

No. of Plaintiff

291



# VANCOUVER ISLAND.

IN THE SUPREME COURT OF CIVIL JUSTICE,

Holden at Victoria.

## SUMMARY SUIT.

Between

*Montrose*

Plaintiff,

and

*W. L. Moses*

Defendant.

Issued by leave of the Court

*W. L. Moses* — You are hereby summoned  
to appear at a *Court* to be holden at  
*Victoria*  
on the *21<sup>st</sup>* day of *May* 18*60*  
at the hour of *Ten* in the forenoon, to answer  
*The Plaintiff*  
to a Claim, the particulars of which are hereunto annexed(\*).

	£	s.	d.
Debt or Claim	36	16	8
Cost of Summons and Service.	1	5	4
Paying in . . . .	-	6	4
Total Amount of Debt and Costs . . . .	£38	6	4

Dated the

*Eight*

day of

*May*

18 *60*

*Henry Wootton*  
for

Registrar of the Court.

(\*) Where the amount of the claim does not exceed forty shillings, after "claim," strike out the words "the particulars of which are hereunto annexed," and state shortly the substance of the claim.

NOTICE.—If you are desirous of confessing the Plaintiff's claim, you must deliver your confession to the Registrar of the Court five clear days before the day of appearing to this summons; but you may enter your confession at any time before the day of appearing, subject to the payment of further costs.

If you and the Plaintiff can agree as to the amount due and the mode of payment, judgment may at any time before the Court day be entered by the Registrar of the Court. In which case you and the plaintiff must attend at the Registrar's office for that purpose, and no attendance by either of you will be necessary at the Court.

If you admit the whole or any part of the Plaintiff's demand, by paying into the office of the Registrar of the Court at the amount so admitted, together with the costs, proportionate to the amount you pay in, five clear days before the day of appearance, you will avoid any further costs, unless in case of part payment, the Plaintiff, at the hearing, shall prove a demand against you exceeding the sum so paid into Court.

If you intend to rely on as a defence, a set-off, infancy, coverture, or a statute of limitations, you must give notice thereof to the Registrar of the Court five clear days before the day of hearing, and your notice must contain the particulars required by the rules of the Court. You must also, in any of the above cases, then deliver to the Registrar as many copies, as there are opposite parties, of the notice and particulars, and an additional one for the use of the Court. If your defence be a set-off, you must, within the same time, also deliver to the Registrar a statement of the particulars thereof. If your defence be a tender, you must pay into Court, before or at the hearing of the cause, the amount you allege to have been tendered.

Notice of defence cannot be received unless the fees for entering and transmitting the same be paid at the time the notices are given.

If the debt or claim exceed five pounds, you may have the cause tried by a jury, on giving notice thereof in writing at the said office of the Registrar, two clear days at least before the day of trial, and on payment of the fees for summoning, and payable to such jury.

Summonses for witnesses and the production of documents may be obtained at the Office of the Registrar.

Hours of attendance at the Office of the Registrar from Ten till Four.

A Copy of this writ served  
personally upon the  
defendant by leaving  
the same at his Shop  
on the 8<sup>th</sup> day of July  
A.D. 1860  
W. Fulwood  
deputy Clerk



NOTICE.—If you are desirous of confessing the Plaintiff's claim, you must deliver your confession to the Registrar of the Court five clear days before the day of appearing to this summons; but you may enter your confession at any time before the day of appearing, subject to the payment of further costs.

If you and the Plaintiff can agree as to the amount due and the mode of payment, judgment may at any time before the Court day be entered by the Registrar of the Court. In which case you and the plaintiff must attend at the Registrar's office for that purpose, and no attendance by either of you will be necessary at the Court.

If you admit the whole or any part of the Plaintiff's demand, by paying into the office of the Registrar of the Court at the Court House the amount so admitted, together with the costs, proportionate to the amount you pay in, five clear days before the day of appearance, you will avoid any further costs, unless in case of part payment, the Plaintiff, at the hearing, shall prove a demand against you exceeding the sum so paid into Court.

If you intend to rely on as a defence, a set-off, infancy, coverture, or a statute of limitations, you must give notice thereof to the Registrar of the Court five clear days before the day of hearing, and your notice must contain the particulars required by the rules of the Court. You must also, in any of the above cases, then deliver to the Registrar as many copies, as there are opposite parties, of the notice and particulars, and an additional one for the use of the Court. If your defence be a set-off, you must, within the same time, also deliver to the Registrar a statement of the particulars thereof. If your defence be a tender, you must pay into Court, before or at the hearing of the cause, the amount you allege to have been tendered.

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Witness April 18<sup>th</sup> 1860

W<sup>m</sup>. Wellington D. Moses

To John Peter Montrose

For labour & materials and in erecting a building  
on Yates Street which was commenced in  
July 1858.

To Balance due since August 1859 \$ 230.00

Interest on the above amount

according to a note given at that

time at Two per cent per month 36.80

266.80

Received of the above at sundry times 90.00

Balance due \$176.80

or £ 36. 16. 8