

570

902

Mr. 16 Oct 1869

Attorney General's Office

13 October 1869

See First Warrant signed
2nd Warrant signed 20 Oct

Warrant No. 1

I have the honor to
 enclose draft of a Warrant
 under the extradition
 Treaty of 1842 with
 the United States, which
 I believe is still in
 force - from His
 Excellency the Governor
 to W. H. P. Pemberton
 and all other Justices
 and all peace officers
 for the apprehension
 The Honble
 Colonial Secretary

FILE 70A	ATTORNEY GENERAL (U.C.) 1869 OCTOBER TO DECEMBER	COLONIAL CORRESPONDENCE	PABC
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of one C. M. Spaulding
an American subject
for an attempt to
murder.

Upon this
Mr. Pemberton will
treat him just
as any ordinary
criminal charged with
a similar crime in
the Colony, and if
there be a *prima facie*
case against him
under the depositions
and any oral evidence
he will commit him
for trial - and

Warrant No. 2.

upon his giving the
Governor a proper
Certificate in writing
of the Committal ~~Part~~^{Part}
His Excellency will
issue the Warrant ~~no~~^{no}
here with enclosed to
the keeper of the Gaol
to deliver the prisoner
over to the United
States authority.

I have the honor to be
Yours obedient
servant,

Henry P. Halliday
Attorney General

931

See Mr. 20 Oct 1869

Put away 20th Oct 1869

Notice of the

Public Office Victoria
4th October 1869

Sir, I beg herewith to forward a certificate of conviction of Charles G. Spalding for attempt to murder under the Sixth and Seventh Vict. C. 76, also the Repression and Depositions in the said matter. I am, Sir, your most obedient humble servant

M. H. Lamberton
S. H.

Sub
Colonial Secretary
re re re

FILE 70A ATTORNEY GENERAL (U.C.) COLONIAL PABC
1869 OCTOBER TO DECEMBER CORRESPONDENCE

Colony of British Columbia }
and its Dependencies to wit } 3

Received
Oct 20

I Augustus Frederick Pemberton
Magistrate and Justice of the
Peace in and for the Colony of British
Columbia and its Dependencies DO hereby
Certify that under and by virtue of a
Warrant bearing date the sixteenth day of
October A.D. 1869 under the hand and seal
of His Excellency Anthony Musgrave
Governor of the said Colony of British
Columbia and its Dependencies one
Charles M Spaulding has been brought
before me charged with the crime of assault
with intent to commit murder within the
jurisdiction of the United States of America
and the said charge having been heard
by me the said Charles M Spaulding
has been committed to the Common Gaol
at Victoria in the Colony aforesaid there
to remain until delivered pursuant to
a requisition of His Excellency the
Governor of Washington Territory United
States of America in the said Warrant
mentioned Given under my hand
this nineteenth day of October A.D. 1869
at Victoria in the Colony aforesaid.

A. F. Pemberton
J. J.

FILE 70A ATTORNEY GENERAL (U.C.)
1869 OCTOBER TO DECEMBER

COLONIAL PABC
CORRESPONDENCE

Crane

Atty. General

F70
14

919
Attorney General's
Office 15 Oct 1869.

Put away
Oct. 28 1869
p. 14

Sir: I have the honor
to call your attention
to a report in the
Newspaper that the
Commission is about
to leave for the
Sandwich Islands.

By the same
Mr. North
Colonial Secretary

authority, I hear
that one of the
seamens on board
is a most important
witness in a case
of assault with
intent to murder
against Mr. Lamb
of Park Hotel.

No copies of
depositions have
reached me -

but I believe the
report is true.
In that case I
take leave to
request that His
Excellency will be
pleased to make
a requisition on
the Senior Naval
Officer - to detain
the Marine in
question until the
Case is tried.

I have written to
the Magistrate to
send the name
and particulars
to the Colonial
Secretary. I have
the honor to be
sir

Your obed^t. serv^t.

Aug. P. Pollard Esq^r

I think it would be a mistake to inform His
Majesty that the land is not improved, as
the land is not improved, as the land is not improved
he has not seen the land, as the land is not improved
no improvement has appeared, as the land is not improved
the land is not improved, as the land is not improved
I have not seen the land, as the land is not improved

Case

Col. Secy,
I request the Attorney
General that in no person has been
named for a Messenger for his Office, I am not desirous
more to send it to the Secretary in the future.

Atty-General

F70
15

Attorney General's Office

26th October 1869

The Messenger of
some other Dept, in the
land and works, may
under some circumstances
be to oblige Office,
I have not had me since
29th Oct 1869

Sir,
I have the honor to apply
for a messenger for this
Office - The old one that
I had at New Westminster,
(Holland) is dead and
merely employing occasional
assistance - without written
authority. The cold weather is

The Honorable
Colonial Secretary

approaching and fires
necessary -

I shall also have many
communications to make
to His Excellency and the
Department during the coming
Session - I submit the present
as an opportune time for
supplying this need of the
Department.

