

43. Any such summons may be served either by the proper officer of the Court or by the party at whose instance the witness is summoned or his agent.

44. Without the leave of the Court no such summons shall be issued requiring any witness to attend at any place outside the island in which he is resident or present at the date of the issue of the summons.

45. Witnesses in civil proceedings, whether summoned or not, shall be entitled to such payment in respect of their expenses and loss of time as the Court awards.

46. In any proceeding in the High Court, whether civil or criminal, any party thereto may be represented either by a barrister or solicitor of the Supreme Court of New Zealand, or, with the leave of the Court, by any other agent, but any such leave may be at any time withdrawn.

47. In any civil proceeding in the High Court the Court shall have power to make such order as it thinks just for the payment of the costs of the proceeding by or to any party thereto.

48. (1.) In any civil proceeding and at any stage thereof the High Court may require a plaintiff or applicant resident out of the jurisdiction of the High Court to deposit any sum of money as security for costs, and may stay the proceeding pending the making of such deposit.

(2.) When any sum has been so deposited as security for costs it shall be disposed of in such manner as the Court directs.

49. The scale of costs and Court fees to be paid in all civil or criminal proceedings in the High Court shall be such as may be prescribed by Ordinance in that behalf. Court fees shall be paid by means of stamps, in accordance, so far as may be, with the practice in force for the time being in New Zealand.

50. If it appears to the satisfaction of the Court that any party is unable or ought not to be called upon to pay any Court fees, the Court may dispense with the payment thereof or may reduce the amount thereof.

51. The Court or the proper officer thereof may refuse to take any step in the course of any proceedings until the proper fee therefor, together with all other fees already due and unpaid in respect of the same proceedings, have been fully paid.

52. If the claim in any action is for a sum of money the defendant may, before trial of the action, pay into Court a sum of money by way of satisfaction, and give notice of such payment to the plaintiff.

53. Any money paid into Court as aforesaid may be paid out to the plaintiff or his duly authorized agent, but the receipt thereof shall not affect the right of the plaintiff to proceed with the action for the recovery of any further sum claimed and not so paid into Court.

54. The fact that money has been so paid into Court shall be taken into consideration in the award of costs as between the plaintiff and defendant.

55. The plaintiff may at any time before trial discontinue his action, either wholly or as to any cause of action, by filing in Court a memorandum of discontinuance.

56. A copy of such memorandum shall be served upon the defendant.

57. On any such discontinuance the Court may award to the defendant such costs of the action as it thinks fit.

58. The discontinuance of an action shall not be a defence to any subsequent action on the cause of action discontinued, provided that the costs of the previous action so awarded have been paid.

59. No judgment shall be given in any action by default, and every action shall be heard and determined in the ordinary course whether the defendant appears on the trial thereof or not.

60. If on the trial of any action the plaintiff does not appear, the Court may either adjourn the trial, or give judgment for the defendant, or nonsuit the plaintiff.