

3. In these regulations, unless inconsistent with the context,—  
 “Council” means the Aleisa Council constituted by these regulations;  
 “District” means the area defined in the First Schedule hereto;  
 “Elector” means any settler whose name is for the time being included in the electoral roll hereinafter referred to;  
 “Settler” means any person in whom is legally vested by means of a document or documents in writing and otherwise than solely by way of mortgage any freehold or leasehold estate or interest (including an estate or interest as sublessee) in any land situate within the district, and includes the wife or husband of any such person.
4. There shall in respect of the district be a Council to be known as the Aleisa Council, to consist of four members—namely, a Mayor and three Councillors.
5. A general election of members of the Council shall be held on a day in the month of December, 1946, to be fixed by the Administrator and notified by him in the *Western Samoa Gazette* and on a day in the month of November in every second year thereafter to be fixed from time to time by the Council and notified by the Council in the *Western Samoa Gazette* not more than twelve nor less than three weeks before the date so fixed.
6. Every election shall be held at a place within the district and at a time to be respectively stated in the notice fixing the day of the election.
7. The Administrator shall appoint such person as he thinks fit to be the Returning Officer to hold the first election of members, and thereafter the Council shall from time to time appoint a Returning Officer for the purposes of these regulations.
8. The Returning Officer shall, on the fourteenth day before the day fixed for the election, prepare a list of electors containing in alphabetical order of surnames the names of all persons who on that date are settlers of the district, and shall permit the list to be inspected at all reasonable times by any person claiming to be a settler, and shall at any time not later than the seventh day before the day so fixed make any alteration or addition to the list which on such evidence as he thinks fit to accept he may consider necessary for the correction of the list, and after the close of the said seventh day shall sign the said list and initial all alterations and additions thereto, and the said list shall thereupon be the electoral roll for the election in question and no alteration or addition thereto shall thereafter be made.
9. The following persons shall be incapable of being elected as or of being a member of the Council:—  
 (a) A person who is not an elector;  
 (b) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled;  
 (c) A person of unsound mind;  
 (d) A person convicted of any offence punishable by imprisonment for a term exceeding twelve months, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed on him;  
 (e) A person who is a member of the Samoan Public Service.
10. Every candidate for election shall be nominated in writing by means of a nomination-paper in the form numbered 1 in the Second Schedule hereto or to the like effect signed by at least two electors and signed by the candidate in token of his assent to nomination and delivered to the Returning Officer not later than the day before the day fixed for the election.
11. Any person may be nominated for election both as Mayor and as Councillor. The election of Mayor shall be first proceeded with, and the nomination (if any) as Councillor of the person elected as Mayor shall thereupon become void.
12. If the number of candidates nominated for any office does not exceed the number of vacancies to be filled, the Returning Officer shall, at the place and upon the day appointed as aforesaid, publicly declare the candidate or candidates so nominated to be duly elected to the office or offices to be filled at the election in question.
13. If within the time limited for the receipt of nominations there is received by the Returning Officer a nomination-paper in proper form but signed by a majority in number of the electors and nominating the required number of qualified persons to fill the position of Mayor and Councillors respectively, then, notwithstanding that other nominations may have been received, the Returning Officer shall, at the place and on the day fixed as aforesaid, publicly declare the candidate and candidates so nominated as first aforesaid to be duly elected to the offices of Mayor and Councillors respectively.
14. If the number of candidates nominated exceeds the number of offices to be filled, then, subject to the last preceding regulation, the Returning Officer shall, at the place and on the day fixed as aforesaid, publicly announce the names of the several candidates, and shall by means of a secret ballot of electors then present conduct, as he thinks fit, a poll for the purpose of the election and shall nominate not more than two electors then present to act with him as scrutineers for the purpose of counting the votes polled, and upon ascertaining the result of the poll shall publicly declare the candidate or candidates for whom the largest number of votes has been given to be duly elected to the office or offices to be filled at the election in question.
15. Where there is an equality of votes between candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Returning Officer shall determine by lot which candidate shall be elected.
16. Forthwith upon any declaration of the result of an election the Returning Officer shall prepare and sign a certificate of his declaration in the form numbered 2 in the Second Schedule hereto or to the like effect, and shall, if a poll has been taken, permit the certificate to be countersigned by the scrutineers and shall, if the declaration has been made pursuant to Regulation 13 hereof,

attach thereto the nomination-paper on which the declaration is based and shall forthwith deliver the certificate to the Administrator, who shall cause the same or a notification of the effect thereof to be published in the *Western Samoa Gazette*.