I have the honor to be

Sir

Your most obedient servant.

Henry P. Pellissier

The Hon
Att. Gen.

445

C. S. O.

Oct. 30th 1869

Sir,
Your letter of the 26th instant
making application for a messenger
for your office has been laid before
the Governor -

In reply I am directed to acquaint
you that as no provision has hitherto
been made for a messenger for your
office, H.E. is not disposed now to
add it to the estimate, in the present
condition of the finances -

The messenger belonging to the Depart-
ment of the Post Com. H.M. will be
instructed to do ~~as~~ whatever
maybe necessary in the way of lighting
fires, & sweeping out the office -

I have

P. H.

Order
5

Atty-General

F70
16

I have signed that I
may be furnished with additional
copies of the papers

Attorney General's Office
26th October 1869

Sir,
Merchant Shipping (Colonial)

The Earl of Granville
To The Governor

I have the honor to ask that
this Office may be furnished
with copies of the two Memoranda
and papers annexed to the
second Memorandum, duplicates
of which are offered to His Excellency
in the Circular Dispatch
from Earl Granville of the

The Honble
Colonial Secretary

FILE 70A

ATTORNEY GENERAL (U.C.)
1869 OCTOBER TO DECEMBER

COLONIAL
CORRESPONDENCE

PABC

29th August 1869: for
reference.

I have the honor to be
Sir
Your most obedient servant
Henry J. Pellissier

Hon.
General

[Handwritten signature]

C.S.O.
2 Nov 69

Sir

In reply to your letter of the 26th October
asking to be supplied with copies of the
two Memoranda alluded to in your
Grammer despatch of the 24th ~~1869~~ 69
on Colonial Merchandise. I am
decidedly, Sir, to accede to
your request that he will apply for
additional copies of the documents.
In service

597 000
128 500
469

FILE 70A

ATTORNEY GENERAL (U.C.)
1869 OCTOBER TO DECEMBER

COLONIAL
CORRESPONDENCE

PABC

Circular

Proclamation signed
and returned.
At the end of the month
returned.

Atty.-General

F70
17

Mr. [unclear] Attorney General's Office.
28th October 1869.

Corrected
Proclamation 1869
and Draft.

Circular Dispatch
24 August 1869
Two Memoranda
Merchant Shipping
(Colonial) Act 1869.

I have the honor to enclose
"The Corrected Proclamation 1869"
ready for the Public Seal and
His Excellency's Signature.

I return herewith Circular
Dispatch from Earl Greyville of
the 24th August 1869. together
with two Memoranda: And
The Merchant Shipping (Colonial)
Act 1869.

I have the honor to be
In
your most obedient servant
New J. P. [unclear]

The Honble
Colonial Secretary

Dear Sir,
 Recd. of the decision of the Atty-General
 to the Secretary of State upon the question of the
 Attorney General's fees, I do not think myself at
 liberty to depart from the conventional scale applicable
 to the present case.

ATTY-GENERAL
 F70
 18
 11 Nov 1869

Herewith I have the
 honor to enclose my
 Requisition in fees on
 Prosecutions at the late
 Assizes at New Westminster

They are set down
 at the old rates, pending
 the definite settlement
 of the general position
 of amounts -

Concurrently herewith
 I have the honor to transmit
 The Honorble Colonial Secretary

a brief report of the
noteworthy features of
the Spring.

I have the honor to be
Sir

Your Medical
Servant,
Henry S. Pelletier

R. S. O.

Nov. 29th 1869

Mr. P. C. Moore

Sir,

Your letter of 9th inst enclosing
your requisitions for fees on
Prosecutions at the late a/s/ps
at N.W. has been laid before the
Governor.

I regret I am directed to
inform you that pending the
decision of the Secretary of State upon
the question of the attorney general's
fees, A.E. does not think himself
at liberty to depart from the
Provisional Scale approved by
his Predecessor.

I have the honor

to be, Sir, your obedient servant

P. C. Moore

Atty.-General

F70
19

Seen
AM
7th Dec/69

Attorney-General's Office

11th November 1869

Sir,

I have the honor to
report, for the information of
His Excellency, the ^{Gov} Governor,
for the Fall Assize at New
Westminster (including a case
from Kootenay) has been an
unusually heavy one.

Indian Charly the
Murderer of Alfred C. (commonly
called "Mountaineer") Perry.

The Honble
Colonial Secretary

FILE 70A

ATTORNEY GENERAL (U.C.)
1869 OCTOBER TO DECEMBER

COLONIAL
CORRESPONDENCE

PABC

an old farmer, well known
through the Colony as a
hardy honest prospector - was
convicted and sentenced to death.

