

- (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.
  - (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.
- (k) In any case a solicitor duly authorized may accept service on behalf of the defendant, and the solicitor shall in 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, have the hearing adjourned 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. 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 thereof. 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 40 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 90 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. Examination of Witnesses under Section 94.*

An application to take evidence in an action issued out of another Court shall be entered in the plaint-book, in red ink, immediately upon receipt thereof, and an "A" number given for filing purposes. The result of the application shall be entered in the civil record-book on the date appointed for taking the evidence.

The notice of desire to take evidence pursuant to section 94 of the Act shall be in such one of the Forms Nos. 48 or 48A as may be appropriate, and the notice of time and place for examination shall be in the Form No. 49. Forms Nos. 50 and 51 shall be affixed to the evidence of the witnesses examined, and a certificate of the costs fixed pursuant to section 97 of the Act shall be transmitted with the evidence to the Court for hearing.

If at the time appointed the party applying to take evidence fails to appear at the Court for examination, the application shall be struck out, and the Clerk shall forthwith forward to the Court for hearing a certificate in the Form No. 52; and if in such a case the opposite party appears, then such opposite party shall be entitled to such reasonable costs as the Court may order; and the Clerk shall forward to the Court for hearing a certificate of allowance of such costs in the Form No. 53.