27/1932

Royston Lumber Co. v. Robert Waddell

PABC
GR 1949
Box 23 File 15

Affidavit of Personal Service of Order.

No. of Plaint, 27/22

In the County Court of Nanaimo

holden at Cumberland

Between The Royston Lumber Co. Limited Plaintiff,

and Robert Waddell Defendant,

and _____ Garnishee.

I, John Russell, of Courtenay BC

make oath and say:—

That I am a Provincial Constable, and that I am over sixteen years of age,

That I did on Tuesday, the 11th day of April, 1922, duly serve Robert Waddell, the above-named defendant with a true copy of the Summons and plaint in the above action (~~or one of the above-named~~), with an order, ~~a true copy~~ whereof is hereunto annexed, and marked "A," by delivering the same personally to the said defendant at* Nelson district in the Province of British Columbia

That I actually and necessarily travelled _____ miles to serve said order.

SWORN at Courtenay, in the County of Nanaimo, this 12th day of April, 1922, before me,

John Russell

Wm Hane J.P.

J.P. (or, *as the case may be*).

* Here insert place where service was made.

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

1,000/4/20

IN THE COUNTY COURT OF NANAIMO

HOLDEN AT CUMBERLAND

27/1922

BETWEEN:-

THE ROYSTON LUMBER CO', LIMITED, Plaintiffs

and

ROBERT WADDELL Defendant

REGISTRY COLUMBIA BRITISH CUMBERLAND APR 6 1922

P L A I N T

1. The Plaintiffs are an incorporated company and carry on business at Royston in Nelson District in the County of Nanaimo and Province of British Columbia.

2. The Defendant is a farmer and resides and carries on business in said Nelson District.

3. The Plaintiffs' claim against the defendant is for the sum of $276.50 being the price of certain lumber sold and delivered by the Plaintiffs to the defendant in the judicial County of Nanaimo, at the request of the defendant.

1921 PARTICULARS

Mch. 8	To lumber	33.60
12	Ditto	31.91
14	Ditto	17.44
"	"	40.81
23	"	31.49
29	"	90.06
Apl. ~~xxx~~.		
4	"	13.84
7	"	4.49
7	"	12.86
	$	$276.50



WHEREFORE the Plaintiffs claim the said sum of $276.50 and the costs of this action.

DATED this 6th day of April 1922.

H. P. Harrison

whose address for service and place of business is at his law office in the Willard Block, Third, Street, Cumberland B.C.

Pd Ca. $1.00 $5

[SEAL.]

Summons.

No. of Plaint, 27/1922

In the County Court of NANAIMO

holden at CUMBERLAND

Between THE ROYSTON LUMBER CO.,LIMITED Plaintiff, S

and ROBERT WADDELL 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 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	276	50
Fee for plaint	1	
Solicitor's costs	5	
Service	4	
Total	286	50

Sealed by the Registrar with the Seal of the above County Court this 6th day of April 1922 A.D 192 .

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.

No. of Plaint,

In the County Court of * Nanaimo holden at Cumberland

*

The Royston Lumber Co Ltd *versus* Robert Waddell

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

1.

Dated this day of 192 .

.....

Defendant.

(Address for service is.....)

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

20,000-10-20

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.

27
1922

THE ROYSTON LUMBER CO., LTD Plaintiff.

vs.

ROBERT WADDELL Defendant.

Summons.

RETURN

"A"

The Royston Lumber Co Ltd *versus* Robert Waddell

This paper marked "A" is the paper referred to in the annexed affidavit of John Russell

Tobacco Hanes
J.P.

IN THE COUNTY COURT OF NANAIMO
HOLDEN AT CUMBERLAND No. 27/1922

BETWEEN:-

THE ROYSTON LUMBER CO ,LIMITED
PLAINTIFFS

AND

ROBERT WADDELL
DEFENDANT

1922 PLAINTIFF'S COSTS

Apl.6	Instructions to sue for $276.50	2.00	
	Drawing Plaint and copies	2.50	
	Attending to issue and paid	.75	1.00
	Drawing Affidavit of Service	.75	
	Letter enclosing to Constable Russell for service.	.50	
	Paid his service fees & mileage		4.00
	Attg.on receipt of Summons as served on the 11th April.		
	Letter acknowledging	.50	
20	Attg.search if Defence entered	.50	
	Drawing Bill of Csosts	.50	
	Attending to file and paid	.50	.10
	Attending to tax and paid	.75	.50
	Drawing Praecipe for judgment	.50	
	Attending to enter judgment and paid	.50	1.00
	Paid for Praecipe		.20
		10 .25	6.80
		6.80	
	Total---------- $	17 .05	

Filed and presented for taxation Apl.20 1922 by P.P.Harrison Esq., Plaintiff's Solicitor.

TAXED OFF $ - —

TAXED AND ALLOWED at $ 17.05 on this 20th day of April 1922

John Baird
Registrar.

PRAECIPE

ENTER JUDGMENT on behalf of the Plaintiffs herein against the defendant herein for the sum of $276.50 claimed in this action plus the amount of the costs as above and herein taxed and allowed.

Dated April 20 1922

P.P. Harrison
Plaintiff's Solicitor.

COUNTY COURT OF NANAIMO
CUMBERLAND REGISTRY

27
1922

ROYSTON LUMBER CO., LIMITED

Versus

ROBERT WADDELL

BILL OF COSTS

CUMBERLAND BRITISH COLUMBIA APR 20 1922 REGISTRY

Form No. 64a.

[SEAL.]

Judgment by Default for Plaintiff—Liquidated Demand.

No. of Plaint, 27/1922

In the County Court of NANAIMO

holden at Cumberland,

Between The Royston Lumber Co., Limited, Plaintiff,

and Robert Waddell, Defendant.

The 20th, day of April, , 19 22.

The Defendant not having entered a dispute note, it is this day adjudged that the Plaintiff recover against the Defendant $ 276.50 , and $ 17.05 costs.

amounting together to the sum of $ 293.55

BRITISH COLUMBIA LAW STAMP $1 DOLLAR $1

By the Court.

John Baird

Registrar.

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

5,000-7-21—3288

27
1922

Boyston Lumber Co
v.
Robert Waddell
Judgment