After the murder of
an old settler named Murphy,
almost within sight of North Westminster,
some 10 years ago; was also
after long and patient investigation
found guilty and sentenced
to death.

Richard Price, one of two
brothers, (mining) for Gold on
White Horse Creek - Kootenay,
who were engaged together
in shooting at Indians

alleviating for Gold on their
claim, was tried for the
slaughter of Indian Audrie.

The Jury, although
strongly urged, would not
even find Richard Price
guilty of manslaughter - After
being locked up all night
they brought in a special
Verdict, which, upon argument
was deemed equivalent to
"Not guilty".

It is my duty to
bring to His Excellency's notice
that from the evidence produced
in Court, the capture and

Conviction of Charley and Peter
is due in the first instance
to the exertions of Mr Tomkins Brew
who at the peril of his own
life, and single handed
followed up and captured
Charley. On account of
his efforts to bring Peter to
justice, Mr Brew's life is now
openly threatened by "Supple
Jack" the Chief of the wild
tribe to which the murderers
belong.

The only other note-
worthy feature of this Assize
was a presentation of the

Grand Jury against a
Constable for ill-treatment
of a Lunatic - An Indictment
upon which the Jury found
in favor of the prisoner.

I have the honor to be

Sir

Your most obedient Servant

Henry P. Hallowell

Mr. Tolson

L 213

F 70
19a

Attorney General's Office
19th November 1869

Craft Lease
Correspondence
and Minutes

Sir, I have the honor to forward you the Craft Lease of two Lots at Quenebush to the Rev^d James McQuicken, for your approval.

I have the honor to be

Sir
Your most obedient Servant
Henry D. Pollock Secy

The Hon.
Chief Commissioner of Lands Works
and Survey General

read. Oth. Line
H. 1070
H. 511
Read Oth. & lower
from Oth. Grant
H. 1070
JRM

FILE 70A

ATTORNEY GENERAL (U.C.)
1869 OCTOBER TO DECEMBER

COLONIAL
CORRESPONDENCE

PABC

This Indent made the
day of 20th 186
Between Joseph William Spetch
Ch: C. H. W. and S. G. acting
on behalf of the Govt of British
Columbia of the first part
and James M. McQuicken
of ^{Williams Lake} ~~Wassacham~~ Roman Catholic
Missionary of the District of
the second part.

Whereas the Govt of
B.C. has agreed to lease
the heredit premises
hereinafter more particularly
described to the said

James M. McQuicken
subject to the Covenants
Conditions and agreements hereinafter
contained.

Now this Indent Witnesseth
that in Compliance of the
Covenants and agreements
hereinafter ^{referred to} contained and
on the part of the said J. M. McQ.
his Ex: acts and ass: to be
paid observed and performed
by the said Joseph William
Spetch acting on behalf
of the Government aforesaid
and so far as the Crown
has power to lease
but ~~not~~ not further otherwise

by these presents doth devise
and unto the said James
McG his ex. ads and as

All these ^{two} pieces or parcels
of land situate lying and
being in the Town of Quana
British Columbia and known
and described in the Official
Map of the said Town or Towns
lots Nos. 16 and 17 Block 3
as the same are more
particularly shown in the
plan hereunto annexed and
thereon Colored red Together
with the appurtenances thereto
belonging To hold the $\frac{1}{2}$
hereditaments and premises
unto the said James McG
his ex. ads and assigns for the

term of ^{years from} To the ^{year after} ~~year after~~ ^{mentioned}
the date hereof ^{yearly}
and paying therefor yearly
and every year the Rent
or sum of \$10. such
rent to be paid without
demand ~~in~~ to the next ^{Low of} ~~Low of~~
at Richfield
by two equal half yearly
payments of \$5 on the
day of ^{and the}
day of ^{in each year}

And the said James McG
for himself his heirs ex. ads
and assigns doth hereby
Consent with the $\frac{1}{2}$ Joseph
William Spetch and his
successors in the Office of

C. C. of L. & W. & S. G.
that he will pay the rent
hereinbefore reserved at
the time and in manner
hereinbefore mentioned
and that free and clear
of all outgoings and
that he or they will not
assign these presents or underlet
these premises hereinbefore
mentioned. Provided always
and these presents are upon
the express Condition that
the said James M. M. G. ^{his heirs}
shall erect on the said
premises during the first
year of the said term a Church
~~for~~ and residence for the

+ 24.

