

[Inclosure B 1.]

DECLARATION OF RIGHTS.

[Samoa Times, August 17, 1878.]

The following is a copy of the constitution drawn out by Colonel Steinberger and agreed to by the Samoans in 1875, and which we reprint at the request of a number of our readers. It will be noticed that there is scarcely a section of it but what has been violated by the present "Government:"

We, the people of Samoa, who laid the foundation of our Government at Mulinuu, on the 21st day of August, A. D. 1873, impressed with a sense of all human weakness, and bending before the power of Almighty God, do now ordain and establish the constitution for Samoa.

This is in order to establish justice, to give us domestic tranquillity, promote the general welfare, and cause us to be respected as a nation among the nations of the earth. The origin of our Government is by the action of our chiefs and rulers of Samoa, and we give thanks to God for the peace and good will that we are enjoying, and the unity which enables us to choose rulers for the secure establishment of our Government. God has made of one blood all the people of the earth; peace, unity, happiness, and the love and fear of God are among the blessings of the earth. Guaranties for the liberty of the people, and the power of the law will be our safety; to man belongs the sacred rights of life, limb, liberty, freedom from oppression, the earnings of his hands, and the productions of his mind. Government and laws are not for the protection of chiefs and rulers only, but for the people; each shall be free to come and

go, to till his land, to earn his bread, to trade and barter, and appeal to the majesty of the law for protection. The execution of the law will operate upon the chiefs and rulers as well as the subject; all will be equally judged for a violation of the law. Protection is hereby published for the safety and welfare of all the inhabitants of these islands, that people and chiefs may enjoy protection alike under the same law; that each may be secure in their lands, their lots, their habitations, and all property, and should a chief, or ruler, or governor, or any public functionary act in violation of this constitution he shall no longer retain his position.

As we have merged from barbarism through the teachings of the missionaries, and come to know the living God through the love, patience, and teachings of these teachers of the Holy Word, so will we maintain our faith and recognize the truth that we are powerless without God's aid; that we will support our church, observe the Sabbath, respect our pastors, and adhere to the Word of God, but religious freedom shall be accorded to all the sound promptings of the heart, and the entire freedom of conscience is the right of all men; therefore, it is our solemn desire that no law shall be enacted at variance with the Word of our Lord God or the spirit of His Word.

Now, in enacting our Government, we pray for the charity and protection of all the civilized nations of this earth, that our Government be recognized, and our laws respected, as we will respect and give protection to the foreign element now and hereafter to be amongst us.

CONSTITUTION.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a House of Chiefs or Nobles and a House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year to sit in council with the nobles and establish laws for the nation. This representative body shall have a voice in the business of the Kingdom, and no law shall be passed without the approbation of the majority of them. Such representatives shall be elected by ballot by the people of each district. The actual enumeration shall be made within one year from the assembling of the first Parliament, and a new enumeration made every five years as subsequent laws of election may direct. The number of representatives shall not exceed 1 for every 2,000 people, and shall be chosen from the islands of Manua, Olosega, Ofu, Aunuu, Tutuila, the districts of Atua, Tuamasaga, and Aana, of Upolu, Manono, Apolima, Savaii. When vacancies happen in representatives from any district, the House of Nobles shall issue writs of election to fill such vacancies. The House of Representatives shall select their speaker or head, and other officers, and have the sole power of performing articles of impeachment.

SEC. 3. The House of Chiefs or Nobles shall be composed of 2 chiefs from Manua, Olosega, Ofu, Aunuu, and Tutuila combined, 2 from Atua, 2 from Tuamasaga, 2 from Aana, 1 from Manono and Apolima, and 6 from Savaii, making 15. This body shall be known as the Taimua, and consist of high chiefs selected by their people, and such nominations shall be presented to the King for approval. Warrants of nobility shall be issued to such chiefs, and they shall sit in Government council to give advice, and aid in making and maintaining laws. The King shall consult with the Taimua respecting the affairs of the Kingdom. The present Taimua to be the Government of Samoa, to be obeyed and respected until such time as the King and representative body (Taimua and House of Representatives, are chosen and fairly established according to this constitution. That they be the governing power of the land, and recognized as the supreme power; that vacancies be filled and the laws be executed by them.

