

(2.) Every such warrant shall be conclusive that the road so proclaimed was theretofore a public highway, and no compensation shall be payable to any person in respect thereof.

Proclamation of new roads.

347. (1.) The Administrator may by warrant under the seal of Samoa proclaim any Crown or other land as a road.

(2.) All persons having any interest in such land and suffering loss or damage by reason of the proclamation of a road under this section shall be entitled to compensation for that loss or damage in the same manner as in the case of land taken for public purposes under Part IX of this Order.

Roads to be vested in the Crown. Formation, maintenance, and repair.

348. All roads in Samoa, whether constituted before or after the commencement of this Order, shall, subject to the public right of way thereon, be vested in the Crown, and may be formed, maintained, and repaired by the Administrator.

Closing of roads.

349. It shall be lawful by Ordinance to close, in whole or in part, any road in Samoa, and to make or authorize such disposition as is thought fit of the land comprised within the area of the road so closed.

Warrant as to roads to be gazetted.

350. Every warrant of the Administrator under this Part of this Order shall be published in the *Western Samoa Gazette*, and shall take effect upon such publication or upon any later date specified in that behalf in the warrant.

PART XVI.

THE LAWS OF SAMOA: GENERAL PROVISIONS.

Law of England as in the year 1840 to be in force in Samoa.

351. (1.) The law of England as existing on the fourteenth day of January in the year eighteen hundred and forty (being the year in which the Colony of New Zealand was established) shall be in force in Samoa, save so far as inconsistent with this Order or with any Ordinance or regulation or inapplicable to the circumstances of the Territory:

Provided that no Act of the Parliament of England or of Great Britain or of the United Kingdom passed before the said fourteenth day of January in the year eighteen hundred and forty shall be in force in Samoa unless and except so far as it is in force in New Zealand at the commencement of this Order.

Jurisdiction of the High Court.

(2.) For the purposes of this clause all rules of common law or equity relating to the jurisdiction of the superior Courts of common law or of equity in England shall be construed as relating to the jurisdiction of the High Court of Western Samoa.

Common law and equity to be administered concurrently.

352. All Courts in Samoa shall within the limits of their jurisdiction administer common law and equity concurrently, and in all cases in which there is any conflict between common law and equity with reference to the same matter the rules of equity shall prevail.

Statute law of New Zealand not applicable to Samoa.

353. Save so far as otherwise expressly provided, the statute law of New Zealand, whether enacted before or after the commencement of this Order, shall not be in force in Samoa.

Statute of Frauds and Statute of Frauds Amendment Act, 1828, not in force in Samoa.

354. The Act of the Parliament of England, known as the Statute of Frauds (29 Charles II, chapter 3), and the Act of the Parliament of the United Kingdom, known as the Statute of Frauds Amendment Act, 1828 (9 George IV, chapter 14), shall not be in force in Samoa.

Common-law rules disqualifying aliens from acquiring or holding land not in force in Samoa.

355. The rules of the common law of England disqualifying aliens from acquiring or holding land shall not be in force in Samoa.

When Act in force in Samoa amendments and regulations to be in force also.

356. When any Act of the Parliament of New Zealand is in force in Samoa every existing or future amendment of that Act, and all existing or future regulations, rules, Orders in Council, and other acts of authority in force under any such Act, shall, so far as applicable, and with all necessary modifications, be or become also in force therein, except where otherwise expressly provided.

Acts in force in Samoa to be read subject to this Order.

357. Every Act of the Parliament of New Zealand which by virtue of this Order is in force in Samoa shall, in its application to Samoa, be read subject to the provisions of this Order, and subject also to all modifications necessary for such application.