

(From the Dominion Annual Register for 1879.)

REMARKABLE TRIALS.

MILLER VS. ANNAND.

This was an action of libel tried before the Supreme Court of Nova Scotia, at Halifax, in November last, in which the Hon. William Miller, one of the Dominion Senators for that Province, was plaintiff, and Mr. Charles Annand, proprietor of the *Halifax Morning Chronicle*, was defendant. The libel complained of appeared in the *Chronicle* in March, 1877, and had relation to the period when the project of Confederation was adopted by the Legislature of Nova Scotia. The libel charged the plaintiff, who was then a member of the Provincial Legislature, with having changed his opinions on that question, and corruptly sold himself to the Union party for a seat in the Senate of Canada. The case had more than a personal or local interest, as charges of wholesale corruption had been freely made for years, within and without the Province, by the Anti-Unionists against the supporters of Union in Nova Scotia, and it was expected that an investigation in a court of justice would throw some light on the transactions of that time.

Counsel for the plaintiff, Thompson, Attorney General, and Rigby, Q.C.; for the defendant, Weeks, Q.C., (ex-A. G.) and Motton, Q.C.

The defendant did not put a plea of justification on the record, but, in addition to a general denial, pleaded that circumstances and occurrences at the date of the plaintiff's appointment to the Senate were such as to lead him, as a public journalist, to believe that the charges against the plaintiff were true, and in that capacity, in the interest of the public, without malice, the defendant published the alleged libel.

The plaintiff's counsel (Mr. Rigby, Q.C.), in opening the case, went fully into the history of the Union agitation in Nova Scotia, and called to mind the bitterness that marked the discussion of that question, both on the public platform and in the press, before and after the passage of the Union Act. The plaintiff had always been favorable to the principle of Confederation, but was strongly opposed to the Quebec scheme, especially in its financial arrangements. When that scheme was promulgated in 1864, he was one of the first to oppose it, while declaring himself in favor of Union on fair terms. Subsequently, in 1866, the plaintiff, in his place in the Legislative Assembly, proposed that the Quebec scheme be abandoned by its friends, and that the whole question of Confederation be submitted to a new Conference to meet in London, where terms of Union should be agreed to under the sanction of the Imperial Government. The plaintiff's proposition met the views of a majority of the Provincial Legislature, and the Union was thus accomplished. He therefore became the object of the most violent attacks of the enemies of Union, at public meetings and in the press. When the plaintiff was afterwards appointed to the Senate his opponents said his appointment was the price of his support of the Union. The *Morning Chronicle*, which was the leading organ in the Province of the Anti-Union party, as well as other hostile journals, were allowed to reiterate this charge with impunity during the excitement of those days. During that excitement the plaintiff felt that every allowance should be made by him as a public man for the violence of his assailants, as there were some grounds for irritation, and he believed, when the heated passions of the struggle had subsided, public opinion would not deal with him unjustly. He therefore brought none of his maligned before a court of justice. But as the libel had been republished by the *Chronicle*, in a most offensive form, ten years after the occurrence of the events to which it referred, the plaintiff considered it his duty to himself and the leaders of the Union cause in Nova Scotia, to demand a public investigation before this Court, in the capital of the Province, of the charges therein made against him. The plaintiff's object was not to obtain damages against the defendant, but to put such sworn evidence before the country, relating to his appointment to the Senate, as would vindicate his reputation—refute the accusations of his slanderers, and the general charges of corruption that had been so often alleged in connection with the passage of the Act of Union in Nova Scotia. It was the plaintiff's intention to place on the witness stand the leading public men of the Province who were concerned in the carrying of the Union, and every opportunity would thus be given to elicit the truth from those best able to give it.

Several witnesses having been called to prove publication of the libel, which the defendant denied in his pleadings:

Sir Charles Tupper was sworn. He stated that he was Premier of Nova Scotia from May, 1864, until July, 1867. He had been a delegate to the Charlottetown Conference, and also to the Conference at Quebec. The Charlottetown Conference was intended to bring about a union of the Maritime Provinces; the Conference at Quebec had for its object a union of all the Provinces of British North America. The plaintiff was a member of the Legislative Assembly of Nova Scotia from the general election of 1863 until July, 1867. When the resolution authorizing the first Conference was proposed in the Assembly, the plaintiff opposed it, and expressed his desire for a Confederation of all the Provinces.