

Case



Atty-General

F69
11

Attorney General's Office
Victoria 12 Sep 1868

Resurrection
22 Sept 1868

Sir: I have the honor to
enclose a Requisition for my
Fey during the Septembers
Office here, without
prejudice to my claim for
pay under my former Patent.
Respecting which I shall
most have the honor to
address you.

I trust you will
send the amount enclosed.
I have the honor to be Sir,

Your most obedient servant
The Honble Henry Phillip Jones
The Colonial Secretary

FILE 69 ATTORNEY GENERAL (U.C.) COLONIAL PABC
1868 CORRESPONDENCE

J

I do not know what the Crown means
by his fees under his letters patent.
The letters patent issued by or pursuant
to the same form, were fees not
abroad.

The whole of the Crown at the
Office - with the exception of
that same case - which the
prisoner confessed.

Case of a temporary
disruption of the
4. 18. 17. 18. 18. 18.

18. 18. 18. 18.
18. 18. 18. 18.

Has not the bank offered been called
for?

D.

1854

M. N.

Yes, and the signature is
made out under it, with
the exception of the last
item, which amounts to
\$10, instead of \$20.

W. J.

23rd

Superior

D. J. J.

1854

D.

FILE 69

ATTORNEY GENERAL (U.C.)
1868

COLONIAL
CORRESPONDENCE

PABC

Rec 23/9/68

Robertson

F69
12

Attorney General's Office

Victoria
20 September 1868

Sir, I have the honor to
indorse Lease and License
to Cut Timber on Land at
Chemain Vancouver Island
to M. W. P. Hayward.

Lease and
License

Also, Lease of Land at
the Town Site or Reserve at
Queenelle North to M. H. New

Lease

I have the honor to be

Sir

Your most obedient servant

Henry P. Bellwheare
Attorney General
per Henry Mason

The Honble
Chief Commissioner of
Lands and Works
and Surveyor General

FILE 69 ATTORNEY GENERAL (U.C.)
1868

COLONIAL
CORRESPONDENCE PABC

Walshe v. Toomey

I do not think the prayer
of the application can be granted.
The Applicant or his
representative should have
applied to the Court during
the two days that Mr. Chief Justice
Needham remained, after the
Verdict in the Walshe v. Toomey
Case at Quessnellmouth, to have
his Costs taxed, when he
would have got an order,
or at any time after while
Mr. Needham held the Commission.

Certainly nearly a
year should not have been
allowed to elapse before the
taxation was applied for.

The Judge's Commission
is always read, as Mr. Needham
no doubt was, in Court at
the Commencement of the Assize.

Any objections should
have been taken then.

No objection can be
taken to the jurisdiction by
either party in a suit after
judgment rendered as in this case.

The plea to the Jurisdiction is essentially a Plea which can only be pleaded before Verdict rendered. which was not done in this case.

No such thing, that I am aware of, is known as the present Application.

It would form a dangerous precedent.

It might lead to an attempt to open up the whole Grouse Creek Embroglio, a result than which nothing could be more detrimental to the best interests of the Country, now that things are quiet.

No question appears on the papers submitted to have been raised as to the Governor's power to create Judges. therefore nothing need be said on that head, but it nevertheless underlies the question.

The power as herein exercised I know has been questioned, and by the Judge of the Supreme Court of the Mainland.

His decision could not settle in the least any

such doubt, if such be raised but it might have a most dangerous influence in unsettling the Confidence of the people in the Administration of Justice and the good Government of the Colony. His Excellency is therefore distinctly advised to refuse to give a copy of the Commission on the following grounds.

1. The Parties of the Defendant's Verdict are a bar to the Application.
2. That any Plea to the Jurisdiction should have been made before Verdict rendered.
3. That the Application is irregular.

The Commission having been I suppose, read in open Court; at all events the Jurisdiction duly assented to.

H. Perry P. Attorney Genl.
A. G. O. 28 Sept 1868

Asst



Atty-General

F69

Attorney General Office
8th October 1868

Sir

I have the honor to acknowledge the receipt of Requisition N^o 3, from which the sum of ten dollars has been cut off because there appeared to have been a charge for drawing and serving Notices to produce the documents necessary to establish the prosecution.

Although the deduction itself is of a

The Hon:
Colonial Secretary

small amount, and
may not appear
worthy on that account
of remark, I think
it right to call your
attention to the fact
that the charge is not
for drawing and sewing
the Documents - though
several such charges appear
among the records of
the Office to have been
made and paid - but
for the preparation of all

the case for Trial.

It is an instance
of the injustice, however
unintentional, with
which such a scale would
work.

I, my Clerk, and
another person were engaged
the greater part of a
day and a half in
collecting and arranging
evidence and in getting
up all the cases upon the
law points likely to arise
in a most complicated and
difficult matter against Counsel

on the other side, exactly the
same as if it were certain
of being tried before a Jury.

The principle of pay-
ment according to the success
of a case is one regarded with
special disfavor by positive
Statute Law.

As to the general subject of
a fixed Tariff I refrain for the
present from adverting as that is
still under consideration.

I have the honor to be Sir
Your most obedient servant
Henry P. Fellow. Please

The Resolution being referred to was
submitted to your Excellency and
was opposed according to the vote
and laid down.
I don't think that
the expense in money,
and I don't see
it right

Respectfully
14 Oct



Forwarded for Mr. Spelling's consideration
with reference to my report hereto in by of
in connection with a similar representation
from Mr. Nelson. It is very necessary
that these things should be taken care of
repaired or rebuilt before the winter
sets in.

Very respectfully,
J. H. M. 1868

Let. see.
This work had better be taken in hand at
once, and completed without delay W.
The Chief Clerk Lamb & M. H.

