



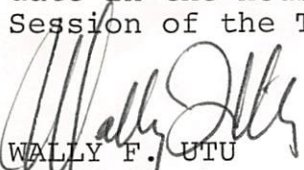
AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N


House Chamber
January 22, 1988

I certify that House Bill No. 171 passed third reading on this date in the House of Representatives during its First Regular Session of the Twentieth Legislature of American Samoa.


WALLY F. UTU
Chief Clerk
House of Representatives

Senate Chamber
September 8, 1988

I certify that House Bill No. 171 passed third reading on this date in the Senate during its Fourth Regular Session of the Twentieth Legislature of American Samoa.


MRS. FIALUPE AUMOEUALOGO
Asst. Secretary of the Senate

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
one thousand nine hundred and eighty eight

AN ACT ESTABLISHING AN ESCHEAT LAW FOR BANK DEPOSITS; CREAT-
ING A NEW CHAPTER 16 UNDER TITLE 28 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a new chapter 16 under Title 28
ASCA which reads:

"Chapter 16

ESCHEAT OF UNCLAIMED BANK DEPOSITS

Sections:

- 28.1601 Definitions.
- 28.1602 Certified check or account acquired through mer-
ger or otherwise.
- 28.1603 Fee or charges on inactive or dormant savings or
time deposit account.
- 28.1604 Presumption of no claimants--Escheat.
- 28.1605 Notice of unclaimed deposit--Mailing--Publication.
- 28.1606 Annual reports to treasurer of unclaimed deposits
--Failure to make--Inspection by public.
- 28.1607 Escheat--Deposits of less than fifty dollars.
- 28.1608 Unclaimed deposits reported on December 31 to es-
cheat--Deposits less than fifty dollars reported
separately.
- 28.1609 Penalty for failure of bank to pay over unclaimed
deposits when payable--Suits.
- 28.1610 Actions for escheat--Jurisdiction--Procedure.
- 28.1611 Liability of bank ceases on payment to treasurer.
- 28.1612 Bank records of escheated deposits--Preservation
--Copies furnished to treasurer.
- 28.1613 Records of treasurer of escheated deposits--Dis-
position.
- 28.1614 Services by salaried officials to be without
charge--Expenses of administration.
- 28.1615 Credit unions.

28.1601 Definitions.

As used in this chapter, unless the context clearly re-
quires otherwise:

(1) "Bank" means any bank, trust company, savings bank, and savings bank having shares of capital stock, organized and existing under any general or special law of this Territory, including any such bank, trust company, savings bank, and savings bank having shares of capital stock, which may be in voluntary dissolution or which may be in the possession of the commissioner of banking and insurance or in receivership, and any private banker including any private banker for whose banking business a receiver has been appointed, and any national banking association organized under the Acts of Congress and doing business in this Territory including any national banking association which may be in voluntary dissolution or in receivership. This definition includes the development bank of American Samoa.

(2)(a) "Unclaimed bank deposit" means and includes an unpaid balance of money to the credit or in the name of: a maker or payee of a certified check held by a bank, together with all interest accrued thereon whether entitled thereto or not on the records of the bank, and which after a period of 10 years has remained unclaimed, and a depositor, in any capacity whatsoever, with a bank in any demand, savings, or time deposit account, together with all interest accrued thereon whether credited thereto or not on the records of the bank, which after a period of 10 years has remained unclaimed exclusive of:

(i) the unpaid balance in any such account which has been reduced by withdrawal or increased by deposit, exclusive of interest credit, within 10 years;

(ii) the unpaid balance in any such account which is evidenced by a passbook in which entry of interest credit has been made within 10 years or which passbook has been presented for entry of interest credit within 10 years;

(iii) the unpaid balance in any such account with respect to which the bank has written evidence received within 10 years that the depositor or other person entitled thereto had knowledge thereof;

(iv) the unpaid balance in any such account of a depositor known by an officer or employee of the bank to be living; and

(v) the unpaid balance in any such account which is evidenced by a passbook, which book has, to the knowledge of the bank, within 10 years been balanced or verified.

(b) In the case of a time deposit, no account shall be deemed to be an unclaimed deposit until 10 years after its original date of maturity.

(c) "Unclaimed bank deposit" also means, includes, and refers to credits and deposits of every kind, character or form in any name whatsoever and in any capacity whatsoever, including but not limited to individuals, corporations, companies, associations, societies, firms, partnerships, joint stock companies, and fiduciaries of any nature.

(3) "Treasurer" means the treasurer of American Samoa.

28.1602 Certified check or account acquired through merger or otherwise.

Any bank which, through merger, reorganization, consolidation, or otherwise, acquires any certified check or any account of any depositor in any capacity whatsoever, shall, for

the purpose of this chapter, be deemed to have been in existence from the date such check was certified by any other bank or such account originated in any other bank; and such certified check or account constitutes an unclaimed bank deposit if it otherwise accords with the definition of an unclaimed bank deposit.

28.1603 Fees or charges on inactive or dormant savings or time deposit account.

During the 10 year period of inactivity or dormancy specified in section 28.1601(2) and until payment of funds to the treasurer as provided in section 28.1608, it is unlawful for any bank to assess, collect, or deduct any fee or charge from any savings or time deposit account because of that inactivity or dormancy, except for the cost of publication in accordance with section 28.1605.

28.1604 Presumption of no claimants--Escheat.

It shall be presumed that there is or are no claimant or claimants who or which directly or indirectly has or have any right, title or interest in any unclaimed bank deposit held by a bank, and such unclaimed bank deposit shall be subject to escheat to the Territory.

28.1605 Notice of unclaimed deposit--Mailing--Publication.

(a) For the purposes of this section, an unclaimed bank deposit shall be deemed to be one in which as of August 1 of a particular year no transaction has occurred during the preceding 9 consecutive years.

