

BRITISH COLUMBIA, }  
TO WIT:

Whereas, it appears to the satisfaction of me, Matthew Baillie Begbie, Chief Justice of the Supreme Court of British Columbia, a Judge who might hold or sit in the Court at which Robert E. Sproule, a prisoner now confined in New Westminster gaol, under a warrant for commitment, given under the hand and seal of Arthur W. Powell, one of Her Majesty's Justices of the Peace in and for the Province of British Columbia, is liable to be indicted for that he the said Robert E. Sproule did on the first day of June, A.D. 1885, feloniously, wilfully and of his malice aforethought did kill and murder one Thomas Hammill; that it is expedient that the trial of the said Robert E. Sproule should be held in the City of Victoria 10 (being a place other than that in which the said offence is supposed to have been committed).

I do order that the trial of the said Robert E. Sproule shall be proceeded with at the Court of Oyer and Terminer and General Gaol delivery, to be holden at the City of Victoria, and I do order the keeper of the New Westminster gaol to deliver the said Robert E. Sproule to the keeper of the gaol at Victoria City, and I do order and command you, the keeper of the said gaol at Victoria city, to receive the said Robert Evan Sproule into your custody in the said gaol and there safely keep him until he shall be thence delivered by due course of law.

Dated at Victoria this 13th October, 1885.

(Signed)

MATT. B. BEGBIE, C.J.

IN THE SUPREME COURT OF CANADA.

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In the matter of a writ of *Habeas Corpus* issued out of the Supreme Court of Canada, directed to the Sheriff of Vancouver Island, and commanding the said Sheriff to produce the body of ROBERT EVAN SPROULE, a prisoner in the Common Gaol at the City of Victoria, in the Province of British Columbia.

I, PAULUS JULIUS IRVING, of the City of Victoria, British Columbia, make oath and say as follows:

I am the Deputy of the Attorney-General for British Columbia, and on the 13th day of October, 1885, I applied in such capacity to the Honorable the Chief Justice of British Columbia, in Victoria, for an order fixing Victoria as the place of trial of Robert Evan Sproule, then a prisoner committed to stand his trial for the murder of one Thomas Hammill, at Kootenay 30 Lake, in the Bailiwick of the Sheriff of Kootenay.

2. On the hearing of such application the said Robert Evan Sproule was personally present and was also represented on that occasion by his Counsel Mr. Theodore Davie.

3. No application for the payment of additional expenses or any expenses whatever was then or at any other time made on behalf of the prisoner for it was conceded on the part of the prisoner on the application to change the venue that no additional expense would be occasioned by changing the place of trial to Victoria but the Chief Justice would not make the order except upon my undertaking, which undertaking I then gave that the crown would abide by such order as the Judge who should try the case might think just to meet the equity of the Statutes of Canada chapter 29 section 11, an entry of such undertaking was made in 40 writing by the Chief Justice in his note book at the time. The minute in the Chief Justice's note book is in the words and figures following.