

28. The writ of summons may be served by the plaintiff or any person he may employ for that purpose, or by the proper officer of the Court, and service may be proved on oath before the Court or a Judge thereof, or by affidavit.

29. If at any office of the Court an officer has not been appointed to serve writs, the writ must be served by the plaintiff, or any person he may appoint.

30. When the writ is to be served by an officer of the Court, the plaintiff, or his solicitor, at the time of applying for the writ, shall deliver to the proper officer as many duplicates of the writ, with copies of his statement of claim, as there are defendants to be separately served.

31. A writ may be served anywhere within the Colony of New Zealand, but not elsewhere, except in accordance with the provisions hereinafter contained for service of writs beyond the limits of the colony.

32. The writ must be served within twelve months from the day of the date thereof, including the day of such date.

33. Service of the writ on Sunday, Christmas Day, New Year's Day, or Good Friday shall be void.

SUBSTITUTED SERVICE.

34. If it shall be made to appear to the Court, or a Judge, that reasonable efforts have been made to effect service of the writ, and either that the writ has come to the knowledge of the defendant, or that the plaintiff is unable to effect prompt personal service thereof, it shall be lawful for the Court, or a Judge, to order that the plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as the Court or Judge may think fit to impose.

RENEWAL OF WRITS.

35. When a writ has not been served on the defendant, or any defendant named therein, within twelve months from the date thereof, including the day of such date, the plaintiff may, before the expiration of the said period of twelve months, apply to the Court, or a Judge, for leave to renew the writ, and the Court or Judge, if satisfied that reasonable efforts have been made to serve such defendant, or for other good reason, may order that the original and duplicate writs of summons be renewed for six months from the date of such renewal, and so from time to time during the currency of the renewed writ.

36. The writ and duplicate shall in such case be renewed by being resealed, and being marked by the proper officer of the office of the Court in which the original writ has been filed with the word "renewed," and the date of such renewal, upon delivery to him by the plaintiff or his solicitor of a memorandum in the Form No. in the Schedule hereto.

37. A writ so renewed shall remain in force and be available to prevent the operation of any statute whereby the time for the commencement of the action may be limited, and for all other purposes as from the date of the original issue of the writ.

38. A writ or duplicate writ purporting to be marked, showing the same to have been renewed, shall be sufficient evidence of such renewal, and of the commencement of the action as of the first date of such renewed writ for all purposes.

SERVICE IN PARTICULAR CASES.

39. When husband and wife are both defendants to an action, service on the husband shall be deemed good service on the wife, except in the following cases:—

- (1.) Where the action affects the separate estate of the wife.
- (2.) Where the husband and wife have been judicially separated by decree, or have entered into a deed of separation.
- (3.) Where the wife has obtained a protection or other similar order, under any Act, for the time being in force affecting married women.

40. The Court or Judge, however, at any stage in an action, may order that the wife shall be separately served.

41. When an infant is a defendant to an action, service on his or her father or guardian, or if none, then upon the person with whom the infant resides or under whose care he or she is, shall, unless the Court or a Judge otherwise order, be deemed good service on the infant: Provided that the Court or a Judge may order that service made or to be made upon an infant shall be deemed good service.

42. When an idiot or a lunatic is a defendant to an action, service on the committee of the lunatic, if one have been appointed, or on the person with whom such defendant resides, or under whose care he or she is, shall, unless the Court or a Judge otherwise order, be deemed good service on the lunatic or idiot.

43. Where partners are sued as partners, but not in the name of the firm, the writ may be served on any one or more of the partners or at the principal place in New Zealand of the business of the partnership, on any one appearing to have control of the partnership business there.

44. When one person, carrying on business in the name of a firm, apparently consisting of more than one person is, or two or more persons carrying on business in the name of a firm are, sued in the name of the firm, the writ may be served on such one person, or on any one or more of such partners, or at the principal place in New Zealand of the business of the partnership, on any one appearing to have the control of the partnership business there.

45. Unless otherwise provided by Statute, service may be effected on—

- (1.) Corporations, by delivering a duplicate of the writ to the Mayor, President, Chairman, Town Clerk, Secretary, or Treasurer of such Corporation, or any one performing the duties incidental to any of those offices.
- (2.) Incorporated companies, by delivering a duplicate of the writ to the president, chairman, managing director, or secretary of such company, or to any one performing the duties incidental to any of those offices, or to any one appearing to have charge of the business of the company at its registered office or principal place of business in the colony.