

THE RULES OF THE HIGH COURT OF WESTERN SAMOA  
CONSOLIDATION, 1924.

JELLICOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 30th day of June, 1924.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section seventy-four of the Samoa Act, 1921, it is provided that the Rules of Court determining the practice, procedure, and powers of the High Court, whether in its civil or criminal jurisdiction, shall be such as may be made in that behalf by the Governor-General by Order in Council :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority so conferred on him by the Samoa Act, 1921, and of all other powers and authorities enabling him in that behalf, doth hereby revoke, as from the date of the coming into operation of the rules hereby made, all Orders in Council heretofore made making regulations determining the practice and procedure of the High Court of Western Samoa, and in lieu thereof doth hereby make the following rules.

RULES.

1. THESE rules may be cited as the Rules of the High Court of Western Samoa Consolidation, 1924, and shall come into operation on the 1st day of August, 1924.
2. Subject to the provisions of these or any other rules of Court, all statements of claim, informations, summonses, warrants, convictions, orders, recognizances, and other documents required or authorized in the course of the civil or criminal jurisdiction of the High Court may be in such form as the Court, or the Judge, Registrar, or other officer by whom the same are issued, made, or received, deems sufficient.
3. Every civil proceeding shall be instituted either by way of action, or by way of petition, or by way of motion, in accordance with the following rules.
4. The following proceedings shall be instituted by way of action :—
  - (a.) Every proceeding for the recovery of debt or damages :
  - (b.) Every proceeding for the recovery of land or chattels :
  - (c.) Every proceeding for injunction, prohibition, or mandamus :
  - (d.) Every proceeding for a decree of divorce or nullity of marriage :
  - (e.) Every proceeding which by the law for the time being in force in New Zealand must, if instituted in the Supreme Court, be commenced by writ of summons or originating summons.
5. Every proceeding against the Crown shall be commenced by way of petition in accordance with Part VIII of the Samoa Act, 1921.
6. Except where otherwise provided by any Order, all other civil proceedings may be commenced by way of motion.

*Actions.*

7. Every action shall be commenced by filing with a Registrar of the Court a statement of claim intituled "In the High Court of Western Samoa," setting forth the names and descriptions of the plaintiff and defendant, the nature of the cause of action, and the relief claimed. Forms similar to those in the First Schedule hereto may be used.

8. On the filing of the statement of claim the Registrar or Deputy Registrar shall thereupon issue, under the seal of the Court, a summons