

tenance of the child, or has since the birth of the child cohabited with the mother as man and wife, in which case the application may be made at any time after the expiration of the said period of six years, if within two years immediately preceding the application the defendant has contributed to or provided for the maintenance of the child or has so cohabited with its mother.

(3.) If at any time the defendant has been absent from Samoa the period of his absence shall not be counted in computing the respective periods of six years or two years.

(4.) No such application shall be made unless the child is under twelve years of age at the time of the application.

8. (1.) The evidence of any woman who is the mother of a child or who is with child as aforesaid shall not be necessary for the making of an affiliation order.

(2.) No person shall be adjudged to be the father of a child upon the evidence of the mother, unless her evidence is corroborated in some material particular to the satisfaction of the Court.

9. When an affiliation order has been made by the High Court under the foregoing provisions against any person as the father of a child, whether already born or not, the Court may, at the same time or at any time thereafter, make a maintenance order in favour of the child against the person so adjudged to be the father thereof.

#### *Maintenance of Children.*

10. (1.) The High Court may make a maintenance order against the father of any child in favour of that child if the Court is satisfied that the father has failed or intends to fail to provide that child with adequate maintenance.

(2.) When the father and child are living apart from each other, and the Court is satisfied that there is reasonable cause for the child continuing so to live apart from the father, the father shall not be deemed to have made provision for the adequate maintenance of the child merely by reason of the fact that he is ready and willing to support the child if and so long as the child lives with him.

11. (1.) The High Court may make a maintenance order in favour of a child against the mother of that child if satisfied that the mother is of sufficient ability in that behalf and has failed or intends to fail to make provision for the adequate maintenance of that child.

(2.) When the mother and child are living apart from each other, and the Court is satisfied that there is reasonable cause for the child continuing so to live apart from the mother, the mother shall not be deemed to have made provision for the adequate maintenance of the child merely by reason of the fact that she is ready and willing to support the child if and so long as the child lives with her.

#### *Maintenance of Wives and Husbands.*

12. (1.) The High Court may make a maintenance order against a husband in favour of his wife if the Court is satisfied that the husband has failed or intends to fail to provide his wife with adequate maintenance.

(2.) Unless the Court is satisfied that the wife is a destitute person, no maintenance order shall be made against the husband if it is proved that he is not of sufficient ability to contribute to her maintenance.

(3.) When the husband and wife are living apart from one another and the wife has, in the opinion of the Court, reasonable cause for refusing or failing to live with her husband, the husband shall not be deemed to have provided her with adequate maintenance merely by reason of the fact that he is ready and willing to support her if and so long as she lives with him.

13. (1.) The High Court may make a maintenance order against a married woman in favour of her husband if satisfied that the husband is a destitute person and that his wife is of sufficient ability to contribute to his maintenance.