

29. Infants and lunatics may sue and be sued by a guardian *ad litem* admitted for that purpose by the Court.

30. A guardian *ad litem* may be removed by the Court upon sufficient cause being shown.

31. In case of the death, retirement, or removal of a guardian *ad litem* a fresh guardian shall be appointed by the Court.

32. A guardian *ad litem* shall not be permitted to retire without the leave of the Court.

33. The guardian *ad litem* shall be liable for the costs of the action.

34. In an action against an infant or a lunatic the statement of claim may be filed before the appointment of a guardian *ad litem*, but no further steps in the action shall be taken until such appointment has been made.

35. A Judge, Commissioner, Registrar, or Deputy Registrar of the High Court may in any proceeding before the Court, whether civil or criminal, issue a summons to any person requiring him to appear before the Court at the time and place mentioned in the summons, there to give evidence in that proceeding or to produce any document to the Court in that proceeding.

36. Any person upon whom any such summons has been served and who neglects or fails without sufficient cause shown by him to appear or to produce any document which he is so required to produce, and any person, whether summoned to attend or not, who, being present in Court and being required to give evidence or to produce any document then in his possession, refuses, without sufficient cause shown by him, to be sworn or to give evidence or to produce that document, and any person who, having been sworn to give evidence in any proceeding, neglects or fails without sufficient cause shown by him to appear at such time as the Court directs for the purpose of giving further evidence in the proceeding, shall be guilty of contempt of the High Court, and may be dealt with accordingly.

37. The High Court may, in any civil or criminal proceeding where it appears necessary for the purposes of justice, make an order for the examination on oath before any officer of the Court or any other person or persons, and at any place either in or out of Samoa, of any witness or person, and may order any deposition so taken to be filed in the Court, and may empower any party to the proceeding to give the deposition in evidence therein.

38. In any civil or criminal proceeding in the High Court an affidavit made out of Samoa may, with the leave of the High Court, be received in evidence if made before a solicitor of the Supreme Court of New Zealand, or in any other manner which would make such affidavit admissible in civil proceedings in the Supreme Court of New Zealand under the laws for the time being in force in New Zealand.

39. The High Court may, if it thinks fit, at any time during any proceedings, whether civil or criminal, order all witnesses other than the witness under examination to go and remain outside the Court until required to give evidence; and any witness who disobeys any such order shall be guilty of contempt of Court.

40. (1.) Affidavits in the High Court may be sworn in Samoa before—

- (a.) A solicitor of the Supreme Court of New Zealand;
- (b.) A Registrar or Deputy Registrar of the High Court;
- (c.) A Postmaster;
- (d.) A Collector of Customs;
- (e.) A Medical Officer.

(2.) The making of such affidavits shall be governed by the same rules as are in force for the time being with respect to affidavits in the Supreme Court of New Zealand.

41. In any civil proceedings in the High Court evidence may be taken either orally or by affidavit, but in actions and other proceedings *inter partes* such affidavits shall not be admissible without the leave of the Court.

42. A summons to a witness in any civil proceeding may be in Form 2 in the Second Schedule hereto.