(b) Every bank having any such unclaimed deposits shall, prior to August 15 of the year in which it becomes an unclaimed deposit mail a "notice of unclaimed deposit" to the owner or owners of each such account in the name and to the address of the owner or owners which appears on the records of the bank, provided, however, that the bank need not mail the notice to an owner or owners if any mailings by the bank to that owner or owners within the prior year were returned to the bank as undeliverable. The notice of unclaimed deposit shall be in such form as approved by the treasurer and must set forth the name of the bank and where the name of the bank has been changed by merger, reorganization, consolidation or otherwise, it must also set forth the original name and address of the bank in which the deposit originated, the name of the owner or owners and a statement that the balance of the account will be paid over to the Territory on the following January unless the bank is contacted in writing by the owner or his representative. If such a written response is received by the bank, the response is deemed to be a transaction with respect to the account and the account thereafter ceases to be an unclaimed bank deposit for the purposes of advertising as set forth in subsection (c) of this section.

(c) Every bank having any unclaimed bank deposits must advertise once during the second week of the month of October and once during the second week of the month of November, printed in 8-point size type in a newspaper published in American Samoa, a notice entitled "Notice of the names of persons appearing as the owners of unclaimed amounts held by (name of bank)". Such notice must be in a form approved by

the treasurer and must set forth the name and address of the bank and where the name of the bank has been changed by merger, reorganization, consolidation or otherwise, the notice must also set forth the original name and address of the bank in which the deposit originated, and must list in alphabetical order the name of each person to whose credit an unclaimed bank deposit stands, but not the amount to the credit of each account, but no account shall be advertised in which the unpaid balance is less than \$50.00. Any amount paid to a newspaper for such publication must be charged by the bank equally against the unclaimed bank deposits so advertised.

28.1606 Annual reports to treasurer of unclaimed deposits--
Failure to make--Inspection by public.

(a) Not later than the thirty-first day of January in each year after the year in which this act takes effect and as of December thirty-first of the preceding year, every bank must make in duplicate a written report to the treasurer containing a true and accurate statement of all unclaimed bank deposits held by the bank as of such date.

(b) The report must set forth the name and address of the bank and where the name of the bank has been changed by merger, reorganization, consolidation or otherwise, also the original name and address of the bank in which the deposit originated, and must list in alphabetical order the name of each person to whose credit an unclaimed bank deposit stands, the last address of the depositor appearing on the records of the bank, the identification number, if any, of each account, and the amount to the credit of each account.

(c) The report must, where the bank is a corporation, be signed by its president, a vice-president, treasurer, assistant treasurer, cashier, or assistant cashier. If such bank is in voluntary dissolution, the report must be signed by one or more of its trustees designated by its board of trustees for that purpose. If such bank is in the possession of the commissioner of banking and insurance, the report must be signed by the commissioner or by a special deputy commissioner appointed by him and in actual charge of the business and affairs of the bank. If a receiver has been appointed for a corporate bank or private banker, the report must be signed by such receiver. In the case of a private banker, the report must be signed by such banker.

(d) The person signing the report must certify that such report is a true and accurate statement of all unclaimed bank deposits held by the bank as of the report date to the best of his knowledge, information and belief after diligent inquiry. The person signing the report may, in making the report, rely upon information with respect to unclaimed bank deposits furnished by the officers and employees and records of the bank.

(e) If the bank has no unclaimed bank deposits a written report so stating must be made to the treasurer.

(f) Any bank which fails to file such a report with the treasurer shall forfeit to the Territory the sum of fifty dollars (\$50.00) for each day such report is not filed, and if not paid, such penalty must be sued for and be recovered by the treasurer in a civil action in the name of the Territory. The treasurer has the power to waive the penalty and to extend the time within which a report may be filed.

(g) Immediately upon receipt of such report the treasurer must deliver one duplicate of the report to the attorney general and the treasurer must cause the other duplicate report to be permanently bound with an alphabetical index of the depositors with appropriate references to the bound reports. The bound reports and indices must be open for public inspection during usual business hours and under regulations prescribed by the treasurer.

28.1607 Escheat--Deposits of less than fifty dollars.

All unclaimed bank deposits of less than fifty dollars (\$50.00) held by any bank as of December thirty-first of any year shall escheat to the Territory. When a report thereof is made to the treasurer pursuant to the provisions of section 28.1606 the funds must be paid to the treasurer simultaneously with the making of such report.

28.1608 Unclaimed deposits reported on December 31 to escheat --Deposits less than fifty dollars reported separately.

(a) All unclaimed bank deposits reported by any bank as held by it as of December thirty-first, one thousand nine hundred and eighty-seven and as of December thirty-first of each year thereafter, regardless of the amount thereof, shall escheat to the Territory. When a report thereof is made to the treasurer pursuant to section 28.1606 the funds must be paid over to the treasurer by such bank simultaneously with the making of the report. All unclaimed bank deposits of less than fifty dollars (\$50.00), when reported in any report or revised report or supplemental report filed, must be separately listed under the heading "Deposits of less than fifty dollars (\$50.00)" and the total of all such deposits must be separately indicated.

28.1609 Penalty for failure of bank to pay over unclaimed deposits when payable--Suits.

Any bank which fails to pay over to the treasurer any unclaimed bank deposit as provided in section 26.1608 shall be liable to a penalty of fifty dollars (\$50.00) for each day such payment is not made. If such penalty, is not paid, the treasurer must file a civil action in the name of the Territory against the bank to recover it.

