

THE LIBEL CASE

Full Report of the Evidence Given in the Case of Mr. Nichol of the Province.

Evidence Produced in an Endeavor to Show that Defendant Wrote the Alleged Libel.

From Saturday's Daily.

In the police court of the city of Victoria, before Magistrate Macrae, on January 10, 1898, at 10 a.m., *Regina vs. Nichol*, Mr. Cassidy appearing for the prosecution; Mr. Martin appearing for the defence. Ian Coltart, called and sworn, testified:

Q.—Your occupation? A.—A Linotype operator.

Q.—You are an employee of the Province Publishing Company? A.—Yes, sir.

Q.—Which publishes the Province newspaper in this city? A.—Yes, sir.

Q.—You are also the secretary of that company? A.—Yes.

Q.—And you have been employed in their office here, in which the paper is published, for a considerable period? A.—Yes.

Q.—Do you know who the editor of that paper is? A.—The defendant.

Q.—And he has been for how long? A.—About three months.

Q.—And have you three months past? A.—About three months past.

Q.—Now, his duties as such editor are what? A.—The duties are the usual editorial duties of the paper.

Q.—That is to say, he writes the editorials in that paper? A.—Oh, no; not necessarily.

Q.—Well, I don't know, you see; I am very ignorant; I don't know what the usual duties of an editor are, so I would just like you to tell me. A.—The duties of an editor, I take it, are practically that he manages the paper—the matter that appears—the reading matter, to see that it is in proper form, and so on.

Q.—You say he is responsible for the editorial matter? A.—Oh, he is responsible for everything, I take it.

Q.—He is responsible for everything that appears in the paper? A.—I believe so.

Q.—Now, with regard to the reading matter, am I correct in saying that he either writes it himself or revises it, edits it, is a technical term, I believe?

Q.—With regard to the reading matter, he either writes it or revises it; looks it over, before it goes to press? A.—Oh, yes.

Q.—Now, during the period to which you have referred, was there any other regular editorial writer on the staff of the paper than the defendant? A.—I don't know.

Q.—What? A.—I don't know. On the staff?

Q.—Yes, A.—Yes; that is my answer. I don't know.

Q.—There was none other occupying a room in the building? A.—Well, I don't know.

Q.—There is what is called an editor's room, there? A.—Oh, yes.

Q.—And that was occupied by Mr. Nichol during that period? A.—Yes.

Q.—There is only one editorial room there? A.—No.

Q.—There is a room with the word "Editor" on the door? A.—Yes.

Q.—Mr. Nichol occupied that room during that period? A.—Yes.

Q.—There was in other rooms of that kind around the office, I mean, any other room with the word editor on it? A.—There was an anti-room.

Q.—Yes, but you know what I mean? A.—No other sanctum.

Q.—No other editorial sanctum besides that? A.—No.

Q.—And no other visible editor around there? A.—No.

Q.—I mean to say, no other visible editor around there except Mr. Nichol? A.—Yes.

Q.—Cross-examined by Mr. Martin.

Q.—You have stated, Mr. Coltart, that referring to Mr. Nichol, he either revises or edits the editorial matter before it goes to press. I take it you mean that that is your understanding of the ordinary course of business? A.—Exactly.

Q.—Do you know anything about this particular matter complained of here? A.—The libel complained of.

Q.—Yes, A.—Oh, no.

Q.—You know nothing of the course pursued in that matter? A.—Oh, no.

Q.—You referred to what you understood to be the ordinary course of editorial duty? A.—Yes.

Witness stands aside, but recalled by Mr. Cassidy.

Mr. Cassidy.—There is one question I think I had better ask Mr. Coltart. How is the Province newspaper published? A.—The paper is printed by the Province Publishing Company.

Mr. Cassidy.—Will you explain, please? A.—Articles written by the editor, and paper prepared; how is that paper published? What is the course? A.—The type is set up for it.

Q.—No, but who publishes it? A.—The Province, Limited Liability.

Q.—The Province, Limited Liability, publishes the Province newspaper? A.—Yes.

Q.—It occupies the building of the publishing company? A.—Yes.

Q.—Yes, the newspaper is published by the publishing company? A.—Yes.

Q.—The newspaper is a result of the publishing company in the building? A.—Yes.

Q.—Are you a director of both? A.—I am.

Q.—Of both companies. And managing director of the Province Publishing

Company? A.—Managing director of the Province Publishing Company, Limited Liability.

Q.—Cross-examined by Mr. Martin.

Q.—Do I understand you to mean that the whole staff of the publishing company works in that building with the other? A.—Oh, no.

Q.—They have a branch office in Vancouver? A.—Yes.

Mr. Cassidy.—I mean the part in Victoria.

The Witness.—Yes.

Mr. Cassidy.—The regular employees of both companies work together in that building? A.—They do not work together.

Q.—Well, they work in that building? A.—Yes.

Q.—And no other person occupies that building? A.—Yes.

Q.—You are also the secretary of that company? A.—Yes.

Witness stands aside.

Q.—Cross-examined by Mr. Martin.

Q.—What is your full name, Mr. Coltart? A.—William Ernest Ditchburn.

Q.—You live where? A.—No. 40 Toronto street.

Q.—Your occupation? A.—A Linotype operator.

Mr. Cassidy.—You are an employee of the Province Publishing Company? A.—Yes, sir.

Q.—Which publishes the Province newspaper? A.—Yes, sir.

Q.—You know the Province, Limited Liability? A.—I don't know the difference between the two companies.

Q.—You don't know the difference between the two companies? A.—Yes, I know there are two companies occupying that building? A.—I have been told so.

Q.—And you are an employee there? A.—Yes.

Q.—And the condition of affairs is such that you do not know the difference between the two companies? A.—Yes, sir.

Mr. Cassidy.—I suggest that to him.

Mr. Martin.—I object to that.

Q.—Well, who is the editor of that paper? A.—Mr. Nichol.

Q.—The defendant here? A.—The defendant.

Q.—And he has been for how long? A.—About three months.

Q.—And have you three months past? A.—About three months past.

Q.—Now, his duties as such editor are what? A.—The duties are the usual editorial duties of the paper.

Q.—That is to say, he writes the editorials in that paper? A.—Oh, no; not necessarily.

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