

85. An application for an order against a judgment debtor under clause 78 hereof may be in Form 5 in the Second Schedule hereto.

86. A judgment summons under clause 78 hereof may be in Form 6 in the Second Schedule hereto.

87. Every such judgment summons shall be served in the same manner as a summons to a defendant on the commencement of an action, and all the provisions of these rules as to the place and time of hearing of an action shall apply also to the hearing of the application in respect of which such judgment summons is issued.

Absconding Debtors.

88. Where in any action in the High Court for the recovery of any debt, damages, or other sum of money the plaintiff proves to the satisfaction of the Court at any time before final judgment that he has a good cause of action against the defendant to the amount of ten pounds or upwards, and that there is probable cause for believing that the defendant is about to leave Samoa or any island included in the Territory unless he is apprehended, and that his absence from Samoa or such island as aforesaid will materially prejudice the plaintiff in the prosecution of his action, the Court may order the defendant to be arrested and imprisoned for a period not exceeding three months unless and until he sooner gives security to the satisfaction of the Court that he will not leave Samoa or such island as aforesaid without the leave of the Court.

89. The security to be so given shall, as the Court directs, be either the payment into Court of a sum not exceeding the amount claimed in the action or a bond executed by the defendant with one or two sureties in favour of His Majesty in the like amount.

90. If after such security has been given the defendant leaves Samoa or such island as aforesaid without the leave of the Court, all moneys so paid into Court or recovered in pursuance of the bond shall become available as the Court directs for the satisfaction of any sum recovered in the action.

91. Where the action is for a penalty at the suit of the Crown it shall not be necessary to prove that the absence of the defendant as aforesaid will materially prejudice the Crown in the prosecution of the action, and the security to be given shall be security that any sum recovered against the defendant in the action will be paid or that the defendant will be rendered to prison.

92. If, after such security has been given, any sum recovered in the action remains unpaid and the defendant is not rendered to prison as aforesaid, all moneys so paid into Court or recovered in pursuance of the bond shall become available as the Court directs for the satisfaction of the sum recovered in the action.

Motions.

93. Every civil proceeding not required to be commenced by way of action or petition may be commenced by way of motion.

94. Every interlocutory motion may be made either verbally in open Court or by filing with the Registrar an application setting forth briefly the nature and grounds of the relief sought by the applicant.

95. Every originating motion shall be made by filing with a Registrar an application setting forth briefly the nature and grounds of the relief sought by the applicant.

96. Motions may be made in the forms set forth in the Third Schedule hereto, or in forms to the like effect.

97. Except where otherwise provided, or where the Court is satisfied that the nature of the motion is such that it may properly be made and determined *ex parte*, every motion shall be heard and determined only after due notice has been given to such persons as the Court may consider entitled thereto. All persons to whom notice has been given by the direction of the Court, or who appear on the hearing of the motion, shall be deemed to be parties to the proceeding.