28.1610 Actions for escheat--Jurisdiction--Procedure.

It is the duty of the attorney general within a reasonable time after receipt by him of the duplicate report to institute actions for escheat to the Territory of the unclaimed bank deposits disclosed by such report which are in an amount of fifty dollars (\$50.00) or more and which have not been paid over to the Territory. The High Court has jurisdiction of such actions. In any such action absent defendants may be proceeded against by newspaper publication, upon order of the court.

28.1611 Liability of bank ceases on payment to treasurer.

No bank which must pay over to the treasurer any unclaimed

bank deposit shall be held liable to any claimant having or asserting any right, title or interest in or to the same personally or in any capacity whatsoever; and no action or proceedings of any kind for the recovery of money represented thereby, or any part thereof, shall lie against such bank.

28.1612 Bank records of escheated deposits--Preservation--Copies furnished to treasurer.

No bank shall destroy or otherwise dispose of any of its records or files pertaining to any unclaimed bank deposit which is subject to escheat to the Territory or which has escheated to the Territory; but all banks must preserve such records and files, and any of the originals thereof or photostatic copies thereof duly certified by any official of the bank to be true copies, must be furnished to the treasurer whenever he makes a request therefor in writing.

28.1613 Records of treasurer of escheated deposits--Disposition.

(a) The treasurer must establish and maintain records of all escheated unclaimed bank deposits received by him, which in the case of deposits with a net balance of fifty dollars (\$50.00) or more, must show in alphabetical order the names of the depositors, the amounts received, the name and address of the bank from which the funds were received, the identification numbers of the accounts, if any, and must also establish and maintain an index thereto, which records and index must at all times during the usual business hours be open to public examination.

(b) The treasurer must credit seventy-five percent (75%) of the amount of each escheated unclaimed bank deposit received by him to the general fund, and must establish and maintain a separate account to be designated as the "unclaimed bank deposits escheat reserve fund", which is hereinafter referred to as the "reserve fund", and credit it with the other twenty-five percent (25%).

(c) The treasurer must invest and reinvest all moneys credited to the reserve fund in bonds of interest-bearing notes or obligations of the United States or in bonds or interest-bearing notes or obligations guaranteed as to principal and interest by the United States or in bonds or interest-bearing notes or obligations for the payment of the principal and interest of which the faith and credit of the United States are distinctly pledged or in bonds or interest-bearing notes or other obligations of this Territory or in bonds or interest-bearing notes or other obligations of any county, city, town, township, borough, village or other municipal or political subdivision of this Territory, issued under authority of any law of this Territory.

(d) The income received from the investments and reinvestments of the reserve fund must be added to the reserve fund and be held and retained as part thereof subject to like investment and reinvestment.

(e) The reserve fund must be used and expended by the treasurer for the payment of expenses and costs incurred by the treasurer and the attorney general pursuant to the provisions of section 28.1614.

(f) At any time after receipt by the treasurer of any escheated unclaimed bank deposit anyone claiming to be entitled thereto or to any part thereof may file a claim therefor with the treasurer who is authorized to pass upon and determine the claimant's claim. If the treasurer determines the claimant's proof of title is sufficient, he must pay the escheated unclaimed bank deposit or such part thereof to which the claimant is entitled, without interest, out of the reserve fund to the claimant. If the cash balance in the reserve fund is insufficient to make such payment the treasurer must sell such of the investments of the reserve fund as may be necessary to make such payment.

(g) If the treasurer determines that the claimant's proof of title is not sufficient to entitle the claimant to such payment, the claimant may, within sixty days after the date of such determination by the treasurer, file an action in the High Court against the treasurer, and it shall be the duty of the treasurer, and of the attorney on his behalf, to take such action with respect thereto as they may deem necessary to protect the interests of the Territory. The court may proceed in the action in a summary manner or otherwise. Upon proof satisfactory to the court of plaintiff's claim of title to the escheated unclaimed bank deposit or any part thereof, judgment must be entered establishing his claim and ordering the treasurer to pay to the plaintiff the amount specified in such judgment together with such costs as the court may allow the plaintiff. Upon service upon the treasurer of a copy of such judgment certified to be a true copy by the clerk of the High Court, the treasurer must pay to the plaintiff out of the reserve fund the amount or amounts specified.

(h) If the court determines that plaintiff's proof of title is not sufficient to establish his claim to the escheated unclaimed bank deposit or any part thereof, a judgment to that effect must be entered. If on any appeal from the judgment, it is reversed and plaintiff's claim of title to the escheated unclaimed bank deposit or any part thereof is sustained, the treasurer must pay to the plaintiff, out of the reserve fund, the amount or amounts to which the plaintiff is entitled, together with such costs awarded to the plaintiff.

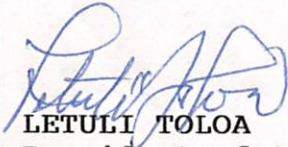
28.1614 Services by salaried officials to be without charge
--Expenses of administration.

All services required by this chapter to be performed by the clerk of the High Court, the marshall and any other salaried public official, shall be without fees, costs, counsel fees or any other charge, but the treasurer must pay out of the reserve fund all expenses and costs incurred by the treasurer for the administration of the fund and for the establishment and maintenance of his records relative to escheated unclaimed bank deposits, and also all expenses and costs incurred by the attorney general, including costs and expenses for legal and clerical services. The treasurer and the attorney general may each employ such persons as needed to carry out the provisions of this chapter and fix their compensation.

28.1615 Credit unions.

When no transaction has occurred in a credit union member's share or deposit account for 12 months and his whereabouts are unknown, as verified by the return of a certified letter addressed to him at his last known address, all sums

due to the member shall be credited to a special reserve account. If the sums are not reclaimed within a five year period, they shall escheat to the Territory and be forwarded to the treasurer in accordance with procedures in this chapter."



