

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.

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. Save when the Court is exercising jurisdiction as the Native Land and Titles Commission 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. Such order may be for payment of such sum for costs and such disbursements as the Court shall in its discretion think fit. In the exercise of such discretion the Court shall have regard to the rules as to allowances and payment of costs in force in the Supreme Court and the Magistrates' Courts in New Zealand in like proceedings. Any such order may be made by the