

(2.) Incorporated companies, by delivering a copy of the summons to the president chairman, managing director, manager, or secretary of such company, or to any one performing the duties incidental to any of those offices, or to any one purporting to have charge of the business of the company at its registered office or principal place of business in New Zealand.

(i.) Where a defendant is beyond the limits of New Zealand, if he has an attorney or agent authorized to transact his affairs generally, and to defend actions on his behalf, the summons may, by leave of the Court, be served on such attorney or agent, subject to such terms as the Court thinks fit to impose.

(j.) In all cases not provided for by the Act or these rules, service may be effected in such manner, and subject to such conditions, as the Court directs by writing endorsed on the summons.

(k.) In any case a solicitor duly authorized may accept service on behalf of the defendant, and the solicitor shall in any such case endorse on the Court copy of the summons a certificate that he accepts service, and shall sign and date such certificate.

20. *Clerk may enlarge Time of Hearing.*

Whenever a summons has not been served in time for the sitting of the Court, the Clerk may, on the application of the plaintiff, enlarge the time of hearing to some convenient day being a day appointed for the Court to sit. This he shall do by striking out the original date of hearing, inserting the new date, and placing his initials in the margin opposite the alteration, or he may issue a new summons bearing the same date as the original one.

21. *Adjournment by Consent.*

Where a summons has been served, the parties or their solicitors, or their agents authorized in writing, may, by signing and filing with the Clerk a consent in the Form No. 39, or to the like effect, and paying the prescribed adjournment fee, adjourn the hearing to some subsequent day, being a day appointed for the sitting of the Court, and the adjournment shall be entered up in the civil record-book, and signed by the Magistrate or Clerk. No fee shall be payable for filing the consent to adjournment with the Clerk.

22. *Summons to Witness.*

The summons to a witness may be in either of the Forms Nos. 40 or 41, and, if such witness is a Native, shall be accompanied by a translation in the corresponding Maori forms in Appendix A hereto. The summons shall be served personally, and it shall be sufficient if it is served a reasonable time before the time appointed for the sitting of the Court, having regard to the distance the witness will have to travel. The service may be proved on oath at the hearing, or by an affidavit in the Form No. 42, sworn in accordance with section 39 of the Act. The affidavit may include a statement that a certain sum of money as expenses was tendered or paid to the person named in the summons. Where application is made to the Court, or the Court proposes of its own motion, at the hearing of any action, to impose a penalty on any witness for disobedience, in accordance with section 82 of the Act, if such witness is present the Court may call upon him to show cause forthwith, or may appoint a convenient time for the said witness to show cause, why he should not be punished; if the witness is not present, he shall be first served with an interlocutory summons in the Form No. 110, appointing a time and place for his attendance to show cause. If at the time and place so appointed he fails to appear, or appearing does not satisfy the Court in that behalf, the Court may make an order in the Form No. 111, to be followed, if necessary, by committal in the Form No. 112. Any interlocutory summons may be signed by the Clerk.

23. *Confession, Judgment by Consent, Judgment by Default, and Payment into Court.*

A written confession of claim or consent to judgment by the defendant shall be in such of the Forms Nos. 26, 26M, 27, 28, and 29 as may be appropriate. Notice may be given in Form No. 24 where the confession is for the whole amount claimed, and unconditional; in other cases a duplicate of any confession may be served on the plaintiff by way of notice.

Whenever, after a summons has been served on him, a defendant attends at the office of the Clerk to confess the cause of action, and wishes to attach a condition to such confession in accordance with section 100 of the Act, the Clerk may, at his request, sign a notice to the plaintiff in Form No. 30, which may be served on the plaintiff, with a duplicate of the confession signed by the defendant attached. If the plaintiff then signs thereon his consent to the condition, and his signature is witnessed by a Magistrate, Clerk of Court, Justice of the Peace, or solicitor not engaged in the action, and the confession so signed and witnessed is returned to the Clerk by post or otherwise, then judgment may be at once entered up and signed by the Clerk of the Court without further attendance of the parties. No fee shall be payable for lodging the written confession or consent to judgment with the Clerk.

If the relief claimed by the plaintiff is payment of a liquidated demand in money, and the defendant does not file notice that he intends to defend the action within