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 Vic tona, becore rarquhar Macrae, police magistrate, Victoria, B. C., January 7th, 1898, 10 a.m., Regina vs. Nichol, Mr. Cassidy appearing for the prosecution; Mr. Martin appearing for the defence.

Ian Coltant, called and sylori, testi-Court-Q.-Your occupation, Mr. Colt-

art? A .- Accountant. Q .- And you live on Craigflower road?

Mr. Martin stated that if Mr. Cassidy wished to prove the editorship, he admit-Mr. Cassidy-Q.-Are you one of the

directors of the Province, Limited Liability? A.-Yes. Q.-Which publishes the Province newspaper in this city? A. Yes. 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 .-

Q .- Do you know who the editor of that paper is? Mr. Martin objected that the question was unnecessary in view of his admis-

Mr. Cassidy contended that the admission could not be taken in a criminal proceeding. The court directed the evidence to pro-

coed, and a note made on the margin of the deposition of the admission! Q.-Well, who is the editor of that paper? A .- Mr. Nichol. Q .- The defendant here? A .- The de-

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

past? A .- About three months: yes. Q.-Now, his duties as such editor are what? We are talking about the whole period? A.—The duties are the usual editorial duties of the paper. Q.—That is to say, he writes the edi-

terials in that paper? A .- Oh, no; not 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 responsi-

ble for everything, I take it, in the Q.—He is responsible for everything that appears in the paper? A.—T. be-Q.-Now, with regard to the reading

matter, am I correct in saying that he either writes it himself or revises itedits it is a technical term, I believe? With regard to the reading matter, he over, before it goes to press? A .- Oh,

O .- 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

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

O.—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 durthat period? A .- Yes. - 800 O -There was no other room of that kind around there. I mean to saxono other

er room with the word editor on et; "

other room recognized? A. There was 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.

Cross-examined by Mr. Martin, O .- You have stuted. 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

A.—The libel complained of?
O.—Ves. A.—Oh, no. Q.-You know nothing of the course pursued in that matter? A .- Oh, no. Q.-You referred to what you under stood to be the grating course of edi-

Witness stands aside but recalled by Mr. Cassid-O .- There is one amostim I think I had better ask Mr. Coltart, How is the Province newspaper publish ed? A.-That is a pretty large order, Mr. Cassidy; will you explain, please? Q .- Articles written by the editor, and lished? What is the course? A .- The done so, and I might not have; I cannot type is set up for it-

Q.-No, but who publishes it? A. Province, Limited Linbility. O.-The Province, Limited Liability. publishes the Province newspaper? A. -It occupies the building of th

publishing company? A Times a ten Q. Yes, the newspaper is a than to the publishing company? A. Yes, with it has been to publishing company in the building? oblige members of the other company. company in the building? The staff of both companies work in the building? A .- Yes.

Q .- Are you a director of both? A .-Q .- Of both companies. And managing director of the Province Publishing

Province Publishing Company, Limited

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 Van-

couver? Mr. Cassidy-I mean the part in Victoria.

The Witness-Yes. Mr. Cassidy-Q.-The regular employees of both companies work together in that building? A.—They do not work Q.—Well, they work in that building?

Q.-And no other person occupies that building; just those two companies or cupy that building? A .- Yes. Witness stands aside.

W. E. Ditchburn, called and sworn, Court-Q.-What is your full name Mr. Ditchburn? A.-William Ernest Ditchburn. Q .- You live where? A .- No. 40 Tor-

Q .- Your occupation? A .- A Linotype perator. Mr. Cassidy-Q.-You are an employee

f the Province Publishing Company? A.—Yes. sir. Q .- Of Victoria? A .- Yes, sir. Q.-Which publishes the Province ewspaper? A.-Yes, sir.

Q .- You know the Province. Limited Liability? A .- I don't know the differ ence between the two companies. Q .- You don't know the difference beween the two companies? You know there are two companies occupying that building? A .- I have been told so. O .- And you are an employee there?

