her sex. But there had been nothing by which to try standards of taste; the woman was at the mercy of her dressmaker or dependent upon the criticisms of her friends. It is easy to figure out that had not the large mirror changed all this, allowing a woman to see herself full length, to note the effect of poise and gesture and to correct blemishes, the nineteenth century maiden would have been far different. The stylish effect of the natty shirt waist, the intentional coquetry of the bonnet, the length and "hang" of the bicycle skirt, would have been out of the question. Woman would have been a victim of her tailor's ingenuity.

It may not be carrying the point too far to argue that inasmuch as manners and morals are so intimately related, the mirror must have been responsible for much of the development of the race. The mirror added to the arts of woman, and those arts have been used with unquestioned success to provoke marriage, incite conspiracies, beguile kings and break up thrones. Women's dress and manners being less refined, the manners of men would be rough in even greater degree. The whole civilization would be resting on a lower plane. And all for lack of some small squares of glass backed with tinfoil! This may be straining a point, but it follows logically from Mrs. Crawford's interesting discovery.

Yet there is something the matter with this mirror theory, for large mirrors abounded in the days of hoopskirts and bustles.

THE LIBEL SUITS.

Captain Clive Phillips-Wolley Again Gives Evidence in the Province Case.

Mr. Martin, Counsel for the Defence, Makes a Powerful Address to the Court.

Case Continued Until To-Day Owing to Illness of Mr. Cassidy, Prosecuting Attorney.

At the afternoon session of the police court yesterday Captain Clive Phillips-Wolley, provincial sanitary inspector, was recalled by Mr. Cassidy, counsel for the prosecution, and his examination, which occupied two hours and a half, resulted in the evidence given by Mr. Coltart being verified upon all the matters of real importance involved.

Mr. Cassidy commenced by referring the witness to what he had said in his evidence last week in regard to Mr. Coltart having been a director of the Province, Limited Liability, his further statement that Mr. Coltart practically managed both concerns and they were run as one thing, which Mr. Coltart had said could only have been stated by Mr. Wolley because of maliciousness, and asked the witness if he adhered to his original statement as to the joint management of both concerns by Mr. Coltart.

Witness—I want to put it in my own words: I believed Mr. Coltart to be practically manager of both concerns, the newspaper company and the publishing company, during the time that I acted as editor of the Province.

Q.—Mr. Coltart says he never had any conversation with you as to the course to be adopted in editing the paper. What do you say to that? A.—I think he is mistaken; I know he did.

Q.—Particularly, he says in regard to attacks on individuals? (Witness looked at the written evidence given by Mr. Coltart.) "He is right; he never did directly suggest to me that I should make attacks on individuals."

Q.—Why do you say directly? A.—The fact is that Mr. Coltart and I had many conversations in regard to the policy of the paper and letters in regard to various individuals were very often talked over, but it would not be right for me to say that he suggested my attacking individuals.

Continuing his evidence Mr. Wolley said it might be true that Mr. Coltart did not write articles for the Province, but he (witness) remembered distinctly one paragraph which he thought Mr. Coltart did write. He could not say that he had seen Mr. Coltart revise any editorial matter, but articles written by witness, while he was editor, had gone through Mr. Coltart's hands and came back to witness revised or suppressed in accordance with the views on such matters previously expressed orally to him by Mr. Coltart. He believed that Mr. Coltart had used his influence to prevent the publication of an article written by witness upon the subject of the probable successor to Mr. Dewdney. Mr. Cassidy asked the witness what he had written in the article referred to, but Mr. Wolley asked his honor whether it was necessary for him to specify what he had said, and the court decided that the reference was sufficiently explicit. Witness said that after the article was written it went into Mr. Coltart's hands, and he (witness) learned from Mr. Coltart that in the opinion of the directors, and certainly in his own, the article was contrary to the policy of the paper. He understood it was the directors and Mr. Coltart who objected to the article and accordingly it did not appear. As to the substitution of the words "Britain" and "British" for "England" and "English," Mr. Wolley said that the two latter words did not appear several times when he knew he had written them in his articles, the former two being used in their places. He went down to the printing department and was there told something, he was about to repeat, when Mr. Martin objected to it as hearsay evidence.

Mr. Cassidy—Well, as a result of what you heard did you form any opinion about Mr. Coltart?

