

THE SAMOA MAINTENANCE AND AFFILIATION ORDER, 1920.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this first day of April, 1920.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

HIS Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority to make laws for the peace, order, and good government of the Territory of Western Samoa conferred upon him by the Western Samoa Order in Council, 1920, made by His Majesty on the eleventh day of March, nineteen hundred and twenty, under the Foreign Jurisdiction Act, 1890, doth hereby order as follows :—

1. This Order may be cited as the Samoa Maintenance and Affiliation Order, 1920.

2. This Order shall come into force in the Territory of Western Samoa on the same day as the Samoa Constitution Order, 1920.

3. In this Order;—

“Adequate maintenance” means maintenance reasonably sufficient for the necessities of the person to be maintained, irrespective of the means or ability of the person who is bound to afford such maintenance :

“Affiliation order” means an order hereunder adjudging any person to be the father of a child with whose mother such person has not intermarried :

“Child” means a child under the age of twelve years :

“Defendant” means any person against whom a maintenance order or affiliation order is made or applied for under this Order :

“Destitute person” means any person unable, whether permanently or temporarily, to support himself by his own means or labour :

“Maintenance” includes lodging, feeding, clothing, teaching, training, attendance, and medical and surgical relief :

“Maintenance order” means an order under this Order for the payment of money for or in respect of the past or future maintenance of any person :

“Mother” includes an unmarried mother.

4. The High Court shall have power in the ordinary course of its civil jurisdiction to make maintenance and affiliation orders in accordance with the provisions of this Order.

5. Any application to the High Court for or in relation to a maintenance or affiliation order may, except where otherwise expressly provided, be made either by the person in whose favour the order is to be or has been made or by any other person.

6. The exercise by the High Court of its jurisdiction to make a maintenance order shall in all cases be discretionary.

Affiliation.

7. (1.) On application made to the High Court by or by the authority of a woman who is the mother of a child or who is with child, the Court may, if satisfied that the defendant (not being the woman's husband) is the father of that child, make an order (herein called an affiliation order) adjudging the defendant to be the father of that child accordingly.

(2.) No affiliation order shall be so made unless the application is made before or within six years after the birth of the child, unless the defendant has contributed to or made provision for the main-