.-Yes. Q .- And the condition of affairs is nch that you do not know the difference cher should the design the design to the design to the design the design to the design

with a questi bics reenting odt Mr. Chasidwood suggest that to him: Mr.d Mantip -doublectieto that: Q You know there are two companies operating in there? A .- I have been

Q .- You have been told so; and you Arthur Davey, To know you are an employee of one of A .- I know I am working in the building, and I am employed by the publishing company, I think. Q .- You are employed, you think, by

the publishing company. You are paid, anyway, by somebody; you are paid for what you do in there? A.—Yes. Q.-By Mr. Coltart? A.-I think Mr. Coltart signs the checks. Q .- Mr. Coltart signs the checks. You

are paid for your services by checks of Mr. Coltart, which Mr. Coltart signs? A .- I don't know that he signs them: his name is on them, that is all as to Q.—Anyway, you work the Lemotype in there, for somebody? A:—Yes: Q.-That is a type-setting machine? A.—Yes.

Q .- You set up with that machine the reading matter for the Province newspaper? A .- Yes. sir. O .- And have done so for how long? A.-About nine months, anyway. Q.-I produce to you an issue of the

Province newspaper of December 11th last and show you a certain article be-Mr. Martin objected that the document referred to was not proved, or identified

by the witness. Wheeler, then. Witness excused for the time being. Arthur Wheeler, being called and

sworn, testified: Court-Q.-Your full inme, hander. Wheeler? A. Arthur Wheeler ising Q.-And you live where? A.-Nor.4 James street. Q .- And your occupation? A.-A

Q .- Where? A .- The Province Publishing Company. Mr. Cassidy-Q .- You have been employed in the building there for some time, have you not? A.-I have been John A., I believe. employed there since the 28th of August

this year. Q .- Since the 28th of August last? A -Yes: I mean last year. Q.—1897? A.—Yes.

Q:+There is a room there, as you go in, open to the public, with a desk, whatever you call it-a long desk there? one, yes. Q.2.2.10 Popular in if there is? Ones I

nce newspapers? A. I have sold them, PEG ANTER ACT, 1897." Q.-There? A.-There, certainly. U .- You were called in Mr. Temple

man's case? A .- I was not, no. In Mr. Coltart's case. O .- In Mr. Coltart's case. You' told us then that you sold this to my clerk.

Mr. Davey? A.-No, I did not. Q.-Well, I ask you now, Mr. Wheeler. do you remember selling this copy of the paper to Mr. Davey? A.-I. don't remember selling that copy; I sold some

him on the 13th? A .- I don't remem ber what date. I remember selling it that week. Q:-You remember selling it that week, particular matter complained of here? the week in which December 13th was, and immediately after this issue? A .-

Q .- You sold a copy of the paper to

Q .- Sometime during the week following December 11th. That was in the office there, the place I have mentioned? A .- In the office.

Q.-That is the Province office? A. It is the office that you have already Q .- You don't know whether it that or not (exhibit A.)? A.-No, I do

Q.-Did von sell other copies beside that that week? A .- Of that issue? Q .- Yes. Well, that is more than I or prepared: how is that paper publican tell you, Mr. Cassidy: I might have remember. I remember selling Mr. Davey one, but as to whether I sold any other ones, I don't know-of that issue in that week.

> Cross-examined by Mr. Martin. Q. It is no part of the duties assigned o you to sell the Province? A. No. Wheeler dinunderstand as nu accommo-

oblige members of the other company. Re-examined by Mr. Cassidy. O .- To oblige what members of the other company? A .- The members of the other company that have that duty Q-Well, who are they, now? A.

Company? A .- Managing director of the Well, am I to tell you the person who is allowed the right of cross-examination: supposed to do so? Q.—The persons, say. A.—It is the duty of a lady called Miss Keefe. Q.—It is the daty of a lady called where he works. Miss Keefe to do what? A .- To sell the papers that are asked for over the counter; asked for by customers,

Q.—To sell papers asked for by customers. Who is she employed by? A.— So far as I know, she is employed by the Province, Limited Liability. Q .- Are you sure of that? A .- I am not sure.

Q .- You and she work in the same office? A.—No, we do not. Q .- You said she was employed by Province, Limited Liability? A .- To the best of my knowledge, yes. Court-Q .- But you added: "I am not handwriting; what do you say to that? sure of it?" A.-Yes; I am not sure of A.-It was not.