Mr. Martin again objected, saying that if hearsay evidence was to be accepted the case might be prolonged indefinitely. Mr. Cassidy claimed that any conclusion arrived at by the witness was as much a fact as that he walked down the street, and his honor allowed the question, saying that the state of the witness's mind consequent upon what he had been told was as much a fact as his digestion. Considerable argument ensued and counsel exchanged several pleasanties, but ultimately the witness deposed that as a result of what he heard in the printing department he concluded that Mr. Coltart had given general instructions that the word British should be substitnted for English wherever the latter appeared in his (witness') writings for the Province. Witness denied having quarrelled with Mr. Coltart. He was not aware that they were not on speaking terms and until Mr. Coltart told him did not know that he (witness) had passed Mr. Coltart without speaking to him. It was true that he had found fault with Mr. Coltart for the Dewdney article already referred to, which appeared on the first page of the Province of June 26th, 1897.

Mr. Martin proceeded to cross-examine the witness.

Q.—You do not wish us to believe now that the two companies were run by Mr. Colfart as one concern? A.—Yes, as far as I could judge from what I saw, he seemed to control both of them in one interest.

Q.—You said "while I was editor I know that Mr. Coltart practically managed both concerns, and they were run as one thing." Do your adhere to the statement that they were run as one thing? A.—Yes.

Q.—What is your justification for that statement? A.—I have seen Mr. Coltart accept an order for work from some people and then give men instructions to insert in the paper a "puff" for the people giving the work.

Q.—What instances do you refer to? And what did he say? A.—One instance was that of the maps which were ordered from the publishing company, and of which Mr. Coltart asked me to make a favorable mention, and another was a porcelain pot thing for holding salmon or cheese; and I was told I should have some of the salmon or cheese if I did so, but I never got any.

Mr. Martin—I suppose that is your greivance?

Witness—Yes, that is my grievance. (Laughter.)

His Honor—Mr. Wolley did not get the fruits of his iniquity.

Mr. Martin—Was it not this: Did not Mr. Coltart tell you that these two parties had been in while you had been out and wished him to submit the articles to your notice? A.—Yes, in regard to the porcelain pot they had been and I was out, that is quite true.

Q.—Do you know anything about the minute books of either of these companies? A.—No, I do not.

Q.—Or of their books of account? A.—No.

Q.—Or of their banking arrangements? A.—No.

Q.—Or of their relations as landlord and tenant? A.—No.

Q.—Or of their financial arrangements? A.—No.

Q.—Or of the contracts between them? A.—No.

Q.—Now, in the face of this, why did you say that you knew Mr. Coltart practically managed both concerns and they were run as one thing? A.—I did not say I knew they were run as one thing, but that Mr. Coltart practically managed both concerns, and they were practically run as one thing. "Practically" governs both statements.

Witness and Mr. Martin differed in their opinion as to whether this was so, and Mr. Wolley said he was quite willing to leave the matter to any judge of English to decide, but finally witness's answer was taken to mean that in his opinion both companies were practically run by Mr. Coltart as one thing.

Mr. Wolley was then asked in regard to the "Dewdney" article, to the insertion of which he said he had objected, because it contained an attack on one who was a personal friend of his, unless an item was also inserted to the effect that he (witness) had severed his connection with the paper. "I, therefore," said Mr. Wolley, "wrote a letter to the Colonist on the matter."

Witness was then asked to examine a paragraph which he had written, and admitted that the "quarrel" between him and Mr. Coltart was caused by the non-appearance of that paragraph, as well as by the insertion of the Dewdney article. The paragraph was as follows:

"We regret to state that Mr. Scaife, the editor of this journal, has only come back from California to go to the hospital and that Mr. Phillips Wolley, his locum tenens, has retired from his chair on the ground that now the celebration is over he has very little in common with the political sympathies of this paper. He has served one term, but does not go quietly in harness. We shall have a better man in his place next week."

Witness said he had been for some time previous to his occupancy of the editorial chair of the Province, during that time, and since then until the present time, the Provincial Sanitary Inspector for the province of British Columbia. Mr. Martin then drew witness's attention to the files of the Province newspaper during the time Mr. Wolley was acting-editor and asked him to count how many times the words England or English appeared in those issues, and witness found that on page 344 of the issue of June 19th they appeared four times, on page 345 twice, page 347 twice, page 348 once, pages 349 and 350 seven times, and on page 351 seven times. Witness then said what he meant was that the words English and England were frequently altered, but in the issue of June 19th, which was the Jubilee number, he had taken good care to see they were not changed. He also objected to being referred to as a witness for the prosecution, stating that he had no interest either way, drawing from Mr. Martin the remark that he could not be friendly to both sides. Witness continued in reference to the English-British controversy that in the issue of June 19 in which England was used so frequently, his poem on the U. E. Loyalists and the Jubilee Ode were taken from Longman's Magazine and could not be changed.

