Mr. Williams Goes Free

The Charge of Defamatory Libel Dismissed by Magistrate Hall on Monday.

Insufficient Evidence on Which to Base a Warrant for Committal.

In the police court on Monday before Magistrate Hall, the charge of libel prepared by the crown against George Sheldon Williams, said charge growing out of the publication in the Kamloops Standard of January 11 last of an article attacking the Lieutenant-Governor, was dismissed, the court holding that the evidence for the prosecution was insufficient to warrant him in sending the case to a higher court.

In closing the preliminary hearing two new witnesses were examined, W. G. Workman of Kamloops, for the prosecution, and Harry Morton, for the defence.

W. G. Workman testified that he was a printer by trade and was employed in that capacity from April, 1898, until after New Year's. He recognized a copy of the Kamloops Standard of January 11, and swore to having "set up" in type a portion of the article which appears in that issue and which constitutes the alleged defamatory libel.

Mr. McLean endeavored to elicit from the witness information as to whether the copy which he had before him on that occasion resembled in appearance the hand-writing or manuscript produced in court, signed "Observer," which two witnesses swore was the handwriting of the defendant.

Mr. Walls objected to the witness being questioned on this point, contending that witness could not give evidence which would be valuable inasmuch as he had not the original manuscript before him. A long legal argument ensued on this point.

Mr. McLean explained that the prosecution had made every effort possible to get hold of the original manuscript, but as it had been either lost or destroyed the only thing was to endeavor to establish and prove it possible that it was in the handwriting of defendant Williams. This, he thought, could be fairly done by a comparison by witness of the handwriting as he remembered it with the handwriting of the manuscript before him. He contended that this evidence was certainly receivable.

The court had some doubt about it and looked up authorities, finally ruling it was not admissible.

The examination then continuing, witness said the signature at the bottom of the letter which he had "set up" was "Observer."

Mr. Walls contended that this point was not one on which the evidence of the witness was material or admissible, as it had been shown that all letters from Victoria appeared over the nom de plume of "Observer."

Further examination of the witness resulted in him testifying that he had "set up" two or three letters signed "Observer," and that the word "Observer" appeared in the same handwriting as the body of the letters. He understood that Mr. Sarel was editor of the paper.

H. L. Morton, proprietor of the Garrick's Head saloon, was next called, for the defence. He remembered Williams, the defendant, and Warden having a talk on the subject of the libel suit in his place on the night of the day on which the matter was brought up in the house. Warden had been looking for Williams all evening and succeeded in meeting him in his place at 1 a.m. When Warden met Williams he had said to the latter: "You have got yourself into a nice fix" or words to that effect, mentioning what had been done in the house. Williams laughed and replied: "What has that got to do with me?" Williams denied writing the alleged libellous letter. Warden then said: "You know you wrote it." Williams then called Warden a liar. He (witness) had always heard Williams deny it, when spoken to about it.

Mr. Walls then cross-examined the witness briefly, but no new point developed, and Mr. Walls proceeded to sum up for the defence. He contended that not one tittle of evidence had been produced fixing the authorship of the article on the defendant Williams. The major portion of the evidence which the prosecution had submitted was, he claimed, inadmissible and of no value. It had been contended by his learned friend that Sarel was a hostile witness. He did not think so, and pointed to the fact that Sarel had consented to go to Kamloops and search for the missing manuscript when he had not, necessarily, to do so if he objected. He likened the present case to the celebrated Dreyfus affair, drawing a parallel between the evidence regarding handwriting submitted in both instances. Documents had been put in signed "Observer." A portion of these Sarel had thought to be in his handwriting, though one witness had sworn they were in Williams'. He did not consider the evidence of the witness who contended for the latter of much value. But at any rate the documents had nothing whatever to do with the charge of libel, as publication had not even been proved. As for the witnesses the prosecution had brought from Kamloops, he was puzzled to know why they had ever been brought down. Mr. Walls closed with a somewhat uncomplimentary reference to the actions of the witness Warden in the case.