Mr. Cassidy-Q.-You do not work in he same office? A .- When I say that, say we do not work in the same

Q .- Well, are there any special rooms in the building set apart for the newspaper company? A .- Well, that is something I do not know, Mr. Cassidy, be-Q .- I ask you if there are any special

rooms set apart for the newspaper? A. -I don't know. Q .- Who makes up the bundles of the Province for mailing? A.-Well, usually one of three boys-one of four boys, rather. Q.—Usually one of four boys? A.

Q .- Who are they employed by? A.-They are employed by the Province Publishing Company. Q.—Who takes them to the mail? A.

You mean to the post office? Q.-Yes. A.-A boy called Jameson Q.—Who is he employed by? A.—By the Province Publishing Company. Court-I might ask you one question.

The paper you sold to Davey, what issue Mr. Martin objected, as not being what wesyith do you know? Ac-Yes; it was a copy of the issue of December 11th Witness stands nside. Arthur Davey, called and sworn, testi-

Court Q Your full name? Q A student at law? A.—Yes. Q.-And you live where? A.-Burn-

Mr. Cassidy-Q.-I produce to youra copy of the issue of the Province news-paper of December 11th last, and ask you if you recognize it (Handed to wit-A .- Yes; I purchased this copy of the Province from Mr. Arthur Wheeler, the last witness.

Mr. Cassidy put in the document referred to, marked exhibit As an The Witness-Exhibit A in the Colfart case (the document referred to) Illpurchased from Mr. Arthur Wheeler, the last witness, at the Province buildingson December 16th.

Q .- At the place referred to in the evidence? A .- Yes, in the Province build-10 Witness excused; without cross-exam-

_edt Mr. Ditchburn, resumedid Mr. Cassidy-Q.-I produce to you a opy of the Province of Saturday. Deember 11th, and show you an afficle beginning: "There is light at last." den page 908. Did you set that up? .(Dogument handed to witness.) A .- I would not swear that I did. I suppose I must have: I am the only one that runs the machine there. I don't know whether

I set it up or not. I would not swear that I did. Q .- You would not swear that you set it up; but you said you must have done it? A.-I suppose so, because I was the only operator in the office that was senerally employed on the machine; there is another operator, but he very rarely

works on the machine. Q.-Yes, you are the only generally employed on the machine. Who is the other operator? A. His name is Shade. Q.—Give me his first name?

Q.—Is he employed there now? A. Q-What do you say with regarde to him now? A He very rarely works on the me

Q.—Is he a competent operator on the machine Mr. Shade? A.—I am not in position to judge; the foreman is the Mr. Martin objected that the indiffry

was partaking more of the nature of an examination for discovery than of a preliminary hearing before a magistrate. Q.—Do you remember the issue of December 11th? Do you remember working for that issue? A .- No. I cannot say that I do. I cannot remember any par-

ticular dates. I do not set the head Q.-Well, you set up the whole of these articles: that is to say you set the whole article, not merely pieces of it? When they set an article by type-

setters it is cut up in pieces? A.-Generally, wesilier in the Q. But with you, you get the whole article? A. Yes Q.-And when set by type setters it is cut up in pieces? A .- I don't say that rule applies to the Province office. It is generally in the printing offices. I don't know that it is the practice in the

Province office. Q.-So that when you set up an article you get the whole sense of the ar- to Christmas? A.-No. I would Objected to as leading. Question

owed. Q.-You have an opportunity then of setting up? A.-No, not always. Q.-Do you mean when you get the

whole article? A.-I do. Q.-For what reason? A. Because the running of the machine is so complicated that very often you have to get up from your keyboard and work are the machine some, and then you go back and operate again.

Q.-Do you know who wrote the copy for that article? A.—I do not. Q.—Do you know Mr. Nichol's handwriting? A.—No, sir, I have never seen editor of the Province at that time?

.—I did not. -Did you ever see Mr. Martin objected that the witness was being cross-examined on every Mr. Cassidy contended that witness had shown himself adverse, writing was Mr. Nic that he (Mr. Cassidy) should be it was Mr. Nichol's.

to which Mr. Martin objected Mr. Cassidy-I asked him if he ever saw Mr. Nichol about the office there

Court-He can answer the question. Witness-I have. 4.-Have you ever seen him in connection with any articles which were setting up, any copy? A .- I have

Q.-Referring to the period surrounding December 11th, previous to December 11th and that date, was the copy of reading matter for the province which you set up mostly in one handwriting, or was it in different handwritings? A .- In different handwritings. Q .- I ask you was it mostly in

