

(c.) Where it is sought to compel or restrain the performance of any act in Samoa :

(d.) In a suit for divorce under Part XI of the Samoa Act, 1921.

23. Every application for an order for leave to serve a summons out of Samoa shall be supported by evidence by affidavit or otherwise, showing in what place or country the defendant is or probably may be found, and whether the defendant is a British subject or not, and the grounds on which the application is made.

24. If in any action a summons has become inoperative by reason of not being served in due time, or if for any other reason it is considered expedient to issue a further summons to the same defendant, a further summons may be issued accordingly in the same manner as if no previous summons had been issued.

25. No action shall be deemed improperly constituted because of the joinder of plaintiffs or defendants or of different causes of action ; but the Court may, in any case in which such joinder is considered embarrassing or otherwise inexpedient, order any party or cause of action to be struck out.

26. Where there are numerous persons having the same interest in an action one or more of them may sue or be sued, or may be authorized by the Court to defend in such action, on behalf of or for the benefit of all persons so interested.

27. The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as appear to the Court to be just, order that the name of any party, whether a plaintiff or a defendant, improperly joined be struck out, and that the name of any person who ought to have been joined, or whose presence before the Court may be necessary to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the action, be added, whether as plaintiff or defendant.

28. No person shall be added as a plaintiff without his own consent.

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