Mr. McLean in summing up for the prosecution, defended Warden from the charges preferred against him by counsel for the defence. He had not stated facts, but mere surmises. He explained how he had come to hear of Warden knowing anything bearing on the case. He did not come to the crown and offer to give evidence. He was subpoenaed in the regular way. He therefore thought his evidence should have weight.

In regard to Mr. Walls' contention that publication had not been proved, Mr. McLean quoted authorities supporting him in his contention that the point had been sufficiently proved by the evidence of Provincial Librarian Scholefield, who received a copy of the paper containing the alleged libellous article in the regular way. He thought that the evidence clearly connected Williams with the libel, though the proof was not absolute in the absence of the missing manuscript, but most criminal charges are proven by circumstantial evidence, and he thought that in this case the circumstantial evidence was sufficiently strong to warrant a committal. He thought a jury would fairly infer that the case had been proven. Mr. McLean submitted that at a preliminary hearing it was the function of the magistrate to ascertain if sufficient prima facie evidence had been submitted to send the case to a jury.

In regard to the evidence of the witness Sarel, he was a hostile witness—he had sworn it. He had said: "I can show you very clearly what is making me hostile." The whole tenor of his evidence was hostile. As regards his evidence in its entirety, wherever he found anything in favor of the prosecution, he thought it very important coming from a hostile witness. Sufficient had been ascertained upon which a jury could base a conviction. Sarel in his own evidence stated he was there in the office of the Kamloops Standard on the 11th January and responsible for the appearance of the defamatory letter. It was before him and he made an addition to it, inserting a paragraph at the end of the letter. The manuscript which was produced showed that clearly, bearing out the witness' evidence. He also admitted having accepted the article in its entirety. The prosecution had then produced the man who had "set it up." This witness swore that the signature "Observer" was not kept standing in the office, to be added to all Victoria letters. The nom de plume "Observer" was shown to be the regular signature of the regular correspondent at Victoria. Does Sarel know who that correspondent is? He submitted that he did. He has written letters to Williams and has got answers to the same. He says he might have had 50, yet he could not tell his handwriting! Who was the Victoria correspondent of the Standard who wrote over the signature "Observer"? On the evidence submitted a jury would say it was Williams. Nowhere in his evidence will he deny it. The authorship of the article at best narrowed down to Williams and Sarel. He submitted that it was proven that "Observer" was Williams, as Sarel at one place in his evidence had said that if he had known anything about the article he would not have put it in. Sarel had been asked: "Did anyone else under the name of 'Observer' write you in January?" He had replied "myself." So it is between himself and Williams. He (Mr. McLean) had alluded to Williams being a volunteer. He had done that for a very good reason. In the libellous article was a sentence stating that the writer had attended several functions in the capacity of a guard of honor. So this fits Williams. Then Williams and Sarel meet. It was a fair inference from what passed between the two that Williams wrote the article. Sarel had said: "Hello! I hear you've been accused of writing that article." Does he deny it? No but his silence is an admission that he did it. The two had several conversations, but on no occasion did he deny being the author of the letter. Williams' handwriting had been clearly identified by two witnesses, whose evidence was sound. Mr. McLean closed by contending that a case had been made out warranting defendant's committal for trial.

Magistrate Hall in giving his decision held that the evidence was not sufficient to warrant a committal, and accused was dismissed.

The preliminary hearing of the case against C. Wentworth Sarel was taken up in the police court at 2 o'clock yesterday afternoon, but adjourned until to-morrow, after a number of witnesses for the prosecution had been examined, in order to allow accused an opportunity to get counsel.

Before opening the case, Mr. Sarel asked for a change of venue to Kamloops, as this course would make it more convenient for himself and witnesses.

The court held that it had no power to grant his request.

Mr. Sarel also asked that the evidence be taken in long hand instead of short-hand, contending that he had been misreported in the Williams case.

Magistrate Hall did not see any inaccuracies in the official reporter's notes.

Provincial Librarian Scholefield testified to receiving a copy of the Kamloops Standard containing the libellous article, in the regular way.

George Young, of Kamloops, the next witness, was briefly examined. He presumed that Sarel was the editor of the Standard. Very often copy gets in the paper without Sarel's knowledge, and on occasions the paper had gone to press without any editing at all. He had known the press to be stopped and matter considered too "hot" lifted and other matter substituted.