LETULI TOLOA
President of the Senate



TUANA'ITAU F. TUIĀ
Speaker of the House

Hereby Approved this 29th day of September, 19 88


Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Fa

Nofolia ma usuia i Fagatogo, Tutuila, Amerika Samoa
 Aso Gafua, aso sefulutasi o Iulai
 tasi le afe iva selau valusefulu valu

O SE TULAFONO E FA'AVAEINA SE TULAFONO AIĀ O LE MALO MO
 TUPE TEU I LE FALETUPE; FA'AVAEINA SE MATAUPU FOU 16 I LALO
 O LE VAEGA 28 TFAS.

IA FAATULAFONONA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua fa'avaeina se mataupu fou 16 i lalo o le Vaega
 28 TFAS e faitauina:

"Mataupu 16

AIĀ O LE MALO I TUPE TEU I FALETUPE UA LE AVEESEA

Maga:

- 28.1601 Fa'amatalaga.
- 28.1602 Siaki fa'amaonia po'o teugatupe mai tu'u-
fa'atasiga po'o isi mea.
- 28.1603 Pili po'o tupe fa'ae'e i tupe teu le fa'a-
aogaina po'o teugatupe galue.
- 28.1604 Iuga pe a leai ni talosaga--Aiā o le malo
e ave ai.
- 28.1605 Fa'aaliga o tupe lafo le aveesea--Meli--Lomiga
fa'asalalau.
- 28.1606 Ripoti tausaga ta'itasi i le teutupe tupe
lafo le aveesea--Leai se talosaga--Iloiloga
tagata lautele.
- 28.1607 Aiā o le malo--Tupe lafo e itiiti i le lima-
sefulu talā.
- 28.1608 Tupe le aveesea ripotia Tesema 31 ave e le
malo--Tupe lafo itiiti i le limasefulu tala
ripoti eseese.
- 28.1609 Sala pe afai e le totogia e faletupe tupe lafo
le aveesea pe a tatau ona totogi--Tagi.
- 28.1610 Fa'amasinoga aiā o le malo--Pulega--Taualumaga.
- 28.1611 Fatuaiga o faletupe muta pe a totogia i le
teutupe.
- 28.1612 Fa'amaumauga a faletupe tupe lafo aiā o le
malo--Tausiga--Kopi ia auina i le teutupe.
- 28.1613 Fa'amaumauga a le teutupe o tupe ave e le
malo--Fa'aiuga.
- 28.1614 Galuega a ofisa totogia e leai se totogi--Tupe
fa'aaoga i le pulega.
- 28.1615 Iuni saili manuia.

28.1601 Fa'amatalaga.

E pei ona fa'aaogaina i lenei mataupu, vagana ua mana'omia moni se isi fa'aupuga e ese ai:

(1) "Faletupe" o lona uiga so'o se faletupe, kamupani tausi; faletupe teu ai tupe, ma faletupe o iai tusaga, fa'atuina ma o lo'o iai i lalo o so'o se tulafono lautele pe fa'apitoa o lenei Teritori, e aofia ai nei faletupe, kamupani tausi, faletupe teu ai tupe ma faletupe o iai tusaga, o ia faletupe e soloia loto iai pe pulea e le komesina o faletupe ma inisiua pe talia, ma so'o se faletupe tua e aofia ai so'o se faletupe tua po'o se galuega faletupe e tofia lana pule, ma so'o se fa'alapotopotoga tele o faletupe ua fa'atuina i lalo o Tulafono a le Konekeresi ma faia pisinisi i lenei Teritori e aofia ai so'o se fa'alapotopotoga lautele o faletupe e tapunia loto iai pe talia se tupe. O lenei fa'auigaga e aofia ai le faletupe Atina'e o Amerika Samoa.

(2) (a) "Tupe lafo i le faletupe le aveesea" o lona uiga o se paleni o le tupe e le'i totogi i le teugatupe po'o le igoa o: se tagata sa faia pe totogi iai se siaki fa'amaonia sa umia e le faletupe, fa'atasi ma tului uma fa'aputu iai pe agava'a ai pe leai e tusa ma fa'amaumauga a le faletupe, ma pe a mavae tausaga e 10 o iai pea e le'i aveesea, ma o se tagata e ona tupe, i so'o se tulaga, i so'o se aiaiga, tupe maua vave, tupe teu, po'o se tupe faigaluega su'etupe, fa'atasi ma tului uma ua iai pe le o iai i fa'amaumauga a le faletupe, afai ua mavae tausaga e 10 e le'i aveesea lava e tusa pe:

(i) o le paleni e le'i totogia i so'o se teugatupe fa'apea ua fa'aitiitia i le toina pe fa'aopopo i tupe lafo, e le aofia ai tului i totonu o le 10 tausaga;

(ii) o le paleni e le'i totogia i so'o se teugatupe fa'apea ua fa'amaonia i se tusitupe ua tu'uina iai se tului i totonu o le 10 tausaga po'o se tupe sa tu'uina atu le tusitupe ina ia tu'uina iai le tului i totonu o le 10 tausaga;

(iii) o le paleni e le'i totogia o se teugatupe fa'apea sa faia iai e le faletupe se fa'aaliga tusitusia sa maua i totonu o le 10 tausaga fa'apea o le tagata sa lafoina tupe po'o se tagata e ave iai ua uma ona iloa e i latou;

(iv) o le paleni e le'i totogia i so'o se teugatupe fa'apea a se tagata ua iloa e se ofisa po'o tagata faigaluega o le faletupe o lo'o ola; ma

(v) o le paleni e le'i totogia i so'o se teugatupe fa'apea ua fa'amaonia i se tusitupe, o lea tusi e, i le manatu o le faletupe, i totonu o le 10 tausaga ua paleni pe ua fa'amaonia.

