

summons with such affidavit to the Clerk from whom he has received it; and such copy, if issued from a foreign Court, shall be forwarded without delay to such Court, to be there filed. If, on the day appointed for a sitting of the Court, any summonses issued for such sitting are unserved, the Bailiff shall report in writing (Form No. 11) to the Clerk in each case the reason of such non-service.

*16. Clerk of Foreign Court may correct Mileage or Residence of Defendant.*

Whenever any process is sent to the Clerk of a foreign Court to be dealt with in accordance with the provisions of the Act, on which the amount charged for mileage is incorrect, or in which the defendant's residence is incorrectly stated, the Clerk of the foreign Court to whom such process is sent may make all necessary alterations in such process, and where such process is a summons the same may be served on the defendant wherever he may be found.

*17. Form of Summons.*

The summons to be issued to each defendant under section 67 of the Act shall be in the Form No. 16. It shall have endorsed thereon a notice to the defendant in the Form No. 18. Where the defendant is a Native, a translation in the Form No. 16 (Maori) shall be attached. The summons to be issued under paragraph (b) of section 68 of the Act shall be in the Form No. 17. A summons issued under section 77 of the Act shall be in the said Form No. 16, and shall bear on the face of it the words "Issued by leave of the Court." The copy or copies for service of every summons shall be marked "Duplicate." On the copy of every summons to be filed in Court there shall be endorsed an affidavit of service in the Form No. 19.

*18. Authority to dispense with Personal Service.*

The authority to dispense with personal service provided for in section 75 of the Act shall be in the Form No. 23, or to the like effect, and the affidavit showing grounds shall be in the Form No. 22, or to the like effect. Where personal service is dispensed with, a sealed duplicate of the order for substituted service shall be served with the summons.

*19. Service in Particular Cases.*

The following regulations are made for service in the particular cases referred to in subsection (8) of section 75 of the Act:—

(a.) Where husband and wife are defendants to an action, personal service on the husband shall be deemed good service on the wife, except where,—

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

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

(b.) Where an infant is a defendant, personal 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 otherwise orders, be deemed good service on the infant: Provided that the Court may order what service made or to be made upon an infant shall be deemed good service.

(c.) Where a lunatic is a defendant, service on the committee of the lunatic, if one has been appointed, or on the person with whom such defendant resides, or under whose care he or she is, shall, unless the Court otherwise orders, be deemed good service on the lunatic.

(d.) Where a defendant is living or serving on board any ship or vessel, it shall be sufficient service to deliver the duplicate summons to the person on board who apparently has at the time of such service charge of such ship or vessel.

(e.) Where a defendant is a prisoner, it shall be sufficient service to deliver the duplicate summons to the gaoler or any officer apparently in charge at the prison in which he is confined, who shall deal therewith in accordance with the prison regulations.

(f.) Where a defendant is working in a mine or other works underground, it shall be sufficient service to deliver the duplicate summons at such mine or works to the engine-man, banks-man, or any person apparently in charge of the mine or works.

(g.) Where a defendant is employed and dwells in any lunatic asylum, or in any prison, industrial school, or other similar place, it shall be sufficient service to deliver the duplicate to the keeper, or to any person apparently in charge of such place.

- (h.) Unless otherwise provided by statute or charter, 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.