Superintendent Hussey testified to having met Sarel in the lobby of the legislature after the accused had been served with a summons in the Williams case, and Sarel had told him they "had got after the wrong man." He was responsible for it and should have been charged. He had communicated this to Mr. McLean soon afterwards, as he thought it right that he should know.

The hearing was adjourned until 11 o'clock this morning.

COMMITTED FOR TRIAL.

Decision of the Magistrate in the Alleged Libel Case.

C. Wentworth Sarel, the responsible head of the Kamloops Standard, was on Tuesday morning committed for trial in the higher court by Police Magistrate Hall for the publishing of the defamatory libel on His Honor the Lieutenant-Governor.

At the outset of the proceedings, the defendant in the case, at whose request the adjournment had been taken, stated to the court that his counsel had been too busily engaged in politics to attend, but had advised him to leave the matter in the hands of His Honor. Mr. Sarel stated he would not call witnesses, nor go into the witness box himself, as he did not see that any evidence had been presented calling for rebuttal. Deputy Attorney-General McLean was exceedingly brief in his summing up; he claimed that publication had been duly proved, and that by his own admission the defendant Sarel was the responsible party. "I think that in this case," Magistrate Hall said in disposing of it so far as he is concerned, "that it is decidedly a case for the upper court. There is sufficient evidence here, I think, to warrant the committal of the defendant for trial, and too much evidence to justify me in dismissing the case. I am therefore bound in this case to commit. Outside of the evidence of the admissions by the defendant, which in itself is a very important piece of evidence, the testimony of Mr. Young practically fixes the editorship of the Standard newspaper upon the defendant. This witness was asked the question. 'He, Mr. Sarel, acts as the editor of that paper?' 'Yes, I believe so.' 'The Mr. Sarel who is the defendant in this case?' 'Yes.'

"The evidence taken in connection with the admissions makes it impossible for me to dismiss the case."

The defendant was informed that he was nominally in the custody of the provincial police, and application for bail will necessarily have to be made to a judge of the Supreme court. Later in the day this suggested course was adopted.

Tarte Knifed The General.

Procured Order For Dismissal Which Governor-General Would Not Sign.

Eastern Workmen Sent to This Coast--The Clover Point Range.

From Our Own Correspondent.

Ottawa, Feb. 17.—Politicans and citizens have not ceased talking about the resignation of General Hutton, and they will not quit the discussion until all the facts connected with the General's departure from Canada are known. There are some people who consider that the Hughes episode is largely responsible for the General's resignation of his office, but there are others who point out that, after all, this is but a comparatively trivial matter, and that there must be reasons far deeper and stronger. Indeed, the General himself, at the brigade dinner on Wednesday evening, hinted that there were very strong reasons which had led him to surrender his post, but beyond saying this, and emphatically denying the statement of La Patrie that he was the chief source of inspiration to the newspapers who agitated for the sending of the first contingent, he would say nothing. Col. Prior, who evidently knows something of the inner history of what has been going on in military circles, is determined to get at the facts, and will leave no stone unturned to accomplish this object. Already sufficient is known to warrant the belief that the breach between the government and the General was a most serious one. It got to that point, it is said, that the government passed an order-in-council actually dismissing the commander-in-chief, and rumor has it that His Excellency emphatically declined to sign the order, and reported all the facts to England, with the result that, in order to relieve the tension, the war office, gave the General an appointment in South Africa.