+ ~~with~~ ^{to be approved by the}
Ministry, and that he and
they shall continue to use and
occupy the said premises
hereby demised till the end
of the said term as a Church
and for religious purposes
only and that in default
of such premises being used
and occupied for such purposes
these ^{presents} shall cease to determine
and be of no effect
and the said premises shall
thereupon be forfeited to the use
of Her Majesty her heirs and successors
And it shall be lawful for the
said Joseph William Spratley or his
successors in the Office of C. C. of L. & W.
an S. G. unto and upon the said

demanded premises or any part
thereof in the name of the
whole to be letta and the
same to have again repairs
and enjoy to the use of Her
Majesty her heirs and successors
as in Her or their former Estate
and interest.

In Witness -

I don't dispute the
 justice. But many things are lawful
 which are not equitable. I am glad the
 Atty-General F70
 20
 Hon. Secy. Colonial Office
 Victoria B.C. 10 Dec 1869.

The recent Attorney General
 presented an earlier ~~reception~~ ^{testimony}
 of your communication of the 1st
 instant relative to my claim for
 compensation for considerable loss
 incurred by the compulsory change of
 residence, from New Westminster to
 Victoria, shortly after the Union of
 the Colonies.

Put away
 P.H.
 15 Dec 1869

It is exceedingly unfortunate
 that His Excellency had not been in
 one or other of the Colonies during
 the period of the occurrence, which
 gave rise to the present claim.

I am personally or personally
 of the justice of the claim that
 had that been the case - I am
 convinced The Governor's views
 on the subject would have been

The Honorable
 The Colonial Secretary

FILE 70A ATTORNEY GENERAL (U.C.) COLONIAL PABC
 1869 OCTOBER TO DECEMBER CORRESPONDENCE

very different from those he
now represents.

There are, however, so
hopelessly opposed to a
satisfactory result, that, in
deference to His Excellency's
opinion, I feel that, for
the present, there is no option
left me but to submit.

Without His Excellency's
heartly support, it would be
a mere form to lay the application
before the Legislative Council.
I have the honor to be Sir

Your most obedient servant

Henry A. Pellow Clerk
Attorney General

Hon. Secy
 As this signature
 made out according to the Seal of the
 Provisionally established
 Attorney General's Office
 large fee on behalf of the
 subject of the case connected
 by himself. This requires
 explanation. ^{AM}
 29 Dec 1869
 Referred to the
 att^y general for the
 required explanation.
 He att^y general }
 the circumstances }
 Allowed, under
 the circumstances. ^{AM}
 31 Dec 1869
 Paid to the Hon. Thomas
 Pitt Wood - who paid
 Colonial Secretary

Hon. Atty-General
 F70
 21
 Attorney General's Office
 Victoria 24 Dec 1869

I have the honor to acknowledge
 a Requisition for Attorney
 General's fees in prosecution
 during the late Assize
 at Victoria.
 Your attention
 is called to a charge
 for \$75 in Regⁿ. 26.
 Coursey on the second
 trial for Pursey -
 This amount I
 paid to the Hon. Thomas
 Pitt Wood - who paid
 Colonial Secretary

FILE 70A ATTORNEY GENERAL (U.C.) COLONIAL PABC
 1869 OCTOBER TO DECEMBER CORRESPONDENCE

(as the Court had not been able to accede to my request to adjourn over) carried through effecting that prosecution, which I was compelled to leave the post upon the somewhat prolonged Executive Council - at which Chief Justice DeBrie attended.

This I trust under the circumstances may meet with His Excellency's approval.

With regard to the Prize itself I have the honor to observe that efforts are being made to secure the attendance of our General or 'Butch' - when next the case of The Queen v. Fowler

(for the murder of one Joseph Baker) comes on - as privately requested by the Grand Jury. I hope Mr. Mendenhall will succeed in the attempt, without putting the country to the expense of an extradition requisition.

In the case of R. v. Mershall an Indian sentenced to death for the murder of one Amibald Campbell, the prisoner, I am credibly informed, has acknowledged that he went to Campbell's fully bent on murdering him. That he fired 2 balls in the first shot from his musket, wounding severely in the stomach. Finding that he did not die at once the prisoner reloaded his musket and shot Campbell thro' the brain.

Nichols also confessed to having stolen all the

Wiping property of Mansfield,
among the rest, the sum of
the deceased which the said
prisoner had repeatedly informed
I had thrown into
the sea.

I have the honor to be Sir
Your obedient servant

Henry D. Pellow. please

Attorney General

The usual retaining fee in Govt. prosecutions
to counsel acting for the Attorney General has
been \$100 in each case, with reference to
smaller amount where the Trial Cost: 76
Consultation fees for settling pleadings and
the like. I have given \$75 in one or two
Minor Crown Cases or under particular
circumstances, and therefore gave the same
amount here. As it was for a single
case out of the whole Calendar, taken in my
unavoidable absence, I could not well, in
the interests of the public service, mark the brief
with life.

Henry D. Pellow. please
A.G. - 20 Dec 1869