

*Rules of the High Court of Western Samoa Consolidation Amendment, 1928.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of July, 1928.

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 :

And whereas by Order in Council made on the thirtieth day of June, one thousand nine hundred and twenty-four, there were enacted the rules known as "The Rules of the High Court of Western Samoa Consolidation, 1924," and it is expedient that the same be amended in manner hereinafter appearing :

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 make the following additional Rules of Court.

RULES.

1. THESE rules may be cited as the Rules of the High Court of Western Samoa Consolidation Amendment, 1928, and shall be read with and form part of the Rules of the High Court of Western Samoa Consolidation, 1924 (hereinafter referred to as the principal rules), and shall come into force on the 1st day of August, 1928.

2. The principal rules are hereby amended by inserting therein, following clause 82 thereof, the following additional clause :—

82A. (1) Any judgment of the High Court in its civil jurisdiction for payment by the defendant (being a Samoan) of any sum of money in an action in which the claim is for any personal tax under the Taxation Licensing and Revenue Ordinance, 1921, any levy under the Samoan Medical Levy Ordinance, 1923, or any Native personal tax under the Native Personal Tax Ordinance, 1927, may (anything in the Samoa Act, 1921, or in clause 78 hereof notwithstanding) be enforced by a charging-order made by the Court against the interest of the defendant in any Native land, including any rent and other moneys receivable by the defendant in respect of his said interest, and any crops, timber, minerals, or other valuable thing attached to or forming part of such land.

(2) The provisions of clauses 80, 81, and 82 shall apply, *mutatis mutandis*, to any charging-order made under this clause.

3. The principal rules are hereby further amended by inserting therein, following clause 83 thereof, the following additional clauses :—

83A. (1) Where in any action in the High Court the claim is for payment of any personal tax under the Taxation Licensing and Revenue Ordinance, 1921, any levy under the Samoan Medical Levy Ordinance, 1923, or any Native personal tax under the Native Personal Tax Ordinance, 1927, the plaintiff may file with the statement of claim an application for an order under clause 83 hereof in respect of any sum which the defendant (being a Samoan) may be adjudged to pay in such action.