(e) I le tulaga o se tupe lafo mo ni taimi, e leai se teugatupe e taua fa'apea ua le aveesea seia mavae le 10 tausaga pe a mavae le aso e matua ai.

(i) "Tupe lafo i le faletupe le aveesea" o lona uiga fo'i, e aofia ai, ma e fa'asino i togi ma tupe lafo o so'o se ituaiga, uiga po'o pepa i so'o se igoa i se ituaiga ma so'o se fa'asinoga, e aofia ai ae le fa'agataina i tagata ta'itoatasi kamupani pulea tele, kamupani, fa'alapotopotoga, sosaiete, pisinisi, paaga, kamupani tu'ufa'atasi, ma fa'alapotopotoga tautupe o so'o se ituaiga.

(3) "Teutupe" o lona uiga o le teutupe o Amerika Samoa.

28.1602 Siaki fa'amaonia po'o teugatupe mai tu'ufa'atasiga po'o isi mea.

So'o se faletupe e, mai tu'ufa'atasiga, toe fa'atulagina, so'o fa'atasi, po'o isi mea, ua maua se siaki fa'amaonia pe so'o se teugatupe a so'o se tagata o so'o se ituaiga, ia, mo le mafua'aga o lenei mataupu, taua sa iai pea mai le aso sa fa'amaonia ai lea siaki e so'o se isi lava faletupe po'o se teugatupe fa'apea sa ulua'i auina mai i se isi lava faletupe; ma o lea siaki fa'amaonia po'o teugatupe ua avea ma tupe lafo i le faletupe e le'i aveesea, pe afai e tala-feagai ma le fa'amatalaga o le tupe lafo i le faletupe ua le aveesea.

28.1603 Pili po'o tupe fa'ae'e i tupe teu le fa'aaogaina po'o teugatupe galue.

I le 10 tausaga e le o galue ai pe le fa'agaoioia nei tupe e pei ona fa'amanino i le maga 28.1601(2) ma vagana ua totogia tupe i le teutupe e pei ona taua i le 28.1608, e sa i le tulafono mo so'o se faletupe ona fa'ae'e, aoina, pe toese so'o se tupe tologi pe tapaina mai so'o se tupe teu po'o se teugatupe lafo moni taimi ona ua le fa'agaoioia pe le fa'aaogaina, vagana le tau o lomiga e tusa ma le maga 28.1605.

28.1604 Iuga pe a leai ni talosaga--Aiā o le malo e ave ai.

E taua ua iai pe leai se talosaga po'o ni talosaga fa'asagatonu pe fa'atafatafa ua iai se aiā pule po'o mana'oga i so'o se tupe lafo ua le aveesea o lo'o taofia e le faletupe, ma o ia tupe lafo ua le aveesea e aofia i le ave fa'amalosi i le Teritori.

28.1605 Fa'aaliga o tupe lafo le aveesea--Meli--Fa'asalalauga.

(a) Mo mafua'aga o lenei maga, o se tupe lafo le aveesea e taua o se tasi o Aokuso 1 o le tausaga lena, e leai se pisinisi sa faia i tausaga e 9 fa'asoso'o ua te'a.

(e) O faletupe ta'itasi ua iai so'o se tasi o ia tupe lafo ua le aveesea ia, a'o le'i o'o ia Aokuso 15, o le tausaga sa avea ai lea tupe ma tupe lafo ua le aveesea ia auina i le meli se "fa'aaliga o le tupe lafo e aveesea" i tagata e ona tupe po'o ni tagata e ona tupe fa'apea i le igoa ma le tuatusi o tagata po'o ni tagata e ona tupe o lo'o i totonu o pepa fa'amaumau a le faletupe, pe afai, e ui i lea, o le faletupe e le tau auina le fa'aaliga i le tagata po'o ni tagata e ona tupe pe afai o iai se meli i le faletupe i lena tagata e ona tupe i le tausaga ua mavae sa toe fa'afai i le faletupe ua le mafai ona saili.

O le fa'aaliga o tupe lafo ua le aveesea ia tusia i se pepa e pei ona fa'amaonia e le teutupe ma e tatau ona tusia ai le igoa o le faletupe ma pe afai ua suia le igoa o le faletupe ona o se tu'ufa'atasiga, toe fa'atulagaga, aofa'i fa'atasi po'o se isi tulaga, e tatau ona tusia ai le ulua'i igoa ma le tuatusi o le faletupe sa ulua'i lafoina ai le tupe, i le igoa o le tagata po'o ni tagata e ona tupe ma se tala fa'apea o le paleni o le tupe o le a totogia i le Teritori i le masina o Ianuari o lumana'i vagana ua fa'afeso'ota'i le faletupe e le tagata e ona tupe i se tulaga tusitusia po'o lona sui. Afai o lea tali tusia ua maua e le faletupe, o le tali o le a taualoa e avea ma tulaga aloaia o pisinisi e tusa ma le tupe ma o le tupe e le toe taua o se tupe ua le aveesea mo le fa'alauiloa e pei ona fa'atulaga i le soamaga (i) o lenei maga.

