

In the Supreme Court of Civil Justice
v. J.
Between
William Fulcrwell
Plaintiff
and
Mark Coles
Defendant

J. James Young of the City of Victoria
Vancouver Island. make

1st That I did on the first day
of January Instant personally
serve the above named defendant
with a true copy of a writ of summons
which appeared to me to have been
regularly issued out of this Honorable
Court at the suit of the above named
Plaintiff against the above named
defendant, and dated the thirtieth day
of December last past, to which said
writ and copy a memorandum was
subscribed, and on which said writ and
copy due endorsements were made pur-
suant to the Statute,

2nd That I did afterwards upon the
same day endorse upon the said writ
the day of the week and month of
such service pursuant to the Statute.

3^d That a true copy of the said
writ with the said memorandum
and endorsements is hereto annexed
Marked A

Sworn before me at Victoria
the nineteenth day of January
A.D. 1864 -
W. H. P. H. E. E.

James Young

LB

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, and the Colonies thereunto belonging, Queen, Defender of the Faith.

TO Mark Joles of North Saanich V.I.

GREETING :

We warn you, that unless within twelve days after the service of this writ on you, inclusive of the day of such service, you obtain leave from the Chief Justice of Vancouver Island and its Dependencies, to appear, and do within that time appear in our Supreme Court of Civil Justice, in an action at the suit of William Fulverwell, the said William Fulverwell may proceed to judgment and execution.

WITNESS David Cameron Esquire, Chief Justice of the Supreme Court of Civil Justice Vancouver Island at Victoria this Thirtieth day of December A. D. 1863

N. B. This Writ is to be served within six calendar months from the date hereof, or if renewed, from the date of such renewal, inclusive of the day of such date, and not afterwards.

This Writ was issued by MONTAGUE WILLIAM TYRWHITT DRAKE, of 63 Government street, Victoria, Attorney for the Plaintiff.

The Plaintiff claim \$ 207.76 and interest principal due to him as payee on a promissory note, of which the following is a copy :

North Saanich 1 Oct 1863

Noted & recorded for the Court 30 Dec 1863

Sixty days after date I promise to pay to Christian Behner or order at the office of Sporborg & Rueff Victoria V.I. the sum of one hundred and ninety six dollars at the rate of two per cent interest per month for value received Mark Joles

And also the sum of \$17.50 for costs, and \$5.00 for noting. And if the amount thereof be paid to the Plaintiff or his Attorney, within four days from the service hereof, further proceedings will be stayed.

NOTICE.

Take notice that if the Defendant do not obtain leave from the Chief Justice of Vancouver Island and its dependencies at Victoria, within twelve days after having been served with this writ, inclusive of the day of such service, to appear thereto, and do within such time cause an appearance to be entered for him in the Court out of which the Writ issues, the Plaintiff will be at liberty to sign final judgment for any sum not exceeding the sum above claimed, and the sum of \$ 50 for costs, and issue execution for the same.

Leave to appear may be obtained on an application at the Chief Justices Chambers at Victoria supported by affidavits showing that there is a defence to the action on the merits, or that it is reasonable that the Defendant should be allowed to appear in the action.

Supreme Court

Luttrell
vs
Coles

Writ of Habeas
under Bill of Exclusion
Act —

A Copy of this Writ
was served personally
on Mark Coles on Friday
January 1st 1864 by me
(ed) James Young

This is to the copy Writ
mailed A. referred to
in the annexed affidavit
of James Young sworn
before me this 1st
day of January 1864,

Supreme Court

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Culverwell

vs

Cole

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Aff-of-service & Copy
Writ -

filed

19th January 1864

P Woods
Clerk

Wm. G. Drake,
Solicitor at Law