Looking beneath the surface it appears that the man who has been after the General with a little knife, is Mr. Tarte. The Minister of of Public Works cannot overcome his chagrin that Canadian troops have been sent to South Africa. A man possessing honor and self-respect, if he had been a member of the British government, and differing so vitally from his colleagues, would have resigned his portfolio, but as I have remarked before, the virtue of resignation is not possessed by Mr. Tarte. Accordingly he remains in the cabinet and endeavors to create disaffection amongst a certain section of the community. Although, as your readers are well aware, General Hutton was in British Columbia when the first contingent was organized, it is well known that the whole scheme of mobilization of a force for service in South Africa had been prepared by him in advance. The General rightly foresaw what was coming, and although it took the government a long time to make up its mind, the word at last went forth to prepare an infantry regiment for service in South Africa. It was because Mr. Tarte knew that General Hutton had prepared a plan for a composite force, consisting of artillery, cavalry and infantry, some weeks before, that he assumed the General had been prodding the newspapers to get up an agitation. No persons know better than the newspaper editors of Canada how groundless is such a statement. Indeed, while it is an insult to the public to insinuate such a thing, it shows also what a short-sighted and narrow gauge politican Mr. Tarte is, otherwise he must have anticipated what was forthcoming. But he did not, and what is more he started out to make things so uncomfortable for the General that those in the inner circle at Ottawa realized that the fight could only result in one way. Weeks ago, writing in La Patrie, combatting the proposal that Canada should take part in the defance of the Empire, Mr. Tarte said:

"The commander of the Canadian military force is an officer, appointed, it is true, by the Imperial government, but paid with the money of the Canadian people, and it does not belong to General Hutton to dictate the military or civil policy of the government. He is purely and simply an executive officer. Any attempt on the part of this officer to assume another role can have only one result, and that is his return to England. There must be no misunderstandings on the subject.

"General Hutton has friends who are compromising him, and doing him a great deal of harm. It is in fact freely declared that the General has declared that in Australia, where he occupied a similar position to the one he holds here, he came into conflict with the government, but that he finally had his own way. We hope General Hutton did not use any such language as this. We hope also that he never aspired to a similar adventure with the government of this country, because if such were the case he would get out very quickly and terribly crestfallen.

"It has often been said that the commander of our forces should be a Canadian officer, and if General Hutton seeks to play the role that he is credited with, he will create a current of opinion in this direction that the strongest government would not be able to resist. Loyal to the tips of their fingernails, the people of Canada are independent to the very roots of their hair."

From the day this was written Mr. Tarte has been after the General with the result that at last the General throws up his position. The country has not heard the last, by any means, of the incident.

BOERS IN LIBERAL RANKS.

The debate on the resolution of Mr. Fielding for the payment of the contingent has lasted for two days. It has brought out in marked relief the contrast between the policy of the government and of the opposition. The Conservatives loyally support the proposal to give the volunteers the difference in the pay, but wish the government had gone further, and had proposed to recompense the volunteers to a much greater extent than is provided by the resolutions. The sensation of the debate was the speech, not of Mr. Bourassa, who had long ago unmasked himself, but that of Mr. Monet. He declared himself opposed to Canada's participation in the wars of the Empire, and further declared in favor of Canadian independence. Both Bourassa and Monet delivered strong pro-Boer speeches, but while Bourassa wound up by declaring that he will support the government on the resolutions, Monet was most emphatic in declaring that he would not. It was somewhat painful to members, even on the Literal side, to hear two of those sitting with them in the house defending the Boers, and it is safe to say that the Liberals will hear further about the disloyal utterances of two of their prominent members.

VICTORIA RIFLE RANGE.

British Columbia affairs have been well to the front during the past week. In answer to Col. Prior, Dr. Borden stated that it is the intention to provide a proper rifle range at Clover Point, Victoria, if the difficulty arising from the proximity of the proposed public road can be overcome. The department has the matter now under consideration.

AN AFFRONT BY TARTE.

Eastern people can well understand the indignation of British Columbians over the action of the Minister of Public Works in sending 23 men from Ottawa to work on the construction of the Quesnelle-Atlin telegraph line. Mr. Tarte informed Col. Prior that these 23 men sent out are a nucleus of skilled Works means that all these men are workmen. If the Minister of Public skilled in telegraph construction work, it is a gross fabrication, as some of them have never previously been engaged in this class of work, and hardly know the difference between an insulator and a cross-tree.

COUNTY COURT JUDGES.

Sir Hibbert Tupper and Col. Prior made out a good case in favor of justice being done to the county court judges of British Columbia, owing to the breach of faith by the Semlin government, but while Sir Wilfrid Laurier had to admit that the judges had a grievance, and that the provincial government had been guilty of a gross breach of faith, he could not give any promise that the federal government would secure redress.

