to search, and such labourers shall search as aforesaid on the following Tuesday but except as in this sub-clause provided no change in the day of the search shall be permitted or made by the employer or the labourers.

(4) Every foreign contract labourer shall forthwith deliver to his employer the beetles, larvae and eggs found by him, and the employer shall, on each Monday or other day of search, cause the same to be forthwith destroyed by burning.

(5) Every employer shall keep a record of all beetles, larvae and eggs found and destroyed, and shall at the end of each month render to the Director of Agriculture, a true record on the form approved by the Director of Agriculture, showing the number of the same so found and destroyed on each Monday or other search day.

6. The Director of Agriculture may upon the application in writing of any employer of foreign contract labour in his discretion exempt any foreign contract labourer who is engaged on work of an indispensable nature from the operation of the last preceding clause subject to the

payment of any fees or to any condition which the Administrator may think fit. Any such exemption shall be for a period not exceeding one year, and may be at any time withdrawn by notice to the employer.

7. The Administrator may, on being satisfied by the Director of Agriculture that any plantation or property is free from beetles, exempt the employer of any foreign contract labourers engaged on such plantation from the operation of clause 5 hereof in regard to such labourers and may at any time, by notice to the employer, withdraw such exemption.

8. (1) Every employer who shall neglect or fail to comply with any of the provisions of this part of this Ordinance, shall be guilty of an offence and liable to a fine not exceeding £25.

(2) Any foreign contract labourer who shall neglect or fail to comply with any of such provisions shall be guilty of an offence and liable to a fine not exceeding £10.

PART III.

DUTIES OF SAMOANS.

9. Every male Samoan capable of searching shall in each week search, and shall on the Saturday of each week at noon deliver to the Pulenu'u on whose register his name appears, the number of beetles which the Director of Agriculture shall have required per week from each searcher in respect of the village to which he belongs.

Provided always that the provisions of this clause shall not apply to the following classes of persons:

Fautua, Faipule, Mule Faatoaga and Pulenu'u, members of the Samoan Police Force, Government Department clerks and hospital dressers.

10. The Pulenu'u of each village in Samoa shall keep a register wherein shall be recorded the name of every male Samoan in such village capable of searching and shall produce such register upon demand to the Director of Agriculture or to any inspector or to the Mule-faatoaga of the district of such village.

11. The Pulenu'u shall, on the Saturday of each week, take delivery of and count beetles delivered to him and shall record the numbers of the same so delivered by each Samoan whose name appears on his register opposite the name of such Samoan and shall then forthwith destroy such beetles.

12. The Pulenu'u shall forthwith fine in the sum of 8/- every Samoan, whose name appears on his register, who shall make default in delivering to him at the appointed time the number of beetles which shall have been specified as aforesaid and shall forthwith upon every such subsequent default inflict a further fine of 8/- and shall record every such fine in his register opposite the name of the person fined.

13. Every such fine shall be paid to the Pulenu'u within 14 days from the date of the imposition thereof, and default in payment thereof shall have the same consequences as default in payment of a fine inflicted by the Court.

14. If the Pulenu'u shall be satisfied that any person whose name appears on his register is prevented by illness from searching, he shall record the fact and the date of such illness in his register opposite the name of such person, and such person shall not be fined for default in delivering beetles in respect of any period during the duration of such illness as so recorded.

15. The Pulenu'u shall correctly record on the forms supplied for the purpose the total number of beetles delivered to him each Saturday by persons whose names appear on his register, and shall forward such record week by week to the Director of Agriculture.

16. No person shall absent himself from his village unless he shall have previously delivered to the Pulenu'u the number of beetles required

of him under this Ordinance for the period intended to be covered by his absence.

17. (1) No general malaga from any village shall take place until every person engaged in such malaga shall have delivered to the Pulenuu of the village the number of beetles required of him under this Ordinance for the period intended to be covered by such malaga, and until such Pulenuu shall have obtained from the Pulefaatoaga of the district of such village a written approval for the malaga.

(2) Each and every person who shall be engaged in any malaga in contravention of this clause shall be guilty of an offence.

(18). (1) The Director of Agriculture may upon the application of any employer of Samoan labour and upon proof that any Samoan employed by him is employed in work of an indispensable nature and is thereby prevented from complying with the provisions of this part of this Ordinance issue a certificate of exemption in respect of such Samoan from the provisions of this part of this Ordinance on payment by the employer to the Director of Agriculture of an exemption fee of 24s.

(2) Any such exemption shall be for a period not exceeding six months and shall be revocable at any time by the Director of Agriculture by notice to the employer.

(3) The Director of Agriculture shall notify the Pulenuu of every exemption issued, and the Pulenuu shall note the exemption against the name of such person in his register and thereupon such person shall be exempted from the provisions of this Ordinance.

19. Every Pulenuu shall pay to the Native Department or to the Resident Commissioner of his district at such dates as the Secretary for Native Affairs or such Resident Commissioner shall direct, all fines collected by him, and produce at the same time such documents as may be required.

20. (1) Every Samoan is guilty of an offence who without good and sufficient cause-

- (a) Uses coconut logs in the construction of any sty, bridge, fence or cook-house.
- (b) Fails to remove and burn decaying wood and vegetation on land owned or used by him.
- (c) Fails to employ himself during one day in each week exclusively in clearing and cleaning plantation land of his own or of the village to which he belongs.
- (d) Fails to keep clean and free from beetles any cook-house used by him and the environs thereof.

(2) For each first offence under this clause the Pulenuu of the village to which the offender belongs shall fine the offender in a sum not exceeding 10s; for each subsequent offence the Pulenuu shall report the offender to the Faamasino of the district, who shall fine the offender a sum not exceeding 22.

(3) The provisions of clause 13 hereof shall be applicable to all fines inflicted under this clause and all such fines shall be paid to the Pulenuu.

21. The whole of the sum representing the fines under clause 20 (2), and the exemption fees derived from any village shall be paid back for the benefit of such village by the Treasurer to the Pulenuu of such village. No 9
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22. Every Pulefaatoaga shall make such weekly inspection of the district allotted to him as shall enable him to ascertain whether the provisions of this Ordinance are being complied with and shall report any breach of such provisions and any default by a Pulenuu in the performance of his duties hereunder to the Director of Agriculture or to the Resident Commissioner of the District.

23. If in any village general default shall be made in compliance with any of the requirements of this Ordinance it shall be lawful for the

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Court to impose a fine not exceeding £50 in the aggregate, or 10s for each individual on the persons whom the Court shall, after such enquire as it thinks fit, find to be the taxable Samoan residents in such village.

24. Any person who neglects or fails to comply with any of the provisions of this part of this Ordinance shall be guilty of an offence.

25. Any person guilty of an offence under this part of this Ordinance shall be liable on conviction by the Court to a fine not exceeding £25, and if a Pulenuu or Pulefaatonga to be dismissed from his office: Provided that if such person shall have been already punished by a Pulenuu or Faamasino the Court shall have regard to any punishment already inflicted in determining the amount of the fine.

Assented to this 22nd day of
April, 1921.

(L.S.) R.W. TATE,

Administrator.