17. If at any election no person is declared to be elected to fill the office of Mayor or no persons are declared to be elected or a less number is elected than is required to fill the offices of Councillors, then the Administrator may, as the case requires, appoint a qualified person to be Mayor or as many qualified persons to be Councillors as are required to complete the membership of the Council, and the Administrator shall cause a notice of the appointment to be published in the *Western Samoa Gazette*.

18. The office of any member of the Council shall become vacant if he—

- (a) Dies; or
- (b) Resigns his office by writing under his hand delivered to another member; or
- (c) Becomes bankrupt; or
- (d) Becomes of unsound mind; or
- (e) Is convicted for any offence punishable by imprisonment for a term exceeding twelve months; or
- (f) Is absent without leave of the Council from four consecutive meetings thereof; or
- (g) Becomes a member of the Samoan Public Service.

19. (1) If the office of any member of the Council becomes vacant, the Council shall forthwith appoint a qualified person in his place as a member of the Council.

(2) If the member vacating office is the Mayor, the Council shall appoint a qualified person to be a member of the Council, and forthwith or thereafter, but only at a meeting at which such newly appointed member is present or of which he shall have had reasonable notice, shall appoint one of their number to be Mayor.

(3) If no such appointment is made within two months after the happening of the vacancy, the Administrator may, by Warrant under his hand, make the required appointment.

(4) Every appointment made under this regulation shall be notified in the *Western Samoa Gazette* by the Council or the Administrator, as the case may be.

20. Every member of the Council shall come into office on the day of his election or appointment and shall, unless his office sooner becomes vacant, continue in office until the day fixed for the next following general election of members.

21. The first meeting of the Council shall be held at a day, time, and place to be fixed by the Administrator and notified to the members.

22. At all meetings of the Council the Mayor, if present, shall preside, and in his absence a Councillor elected for that purpose by the members present.

23. At all meetings of the Council three persons shall form a quorum.

24. Subject to the last preceding regulation, the Council may act notwithstanding a vacancy in its membership.

25. Subject to the provisions of these regulations, the Council may, by standing order or otherwise, regulate its procedure and business as it thinks fit.

26. Any notice or other document to be given or made by the Council shall be sufficiently authenticated if signed on behalf of the Council by any two members thereof.

27. The Council shall have power, subject to the provisions hereinafter contained, to make by-laws for the good rule and government of the district.

28. No by-law shall have any force or effect until it has been approved by the Administrator and published in the *Western Samoa Gazette*.

29. Every by-law shall come into force on the day following publication thereof in the *Western Samoa Gazette* or such later day as may be fixed in the by-law.

30. No by-law shall have any force or effect so far as it is repugnant to the Samoa Act, 1921, or any Order in Council, Ordinance, or regulations in force thereunder, or so far as it purports to impose any rate or tax.

31. Every person guilty of an offence against any by-law is liable to a fine not exceeding £10.

32. Any by-law may at any time, whether before or after it has been approved by the Administrator, be disallowed by the Administrator by notice under his hand published in the *Western Samoa Gazette*, and upon publication of the notice the by-law shall, to the extent to which it is so disallowed, become wholly void as if it had been then repealed.

33. Where anything is omitted to be done or cannot be done at the time required by or under these regulations, or is done after such time, or is otherwise irregularly done in matter of form or sufficient provision is not made by these regulations, or if doubt arises as to the regularity of the doing of any act required or authorized to be done or necessary or proper to be done under these regulations, the Administrator may, by Warrant under his hand published in the *Western Samoa Gazette* at any time before or after the time within which such thing is required to be done, extend such time or may validate anything so done after the time required or so irregularly done in matter of form or make other provision for such case or declare the regularity of any act as to the regularity of which a doubt has arisen as he thinks fit.

#### FIRST SCHEDULE

ALL that area of land at Aleisa, being part of Flur XIII, Upolu, in the District of Tuamasaga, commencing at the junction of Lower Alafaalava and Nonoa Roads, and running easterly along the Lower Alafaalava Road to Settlement Road; thence north and easterly along Settlement Road to the north-east corner of Parzelle 89/4; thence southwards along the western boundary of Parzelle 39/4 (part of Potoga Plantation); thence easterly along the southern boundary of Potoga Plantation to Tuana'i Road; thence southerly