Q.—The copy set by you about Dec. 11th was not mostly in one handwrit-

ing. Had you any idea in your own mind as to the persons to whom the different handwritings belonged. A .-No. I had not Q.-Was it your custom in setting up copy-I put this question to you-did

find difficulty in reading it? Mr. Martin-Imagine that question, your worship! If he had a brother did he like cheese? Mr. Cassidy-Of course, this is in effect cross-examination. I admit it; I

think I am entitled to it! A.-Yes sir. I have. Q.—To whom do you refer in such cases for the true reading? A.-Generally to the foreman. Court-In such difficulty you referred

to the foreman, you say? A.—Yes. Mr. Cassidy—Who was he? A. Mr. Cullin Q .- Have you ever referred direct to the writer? A.-No. Q .- You have never referred direct to

Cullin has ever done so. A.-I could which purported to be Mr. Nichol's did Q.-Do you tell me. Mr. Ditchburn, that you never had talk, which is said not say that it did this pretty hard to to usually go on in newspaper offices, remember now labout copy, soell to soul to the difference in handwriting of

of them, and so on? A.—Yes, I guess Nichol's? A.—Yes. I have. Q.-You have. And in such talk have ever referred to Mr. Nichol? A .-No sir. Q.-And his handwriting? A.-No

Q.-Whose handwriting do you talk about? A.-Generally the correspondence, communications that come into the office; the letters. Q.-In point of fact you say you don't

paper? A.-I could not say. The deposition was here read over the witness by the clerk. The Witness-I don't know exactly know that article commencing, "There is about that word "difference"-I mean light at last," on page 908? A.-I have

which existed between the two companies Mr. Cassidy-There is one questionyou say you don't know Mr. Nichol's handwriting because you have never that is the last witness? A .- I would seen him write. Have you ever seen not swear to it. writing which purported to be his? A-

I have.

Q.—How long is it since Mr. Nichol first came about the building there? A .- dence in the Coltart case. You mean by it. That is something I would not like to that that you have no doubt that he set | answer: I don't know. Q.—Several months?

Q-You don't remember when he first came there? A.-No sir. Q.-You don't remember when he first came there. But you remember for some time back seeing him about the building? A.-I think I have seen him two or three times about the building. Q.-How long back is it since you first saw handwriting purporting to be his? A.-Incannot remember.

Q.-About how long ago? A.-I cannot state. I would not swear when it WAS. previous to that about? A .- I cannot emember the dates.

derstood to be his handwriting, rather, Q.-Well, would you say an month more than a month? A - No Deworld was M. Nich Q. How much of this handwriting have you seen purporting to be his? A .- There was an article about two

columns. I think by an angular house Q.-An article about two columns: when was that? A Somewhere about Christmas, I think. Q.-Did you see any of the same handwriting previous to that? A .- I would not swear to the same handwriting, no. | ing? Q.-Well, it looked like the same

Q.—The same handwriting varies? A.-Yes. Q.-Yes, quite so? A.-And a great many people write the same, too. Q.-Well, this particular handwriting that we are talking about, that purported to be Mri Nichols, did that vary

handwriting was very different.

much? A. Not in that what I understood was Mr. Nichol's. Q.—That which you understood was Mr. Nichol's did not vary much. When did you first begin to see it? A.—I think about Christmas week.

Q.-Christmas week. Do you say you never saw any of that handwriting prior swear-that is a very peculiar question to ask a man in my position, because writing is often so very much alike that you don't know who writes them. - And observing the sense of what you are one man may write at one time with a certain hand, and at another time he may write altogether different.

Q.-Yes. But you have told us already that with regard to Mr. Nichols handwriting there was not much variation? A.-Not much. Q.—So that does not apply to then. Now, you say at Christmas week

you got some handwriting which pur-Mr. Cassidy-Q.-Now, with regard to ported to be Mr. Nichol's? A .- Yes sir. the outsiders, you said something about Q.-Was there anything particular brought to your attention which made you know that that was Mr. Nichol's handwriting better than any other? A.— -Do you know who was ostensibly There was. The only reason I have for believing that was Mr. Nichol's extracts in the paper that week handwriting was that I believe his signature was on the bottom of it. It was Things," only, now. A. In men and the control of the con A.—I do not.

