

15. The summons to a defendant may, as the Registrar thinks fit, be served either by an officer of the Court or by the plaintiff or his agent. Proof of service may be made either by affidavit or by a witness at the trial.

16. The summons shall be served on the defendant in person. Where there are more defendants than one, a separate summons shall, except in the case of a firm of partners, be issued and served on each defendant.

17. The summons may be served upon a corporation by leaving the same at any place of business of the corporation.

18. When partners are sued as partners they may be sued either in the firm-name or in the names of the partners, and in either case the summons may be served by delivering it to any one of the partners or by leaving it at any place of business of the firm.

19. When a defendant is not in Samoa but has in the territory an attorney or agent authorized to defend actions on his behalf, the summons may by leave of the Court be served upon such attorney or agent.

20. The summons may be served anywhere in Samoa, but not elsewhere except in accordance with the provisions hereinafter contained for service outside Samoa.

21. If it appears to the Court that reasonable efforts have been made to effect service of the summons, and either that the summons has come to the knowledge of the defendant or that prompt personal service thereof cannot be effected, the Court may order that the plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as the Court thinks fit to impose.

22. A summons may be served out of Samoa by leave of the Court—

(a.) Where the cause of action or some material part thereof has arisen in Samoa :

(b.) Where the subject-matter of the action is property situated in Samoa :

(c.) Where it is sought to compel or restrain the performance of any act in Samoa :

(d.) In a suit for divorce under Part XI of the Samoa Constitution Order, 1920.

23. Every application for an order for leave to serve a summons out of Samoa shall be supported by evidence by affidavit or otherwise, showing in what place or country the defendant is or probably may be found, and whether the defendant is a British subject or not, and the grounds on which the application is made.

24. If in any action a summons has become inoperative by reason of not being served in due time, or if for any other reason it is considered expedient to issue a further summons to the same defendant, a further summons may be issued accordingly in the same manner as if no previous summons had been issued.

25. No action shall be deemed improperly constituted because of the joinder of plaintiffs or defendants or of different causes of action : but the Court may, in any case in which such joinder is considered embarrassing or otherwise inexpedient, order any party or cause of action to be struck out.

26. Where there are numerous persons having the same interest in an action one or more of them may sue or be sued, or may be authorized by the Court to defend in such action, on behalf of or for the benefit of all persons so interested.

27. The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as appear to the Court to be just, order that the name of any party, whether a plaintiff or a defendant, improperly joined be struck out, and that the name of any person who ought to have been joined, or whose presence before the Court may be necessary to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the action, be added, whether as plaintiff or defendant.

28. No person shall be added as a plaintiff without his own consent.