(i) O faletupe ta'itasi o iai ni tupe lafo e le'i aveesea e tatau ona fa'asalalauina tasi i le vaiaso lona lua o le masina o Oketopa, ma e tasi i le vaiaso lona lua o le masina o Novema, lomina i le laau lomitusi 8-togi i se nusipepa e lomina i Amerika Samoa, se fa'aaliga, e taua "Fa'aaliga o igoa o tagata o lo'o iloga mai e ona tupe ua le aveesea o umia e (igoa o le faletupe)". O lea fa'aaliga ia faia i se pepa ua fa'amaonia e le teutupe ma ia tusia le igoa ma le tuatusi o le faletupe ma afai ua sui le igoa o le faletupe ona ua tu'ufa'atasi ma se isi faletupe, toe fa'atulagaga, aofa'i fa'atasi po'o se isi tulaga, o le fa'aaliga ia fa'aailoa ai fo'i le ulua'i igoa ma le tuatusi o le faletupe sa ulua'i lafoina iai le tupe, ma ia tusia igoa i le fa'asologa masani igoa o tagata ta'itasi e ona ia tupe sa lafoina ua le aveesea, ae le o le aofa'i o le tupe i le teugatupe, ae peita'i e leai se teugatupe e fa'alauiloa pe afai o le tupe e le'i totogia e itiiti i le \$50.00. So'o se aofa'i e totogia i le nusipepa mo lea lomiga ia fa'ae'e e le faletupe i le tupe lafo o lo'o fa'asalalauina.

28.1606 Ripoti tausaga ta'itasi i le teutupe tupe le aveesea--Le faia iloiloaga tagata lautele.

(a) E le silia i le aso tolusefulu-tasi o Ianuari i tausaga ta'itasi pe a mavae le tausaga sa taualoa ai lenei tulafono ma ia Tesema tolusefulu-tasi o le tausaga e soso'o ai, o faletupe ta'itasi ia faia kopi o se ripoti tusitusia i le teutupe o iai se tala moni ma le sa'o o tupe lafo uma i le faletupe ua le aveesea o lo'o taofia e le faletupe i lena aso.

(e) O le ripoti ia tusia ai le igoa ma le tuatusi o le faletupe ma pe afai ua suia le igoa o le faletupe ona ua tu'ufa'atasi ma se isi faletupe toe fa'atulaga, so'ofa'atasi po'o se isi tulaga, ia tusia fo'i le ulua'i igoa ma le tuatusi o le faletupe sa ulua'i lafoina ai le tupe, ma ia tusia fa'asolosolo igoa o tagata ta'ito'atasi e ona tupe, numera fa'ailogaina, pe afai e iai, o teugatupe ta'itasi, ma le aofa'i o le tupe i teugatupe ta'itasi.

(i) O le ripoti e tatau, pe afai o le faletupe o se pisinisi pulea tele, ona sainia e lona peresetene, sui peresetene, teutupe, teutupe fesoasoani, talitupe po'o le talitupe fesoasoani. Afai o lea faletupe ua soloia loto iai, o le ripoti e tatau ona sainia e le tasi pe tele o ona komiti tausua ua fa'asinoia e le komiti tausua mo lena galuega.

Afai o lea faletupe ua pulea e le komesina o faletupe ma inisiua, o le ripoti e tatau ona sainia e le komesina po'o se sui komesina ua tofia e ia ma o lo'o tausia moni pisinisi ma galuega a le faletupe. Afai o se tasi e ave iai ua uma ona tofia mo se faletupe pulea tele po'o se faletupe tua, o le ripoti ia sainia e lea tagata e ave iai. I le tulaga o se faletupe tua, o le ripoti e tatau ona sainia e lea faletupe.

(o) O le tagata e sainia le ripoti ia fa'amaonia fa'apea o lea ripoti ua moni ma tonu lona tala o tupe lafo uma ua le aveesea e tusa ma le aso o le ripoti i lona iloa, i fa'amatalaga ma talitonu pe a mavae sailiga tatau. O le tagata e sainia le ripoti e mafai, i le faiga o le ripoti, ona fa'alagolago i fa'amatalaga e tusa ma tupe lafo ua le aveesea ua saunia e ofisa ma tagata faigaluega ma fa'amaumauga a le faletupe.

(u) Afai e leai ni tupe lafo ua le aveesea a se faletupe ia faia pea se ripoti tusia a le faletupe i le teutupe.

(f) So'o se faletupe e le failaina lea ripoti i le teutupe e lafoa'i i le Teritori le aofa'i e limasefulu tala (\$50.00) mo aso ta'itasi e le failaina ai lea ripoti, ma afai e le totogia, o lona sala e fa'amasinoina ma ia maua e le teutupe i se tagi i le igoa o le Teritori. O le teutupe ua iai le malosi e fa'agafua le fa'asalaga ma fa'aopoopo le taimi e faia ai le ripoti.

(g) I le taimi lava e maua ai lea ripoti o le teutupe ia tu'uina atu se kopi o le ripoti i le loia sili a'o le teutupe ia faia se isi kopi o le ripoti ina ia fa'amaumauina tumau i le fa'asologa o tagata o iai tupe lafo ma fa'asinoga tatau i ripoti ua fa'amaumauina tumau.

28.1607 Malosi e ave ai--Tupe lafo itiiti i le limasefulu tala.

O tupe lafo uma ua le aveesea e itiiti i le limasefulu talā (\$50.00) e umia e so'o se faletupe ia Tesema tolusefulu-tasi o so'o se tausaga ia ave fa'amalosi i le Teritori. Pe afai o le ripoti o lea tupe ua auina i le teutupe e tusa ma aiaiga o le maga 28.1606 o tupe ia totogia i lea lava taimi i le teutupe fa'atasi ma le faia o lea ripoti.

28.1608 Tupe lafo le aveesea ripoti ia Tesema 31 ia ave fa'amalosi--Tupe lafo itiiti i le limasefulu talā ripotia eseese.

