37
1923

The Royston Lumber Company Limited Vs. Fred Kerton

PABC
GR 1949
Box 26 File 34

Form 166.

BRITISH COLUMBIA CUMBERLAND REGISTRY MAY 23 1928 10 CENTS 10

Affidavit of Personal Service of Summons or Order.

No. of Plaint, 37/28

County Court of NANAIMO

holden at CUMBERLAND

Between THE ROYSTON LUMBER COMPANY LIMITED Plaintiff

and FRED KERTON Defendant.

I, Robert Marshall of Courtenay, Province of British Columbia, make oath and say:

(1.) That I am Sheriff's Officer, and that I am over sixteen years of age.

(2) That I did on Tuesday, the 10th day of April 1928 duly serve FRED KERTON, (one of) the above-named Defendant with a true copy of the Summons hereunto annexed, marked "A," by delivering the said copy of the said Defendant at* Courtenay B. C

(3.) That I actually and necessarily travelled — 2 — miles to serve said

Sworn at Courtenay, in the County of Nanaimo, this 11th day of April, 1928, before me,

Robert Marshall

A Commissioner for taking Affidavits, J.P. (or ~~as the case may be~~).

*Here insert place where service was made. Courtenay

(Endorse the original summons or other process thus: This paper marked "A" is the paper referred to in the annexed affidavit.)

5M-426-4202

IN THE COUNTY COURT OF NANAIMO.

HOLDEN AT CUMBERLAND.

B E T W E E N :

THE ROYSTON LUMBER COMPANY, LIMITED,

Plaintiff,

- and -

FRED KERTON,

Defendant.

P L A I N T .

1.. The Plaintiff is a Company duly incorporated under the laws of the Province of British Columbia, and has its registered Office at the City of Cumberland, in the County of Nanaimo and in the Province of British Columbia.

2. The Defendant is a gentleman and resides in the Town of Courtenay, in the Province of British Columbia.

3. The Plaintiff's claim is against the Defendant for the sum of $18.31 for lumber supplied by the Plaintiff to the Defendant at his request for which he promised to pay the Plaintiff but which he has refused and neglected and still refuses and neglects to pay although requested to do so and there is still due and owing from the Defendant to the Plaintiff the sum of $18.31. Particulars are as follows:-

June 2nd, 1924. To lumber supplied by the Plaintiff to the Defendant for which he promised to pay ------$18.31.

4. The cause of action herein arose wholly within the jurisdiction of this Honourable Court.

WHEREFORE THE Plaintiff claims the sum of $18.31 and the costs of this action.

DATED at Vancouver, B. C. this 26th day of March, A. D. 1928.

Burton & Hodgson

SOLICITORS FOR THE PLAINTIFF.

THIS SUMMONS WAS ISSUED AND this Plaint filed by the firm of Messrs. Burton & Hodgson, whose place of business and address for service is Suite 104-106 Royal Financial Building 844 Hastings Street West, Vancouver, B. C.

FORM 3.

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA

[SEAL.]

CUMBERLAND BRITISH COLUMBIA REGISTRY MAR 29 1928

SUMMONS.

No. of Plaint, 37/1928

In the County Court of NANAIMO,

holden at Cumberland, B. C.

Between THE ROYSTON LUMBER COMPANY LIMITED, Plaintiff,

and FRED KERTON, Defendant.

TAKE NOTICE that, unless within eight days after the personal service of this summons on you, inclusive of the day of such service, you file with the Registrar of this Court, at Cumberland, B. C., a dispute note, dated and signed by yourself or your Solicitor, in answer to the claim which the Plaintiff makes on you, as per margin, the particulars of which are hereunto annexed, the Plaintiff may proceed in this action, and judgment may be given against you in your absence. If you file the dispute note with the Registrar within the time specified, the Registrar will send you by post notice of the day upon which the action will be tried.

	$	cts.
Claim	18	31
Fee for plaint	3	-
Solicitor's costs	4	50
Total	$25	81

Sealed by the Registrar with the Seal of the above County Court this 29th day of March A.D. 1928.

To the Defendant.

Hours of attendance at the office of the Registrar, from 10 a.m. till 4 o'clock p.m., except on Saturdays, when the office will be closed at 1 o'clock, and except during vacations.

(Cut here when Dispute Note is to be filed.)

Form No. 6.

DISPUTE NOTE.

In the County Court of * NANAIMO No. of Plaint, 37/1928

* holden at Cumberland, B. C.

THE ROYSTON LUMBER COMPANY LIMITED,

versus

FRED KERTON.

I intend to defend this action on the following grounds:—

1.

Dated this day of 19 .

.....

Defendant.

(Address for service is.....)

(To be filled in by Registrar previous to issue of summons.)*

★ 10M-228-910

NOTICE TO THE DEFENDANT.

If you pay into the Registrar's Office before the expiration of eight days from the date of service of this summons, inclusive of the day of service, the amount of claim and costs as per margin on the other side, and also the fee for service as allowed by the Registrar, you will avoid further costs, and no formal Judgment will be entered against you.

If you dispute the Plaintiff's claim on any ground whatsoever, you must, within such eight days, file with the Registrar a dispute note containing the particulars required by Rules of Court, and also pay to the Registrar ten cents for filing fee before your dispute note can be filed. Such dispute note, if filed by you in person, shall contain therein your address for service, which must be within three miles from the Registry out of which this summons is issued.

If the action be one that may be tried by, and you wish to have, a jury, you must give the Registrar notice in writing of demand for a jury four clear days at least before the day fixed for the trial and also at the same time deposit with the Registrar the proper fees for summoning and paying the jury.

COUNTY COURT.

THE ROYSTON LUMBER COMPANY LIMITED,

Plaintiff.

vs.

FRED KERTON,

Defendant.

Summons.

BURTON & HODGSON
BARRISTERS, SOLICITORS, ETC.
844 HASTINGS ST. W.
VANCOUVER, B.C.

"A"

Royston Lumber Co versus Fred Kerton

This paper marked "A" is the paper referred to in the annexed affidavit of Robert Marshall

Wallace Hamer J.P.