

including proceedings by reason of any default arising after the date when the order was originally made, but prior to the date of registration, in the same manner as if it had been a maintenance order made by the High Court under the authority of the principal Order and as if the High Court had jurisdiction to make an order in the terms thereof.

CONFIRMATION OF OVERSEAS PROVISIONAL ORDERS.

16. Any officer of the Government or other person may apply to the High Court for confirmation of an overseas provisional order registered as aforesaid.

17. The person making such application shall file in the High Court the depositions of witnesses taken by the overseas Court when making the overseas provisional order, and a statement of the grounds on which the overseas provisional order might have been opposed, or a copy of such depositions and statement respectively.

18. The High Court may issue a summons calling upon the person against whom any overseas provisional order is made or whom it purports to bind to appear before the High Court to show cause why such order should not be confirmed.

19. At the hearing such person may raise any defence which he might have raised in the original proceedings in the overseas Court had he been a party thereto but no other defence.

20. The statement referred to in clause 17 hereof shall be conclusive evidence that the grounds therein set out are grounds on which the overseas provisional order might have been opposed or on which a defence might have been raised in the original proceedings in the overseas Court.

21. If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the High Court that the overseas provisional order ought not to be confirmed, the Court may confirm the order either without modification or with such modifications as to the Court after hearing the evidence may seem just.

22. If the person against whom the summons was issued appears at the hearing and satisfies the High Court that for the purpose of any defence it is necessary to remit the case to the overseas Court for the taking of any further evidence, the Court may so remit the case and adjourn the proceedings for the purpose.

23. An overseas provisional order confirmed as aforesaid shall, from the date of confirmation, be of the same force and effect, and all proceedings may be taken thereon by an officer of the Government or any other person in the same manner (subject to the next succeeding clause hereof) as if it had been a maintenance order made by the High Court under the authority of the principal Order, and as if the High Court had jurisdiction to make an order in the terms thereof.

24. Where, on an application for rescission or variation of an overseas provisional order confirmed as aforesaid, the High Court is satisfied that it is necessary to remit the case to the overseas Court for the purpose of taking any further evidence, the Court may so remit the case and adjourn the proceedings for that purpose.

SAMOAN PROVISIONAL ORDERS.

25. Where any application is made to the High Court for a maintenance order against any person not resident in Samoa, and it appears that an overseas Court may have jurisdiction to confirm such order, the High Court may in the absence of that person if, after hearing the evidence, it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing.

26. An order made under the last preceding clause hereof shall be termed a Samoan provisional order, and shall be provisional only, and shall have no effect unless and until confirmed by a competent overseas Court.

27. On the hearing of an application under clause 25 hereof the evidence of any witness who is examined shall be put into writing, and such deposition shall be read over to and signed by him.

28. The High Court shall also prepare a statement of the grounds on which the making of the order might have been opposed if the person against whom an order is made had been duly served with a summons and had appeared at the hearing, and also such information as the Court possesses for facilitating the identification of that person and ascertaining his whereabouts.

29. The Registrar shall deliver to the Administrator a certified copy of the order, the original depositions so taken, the statement prepared as aforesaid, and the said information as to identification, including in particular the originals of any certificates of marriage, birth, or baptism, or any other documents that may assist in identification, and the said documents shall be transmitted in the appropriate manner to the Government of the place in which the person affected is believed to be resident for the purpose of confirmation of the order by a competent overseas Court.

30. Where a Samoan provisional order has been remitted by an overseas Court to the High Court for the purpose of taking further evidence the High Court may, upon reasonable notice to the person applying for the Samoan provisional order, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

31. If upon the hearing of such evidence it appears to the High Court that the Samoan provisional order ought not to be made, the Court may rescind that order, but in any other case the depositions taken on the hearing of such further evidence shall be dealt with in like manner as the original depositions.

32. The powers of the High Court under section 22 of the principal Order to cancel, vary, or suspend any maintenance order or substitute a new maintenance order therefor shall be exercisable in respect of a Samoan provisional order notwithstanding the confirmation thereof by any overseas Court:

Provided that a certified copy of any order made under the authority of this clause shall be sent to the Administrator for transmission in the appropriate manner to the Government of the place in which the original Samoan provisional order was confirmed:

Provided also that an order cancelling or suspending any Samoan provisional order shall take immediate effect according to its tenor, but an order varying any Samoan provisional order or substituting a new Samoan provisional order therefor, but not cancelling or suspending a Samoan provisional order, shall not have any effect unless and until confirmed by an overseas Court in like manner as the original order.

33. The applicant shall have the same right of appeal against a refusal to make a Samoan provisional order as he would have had against a refusal to make an order if a summons had been duly served on the person against whom the order is sought to be made.

34. A Samoan provisional order may be made in the like terms and with the like restrictions as a maintenance order under the principal Order.

35. The powers conferred by clause 25 hereof shall not restrict the powers of the High Court to make a maintenance order under the powers conferred by clause 19 of the principal Order.

F. D. THOMSON, Clerk of the Executive Council.

[Extract from *New Zealand Gazette* No. 25, 11th April, 1929, page 957.]

THE SAMOA PRISONS AND CONSTABULARY ORDER, 1929.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 3rd day of April, 1929.

Present: His Excellency the Governor-General in Council.

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 to make regulations for the peace, order, and good government of Samoa conferred upon him by the Samoa Act, 1921, and of all other powers and authorities enabling him in that behalf, doth hereby make the following regulations.