(a) O tupe lafo uma e le aveesea i se faletupe sa ripoti e so'o se faletupe sa umia e le faletupe ia Tesema tolusefulu-tasi, tasi le afe iva selau ma le valusefulu-fitu ma ia Tesema tolusefulu-tasi o tausaga ta'itasi e soso'o ai, e tusa po'o le a le aofa'i, ia ave fa'amalosi i le Teritori. Afai o le ripoti o lea tupe ua auina i le teutupe e tusa ma le maga 28.1606 o tupe ia totogia i lea lava taimi i le teutupe e lea faletupe. O tupe lafo uma i le faletupe e le'i aveesea e itiiti i le limasefulu tala (\$50.00), pe a fa'ailoa i so'o se ripoti po'o se ripoti ua toe fa'aopoopo po'o se isi ripoti ua failaina, e tatau ona lisiina eseese i lalo o le ulutala "Tupe lafo e itiiti i le limasefulu tala (\$50.00)" ma le aofa'i o ia tupe lafo uma ia fa'aalia eseese.

28.1609 Fa'asalaga pe a le totogia e le faletupe tupe lafo ua le aveesea pe a o'o ina tatau ona totogi--Tagi.

So'o se faletupe e le totogia i le teutupe so'o se tupe lafo ua le aveesea e pei ona saunia i le maga 26.1608 ia fa'asalaina i le limasefulu tala (\$50.00) mo aso ta'itasi e le totogia ai lea tupe. Afai o lea sala, ua le totogia, o le teutupe e tatau ona failaina se tagi e fai ma sui o le Teritori e fa'asala i le faletupe ina ia maua lea tupe.

28.1610 Tagi mo tupe ave fa'amalosi--Taualumaga.

O le tiute o le loia sili i se taimi tatau pe a uma ona talia e ia o le kopi lua e faia tagi mo le ave faamalosi i le Teritori o tupe lafo i le faletupe ua le aveesea ua fa'alia mai i ia ripoti o lo latou aofa'i e limasefulu tala (\$50.00) pe sili atu ma o ia tupe e le'i totogi atu i le Teritori. O le Fa'amasinoga Sili ua iai le pule e fa'amasino ai ia tagi. I so'o se tasi o ia tagi o tagata tete'e e le auai e mafai ona fa'alauiloa muamua i se lomiga i nusipepa, i se fa'atonuga a le fa'amasinoga.

28.1611 Fatuaiga o faletupe fa'amuta pe a totogia tupe i le teutupe.

E leai se faletupe e tatau ona totogia i le teutupe so'o se tupe lafo ua le aveesea e tagi fa'asaga iai i so'o se tagi ua iai pe fa'ailoa so'o se aia, pule po'o mana'oga iai po'o lea lava mea o ia lava pe so'o se tulaga lava; ma e leai se tagi po'o se fa'amasinoga o so'o se ituaiga mo le toe totogi atu o tupe ua iai, po'o se vaega o le tupe, e mafai ona faia fa'asaga i le faletupe.

28.1612 Fa'amaumauga a le faletupe o tupe lafo ave fa'amalosi--Tausiga--Kopi ia saunia i le teutupe.

E leai se faletupe e fa'aleagaina pe lafoa'i so'o se fa'amaumauga po'o faila e uiga i so'o se tupe lafo ua le aveesea a faletupe e ave fa'amalosi i le Teritori po'o tupe sa tu'uina atu fa'amalosi i le Teritori; a'o faletupe uma e tatau ona tausia nei tusi ma faila, ma so'o se ulua'i kopi o ia tupe po'o se ata o ia pepa ua fa'amaonia aloaia e so'o se ofisa o le faletupe o le pepa moni o le tupe, e tatau ona tu'uina atu i le teutupe pe afai e talosaga atu ia tusitusia mo ia ripoti.

28.1613 Fa'amaumauga a le teutupe o tupe ave fa'amalosi--Fa'aiuga.

(a) O le teutupe e tatau ona fa'atuina ma tausia fa'amaumauga uma o tupe lafo uma i le faletupe ua le aveesea e talia e ia o le tulaga o tupe lafo o iai se paleni e limasefulu tala (\$50.00) pe sili atu, e tatau ona fa'aalia fa'asolosolo lelei igoa o tagata e ona tupe lafo, le aofa'i sa maua, igoa ma le tuatusi o le faletupe sa auina mai ai nei tupe, le numera fa'ailogaina e teugatupe, pe a iai, ma e tatau fo'i ona fa'atuina ma tausia se fa'asinoga o ia mea, o ia fa'amaumauga ma fa'asinoga e tatau ona avanoa lelei i taimi uma faigaluega mo le iloiloina e tagata lautele.

(e) O le teutupe e tatau ona tu'uina atu togi fituseulu-
lima pasene (75%) o le aofa'i o tupe ave fa'amalosi ta'itasi
tupe lafo i le faletupe e talia e ia ma lafoina i le teuga-
tupe lautele ma e tatau ona amataina ma tausia se teugatupe
e ese ma fa'ailogaina o le "teugatupe fa'aleoleo ave fa'a-
malosi tupe lafo i le faletupe ua le aveesea", e amata nei
ona taua o le "teugatupe fa'aleoleo", ma tu'uina iai i lea
teugatupe le tasi luasefulu-lima pasene (25%).

(i) O le teutupe e galueaina ma toe galueaina tupe uma
e tu'uina i teugatupe fa'aleoleo i pone e maua ai tului po'o
tupe galue o le Iunaite Setete po'o pone maua ai tului po'o
tupe totogi e fa'amaui ai aitalafu i le tupe ma le tului a le
Iunaite Setete po'o pone po'o pepa fa'amaui ai tului po'o
aitalafu mo le totogia o le tupe ma le tului ua folafolaina
mai e le Iunaite Setete e totogia, po'o pone po'o folafolaga
aitalafu po'o isi folafolaga o so'o se itumalo nu'u tele,
aai, fai aai, pitonu'u, nu'u po'o isi vaeveaga fa'amalo po'o
vaeveaga fa'amalo o lenei Teritori, ua tu'uina atu i tulafono
o so'o se tulafono o lenei Teritori.