A.—I do not.

Did you know whether there was nature was on the bottom of it. It was an editor of the Province at that time? a Christmas story for the Province. Things.

Q.-It was a Christmas story for the Province over his signature? A.—His initials I said. Q.-His initials. Then whatever doubt you had before, you knew that hand-writing was Mr. Nichol's? A.—I judged

Q.—From what you judged it was that week? A.—Yes. I do not read the Mr. Nichol's. Prior to that time I suppose you really did not know in that whether the handwriting was Mr. Nichol's or not? A.-No.

Q.—Now, carrying your mind back, and having that handwriting of the Christmas story in view, when did that sort of handwriting first begin to come under your notice? A.—I could not say. even any word in that particular issue Q.—A month? Would it be too much was written by any particular person? to say two months before? A .- I would

not swear how long it was. Q.-I don't want to pin you down any great length of time before. But it except that I saw the writing that purwould not be too much to say a month, posted to be Mr. Nichol's. at least, would it, Mr. Ditchburn? A .-Well, I don't know. I would not swear whether it would, or would not be. I ers wrote, can you say that any particu-have a great many handwritings to re- lar passage in "Men and Things," there,

Q.—That is to say, you cannot fix the period, but you know you had seen that kind of handwriting before? A .- I did not say so.

say that I had seen the same kind of handwriting before. Q.-Well, you told me just now, when you ever at any time, in setting up judged to be that handwriting, and you say you could not say how long before; and then I asked you if you would say a month, and you said you would not swear one way or the other; is that correct? A.-I say-possibly you can get it out of me this way-I might say that I have seen handwriting similar to that; somewhat similar, but I could not say

it was Mr. Nichol's Q .- You have seen handwriting some what similar before that. Taking the somewhat similar handwriting, how long before? A .- Now, I will allow you a

month. Q.-Now, you will allow me a month. Now, you do not want to retract what the writers. Do you know whether Mr. you have said, that the handwriting not vary very much; not as much as handwritings often do? A. Not I can-Q.-When won use the words. "somethe different people who write for the what similar," you are referring to this paper? The difficulty in reading some handwriting purporting to be Mr.

> Witness stands aside. Charles Lawrence Cullen, being called and sworn, testified: Court-Q.-What is your name in full?

A.—Charles Lawrence Cullen. Q .- You are foreman of the Province Publishing Company? A .- Yes. Q.-And you live where? A.-No. 114 Superior street.

Mr. Cassidy-Q.-You are employed as a printer in the Province Publishing know that Mr. Nichol writes for this Company? A .- I am. Q .- You are foreman? A .- Yes. Q.-I produce to you this issue of the Province of December 11th last. You

to say I don't know the relationship seen the article, Q. You have seen the article; do you know who set it up? A .- I believe Mr. Ditchburn did. Q .- You believe Mr. Ditchburn did;

O You said in Mr. Coltart's case: "I have.

Q.—When? Plenty of it? A.—No. huen, the operator? You don't went to cannot say that I have seen plenty of vary that, do you? A.-No. I say I believe Mr. Ditchburn set it up.

> Objected to as cross-examination Court-I think you have got quite

> enough Q. Do you know Mr. Nichol's handwriting? A .- Yes: I have seen what I helieve to be his handwriting and handled it and read it. O.-That is to say-I can put it this

way-what goes in the office as his handwriting? What is known in the office as | sworn testified: his handwriting? Is that what you mean? A .- What I have seen. Court-What is your full answer, Mr. Cullin? Mr. Cassidy asked you if you knew the handwriting of Mr. Nichol? Q.-Taking December 11th, how long A-I have handled and read what was said to be his handwriting; what I un-

> Mr. Cassidy-Q.-That is, what is called "copy" in the office? .. A .- Yes. Q.—It is part of your duty as foreman to distribute copy, to the different persons who set it up? A .- Is it? me O.-I asked you if it is ? A. Yes Q-rNowng referring it to the marticle which I have just shown your as you know if it was in the handwriting which

was known as Mr. Nichol's in the office? A.—I beg your pardon? Q.-Was that article in the handwrit-Mr. Martin-The witness did not say

handwriting? A .- No, not always. The that he knew there was a writing there which was known in the office as Mr. Nichol's handwriting. Court-Keep to the evidence. Q .- Referring to the copy of this article, was it in the handwriting which

you understood to be Mr. Nichol's? A .-I cannot say that I saw that particular through with the person who writes the Q .- Now, this article is under the heading: "Men and Things?" A .- Yes. Q .- Now, referring to everything under the heading: "Men and Things," do you know whose handwriting it was in that week? The copy of it, I mean?

