

Affirmation in lieu
of oath.

251. (1.) Every person shall be entitled as of right to make his solemn affirmation instead of an oath in cases in which an oath is required or allowed by law, and such affirmation shall be of the same force and effect as an oath.

(2.) Every such affirmation shall commence with the words "I do solemnly, sincerely, and truly declare and affirm," or words to the like effect, omitting any words of imprecation or calling to witness.

Evidence of
children without
oath.

252. In any proceeding all witnesses who are or appear to be under the age of twelve years may be examined without oath, but any such witness shall in such case be required before being examined to make the following declaration: "I promise to speak the truth, the whole truth, and nothing but the truth," or a declaration to the like effect; and such declaration shall be of the same force and effect as if the witness had taken an oath.

Necessity of oath.

253. Subject to the provisions of this Order, all witnesses in any judicial proceeding, civil or criminal, shall be examined on oath.

PART VIII.

CROWN SUITS.

Prosecution of
claims against
His Majesty.

254. (1.) All claims or demands against His Majesty in respect of the Government of Samoa which might be the subject of a petition of right at common law may be prosecuted by way of petition under the Crown Suits Act, 1908, in the Supreme Court of New Zealand (or in conformity with section thirty-six of the Crown Suits Act, 1908, in an inferior Court), and all the provisions of that Act with respect to such a petition shall apply accordingly.

(2.) The High Court of Western Samoa shall be deemed to be an inferior Court within the meaning of section thirty-six of the Crown Suits Act, 1908.

(3.) The Attorney-General may, at any time before or after the filing of any such petition, but before pleading thereto, require the petition to be filed in the High Court instead of in the Supreme Court, and the petition shall be so filed accordingly.

(4.) All moneys recovered against His Majesty on any such petition shall be payable out of the Samoan Treasury.

Authority of
Attorney-General
and Solicitor-
General.

255. (1.) The authority of the Attorney-General and Solicitor-General for New Zealand as the Law Officers of the Crown shall extend to Samoa in the same manner as to New Zealand.

(2.) Any power, duty, authority, or function imposed upon or vested in the Attorney-General by virtue of his office in respect of Samoa shall and may be exercised and performed either by the person holding the office of Attorney-General or by the person holding the office of Solicitor-General.

Prosecution of
claims by His
Majesty.

256. (1.) Except where otherwise expressly provided, all debts, damages, duties, sums of money, land, or goods due, payable, or belonging to His Majesty in right of the Government of Samoa shall be sued for and recovered either in New Zealand or in Samoa in accordance with the provisions of the Crown Suits Act, 1908, and all the provisions of that Act shall, so far as applicable, apply accordingly.

(2.) All jurisdiction conferred by that Act upon the Supreme Court in respect of any such proceeding may be exercised in Samoa by the High Court.

Warrant to sue in
name and on
behalf of His
Majesty.

257. (1.) When His Majesty has any claim or demand against any person, whether for debt, damages, or otherwise howsoever, in right of the Government of Samoa the Administrator may, under the Seal of Samoa, appoint any person to prosecute such claim or demand in the High Court in the name and on behalf of His Majesty, and the person so appointed may sue and take all necessary proceedings in the High Court accordingly.

(2.) Nothing in this clause shall preclude any other mode of suit that would otherwise be available in respect of the claims or demands of His Majesty.