(o) O le tupe maua mai tupe galue ma toe galueaina o le
tupe fa'aleoleo e tatau ona fa'aopopo i le teugatupe fa'a-
leoleo ma e umia ma taofia e avea ma ona vaega mai ia tupe
galue ma toe galueaina.

(u) O tupe fa'aleoleo e tatau ona fa'aaogaina ma totogi
atu e le teutupe mo galuega ma le tau o feso'otaiga e faia
e le teutupe ma le loia sili e tusa ma aiaiga o le 28.1614.

(f) I so'o se taimi pe a uma ona talia e le teutupe
o so'o se tupe lafo i le faletupe ave fa'amalosi o se tasi o
lo'o tagi e ona ia mea po'o lona vaega e mafai ona faia se
talosaga i le teutupe o ia ua fa'atagaina e faia le iuga
o le talosaga. Afai ua fuafua e le teutupe ua fa'amaonia le
talosaga a se tagata, e totogia e le teutupe le tupe lafo sa
ave fa'amalosi po'o se vaega fa'apena o le tupe, e tatau ona
ave i le tagata talosaga, mai le teugatupe fa'aleoleo e
pei ona mana'omia lea tupe e totogi.

(g) Afai ua iloilo e le teutupe e le fa'amaonia le
talosaga a se tagata talosaga mo lea tupe, o le tagata talo-
saga e mafai, i le onosefulu aso talu ona faia le iuga e le
teutupe, fa'auluina se tagi i le Fa'amasinoga Sili fa'asaga i
le teutupe, ma ua avea ma tiute o le teutupe, ma le loia sili
e fai ma ona sui e faia le galuega e tusa ai ma la'asaga
mana'omia e puihua mana'oga o le Teritori. O le fa'amasinoga
ia faia le iuga i se ototoga po'o se isi tulaga. Pe a
fa'amaonia i le fa'amasinoga le tagi a le tagata talosaga o le
aia i le tupe sa ave fa'amalosi o tupe lafo ua le aveesea pe
so'o se vaega o le tupe, ona faia lea o le iuga e fa'amaonia
ai lana talosaga ma fa'atonu le teutupe e totogi i le tagata
talosaga le aofa'i ua fa'ailoa fa'apitoa i lea iuga fa'atasi
ma le tau o le fa'amasinoga ua fa'atonuina i le iuga. Pe a
tu'uina atu i le teutupe o se kopi o lea iuga ua fa'amaonia
moni, o le kopi i le Failautusi o le Fa'amasinoga Sili, o le
teutupe e tatau ona totogi i le tagata tagi mai le teugatupe
fa'aleoleo o le aofa'i po'o ni tupe ua fa'ailoa ma'oti.

(l) Afai ua silafia e le fa'amasinoga o le fa'amaoniga
a le tagata tagi o le pule i le tupe e le mautu e mautinoa ai
lana talosaga i tupe lafo i le faletupe ua ave fa'amalosi e
le malo, o se iuga i lena tulaga e tatau ona faia.

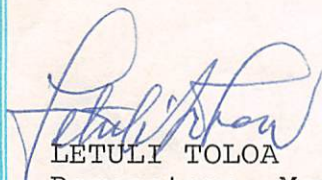
Afai o se tagi le malie mai se iuga, e sui ma o le tagi a le tagata talosaga e uiga i le pule o le tupe sa ave fa'amalosi po'o lona vaega ua fa'aauau, o le teutupe e tatau ona totogia tupe i le tagata tagi, mai le teugatupe fa'aleoleo, le aofa'i po'o ni aofa'i ua agava'a ai le tagata tagi, fa'atasi ma isi tupe e tatau ona totogia i le tagata tagi.

28.1614 Galuega a ofisa totogia atoa e le fa'ae'eina--
Totogi i le faia o galuega.

O galuega uma e mana'omia e lenei mataupu e faia e le failautusi o le Fa'amasinoga Sili, avefeau ma isi lava ofisa totogi atoa lautele e leai ni totogi fa'aopoopo, tau, totogi o fautua pe so'o se isi lava tupe fa'ae'e, ae o le teutupe e tatau ona totogi atu mai teugatupe fa'aleoleo tupe fa'aaoga uma ma isi tupe o galuega a le teutupe mo le pulea o le teugatupe ma le fa'atuina ma le tausia o ana tusi e uiga i tupe lafo i le faletupe ua ave fa'amalosi e le malo, ma tupe fa'aaoga foi i galuega a le loia sili, e aofia ai tupe ma tupe fa'aaoga mo galuega loia ma failautusi. O le teutupe ma le loia sili e mafai ona fa'afaigaluega e i la'ua ta'itasi nisi tagata mana'omia e fa'ataunu'u ai mana'oga o lenei mataupu ma fa'atulaga o latou totogi.

28.1615 Iuni Sailimanuia.

Afai e leai ni galuega tau tupe e faia i se tusaga a le totino o se iuni sailimanuia po'o se teugatupe lafo mo le 12 masina ma ua le iloa le mea o nofo ai, e pei ona fa'amaonia i le fa'afo'i o le tusi fa'amaonia sa fa'atuatusi ia te ia i le tuatusi mulimuli sa iai, o tupe uma a le totino ia tu'uina i se teugatupe fa'aleoleo fa'apitoa. Afai o le tupe ua le aveesea i tausaga e lima, o le tupe o le a ave fa'amalosi i le Teritori ma auina atu i le teutupe e tusa ma tulaga o lenei mataupu.



LETULI TOLOA

Peresetene, Maota Maualuga


TUANA'ITAU F. TUIĀ

Fofoga Fetalai, Maota o Sui

Hereby Approved this 29th day of September, 19 88


Governor of American Samoa