

(2.) A Judge of the High Court may in any case, if he thinks fit so to do, grant exemption from the requirements of this clause.

(3.) No marriage shall be invalidated by any breach of the provisions of this clause.

Offence.

286. If a marriage officer commits a breach of the provisions of this Part of this Order, or signs any record of a marriage containing any statement known by him to be false, he shall be guilty of an offence punishable by a fine of fifty pounds.

Offence.

287. Every party or witness to a marriage who signs a record thereof containing any statement known by him or her to be false shall be guilty of an offence punishable by a fine of twenty pounds or by imprisonment for six months.

Offence.

288. Every person who, by any wilful misrepresentation made to a marriage officer, procures or attempts to procure the solemnization by that officer of any marriage shall be guilty of an offence punishable by one year's imprisonment.

Legitimation per
subsequens
matrimonium.

289. An illegitimate child, whether born before or after the commencement of this Order, shall be legitimated by the subsequent intermarriage after the commencement of this Order of the parents of that child, provided that at the time of the birth of the child there existed no bar to the intermarriage of the parents other than the age of one or both of those parents.

PART XI.

DIVORCE.

Jurisdiction of
High Court.

290. The High Court shall have jurisdiction in divorce and other causes and matters matrimonial in accordance with the provisions of this Part of this Order.

Limitation of
jurisdiction.

291. No decree shall be made for a divorce *a mensa et thoro*, or for restitution of conjugal rights, nor shall any action be brought for criminal conversation.

Nullity of marriage.

292. The High Court shall in suits for nullity of marriage have and exercise in Samoa the same jurisdiction as is possessed for the time being in New Zealand by the Supreme Court.

Grounds of divorce.

293. Any married person (hereinafter called the petitioner) who at the time of the institution of the suit has been domiciled in Samoa for not less than two years may take proceedings in the High Court for the dissolution of his or her marriage on any of the following grounds:—

- (a.) That the other party to the marriage (hereinafter called the respondent) has since the celebration of the marriage been guilty of adultery:
- (b.) That the respondent has without just cause wilfully deserted the petitioner and without any such cause left the petitioner so deserted during two years or more:
- (c.) That the respondent (being the husband) has been habitually guilty of cruelty towards the petitioner:
- (d.) That the respondent (being the husband) has habitually, and without just cause, during two years or more left the petitioner without adequate means of support:
- (e.) That the respondent has for a continuous period of five years or more been of unsound mind and is not likely to recover from such unsoundness of mind:
- (f.) That the respondent has for a continuous period of two years or more been isolated by lawful authority as a leper:
- (g.) That the respondent has for two years or more been an habitual drunkard:
- (h.) That the respondent has been convicted and sentenced in Samoa or elsewhere to two years' imprisonment or more for any offence of violence against the person of the petitioner or of any child of the petitioner.