

In the Supreme Court of Vancouver Island British
Columbia.

Spring Assizes AD 1868

Regina on the one side versus Shil-ha-huni a Comekan
Indian.

Charge of Wilful Murder.

I Robert Bishop of Victoria Vancouver Island
Attorney at Law make out and say as follows

- 1 In the Month of February last I received instructions
from some of the Illicians or friends of the above
named Shil-ha-huni to defend him on a charge of
Wilful Murder on which charge he had been
committed to Victoria Gaol pending his Trial and
where he was then detained on such charge.
- 2 That on enquiry at the Gaol at Victoria I found that
the prisoner had been so committed under the Warrant
of Warner R Spalding Esquire the Stipendiary Magistrate
at Nanaimo, on the Thirteenth of January last.
- 3 On the Tenth of February last I wrote to Mr Spalding
for a Copy of the Depositions taken against the prisoner
to enable me to prepare my Brief and give the
necessary instructions to Counsel for the defence of the
Prisoner on his forthcoming Trial at the Spring Assizes
at Victoria, to which Letter I received a prompt
Reply from Mr Spalding stating that the depositions
had been forwarded to the Attorney General at
New Westminster and he presumed they would be
sent to Victoria in due course
- 4 During the past week I have made frequent
and constant enquiries both at the Supreme Court
and also at the Police Office up to so late as the
Closing of the Supreme Court on Saturday last and

also of the Clerk at the Police Court up to the
hour of one o'clock yesterday, to ascertain if the
depositions had been received from New Westminster
when in answer to such enquiries I found and was
told they had not arrived.

I was informed by Mr. Stewart (the Constable 5
of Nanaimo) on Saturday last, that at the time of
his bringing the prisoner down from Nanaimo
to the Gaol on his commitment in January last he
posted a letter containing the depositions in this case
at Victoria addressed to the Attorney General at
New Westminster, the said Mr Stewart also told
me on Saturday last that he had now brought
down the witnesses against the prisoner for his
Trial and that he should if possible get the
prisoner tried tomorrow (to day the 23rd instant)
so as to enable him and his witnesses to return by
the Steamer Douglas on Tuesday.

That in consequence of my not being able to 6
obtain a copy of the said depositions I have not been
able to prepare my Brief and instruct Counsel for
the defence of the prisoner which defence is more
than ordinarily difficult in consequence of the
prisoner being a Cowichan Indian and being imperfectly
acquainted with the English language, and it is necessary
previously to his Trial to have interpreted and
explained to him the nature of the evidence against
him in the depositions so as to ascertain what
answers he can make thereto - I therefore say that
I verily believe that the prisoner would be greatly
impaired if put on his trial today and his
defence cannot be fairly made or offered until time
has been afforded to obtain a copy of the depositions
from in (cont this 23rd day }
of March A.D. 1868 - Proper one }
Richard Woods Solicitor

Robert Bridg

Richard Woods Solicitor

In the Supreme Court
Victoria V.I.

Criminal Side

No 7

Regina vs
versus
Shil-ha-hin.

Murder.

Affidavit to postpone
Trial for Copy of Depositions.

Trial postponed
A. Tuesday 24th March
1868 on Application of
Attorney for Copy of Depositions

Robert Sidrop
Attorney for Prisoners
Victoria.