Mr. Martin—"Then I suppose it was for the same reason that they occur in the issue of June 12th?" Witness looked at pages 318, 322, and 325 and then said that many times he found when a proof of an article was sent to him for revision the change had been made and he altered it again, so that although "England" appeared in the paper it was only because he had revised the proofs and insisted upon that expression being retained.

Mr. Wolley would not deny that when he left the editorial chair he offered to send Mr. Coltart a letter for consideration by the directors containing his suggestions as to the manner in which the paper should be edited, although he could not swear that he did so. To the best of his recollection Mr. Coltart had never declined to discuss the editorial policy of the paper with him, but on the contrary had expressed his mind freely on many occasions. Asked whether he did not recollect that when he approached Mr. Coltart in regard to an honorarium for his Jubilee Ode Mr. Coltart told him it was not in his power to do anything, and that it would have to be referred to the board, witness said he remembered it, but thought it was to Mr. Bostock to whom he was told it must be referred. Several other questions tending to prove that Mr. Coltart consistently declined to interfere in the editorial work of the paper, amongst them being a reference to the publication of Mr. Wolley's poems during his editorship, and the suppression of some articles from the Vancouver correspondent were answered by the witness to the effect that the responsibility was placed entirely upon himself during his connection with the paper. Witness said he had no remembrance of the alleged quarrel between himself and Mr. Coltart, but admitted that as he went to see Mr. Coltart to complain about the Dewdney article he had "an awful temper;" it was possible he had used very strong language on that occasion; strong enough to justify Mr. Coltart in believing that he (witness) entertained bitter feelings against him.

This concluded Mr. Wolley's examination, and Mr. Martin intimated that unless his honor had conceived the impression that Mr. Scaife had severed his connection with the newspaper for good, he had no intention of calling any other witnesses. His honor said he had formed no such opinion, his questions bearing upon this point having been intended to make clear the dates of Mr. Scaife's former and his present absence.

At Mr. Coltart's request his evidence in regard to the date of the commencement of Mr. Scaife's present absence was changed from October 6th, as Mr. Coltart now knew it must have been much later in the month.

Mr. Martin then proceeded to address the court for the defence, as follows:

"May it please your worship, my client is here to answer the charge that on the 11th December instant he did publish a libel in a newspaper called The Province. This action is noteworthy by the reason that it is seven years since an action of this kind has occurred in Western Canada, and I believe I am right in saying that it is almost twice that period since an action of this kind has been tried west of Toronto. The reason for this is plain. Everyone knows that it is possibly the most difficult thing in legal proof to bring home the publication of a libel to the defendant; and another thing is the fact that alleged libels such as these on public men are almost invariably left to the civil courts. The only time in Eastern Canada in which the criminal court has been invoked is that one with which most of us are familiar, I mean that of Mr. Tarte, when the charge was the most serious one possible—libelling with an attempt to obtain money. Because, therefore, of the rarity of these cases it devolves upon us to be careful; for actions of this kind are looked upon, I was going to say, always with suspicion, but, if not always with suspicion at least always very narrowly. Especially is this the case, and it is right that it should be so, when a peculiar section of the code is invoked, as in this case, where my client is charged with the only crime under our criminal code against which he is not permitted to justify his action. If it had been alleged that the libels were false this course would have been open to us, and if I refrain from enquiring why the charge of falsity was not included I shall expect my learned friend on the other side to restrict himself in a similar manner.

When you accuse a man of publishing a libel you charge him with an offence, and I submit that when that man is brought here it is your duty to take up the code and say under what section that charge is made. I assume that if by any oversight those who compiled this code (and amongst them was so eminent a man as Sir John Thompson) have left out any offence it is not your worship's duty to find it. If a man is brought here your first question should be under what section it is that that man has offended against the laws of the realm. There is no section under which this defendant can be said to have offended except in part 23 of the code, and they are stated in sections 285 and 286.