342 F69
26 Oct 1868
The Chief Clerk & M. H.
I beg again to
call your attention
to the necessity for
the immediate repair
of the roof & ceiling
of these offices.
The rain pours
in & the plaster
hangs to the roof

by frail a
tenure in consequence,
that there is
hourly danger of
its falling in
a heavy mass
on the heads of
myself & clerk
I am Sir,
Yours &c
H. P. Patten

FILE 69

ATTORNEY GENERAL (U.C.)
1868

COLONIAL
CORRESPONDENCE

PABC

Log 12/12/88

F69
15

Attorney General's Office
3rd December 1868

Sir,
I have the honor to
enclose copy correspondence
with the Stipendiary Magistrate
New Westminster notifying the
completion and execution of
the Naval Reserve (Timber
Cutting) License, according
to your instructions and
minutes and
His Excellency's minute, by the
Assistant Commissioner of
Lands New Westminster on
the part of the Government,

The Hon.
Chief Commissioner of
Lands and Works.

FILE 69 ATTORNEY GENERAL (U.C.)
1868

COLONIAL PABC
CORRESPONDENCE

and Mr J. Rogers: so that
my Telegram to stay the
execution has miscarried;
and it is too late to meet
the demand of my
favor of Capt. Stamp thro'
the Naval Reserve, suggested
by you to me verbally
yesterday.

I have the honor to be

Sir

Your most obedient Servant.

Henry J. Fellow. please
H.

Forwarded for the Secretary's information and instruction
I fully expected that the draft of this letter
would have been handed some by the
Attorney General to be forwarded by me
to Mr. Bell with a request that he
would quote it as an agent of this
Department. In doing the
usual course in such
matters. As for the right
to say to Captain Stuyvesant
only the received by
formally saying only
the Naval Receiver
the Naval Receiver
and not including
it as a public
highway
Published
1868-1868

File 7

1868
Attorney General
Sellers Bureau
Transmitted for information
of Mr. Bell and Mr. Bell
of the
5 Dec 28
11 Dec 28

FILE 69

ATTORNEY GENERAL (U.C.)
1868

COLONIAL
CORRESPONDENCE

PABC

Copy 1

Attorney General's Office
26th Nov 1868

Sir
In accordance with a minute
of His Excellency transmitted to me
this. The Chief Commissioner of the
Islands prepared the accompanying
Deed as nearly as may be in the
words of a license for cutting timber
in the Naval Reserve high at Bay
Burrard Inlet which was being
negotiated some time ago between
the Government and Mr. Armand Rogie
and request that you will yourself
execute it, and procure its execution
by Mr. Rogie at your early convenience.

Should Mr. Rogie desire a fine
instead of three years term there will
be no objection to the alteration being
made accordingly but he originally
sought the privilege for 5 years of which
he has for all practical purposes enjoyed
the use for two years already.

The Islands will be filled up
according to the date of execution.

I have the honor to be

Sir

Yours obedient servant

Am. H. Ball
Capt. Comd. Islands
New West

(Signed) Henry P. Helleu-Cress

L. J. P.
New West.
Nov 30th 1868

Sir, I have the honor to inform
you that in conjunction
with Mr Jeremiah Rogers I
have executed the Lease of
the Naval Reserve at Bismarck
Islet for a period of Two years
at the desire of Mr Rogers, and
according to the privilege
of extension as allowed by
your letter dated 26th Novr
1868.

I have the honor to be

Sir
Your obt. Servt.
H. M. Ball
A. C. G. W.

The Hon.
Att. Gen.
Victoria



Atty-General F. 69

Attorney General
Victoria. 4 Dec 1868

\$ 270⁰⁰

Sir: 1. I have the honor to
enclose my Request for the
Prosecution fees in the
various Criminal cases
tried at the Gale aforesaid.

2. I beg to observe
that in the two Judgments
against Stantier, as the Jury
refused to examine the
principal witnesses, the
Court upon motion and
argument, ordered the
Case to be brought forward
again at the next Spring
Assizes at Yale, and
the numerous witnesses
appearing on the two
sides to be bound over
to appear accordingly.

3. The Foreman presiding
on the River caused considerable
detention.

4. Nothing else occurred
calling for remark. I have the
honor to be Sir your Obedient

Colonial Secretary
Henry S. Pollock Esq

This document found by the
search of the papers of the
Hon. Wm. M. Smith, and is
supposed to be the original
of the letter which was
sent to the Hon. Wm. M. Smith,
and is now in the possession
of the Hon. Wm. M. Smith.
Note. D.
S. M. B.
C. M. B.

25

Atty-General

Attorney General's Office
Victoria 5 Dec 1868

Sir: I have the honor to
acknowledge a Requisition for
the principal actual
expenses incurred by me
in removing from New
Westminster to the present
seat of Government (Victoria)
and have the honor to be

your most obedient
servant
Chas. P. M. Pearce
The Colonial Secretary



FILE 69 ATTORNEY GENERAL (U.C.) COLONIAL PABC
1868 CORRESPONDENCE

Over



Atty-General

F 69

Atty-General
Victoria
December 5. 1868

Sir

\$155⁰⁰

I have the honor to enclose
a requisition for my prosecution
fee of \$155⁰⁰ with the form
and tried at New Westminster
April in November ultimo
for your approval.

I have the honor to be,
Your obedient servant,
Wm. D. Halliday

The Honble. The Colonial Secretary

FILE 69

ATTORNEY GENERAL (U.C.)
1868

COLONIAL
CORRESPONDENCE

PABC

Kind request for leave in 1868

R.

(M. J. S. D. S. B.)

Wm. W. Attorney General
only in case of absence?

LIGHT ORIGINAL

FILE 69

ATTORNEY GENERAL (U.C.)
1868

COLONIAL
CORRESPONDENCE

PABC