

place as shall be stated in the summons, and shall warn the defendant that if he do not file his statement of defence within such time the plaintiff may at once proceed in his action on the day stated in the summons or at any adjournment thereof.

3. The time to be so stated shall be regulated by the distance of the defendant's residence from the office of the Court in which his statement of defence is to be filed, the times for various distances being shown (marked "B") in the Schedule hereto, marked "B," or such additional time as shall be fixed by the Judge out of whose Court the summons shall issue.

4. The place shall be the office of the Court out of which the summons shall have issued.

5. The summons shall also require the defendant, if he file a statement of defence, to attend at the time and place to be named in the summons to answer the plaintiff's claim, and shall further warn the defendant that, if he fail to attend the sitting of the Court named in the summons, the Court may adjudicate upon the plaintiff's claim in his absence.

6. Such summons may be issued against any defendant residing or being without the district within which the Court has jurisdiction, but not out of the colony, upon the application of any plaintiff who will depose on oath that he has good cause of action, and that such cause of action arose wholly or in some material point within the jurisdiction of the Court.

7. The number of days to be stated under Rule 3 shall be as shown in Schedule B, or such other time as the Judge, out of whose Court the summons has issued, may from time to time order.

8. The summons shall also specify—

(1.) The number of the summons.

(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 or names, it shall be sufficient to designate such party by the same initial letter or letters, or contraction of the first name or names, instead of stating the first name or names in full. (b.) Any party may be designated in the summons by any name or names 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 summons 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 late of [*naming his late residence*], and to state his last known calling; and, if the defendants are sued as members of a firm, the place of business of the firm shall be stated instead of the names and residences of individual members thereof.

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

9. The summons shall be sealed with the seal of the Court.

10. When a summons is issued by a solicitor it shall be so stated on the summons.

11. Any party to any suit or proceeding may appear and act personally or by a barrister or solicitor of the Supreme Court, and not otherwise: Provided that, under special circumstances, the Court may permit any party to appear by an agent authorized in writing.

12. The summons 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 notices, orders, summonses, and other written communications not required to be served on the plaintiff in person.

13. 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.

14. The summons shall also state the amount the plaintiff is entitled to for costs for the issue and service of the summons and incidental thereto.

15. No misnomer nor inaccurate description of the plaintiff or defendant shall vitiate the summons.

ISSUE OF SUMMONS.

16. The 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 copies thereof as may be required for service.

17. The summons, when sealed, shall be deemed to be issued, and the date thereof shall be the same date as the plaint note.

18. The plaintiff shall furnish as many copies of statement of claims as there are defendants, and two copies in addition for the Court, one of which shall be annexed to each summons.

19. A summons may be issued and served at any time before the holding of a Court if a Judge of the Court shall so order, on being satisfied that the defendant is about to remove out of the jurisdiction of the Court.

SERVICE OF SUMMONS.

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

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

22. 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 copy of the summons, with a copy of the plaintiff's statement of claim annexed.