FRATERNAL SOCIETIES.

The friendly societies are chuckling over the ministerial announcement that there is to be no measure introduced this session touching these societies. They were not yearning for such a bill particularly, and the measure brought down last session was a most objectionable one, in that it sought to put the entire power for regulating societies of this kind into the hands of the superintendent of insurance, a gentleman whose predilections in favor of the old-line companies is well known. The different fraternal organizations were prepared to put up a big fight so that they could secure a workable bill, but it is evident the government was not prepared to back up its measure, and rather than have it emasculated prefers to withdraw it altogether.

MARINE NOTES.

Three Ocean Liners to Arrive Within the Next Two Days.

The Walter L. Rich has left for the West Coast to take on a crew.

The work of preparing the steamer Alpha for the Cape Nome trade is being pushed forward. She will go on the Marine ways at Esquimalt to-day to be cleaned. Capt. Charles Spring is seriously considering shipping his steamer Mist on the Alpha and using her on the river service. There is also some talk of purchasing the tug Alarm and stripping her over White Pass for service on Lake Bennett.

The Puebla is due to-day from San Francisco.

It is reported from Monterey, Cal., that the E. B. Marvin has been lying in that harbor for several days, but put to sea again on her way north. The Marvin has cruised 150 miles south of Monterey and returned there for water. She has a very light catch, only 75 skins so far.

During the next few days three ocean liners will land at the outer wharf, two from the Orient and one from Australia. The Breconshire is due to-day. The Kanshiu Maru is also due, and the R. M. S. Aorangi is expected on Wednesday from Sydney, Brisbane and Honolulu.

H.M.S. Warsprite with Admiral Beaumont and staff is expected back at Esquimalt about the 18th of March.

The Empress of Japan arrived at Hongkong on Saturday, and the Empress of India left Yokohama for Victoria on Friday.

A CLERGYMAN'S INFLUENCE.

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Mr. G. W. Parks, once near the dark grave, but rescued and saved by Paine's Celery Compound after failures of his doctors, sends the following letter:

"While at sea I was taken sick, which compelled me to abandon my work and seek home and rest. I consulted the doctors who pronounced it typhoid or slow fever. I suffered severely from night-sweats, and cold chills during the day. Added to this I was extremely nervous, which weakened me and reduced my flesh until I was a mere skeleton. This continued until last winter, when my wife and friends began to despair of my recovery, as the medicines I took produced no good, and I was gradually growing worse.

"Through the influence of the Rev. C. M. Tyler, I was induced to give Paine's Celery Compound a trial, and I can truly say it worked wonders. The first bottle gave me great relief, and five bottles completely cured me. I gained thirty-two pounds in three weeks, and am now strong and healthy. I would urge the suffering everywhere to give Paine's Celery Compound a trial."

Roberts Drew The Enemy

Content to Deal With Arriving Commandos and Finish Cronje At Leisure.

Boers Burrowing Like Rabbits But Losing Their Ammunition and Horses.

By Associated Press.

London, Feb. 26.—A special despatch from Paardeberg, published in the second edition of the Daily Chronicle, dated the 24th, says: "A balloon has discovered the enemy well covered by a system of burrowing in the river bank, which resembles a rabbit warren and affords shell proof shelter."

This perhaps more than any other communication explains why Cronje's death struggle, as it is looked upon here, is so prolonged. Thus it will not be a suprise if to-day and to-morrow, the anniversary of Majuba Hill, pass without being marked by the surrender or annihilation of the Boers so overwhelmingly hemmed in.

The military critics are inclined to the view that though the main cause of the prolongation of the Paadeberg tragedy undoubtedly consists in Roberts being unwilling to risk the great loss of life which an assault would entail, his delay is also prompted by the subsidiary motive of attracting to Paardeberg of many reinforcing and relieving Boer units as will come, feeling strong enough to look after them. In other words Roberts holds a position almost analogous with that held so long by the Boers at Ladysmith. As Cronje is reported to have plenty of food, the plan of starving him out can scarcely avail, so Roberts must either wait until his ammunition, which is said to be short, runs out, or those of Cronje's forces, who are counseling surrender, prevail. So indefinite is the information that either of these alternatives may occur at any moment.