SEC. 4. With veneration for our customs and ancient traditions, and to maintain inviolate the great families who have sprung from a race of Kings, and to give greater security to our people, it is decreed that the royal blood be acknowledged and shall be perpetuated in the great houses of Malietoa and Tupua. The King chosen from one of these families shall reign for the period of four years, and upon the expiration or of demise, then the succession shall fall to the other of the two families. That there shall be a rotation in the line of Kings between the two families of Malietoa and Tupua, with the succession alternating in the two families. If within the prescribed time of four years a vacancy should happen by death, impeachment, or resignation, then the vacancy shall be filled from the other house or family, and serve for a period of four years and not for the unexpired term. The King shall be chosen by the Taimua, the Malo, and Faipule, as the chosen representatives of Samoa, now assembled at Mulinuu. The King makes oath to adhere to, preserve, protect and defend the constitution of Samoa, to execute the laws and protect the rights of the people.

SEC. 5. The prerogatives of the King are as follows, viz. : He is the sovereign of the people and the chiefs. He shall have the direction of the army and the implements of war of the Kingdom. He also shall have the direction of the public lands, the poll tax and the land tax. He shall have control of the lands forfeited to the Government from non-payment of taxes, all in conformity to the law. Under the law he shall be the chief judge of the supreme court, and it shall be his duty to execute the laws of the land, also all decrees and treaties with other countries. It shall be his prerogative to form treaties, receive ministers, and confirm agreements with them. He shall have power to control by the army revolutionary districts when the legislative is not in session. His power to transact important business of the Kingdom shall only be exercised when the law has not assigned specified duties to others.

SEC. 6. The King shall appoint 8 governors, 1 for the islands of Manna, Olosega, and Ofu; 1 for Annuu and Tutuila, 1 for Atua, 1 for Tuamasaga, 1 for Aana, 1 for Manono and Apolima, and 2 for Savaii. The governor shall be appointed only after the chiefs of said islands have selected a candidate and sent his name to the King. In the interim the Taimua shall appoint such governors. All the governors from Manua to Falealupo shall be subject only to the King and the premier. Each governor shall have direction over the tax-gatherers, and support them in the execution of their duties; he shall preside over the judges of his island or district, and be responsible for the execution of the laws. He shall appoint the judges and give them their certificate of office. The governor shall have charge of the island or district over which he presides, control the militia, Government arms and munitions of war. He shall receive the Government dues and deliver them over to the premier. All important decisions shall rest with him, but subjects shall always have the right of appeal as against unlawful or tyrannical acts of a governor.

The Premier of the Kingdom.

SEC. 7. It shall be the duty of the King (the Taimua in the interim) to appoint some person as his particular minister, whose title shall be premier of the Kingdom. His duty shall be to transact for the King all business connected with the special interests of the Kingdom, and all documents and business executed by the premier shall have the force as though executed by the King's authority. The premier shall be the King's special councillor in all the important business of the Kingdom. The King shall not act without the knowledge of the premier, and the premier shall be entitled to the floor of each house of Parliament, and join in the debates.

Supreme Court.

SEC. 8. The representation body shall appoint four persons, whose duty it shall be to aid the King and the premier, and these six persons shall constitute the supreme court of the Kingdom. They shall give due notice of the time and place of holding court. They shall grant new trials in cases of appeal; life, death, confinement, and fine are with them, and their decisions are final.

Judges.

SEC. 9. Each governor shall appoint four or more judges for his island or district, and give them certificates of office, and they can then only be removed by impeachment. The law shall regulate the term of office. The judges shall give notice of the time and place of holding courts, and shall then enter upon trials according to the prescribed form of law. No judge shall have jurisdiction over land cases as between landlord and land agents or their tenants, or in the matter of taxation, but his duty shall be to try all cases of murder, felony, assault, theft, trespass, and general violation of the public peace, and breaking of the laws. Exceptions may be taken to the judgment of the judges and the courts, and an appeal taken to the supreme court.

ARTICLE II.

SECTION 1. A proper respect for the white residents and sojourners in Samoa who establish business relations with our people, will receive the earnest thought and deliberation of our law-making power, that their lands, their business, and all their rights be protected, trusting in their honest and hearty co-operation and praying for their aid and comfort.

SEC. 2. The introduction of foreign labor upon our islands shall be permitted, but copies of all contracts with laborers must be lodged with the Government, such labor must be voluntary, and their grievances as well as all complaints against them subject to the courts of law and their decisions. Each laborer shall be registered with

name, place of birth or nativity, and approximate age; each one shall be furnished with a Government permit, and at the expiration of their term of contract to be at liberty to depart, to recontract, or remain as citizens of Samoa, with all the rights, privileges and immunities of other people, but subject to the general law.

