

*In Rejoinder :—*

MICHAEL STARRS, re-called—I look at memorandum book.

Q. When did you make that entry?—The date speaks for itself. I could not swear when I did make it. That relates to these notes. I have already admitted that in my evidence.

Q. That “dis” means discounted?—Yes; I guess that is put there when the notes were discounted.

Q. Opposite the three first notes are written the syllable “dis?”—Yes.

Q. Another entry here, “lent money” opposite Cotton’s name?—That is my handwriting. That is really lent; that is right, sir.

*Cross-examined :—*

This is really lent money, and these are the names of the men to whom I lent. When it is returned I scratch it out. This is not an entry similar to that.

JOHN CHARLES ROGER, recalled :—

Q. It is said in the evidence you gave a suit of clothes to Mr. Cotton?—I did.

Q. What was your reason?—Mr. Cotton led me to believe that he had no interest whatever.

*McCarthy, Q.C., objects.*

Q. What did he say to you; at the completion of the negotiation did Cotton make any statement as to his interest in the matter?—No.

Q. When was it you gave him the suit of clothes?—Immediately, the same day.

Q. Did he say anything then about his interest in the matter?—I gave him the suit of clothes the same day as we walked up from O’Meara’s. He said that the matter was with Boyle altogether, and that he had done for me what he had accused me of not doing.

*Bethune, Q.C., and McCarthy, Q.C., address the jury.*

*Charge.*—Gentlemen of the jury,—I am very sure you will wish that I shall compress my remarks into as short a space as possible, and I mean to do so, and in a great measure for the reason that both counsel have stated to you very accurately that there is no kind of action which can better be tried by a jury—which more belongs to a jury to pass upon—than this; in other words, it is entirely for you to say whether what the plaintiff complains of is libel or no libel. Whatever may be the result of this action as regards the parties, there is no one, I think, who has heard the evidence which has been brought out yesterday and to-day, who will not say that a great public good will probably result from it. Probably we shall find that means will be adopted which will prevent the practice, which appears to have prevailed for a long time, of procuring contracts by tenders, and tenders invited from irresponsible persons who do not care what becomes of their tenders, and therefore willing to sell them, from being carried on in future. I was sorry to hear from counsel that the question seems to have already engaged the attention of Parliament, and it seemed at last questionable whether any means at all could be found, but at all events we will hope that this trial will bring home very decidedly and conclusively to the attention of Parliament and Government that there exists a very great public reason why some alteration should be made in the practice which has hitherto prevailed.

This case does not involve any politics, and I wish to remind you of that. And you ought not to feel that you have anything to do with the question of whether the defendants are a public corporation who have great influence throughout the Dominion. You must deal with this case as the case of one man seeking redress against another for a libel. A libel has been defined to be any publication which tends to