

In the Supreme Court of Civil Justice of  
Vancouver Island

In Bankruptcy

In the matter of Stewart  
Ayers Smith a Bankrupt  
and also in the matter of an  
Action

Francis Jones Barnard  
Plaintiff

and  
Stewart Ayres Smith  
Defendant

Stewart Ayres Smith late of Cariboo but now  
of Victoria British Columbia Trader and  
Saloon Keeper the above named Defendant  
make oath and say

1 That I have read through my  
Affidavit of the 16<sup>th</sup> October AD 1868 made  
in the above action - and the statements therein  
made by me are true to the best of my knowledge  
and belief

2 I made the said Affidavit intending  
thereby to convince the Honorable the Chief  
Justice of the said Supreme Court that it was  
not my intention to leave Victoria nor did I then  
intend so to do and it was not my intention  
to represent myself as a person possessing any  
very considerable assets

3 With respect to paragraph 3 of my  
said Affidavit I say that at the time of my  
making my said Affidavit I fully believed  
and now believe that my said property in

Cariboo was worth \$1500<sup>00</sup> and would  
have realized that amount had it been  
sold in the regular way of transfer or at a  
valuation at a proper season of the year  
but I have lately received a letter from  
which is annexed to my affidavit in the  
handwriting of George Byrnes and I say  
that the said price realized by the said  
property is greatly below its value and that I  
believe the said property has been sold greatly  
below its value on account of its being sold at  
a forced sale at the close of the season when  
most persons have left Cariboo and more  
particularly because of certain recent disasters  
at Barkerville where the whole of that  
town has been destroyed and great numbers  
of persons have left Cariboo in consequence

4 At the time of the making of my  
said Affidavit I did not suppose it possible  
that my property at Centerville which had  
cost me over \$1800<sup>00</sup> and for which I have  
vouchers could have been seized in execution  
for a debt of \$45<sup>00</sup>

5 With respect to Clause 6 of my said  
Affidavit I say that in stating my negotiations  
with respect to the purchase of the goodwill  
and opening of the Fashion Hotel and  
Park Hotel I had no intention of giving  
the Court to understand that I was a person  
of large property but I say I am a person  
having had large and generally successful  
experience in the keeping of saloons and  
at the time of my making my said Affidavit  
I thought and still think that by talking

upon myself the management of a Saloon  
Kuper in connection with some person of  
tolerable credit I shall be able by little  
and little and from time to time to pay a  
large sum for the goodwill fixtures and  
effects of a well situated and established  
Saloon were up to the sum of \$5000<sup>00</sup> or  
\$10000<sup>00</sup> according to the situation and  
character of the Saloon and I say that my  
negotiations with Mr Kusterman and Mr  
Wilson were on the footing of my paying out  
of my earnings only

With respect to the statement  
made on oath by me before Mr Richard  
Woods the Acting Registrar of this Honorable  
Court on the 9<sup>th</sup> inst that I had no Bonds  
notes and Accounts with me here excepting  
Bills and Accounts amounting to about  
\$500<sup>00</sup> and which amount is included  
in my assets at Richfield I say that I have  
Bills & Promissory Notes and Accounts with  
me here amounting to upwards of that  
sum which said Bills notes and accounts  
I have set down ~~in writing~~ and reckoned  
among my assets at Curoo and that I  
have the said Bills Notes and accounts  
with me for the purpose of collection here in  
Victoria should I be enabled to meet my debts  
here in Victoria during the ensuing Winter  
as I have reasonable ground for supposing  
I shall so meet them their business con-  
nection with Victoria leading many of them  
towards the last mentioned City - I am ready  
and willing to hand over the said Bills

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Notes and accounts to the Court or my assignee  
in Bankruptcy and say that my assets  
in Cariboo and Victoria in book debts and  
other personal property amount to nearly  
\$1000<sup>00</sup>/<sub>100</sub>

of <sup>2</sup> I make this affidavit because I  
am informed that exceptions have been made  
to the truth of my said Affidavit and my  
examination on oath before the said Acting  
Registrar on the 9<sup>th</sup> instant and because I am  
informed it is desirable to retract my said  
Affidavit in matters which I am informed  
have been stated to be ambiguous

Sworn at the Jail of Victoria  
this 10<sup>th</sup> day of November 1878  
before me

Arthur H. McBride  
Quaker

S A Smith

Supreme Court

In Bankruptcy

Jury  
Steward Ayres Smith  
at Bankrupt

Affidavit  
of S A Smith

filed  
18<sup>th</sup> Nov 1868

R Woods

A

George Parkes  
Bankrupts Solicitor  
Government Street  
Victoria