SEC. 3. Free trade shall be the established system of the Government; there shall be no export or import duties except upon the importation of spirituous liquors, as provided by law.

ARTICLE III.

SECTION 1. There shall be a department of the interior created, with a land commission, and a minister of interior, who shall have jurisdiction of the Government domain. The function of said board of commission will be regulated by law.

SEC. 2. The secretary of the interior will receive his appointment from the King and be a member of the ministry.

SEC. 3. The King shall appoint a minister of finance who shall have control of the department of finance and be a member of the ministry.

ARTICLE IV.

SECTION 1. The Parliament shall meet once each year; both Houses shall combine to determine the day of adjournment, but the law will fix the day of assembly. The premier shall be president of the Upper House (House of Nobles); each House shall choose their other officers and elect their secretaries and clerks.

SEC. 2. The House of Nobles shall have the sole power to try all impeachments, and when sitting shall be under oath; but the articles of impeachment must come from the House of Representatives.

SEC. 3. The time, place, and manner of holding election shall be prescribed by the Parliament, and each House shall judge of the validity of the election of each member.

SEC. 4. Each House may make rules for its proceedings, punish members for disorderly conduct, and a two-thirds vote may expel a member of the House of Representatives. Each House shall keep a minute of their proceedings, and from time to time publish the same.

SEC. 5. All proceedings and law shall be transacted in Samoan, and translated into English; but any white resident or officer of a foreign government other than English shall, upon demand by properly constituted agents, be allowed access to the proceedings of Parliament and the laws, and make a copy in any language.

SEC. 6. Members of both Houses shall receive a compensation to be fixed by the law, but to be in rigid conformity with the necessities of the people and upon rigid economical principles, and they shall, in all cases except treason, felony, and breach of the peace, be exempt from arrest during their attendance at a session of their respective Houses and in going to or returning from the same.

SEC. 7. All bills for raising the revenue must originate in the House of Representatives, so that the people, through their chosen representatives, shall have a voice in the raising of the revenue of the government; but the House of Nobles shall concur in such bills.

ARTICLE V.

SECTION 1. I. The Parliament shall have power to levy and collect taxes, duties, imposts, excises, to pay debts, provide for the common defense and general welfare of Samoa.

II. To borrow money on the credit of the government.

III. To regulate commerce with other nations.

IV. To coin money.

V. To establish post-offices and build roads.

VI. To support a home guard and provide for calling forth the militia, &c., execute the laws, and suppress insurrections.

SEC. 2. I. No bill of attainder or *ex post facto* law shall be passed.

II. No money shall be drawn from the treasury except after an appropriation by the Parliament, and a regular statement of receipts and disbursements of public money shall be published from time to time.

SEC. 3. No island or district shall enter into any treaty with other powers, contract debts, make currency, or make any law except in accordance with the laws of Parliament, which are the laws of Samoa.

SEC. 4. Full faith and credit shall be given in each district for the acts, records, and judicial proceedings of another district.

SEC. 5. The citizens of one island or district shall have like privileges and immunities in every other district.

SEC. 6. A person charged in any island or district with treason, felony, or crime who shall flee from justice and be found in another island or district shall, upon demand, be delivered up.

ARTICLE VI.

SECTION 1. All debts and agreements contracted or entered into prior to the adoption of this constitution shall be valid as against the Government of Samoa.

SEC. 2. I. Members of the House of Nobles and Representatives, and all other officers of the government shall be bound by oath to support the constitution.

II. The constitution shall be above the King.

III. It is adopted by the present Taimua and will be presented to the people for final ratification.

SEC. 3. It is solemnly decreed that after the expiration of seven years, when the people are accustomed to the ballot and realize the sanctity of election, then the Parliament may call a general election to give the people of Samoa the right to resolve the monarchy into a republic. In the action of the Parliament in calling such election the King shall have no voice, and this section of the constitution is not subject of amendment.

SEC. 4. This constitution may be amended by a two-thirds vote of Parliament, but such amendment must be ratified by the people.

The above constitution has been adopted by the Taimua, and we have hereunto subscribed our names and affixed our seals, this 18th day of May, 1875, at Mulinuu, Samoa.
