

98. Every proceeding which may be commenced by originating motion may, if the applicant thinks fit, be commenced by way of action instead.

99. Applications under Part IX of the Samoa Constitution Order, 1920, for the assessment of compensation shall be made by motion by the Minister of External Affairs, or by the Administrator, or by any person claiming such compensation or any share thereof; and notice of such application shall be given to such persons interested as the Court directs.

100. Applications under the Samoa Maintenance and Affiliation Order, 1920, for an affiliation order or maintenance order may be made by motion, with notice thereof to the defendant, except in cases in which the Court is authorized to hear the application *ex parte*.

*Probate and Letters of Administration.*

101. Probate of any will may be granted by the Court in Form 7 in the Second Schedule hereto.

102. Letters of administration of the estate of an intestate may be granted by the Court in Form 8 in the Second Schedule hereto.

103. Letters of administration with the will annexed may be granted by the Court in Form 9 in the Second Schedule hereto.

104. The security to be given by an administrator may be in Form 10 in the Second Schedule hereto.

105. In the case of a person residing out of Samoa, administration, with or without a will annexed, may be granted to his attorney acting under a power of attorney.

106. Every executor or administrator shall, within twelve months after the grant of probate or letters of administration, or within such further period as the Court on application may direct, lodge with the Registrar a full and distinct account in writing of his administration of the estate. The account shall be verified by affidavit.

107. If an executor or administrator makes default in filing such an account within the time aforesaid, or if any account so filed is insufficient, the Court may on the application of any person interested, or on the application of the Registrar, order the executor or administrator to file an account or a further account within such time as the Court in such order appoints, and disobedience to such order shall be a contempt of Court.

*Proceedings under the Customs Act, 1913.*

108. (1.) Every penalty imposed by the Customs Act, 1913, and recoverable in the High Court may be recovered by action in the name and on behalf of His Majesty as a debt due to the Crown.

(2.) The High Court may give leave to serve out of Samoa the summons in any action for the recovery of any such penalty or any duty under the Customs Acts.

(3.) The judgment in an action for the recovery of any such penalty may be enforced by way of proceedings for contempt of the High Court, and the failure of the defendant to satisfy such judgment shall constitute a contempt of Court accordingly.

(4.) Any person imprisoned for such contempt shall be released from custody on satisfaction of the judgment.

(5.) Proceedings for contempt shall not preclude any other method of execution which would otherwise be available.

109. Every criminal prosecution in the High Court for an offence against the Customs Act, 1913, shall be commenced by an information laid by a Collector of Customs in accordance with the ordinary criminal procedure of the High Court.

110. Every person arrested in Samoa for an offence against the Customs Act, 1913, in pursuance of section 243 of that Act shall be brought before a Judge or Commissioner of the High Court, who shall exercise the powers conferred by that section upon a Magistrate.

111. (1.) Proceedings in the High Court under the Customs Act, 1913, for the condemnation of goods seized as forfeited shall be instituted by way of motion by a Collector of Customs, anything in the Customs Act, 1913, to the contrary notwithstanding.