

Extension of jurisdiction of High Court in matters matrimonial.

Legislative Council of Western Samoa may make Ordinances dealing with divorce and other matters matrimonial applicable to Samoans only.

As to superannuation rights of certain officers of New Zealand Public Service who have had concurrent service in Samoa.

Interpretation.

4. (1.) Section three hundred and three of the principal Act is hereby amended by inserting, after the words "suits for nullity of marriage," the words "and in suits for restitution of conjugal rights."

(2.) Section three hundred and two of the principal Act is hereby amended by omitting the words "or for restitution of conjugal rights." 5

5. (1.) After the commencement of this section the provisions of Part XI of the principal Act shall not apply in divorce or other causes or matters matrimonial in any case where both parties to a marriage are Samoans.

(2.) The power conferred by the principal Act on the Administrator, 10 acting with the advice and consent of the Legislative Council of Western Samoa, to make laws (to be known as Ordinances) for the peace, order, and good government of Samoa, shall include power to make Ordinances with respect to divorce and other causes and matters matrimonial, the provisions of any such Ordinance to be applicable only in cases where 15 both parties to a marriage are Samoans domiciled in Samoa.

(3.) This section shall come into force on a day to be fixed in that behalf by the Governor-General by notice published in the *Gazette*.

6. Whereas by clause twenty-four of the Samoa Constitution Order, 1920 (being an Order in Council made on the first day of 20 April, nineteen hundred and twenty, pursuant to the Treaties of Peace Act, 1919, and to an Imperial Order in Council intituled the Western Samoa Order in Council, 1920), provision was made whereby certain officers of the New Zealand Public Service became entitled, for purposes of superannuation, to have every complete continuous 25 year of service in the Samoan Public Service, after the commencement of the said Samoa Constitution Order, computed as one year and a half: And whereas the right so conferred has been preserved by section twenty-three of the Samoa Act, 1921: And whereas certain officers of the New Zealand Public Service were employed in a civil 30 capacity in relation to the administration of Samoa during the period of military occupation before the commencement of the Samoa Constitution Order: And whereas it is deemed equitable that their period of continuous service in Samoa before the commencement of that Order should be computed in the manner in which service subsequent to that 35 date is computed: Be it therefore enacted as follows:—

(1.) In this section the terms "Superannuation Act" and "New Zealand Public Service" have respectively the meanings assigned thereto in the Samoa Constitution Order, 1920.

(2.) In computing for the purposes of any Superannuation Act the 40 length of service of any officer of the New Zealand Public Service who was employed in Samoa in a civil capacity in respect of the administration of Samoa at any time prior to the first day of May, nineteen hundred and twenty (being the date of the coming into operation of the Samoa Constitution Order, 1920), every complete continuous year of 45 such service in Samoa shall be computed as one year and a half.

New Zealand Reparation Estates.

7. (1.) In the *two next succeeding* sections—

"The New Zealand Reparation Estates" means and includes all property for the time being vested in His Majesty in 50

right of the Government of New Zealand by or by virtue of the New Zealand Reparation Estates Order, 1920 :

5 "The New Zealand Reparation Estates Account" means the account of that name constituted by the New Zealand Reparation Estates Order, 1920.

10 (2.) For the purposes of the *last preceding* subsection "the New Zealand Reparation Estates Order, 1920," means the Order in Council originally intituled the Samoan Crown Estates Order, 1920, made by the Governor-General in Council, acting under authority conferred on him by the Treaties of Peace Act, 1919, and by the Western Samoa Order in Council, 1920 (being an Order in Council made by His Majesty on the eleventh day of March, nineteen hundred and twenty, under the Foreign Jurisdiction Act, 1890), the said Samoan Crown Estates Order being amended in title by the
15 New Zealand Reparation Estates Order, 1926.

8. (1.) The moneys standing to the credit of the New Zealand Reparation Estates Account as on the thirty-first day of March, nineteen hundred and twenty-six, shall, without further appropriation than this section, be applied as follows :—

Application of profits accrued or accruing in Reparation Estates Account.

20 (a.) Not more than *thirty* per centum thereof may, if the Minister of External Affairs thinks fit, be paid into and for the purposes of the Samoan Treasury :

25 (b.) Not more than *fifty* per centum thereof may from time to time be applied towards the development of the New Zealand Reparation Estates for purposes and in amounts to be approved by the Minister of External Affairs :

(c.) The balance shall be credited to a Reserve Fund within the aforesaid account to be administered and applied as hereinafter provided.

30 (2.) Any moneys in the Reserve Fund hereinbefore referred to may be from time to time invested in securities in which for the time being other moneys in the New Zealand Reparation Estates Account may lawfully be invested ; or may under the authority of and in accordance with an authorizing Order in Council be invested in loans to the Samoan
35 Treasury. The profits accruing from investments under this subsection shall be credited to and shall form part of the Reserve Fund.

(3.) Every authorizing Order in Council under the *last preceding* subsection shall specify the amount of the loan, the rate of interest payable, and the terms of repayment.

40 (4.) Moneys credited to the Reserve Fund may from time to time, with the approval of the Minister of External Affairs, and without further appropriation than this section, be applied for any special purposes for the benefit of the New Zealand Reparation Estates, or may be paid into the Ordinary Revenue Account of the Consolidated
45 Fund.

(5.) All payments heretofore made out of the New Zealand Reparation Estates Account to the Samoan Treasury shall be deemed to have been lawfully made.

50 (6.) All moneys paid into the Samoan Treasury by way of grant or loan under this section shall form part of the public revenues of Samoa within the meaning of the principal Act.

Status and rights
of officers
employed in
connection with
Reparation Estates.

9. No person in the employment of the Government of New Zealand in respect of the New Zealand Reparation Estates shall, by virtue only of such employment, be deemed to be or to have been employed in the New Zealand Public Service for the purposes of the Public Service Act, 1912, or the Public Service Classification and Superannuation Act, 1908, but all such persons shall be deemed to be and to have been officers of the Samoan Public Service, and the provisions of section sixteen of the Appropriation Act, 1924, shall, subject to the special provisions of this section, apply accordingly to all such persons who are permanently employed in respect of the said estates : 10

Provided that the right of election conferred by subsection two of that section may be exercised at any time within six months after the passing of this Act by any person who is then permanently employed in respect of the said estates, and also that every person then so employed shall, in respect of his continuous service before the passing of this Act, be entitled to the benefits conferred by subsection five of the said section : 15

Provided further that the amount paid in any year out of the Samoan Treasury into the Public Service Superannuation Fund, pursuant to section sixteen of the Appropriation Act, 1924, in respect of persons to whom this section applies shall, without further appropriation than this section, be refunded to the Samoan Treasury out of the New Zealand Reparation Estates Account. 20