A .- There was more than one handwrit-Q.—There was more than one handwriting? A .- Yes. Q.-Well, whose, for instance? Well, I don't know who the other handwriting belonged to outside of what I understood to be Mr. Nichol's. again, there is sometimes a reprint com-

Court-Q.-Some of the writing you understood to be Mr. Nichol's: the outsider's you did not know; is that what you said? A .- That would cover it, my

copied in, didn't you? A .- I said that were sometimes extracts. Q.—Do you refer to this particular, occasion with regard to the copy of the outsiders? A. There may have been

Q .- In "Men and Things." Now, the pany. main body of "Men and Things," what handwriting do you say it was in? A -The main body-well, I suppose, what I said before, in what I understood to be Mr. Nichol's handwriting

Mr. Martin-You did not read that particular copy at that particular time?

A.-No; it is not my business to read the copy; I have not got any time for it. Sometimes I glance over it, and sometimes I do not. Mr. Martin-Q.-Could you say that even any word in that particular issue

A .- In that issue? Q.-Yes? A.-Well, I cannot say; Y could not positively swear that it was, Court-Q.-Remembering what you say, that Mr. Nichol wrote, and outsid-

that was in the handwriting of Mr. Nichol? A .- To any particular part? Q.-Yes? A.-No. Mr. Martin-Q.-Can you take it up and say, for instance: "This was writ ten by Jones and this by Brown and

Q.-What do you say? A.-I did not this bylsomebody else 20 A .- No. I simply glancerlost the heading. Court-You cannot say a single word I asked you how long previously to the Christmas story you had seen what you written by Mr. Nichol? A.—I said part of the copy I understood was written by Mr. Nichol.

Mr. Martin-I do not think he understood your worship. Court-Q .- Pointing to this paragrpah you cannot say whether it was or not? You cannot say any particular part of "Men and Things" was written by Mr. Nichol? A.-No.

Mr. Martin-Q.-Or by anybody else? A.-No. Court-Have you read this article that is the subject of this inquiry? A .- I read it after it was in print.

Q .- You read it after it was in print? Q.-When did you read it? A.-It might be the next day, or the next day. Q.-When did you first read this article? A .- A day or two after; that it, Saturday or Sunday; it might have been later, but I read it after it was issued. I did not know that the article was in it, because I did not know that they were examined until Monday; or, that there was any case on, so I guess it must have been Monday before I read

Witness stands aside. John Abraham Shade, called and worn, testified: Court-Q.-What is your full name? A -John Abraham Shade.

Q.-You live where? A.-No. 26 Quadra street. Mr. Cassidy-Q.-You are employed in the Province building? A.—Yes. Q.-Which company? A.-Which company? Q.-Yes? A.-Well, I don't know

Mr. Martin-Q.-You are paid by the foreman, you can say that? A.—Yes. Court-What is your occupation? A .-Mr. Cassidy-Q.-You run a Linotpye nachine in there now? A.-Not now. Q.-You do not run a Linotype mahine now. When did you give up running it? When did you last run it in that office? A .- I worked, I think, an hour last week, or week before; that is the last time.

which company I am employed by.

Q - You do generally run it? A .- No, Q. Some attention has been called to the issue of the Province of December Q .- You don't want to vary your evi- 11th in these proceedings? A .- I read

type machine? A.—No, sir. Q .- You have read the article publish ed in the Province of the 11th of December now produced, and you did not set that up on the Linotype machine. Do you know who did? A Q .- Do you know Mr. Nichol's handwriting? A .- No. sir.

Witness stands aside. George Sheldon Williams, called and Court-Q-What is your full name Mr. Williams? A.-George Sheldon Wil-

Q .- Your occupation? A .- A proof-Q.-And you live where? A.-I am at present sleeping at night at the Province building. Mr. Cassidy-Q.-You are employed in the Province building? A.—Yes, sir. Q .- By which company? A,-The Prov-

ince Publishing Company, Liability. Q .- You say you are a proof-reader? A.-Yes, sir. Q .- You know this article of December 11th (showing paper to witness), which

produce to you? Q .- You know the article in the Province of December 11th produced, beginning: "There is light at last." Did you read the proof of that article? A,-Yes; the proof; yes, sir. Q .- You read the proof of this article?

