

persons shall be served with notice of the motion, and may give leave to such persons to appear on the adjourned hearing of the motion, but no application for leave so to appear need be sought by a person ordered to be served with notice of the motion.

“(g) It shall not be necessary for a person moving a motion for rescission to file a statement of his defence to the statement of claim if the grounds of his motion are sufficiently set out in his notice of motion.

“(h) If any person served or directed to be served with notice of a motion is an infant, idiot, or lunatic, a guardian *ad litem* to such person shall be admitted prior to the hearing of the motion unless on account of the exigency of the case the Court shall dispense with such admission or permit such admission to be deferred.

“(j) Where a writ of mandamus or any similar remedy is sought against any person, and such person is by reason of death, resignation, or removal from office superseded in his office, then, unless the cause of action has necessarily come to an end, the proceedings shall not abate but may be continued in the name of such person or (on the application of his successor or any person interested) in the name of his successor with all necessary amendments, and any writ or order directed to or made in the name of such person shall be binding on his successor in office.”

(l) Rule 474 is revoked, and the following rule substituted in lieu thereof:—

“474. Any person applying to have an action or proceedings removed from an inferior court into the Supreme Court by virtue of any statutory authority in that behalf shall, unless otherwise provided by the statute, proceed by way of motion, and notice of such motion shall be served upon the opposite party in such action or proceeding.”

(m) Rule 561 is revoked, and the following rule substituted in lieu thereof:—

“561. Except and in so far as the Court or a Judge shall otherwise order, the plaintiff in an action on a judgment recovered in any Court other than a judgment on a bond shall not be entitled to any costs:

“Provided that this restriction shall not affect the right of any person to costs in proceedings under the Reciprocal Enforcement of Judgments Act, 1934.”

(n) Form No. 36 in the First Schedule to the Code is amended by inserting after the word “deceased” where first used the following words: “who died on or about the day of .”

C. A. JEFFERY,
Clerk of the Executive Council.

Appointment of Apia as Port of Entry for Nassau (Cook Group).

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of March, 1936.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers and authorities vested in him by the Customs Act, 1913, and the Samoa Customs Consolidation Order, 1923, and of all other powers and authorities enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the Order in Council made under the powers aforesaid on the eleventh day of February, one thousand nine hundred and twenty-nine, and published in the *Gazette* on the twenty-eighth day of the same month, at page 476, so far only as the Port of Apia in Western Samoa is thereby declared to be a port of entry for the Island of Pukapuka in the Cook Group therein named, but without prejudice to the continuous effect of the said Order in Council so far as it declares the said Port of Apia to be a port of entry for the Island of Nassau in the said Cook Group.

C. A. JEFFERY,
Clerk of the Executive Council.