Counsel then proceeded to read the section referred to and continuing, said: "I directed a large portion of my remarks to section 297 thinking that my learned friend must prove that the defendant is a proprietor. I thought then that on no other grounds could he bring it home, but he admitted that Mr. Coltart was not a proprietor, and therefore section 298 is the only one on which he can rely, and under that one I submit that the only man shown to be guilty of any such offence is this clerk Wheeler, and under that section Mr. Wheeler could justify himself. The prosecution have shown that the offence of selling the paper was not committed by Mr. Coltart, but by another party, but the offence charged is not the selling of the paper but the publication of it. We have next to enquire how publication is proved, for if we do not prove that defendant published the libel the charge falls to the ground. How can they prove it? I cannot give you a better definition than by referring to Odgers on that point, and at pages 170 and 171, of the edition of 1896, we find it as follows:

"' But the publication of a libel is a more composite act. First, the defendant must compose and write the libel; next, he must hand what he has written or cause it to be delivered to same third person; then that third person must read and understand its contents; or, it may be that, after composing and writing it, the defendant reads it aloud to some third person, who listens to the words and understands them. In this case the same act may be both the utterings of a slander and the publication of a libel. And even when the defendant is not himself the author, writer or printer of a libel, or in any way connected with or responsible for its being composed or written or printed, still he may be liable as its publisher. But to make him so liable three things must concur. First, the defendant must receive the libel and read for it himself, or in some other way become aware that it is, or probably may be, a libel; next he must deliver it to some third person, and then that third person must read it or learn and understand its contents. For in this case, if the defendant can prove that he was wholly ignorant of the contents of the document, and had no reason to suppose that it was likely to contain libellous matter, he will escape liability, because he has not consciously published a libel. And again, if the person to whom he delivers it never reads it or hears it read, the reputation of the plaintiff is in no way injured by any act of this defendant.'

"Of those three requisites, has any single one been proved here? I refer you also to Archbold at page 889, and submit that if there is no express evidence that he printed and published it, but it can be proved that it was in the handwriting of the defendant, then there might be evidence to go to a jury, but no such thing is alleged here. Now, it is for us to enquire in what way defendant is concerned. He can only be concerned in one or two ways, either as a principal or an agent; either as a master or as a servant. We have seen that even in the case of a proprietor it is impossible to obtain a conviction unless it can be brought home to the proprietor himself."

Quoting from the case of the Queen vs. Holbrook (4 Q.B.D., page 49) counsel continued: "This is what Mr. Justice Lush says:

"'This, then, was the state of the law before the act was passed. The proprietor of a newspaper which contained a personal libel was treated as a criminal, though he had not himself committed the criminal act, nor procured or incited another to commit it, nor aided in its commission, nor knew that it was about to be committed. I think it cannot be doubted from the tenor of the act itself, apart from its historical origin, that the intention of the legislature was amongst other things to mitigate the rigor of the common law in this particular, and to place the proprietor of a newspaper in the same position as any other employer whose servant had in the course of his employment committed an offence against and to the injury of a third person.'

"And in the same case Chief Justice Cockburn, at pages 58 and 59 says:

"'The state of the law which this enactment (6 and 7 Victoria, c. 96.) was intended to reward, was in my opinion inconsistent with the first and common principles of justice, and one which was discreditable to the legislature of this country* * * * In direct contravention, I cannot but think, of the fundamental principle that to constitute guilt there must be a mens rea, an intention to violate the law."

Counsel referred his worship to Stone's Justices' Manual, page 548, and quoted as follows from Fraser's on the Law of Libel and Slander at page 204:

"The proprietor of a newspaper is not criminally liable for a libel which has been inserted in it without his knowledge or consent merely because he has given the editor a general authority to publish what he thinks proper therein. So, too, the directors of a printing company are not criminally liable for a libel contained in a paper printed by the servants of the company, unless they knew of, or saw the libel before its publication or gave express instructions for its appearance."

