

In the Supreme Court of Civil Justice for the  
Colony of Vancouver Island

The Bankruptcy Act 1862  
The Bankrupt Law Consolidation Act 1849

In the matter of Amor De Cosmos, William  
Lang Mitchell and William Saunders  
Lebright Green.

We William Lang Mitchell of Langley  
Street Victoria Vancouver Island Publisher and  
William Saunders Lebright Green of ~~as~~  
Government Street Victoria aforesaid Attorney  
at Law make oath and say as follows

And first this deponent William Lang  
Mitchell for myself say

1. That in the month of October One thousand  
eight hundred and sixty three I entered into  
copartnership with Walsford Arbouin Harries,  
David — Mackenzie, William Coughton  
and John B — Laurie as Printers and  
Publishers under the styles and names of "The  
British Colonist Publishing Company" and  
"Harries and Company"
2. That in or about the month of August One  
thousand eight hundred and sixty five I entered  
into an Agreement with William Saunders  
Lebright Green for publishing and carrying  
on a certain Evening paper then known as the

Witness  
my hand

Vancouver Times

3 That the Copartnership of Harries and Company and the British Colonist Publishing Company continued until on or about the Twenty sixth day of June One thousand eight hundred and sixty six when I this deponent and the said David Mackenzie, William E. Crighton and John B. Lewis assigned our interest in the said Publishing Company to the said Walford Arbouin Harries

14. That within the dates mentioned in the particulars of the demand made by Amos De Cosmos against <sup>me</sup> this deponent and William Saunders Sebright Green that is to say between the twenty ninth day of October One thousand eight hundred and sixty five and the fourth day of May One thousand eight hundred and sixty six, previous to that time that is to say from the eighth of August One thousand eight hundred and sixty five the said firm of Harries and Company with the consent of this deponent regularly used a portion of the type of the Evening Paper as the same was set up in Columns and paragraphs by transferring such type set up in Columns and paragraphs and printed matter into the British Colonist Newspaper

5. That I was at liberty by arrangement with the said firm of Harries and Company to transfer printed matter from the Columns of the said British Colonist Paper to the Columns of the

Evening paper and I did so occasionally, but during the time that such use or exchange of printed matter was going on I did not use nearly so much of the Printed matter of the said British Colonist paper as was used by the said Harris and Company of the Evening paper

6. That I have been informed by one of the partners of Harris and Company and believe that the value of the said exchange of matter to have been from ten dollars to twenty dollars a week to the said firm of Harris and Company.

7. That no account has yet been taken of the said exchanges and I am unable to ascertain the value of the said Exchanges without reference to the Books and Papers of the said firm of Harris and Company

8. That I verily believe that if an account be taken of the said exchanges and the value of the same be set off against the claim of the said Amor De bosmos against this deponent and the said William Saunders Tebright Green the said claims would be extinguished thereby or nearly so

9. That I am ready and willing to have such account taken

And this other deponent William Saunders Tebright Green for myself say

1. That in the month of August One thousand eight hundred and sixty five the other deponent William Lang Mitchell proposed to me to take the management of the Evening paper which then was supposed to belong to me. I knew that the said William Lang Mitchell was one of the partners in the firm of Harries and Company and I therefore asked him whether he would leave the Colonist and cease to be a partner, he told me that ostensibly he should but in reality he would remain a partner in Harries and Company - After this conversation I entered into arrangements under which the said Mitchell undertook the management of the said Evening Paper
2. That a few months after the said William Lang Mitchell so undertook the management of the said Paper David MacKenzie one of the partners in Harries and Company informed me that the firm of Harries and Company were doing work for the said William Lang Mitchell or for the Evening Paper and asked whether I would be responsible for payment, I said that I certainly would not. I told him that I had no desire that the work should be done and that I would not pay for it
3. That subsequently I received a Letter signed Harries and Company in the words and figures following

" British Colonist Office  
Victoria V.I. April 6<sup>th</sup> 1866

" W S Green Esq  
" Government Street

" Dear Sir

" The amount due by the Evening Post now  
" reaches the sum of \$623.50 - On application for  
" payment at the Office we are told by Mr Mitchell  
" that he cannot pay anything on account of it and  
" we are therefore obliged to ask you to reduce the  
" amount before it becomes any larger "

" Yours very truly "  
" Harries & Co "

To which I replied in the words and figures  
following

" Government Street "  
" Victoria 10. April 1866 "

" Dear Sirs,

" I regret that your letter of the 6<sup>th</sup> inst  
" should have remained unanswered, in the press  
" of business I overlooked it - I must decline to accede  
" to your request which is most incomprehensible  
" to me, as I am in no way responsible for, or  
" interested in your actions with regard to the  
" Evening Post "

" Yours truly "  
" W S Lebright Green "

" Messrs Harries & Co "

4. That Walford Arbouin Harries some time after this applied to me for payment and I told him I would not pay and I requested him to desist from doing any more work for the Evening Paper.
5. That I have been informed by George Wallace the publisher of the British Columbia Tribune and the former owner of the plant and printing press of the said Evening Paper that the whole of the work done by Harries and company for the said Evening Paper might have been done by the said William Lang Mitchell with the type and plant of the said Evening Paper.
6. That the said George Wallace is now resident in Yale and I have been unable to obtain an affidavit from him in consequence of his absence.
7. That I verily believe that the evidence of the said George Wallace is material and necessary to my defence of this claim.
8. That I am informed and verily believe that the Christian and Surnames of the individual on whose application the summons against the said William Lang Mitchell and this deponent is issued are William Alexander Smith and not Amor De bosmos.
9. That a few days previous to the notice demanding payment of the sum of Seven hundred and ten dollars and fifty cents was served at my office, the said William Alexander

Smith or Amor De Bosmas come to my Office  
and pressed me to settle this claim, I declined  
to do so and he said that if I would not settle  
it he should take proceedings that would be  
unpleasant to me or words to that effect, I  
replied that he would not extort money from  
me by threats, he then said that he would  
put the thing into Bondruptcy if I did  
not agree to settle

SWORN by the several deponents  
William Lang Mitchell and  
William Saunders Lebright Green  
at the Court House James Bay  
Victoria Vancouver Island this  
Sixth day of August 1866  
Before me

Peter A. Woods  
Acting Registrar

Wm L. Mitchell  
W. Lebright Green

Supreme Court

The Bankruptcy Act 1862  
The Bankrupt Law  
Consolidation Act 1849

and

In the matter of  
Amor De Cosmos  
Wm Lang Mitchell  
and  
Wm J. Sebright Green

Joint Affidavit  
of William Lang Mitchell  
and Wm J. Sebright Green

Given

6<sup>th</sup> August 1866

(Woods)



Robert Bishop  
Solicitor  
Bastion Street  
Victoria