

23. The summons may be served by the proper officer of the Court, or any person authorized by the Court, or a Judge, and service may be proved on oath before the Court or a Judge thereof, or by affidavit.

24. A summons may be served anywhere within the Colony of New Zealand, but not elsewhere.

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

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

27. There shall be filed in the office of the Court from which the summons was issued an affidavit of service, which shall state the time and place of service, and the plaintiff shall not be at liberty to proceed by default until such affidavit has been filed or service proved on oath.

28. When any summons is required to be served or warrant executed beyond the district of the Court out of which the same is issued, the Judge shall, except under special circumstances, cause the same to be transmitted to the Clerk of the Court of the district within which the same is to be served or executed, and such Clerk shall indorse thereupon the time when the same shall have been received by him, and shall forthwith deliver the same to the bailiff of the Court of his district, or, if there be no such bailiff, then to such peace officer as such Clerk may appoint for that purpose, and such bailiff and peace officer are respectively hereby authorized and required to serve or execute the same; and such bailiff or peace officer, if required as last aforesaid to serve a summons, shall return to the Clerk of the Court from which he received such summons a copy thereof, accompanied by an affidavit setting forth the fact and mode of such service, or a note that he has been unable to effect such service as the case may be, and if he have been required to execute a warrant he shall certify to the Clerk from whom he received such warrant what he has done thereunder, and, if he have received any money or fees by virtue thereof, shall pay over the same to such Clerk, and out of such fees may be repaid any money actually expended by him or his assistants in like manner as if such warrant had issued out of the Court of which he is bailiff; and such Clerk shall forthwith transmit the copy of the summons or the certificate so received by him, together with any moneys which may have been received by him in manner aforesaid after deducting therefrom the fees allowed for execution, to the Clerk of the Court from whom he has received the same, and the Clerk of the Court transmitting any summons or warrant shall pay or account with the Clerk of the Court to whom the same is transmitted for all fees allowed to be taken for service or execution.

SUBSTITUTED SERVICE.

29. If it shall be made to appear to the Court, or a Judge, that reasonable efforts have been made to effect service of the summons, or that the summons has come to the knowledge of defendant, or that he wilfully evades service thereof, it shall be lawful for Court, or any Judge, or any Justice of the Peace, to order that the plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as such Court or Judge, or Justice of the Peace, may think fit to impose.

SERVICE IN PARTICULAR CASES.

30. 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.

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

32. 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.

33. 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 idiot or lunatic.

34. Where partners are sued as partners, but not in the name of the firm, the summons 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.

35. 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 summons 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.

36. Unless otherwise provided by statute, service may be effected on—

(1.) Corporations, by delivering a copy of the summons 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 copy of the summons 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.

37. Service of a summons in an action to recover land may, in case of vacant possession, when it cannot otherwise be effected, be made by posting a copy of the summons upon the door of the dwelling-house, or other conspicuous part of the property.