In the meanwhile Roberts' engineers are sapping steadily towards the Boer lager, and according to a special from Paardeberg dated Sunday, February 25, the cordon is gradually drawing closer.

Paardeberg, Feb. 24.—One thousand Boers, commanded by Gen. Dewett, who were known to be operating in the immediate front at early dawn yesterday, determined to attempt to break through the British lines and aid Cronje. A body of 500 Boers moved towards the British left and cantered in the direction of a kopje with the object of occupying it. Unfortunately for the Boers, however, the kopje was held by a company of Scottish Borderers, who opened heavy fire. The Boers galloped off, but moved again towards another British position, but the Borderers were again ready to receive them. The third repulse thoroughly discouraged the Boers, who galoped away in a panic. Later, perceiving another kopje, the Boers moved toward it. This kopje was unoccupied, but the Borders, not to be beaten, raced for the position and won, occupying the kopje and driving off the Boers, and a portion of the latter ultimately occupied a kopje flnaked partially by the Borderers, facing another kopje held by the Yorkshires. A vigorous fusilade ensued, the British firing truly and accurately and silencing the Boer fire.

Meanwhile the Buffs were ordered to reinforce the Yorkshires in case the Boers should be reinforced. The British attack worked around the right of the kopje held by the Yorkshires, where the 7th Battery was stationed, the 6th Battery being placed at a farm near the centre of the Borderers' position. A vigorous shelling accompanied by a British fusilade completely silenced the Boers.

A company of Yorkshires were sent to clear out the Boers, but the attempt failed, the Boers opening a heavy fire and the British having no cover. The British then again opened heavy rifle fire, which again silenced the Boers. The Boers made several attempts to run but the Maxims opened upon them effectually and checked them.

The Buffs now worked carefully and cautiously around and got within 150 yards of the Boers. Eighty Boers surrendered, but many, it appears, escaped, going singly. Most of the prisoners had just arrived from Ladysmith. They complained of the bad generalship of their leaders. Nearly every man carried explosive bullets and five British were wounded with these missiles. I have seen the bullets. One Boer carried 50.

There is no longer the slightest doubts that the Boers are gradually discarding all rules of civilized warfare. The other day they poured the contents of a Vickers Maxim gun into an ambulance, which happened, however, to be empty, some three hundred yards away from the nearest troops.

The war balloon is doing excellent service. Early this morning it arose to a great height and discovered in the bed of the river four wagons, which contained ammunition. Three were exploded by the British shells an hour afterwards. The balloon observer also discovered a number of horses concealer near these, which also received attention from the British.

The Gordons are now incorporated in the Highland Brigade, making four kilted regiments. The Highland Light Infantry, who are not kilted and are a fine body of men, are going to join General Smith-Dorrien's brigade.

CASUALTIES WITH BULLER.

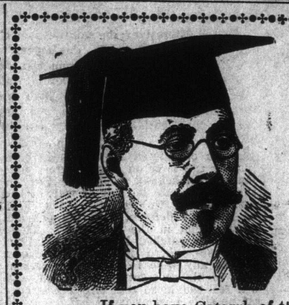
Three Colonels in the Latest List and Large Number of Officers.

London, Feb. 27.—The war office today issued an additional list of the casualties sustained by the Fifth Brigade under Gen. Buller on February 23 and 24, which includes seven officers killed, twenty-three wounded and one missing.

Gen. Buller's death list contains the names of three lieutenant-colonels—Thackeray of the First Royal Inniskilling Fusiliers, Sitwell of the Second Royal Dublin Fusiliers, and Thorld of the Royal Welsh Fusiliers.

SINGERS AND SPEAKERS.

Throat irritation is most annoying to platform people and to prevent this as well as hoarseness and sore throat most singers and speakers carry with them a bottle of Dr. Chase's Syrup of Linseed and Turpentine. It promptly and positively relieves and cures all dryness, soreness or irritation in the throat, tightness in the chest, bronchitis, asthma and all kinds of coughs and colds. 25 cents a bottle. Family size 60 cents.



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