Who with? A.-I could not recollect,

Mr. Cassidy; I have no regular copy-Q-Whose writing was the copy in? A-I could not tell you, sir, Q.-Isn't that your practice to read article, who writes the copy? A.-Oh, no, sir. Some of the people who write

the copy are a couple of thousand miles awav. Q.-I know that; but I mean in the case of an editor? A .- No; never. I never heard of it being done on any pa-

Q .- You did not read copy with Mr.

Nichol? A .- No; I do not even know that he writes copy. es Q. Xou do not know who the editor of the parier is A. No, sir. Q. Do you know who is supposed to Then, be the chitor of that paper? sir. I qualify that, Mr. Cassidy, by saying, or extract, you understand, comes ing that I know by Mr. Martin's admission to-day; that is the first time I ever heard it. Through Mr. Martin's admission to-day I know that Mr. Nichol is the editor. That is the first I knew of

Q.-How long have you been around there? A .- As a proof-reader, since the 6th, I think, Monday, the 6th of December.

Q.-You have only been there since Morday, the 6th of December? A. As or day, the Ch. of December? A.—As proof-reader of the form of Jacob Personal of Jac for the Province Publishing Com-

Q.-Do you know who was proof-reader before you went there? A .- No, sir. Witness stands aside. Mr. Cassidy-That is the case, your

worship Court-You are talking of the issue of Mr. Martin asked that the charge be

missed on the g not proved that the wrote the allege that he handled caused it to be de person; all of wh the defendant, libel and slander,

ground that it is article in question Court adjourned At 2:30 p.m. co adjournment.
The court hear counsel, and took t ment until next

judgment would be From Mon "I object! I obje speaker was Mr. afternoon in the po ing of the libel cas of the Province ar Mr. Martin, coun drew the magistra repeated infraction Colonist in publis the case, and desi press his disappron and flagrant viola stood law. His 1 to do anything of referred particular the Colonist of the the magistrate to approval of such His honor replied

ly nothing to do wi Mr. Martin-And honor, even express comments? His Honor-No. nothing in the mat position to control Mr. Martin-But per has for the se

or these cases, and worship-The Magistrate mit" rather, Mr. 1 Mr. Martin-Wel vour worship shou approval of these not allow me to r Colonist? The Magistratereasons.

In reply to furt

Martin, the magis not need to remin Mr. Cassidy mad cussion of the po Mr. Martin-In stand by and see duced and pilloried. His Honor-As I Martin, I have no matters than an

this end the quest get on with the ca After that the c a chorus of object to every question I as noted in the Ti action of the ma Cassidy, who went the epithet "sad d the counsel for the his brief and retire

"I see there is no withdraw from th tested against wh vant evidence and systematically. done what you thin His Honor-You

ments on that M Mr. Martin-All that your ruling sl for a solicitor to for a man and exp of evidence const erally construed in Mr. Martin the honor a very good court. The verbatim r

fellows!

In the police cou toria, before Fa police magistrate. 8th, 1898, 11 a.m. The case was o journment. The upon to exercise h ing the charge if h of parties, the co Gilbert as official the remainder of was duly sworn. Hon J H Tur witness on behalf sworn testified:

Court-Q.-Your

Q .-- And you liv

A .- Pleasant street

Herbert Turner.

Q .- Your occup chant. Mr. Martin-Q.would you kindly l Province produced. this matter (hande Tes. Q.—The alleged in reference to an which was publish December 5th, is Mr. Cassidy ob that the character

is a matter for the

eration, and not :

evidence bearing

libel, or upon excu Question allowed A.-I cannot ex that, as to whether on that interview. Q.-I did not sa in referring to the handed to me, and correct paper, that view; I had scare refers to an in whether it is be entirely, I could n Q.-You could tirely based on the er it is based on

> Q.-You cannot A.-I cannot say charges on. Q.-I did not I want to know Was Tod Pro ACL Ye Q. It says here mber 5th tl Publishing C

in here, I do not

further on it is

know

was broof-re