

In the Supreme Court of Civil Justice

In the Matter of Dick  
an Indian charged with  
Felony

I William Hales Franklyn  
of Nanaimo in the Colony of  
Vancouver Island and its  
Dependencies Justice of the Peace  
and Stipendiary Magistrate for  
Nanaimo, Courtenay, and Cowichan  
all within the Colony aforesaid  
make Oath and say

1. The Depositions of the following  
persons witnesses against the said  
Prisoner that is to say, the  
Depositions of one Tom an Indian  
and one Bill an Indian have  
been taken before me as a Justice  
of the Peace and Stipendiary  
Magistrate but owing to the  
difficulty of communication between  
Victoria and the places where  
the witnesses aforesaid reside  
the said witnesses are not now  
forthcoming and the shortness of  
notice for the present Assizes such  
notice being only received by me on  
the Seventeenth day of November  
One thousand Eight Hundred and  
Sixty five

2

Police Sergeant Blake has

been despatched by me to Lomox  
a distance of Fifty Six Miles but  
on his arrival there found that  
the Witness<sup>+</sup> Tom, an Indian  
Policeman, was away on duty  
a further distance of <sup>+ Seventy</sup> or <sup>or</sup> Eighty miles <sup>+ Um</sup>  
beyond Lomox aforesaid and that  
Bill the other witness was  
away fishing about One Hundred  
miles from Nanaimo and the  
said witnesses cannot be here  
in Victoria to the best of my  
judgment and belief before the  
expiration of One Month from  
the present time.

The original Depositions in <sup>3</sup>  
this case are at Nanaimo aforesaid

The evidence of the said  
witnesses is material to the <sup>4</sup>  
trial of the charge against the  
said Prisoner being the evidence  
on which the said Prisoner  
was committed by me for trial

Sworn at the Supreme  
Court House James Bay  
Victoria in the Colony of  
the fourth day of December the  
year of our Lord one thousand  
eight hundred & sixty five

Before me. Richard Woods  
AR

W. W. Jones, Clerk