

9. If the cause of action sued on, or some material part thereof, arose in the judicial district in which the plaintiff or the plaintiff first named in the writ resides, the place at which the defendant shall be required to file his statement of defence may be the office of the Court nearest to the residence of the plaintiff or the plaintiff first named, as the case may be, and the place at which the defendant shall be required to attend may be the town nearest the residence of the plaintiff or the plaintiff first named in which sittings of the Court for the trial of actions are held in such judicial district.

10. Before issuing a writ of summons under the last preceding rule, there shall be filed in the office of the Court out of which it is proposed to issue the writ of summons an affidavit by the plaintiff or one of the plaintiffs, or by his solicitor, stating that the cause of action, or some material part thereof, arose within the judicial district in which such office is situated.

11. The number of days to be stated under Rule 5 shall be not fewer than the number shown in Table "B," or more than one hundred and twenty days.

12. The writ shall also specify—

(1.) The number of the writ.

(2.) The judicial district in which it has been issued.

(3.) The first name and surname of each plaintiff and defendant. (a.) In actions on bills of exchange or promissory notes, or other instruments, any of the parties to which are designated by the initial letter or letters, or some contraction of the first name, it shall be sufficient to designate such party by the same initial letter or letters, or contraction of the first name, instead of stating the first name in full. (b.) Any party may be designated in the writ by any name which he may have acquired by usage or reputation, whether any such name be the first name or the surname. (c.) Any person carrying on business in the name of a firm, apparently consisting of more than one person, may be designated by the name of such firm. (d.) Any two or more persons carrying on business in copartnership in the name of a firm may be designated in the writ by the name of the firm.

(4.) The residence and calling of each plaintiff and each defendant; but if the plaintiff at the time of issuing the writ shall be ignorant of the defendant's place of residence or calling, it shall be sufficient to describe him as last known of [*naming his late residence*], and to state his last known calling.

(5.) The date of the issue of the writ.

13. The writ shall be sealed with the seal of the Court.

14. At the foot of the writ there shall be written or printed a memorandum stating whether the writ has been issued by the plaintiff in person or by a solicitor on his behalf.

15. No solicitor shall take out any summons on behalf of any plaintiff, or shall file a statement of defence for any defendant, until he shall have filed with the proper officer of the Court a warrant or authority in that behalf, signed by the plaintiff or defendant, as the case may be, in the form in the Schedule hereto: But it shall be sufficient to file a written declaration, signed by the solicitor, that he is authorized to act as solicitor in the action on behalf of such plaintiff or defendant: Provided that such solicitor file, and it shall be his duty to file, a regular warrant signed by the party himself as early as may be afterwards.

16. The memorandum shall also state an address, to be called the address for service, where the plaintiff, if he sues in person, or his solicitor, if he sues by solicitor, may be served with writs, notices, petitions, rules, orders, summonses, warrants, and other written communications not required to be served on the plaintiff in person.

17. Such address shall be not more than three miles from the office of the Court in which the statement of defence is to be filed.

18. The memorandum shall also state the amount the plaintiff is entitled to for costs for the issue and service of the writ and incidental thereto.

19. There shall be written or printed on the back of the writ the notices to defendants, purporting to be indorsed on the form of writ in the Schedule thereto.

20. No misnomer nor inaccurate description of the plaintiff or defendant shall vitiate the writ.

ISSUE OF WRIT.

21. The writ of summons shall be prepared by the plaintiff or his solicitor, and shall be written or printed, or partly written or printed, and shall be tendered to the proper officer of the Court, who shall seal the same, and as many duplicates thereof as may be required for service.

22. The writ, when sealed, shall be deemed to be issued, and the date thereof shall be deemed the date of the commencement of the action.

23. The plaintiff's statement of claim shall be annexed to the original writ before it is sealed.

24. The original writ of summons and statement of claim shall be retained by the officer sealing the same, and filed in the office of the Court out of which the writ of summons has been issued if the statement of defence is to be filed in that office. If the statement of defence is to be filed in another office, the proper officer shall forward the original writ and statement of claim to the proper officer at such office, who shall file the same in such last-mentioned office.

SERVICE OF THE WRIT.

25. The writ must be served on the defendant in person, or, if there be more than one defendant, on each defendant in person.

26. Service may be effected by delivering to the defendant a duplicate of the writ, with a copy of the plaintiff's statement of claim thereto annexed, or by bringing it to the defendant's notice if he refuse to receive it.

27. When a solicitor has undertaken, in writing, to accept service on behalf of any defendant or defendants, such defendant or defendants may be served, by delivering at the office of the solicitor for all the defendants for whom such solicitor accepts service, one duplicate of the writ, with a copy of the plaintiff's statement of claim annexed.