"What is the position of this defendant? Practically that of secretary to this company, at a remuneration of $30 per month. It is evident, therefore, that he must have some other means of livelihood, and he has, as we have seen, in the management of the large business of the publishing company here and in Vancouver, but his position in connection with this newspaper company is plainly that of secretary, and to find what the duties of a secretary are I know no better authority than Jordan in his handbook on joint stock company at page 131." Counsel read the definition of the duties of a secretary, and, continuing, said: "He has acted as secretary and as secretary only with one exception. He admits freely that when Mr. Scaife, his superior officer, was ill he did all he could in the best interests of his employees to assist in the discharge of the duties which Mr. Scaife was unable to perform because of his illness. His own evidence is that when Mr. Wolley took charge of the editorial chair at Mr. Scaife's request he (Mr. Coltart) did certain things; in fact, tried to show Mr. Wolley 'the ropes.' And is there any reason why he should not do all he could to further the interests of his employers by helping the editor? Even if he did act as an amanuensis to Mr. Scaife, and even if he did a whole lot more than that, I say that was to his credit. Let us assume that anything Mr. Wolley said was exactly the case, there is no evidence to show what was done by Mr. Coltart after Mr. Scaife's return, except the statement of Mr. Coltart himself that he returned to and attended strictly to his own secretarial duties. Granting as I have said that everything that Mr. Wolley said was correct, and I do not wish to dwell upon this portion of the case, although we have seen that in regard to the running of the two companies as one concern and the substitution of the word British for English, Mr. Wolley was open to correction, still what has occurred since the 26th June, when Mr. Scaife returned, can only be shown by Mr. Coltart's evidence. One other thing I might mention en passent, and that is: Mr. Wolley was before and during his connection with the paper, and is now, an employee of the government. My learned friend has intimated that my clients are imbued with malicious feelings against certain parties. They allow, however, a servant of the government, that government to which they are supposed to be hostile, to go into their office and edit their paper. Mr. Wolley says that he came here reluctantly; of course his conscience is his only judge. I cannot say, but it may be that his evidence is, perhaps, unconsciously somewhat tinctured with the knowledge of the circumstances under which it was given. I do not wish to judge, but it might well be that in such a case one would try to avoid going into the witness box, although I wish to make no insinuations. There may be a conflict or an unimportant point or two between Mr. Coltart and Mr. Wolley's evidence, but only up to the 26th of June. After that there is no conflict because there is no evidence to show that from that date Mr. Coltart did not do what he says he did, attend strictly to his own business."

Mr. Martin quoted from the London Law Journal of December 4th, 1897, to prove that a director is a paid servant of the company, and referring to the evidence pointed out the admitted facts of this case: (1.) The publication of the libel by the Province, Limited Liability; (2.) Mr. Coltart is a director, filling the statutory blank and holding only sufficient shares to qualify him; (3.) That he is secretary at $30 per month; and, (4.) That assuming Mr. Wolley is right as to the time when he was connected with the paper it has not been shown that subsequent to that time Mr. Coltart has acted as anything but secretary. "I ask your worship," said Mr. Martin, "to find that this libel has not been brought home to this man in any way. They have to prove that step by step that this man is guilty, and, if necessary, I would ask your worship to bear in mind that in the proof of publication the onus lies on the plaintiffs. (Odger's, 172.) I have shown you that in his personal capacity he had nothing to do with it. As secretary and as director he is a servant of the company. As a servant he did nothing that could bring this charge home to him. I have shown you that neither as a publisher nor as a printer is he liable. What remains? Nothing, your worship, I submit, but to discharge him. It is seldom that a man can give so complete a denial to a charge as Mr. Coltart did here. What does Fraser say? He is not liable unless (1.) he knows of; or, (2.) saw the libel, or, (3.) gave instructions for its appearance. What does Mr. Coltart say? I did not see the libel, I did not know of the libel; I gave no instructions for its appearance; I had no reason to believe it would appear: I had no control over it of any kind. If there is any suspicion lingering in your honor's mind as to his responsibility that surely should remove it. I will not dwell at greater length upon this, but will just refer you again to the three requisities laid down in Odger's, and finally refer you to the words of Sir John Thompson, at page 860 of Crankshaw: "Taking it altogether, I think that so far as journalism is concerned, the law of libel is practically a dead letter. These restrictions are for the purpose of protecting reputation, not so much against the press, because the press has grown stronger than the law of libel, but for the purpose of protecting them against libels of other kinds."

"The law of libel," continued Mr. Martin, "as far as journalism is concerned, is practically dead. I ask your worship not to galvanize into life such a pitiable corpse as we have here."

It being now after 6 p.m., and Mr. Cassidy suffering from a severe cold, which incapacitated him from addressing the court, an adjournment was taken until to-day at 10:30 a.m.

TO-DAY'S PROCEEDINGS.

When the trial of the case was continued this morning Mr. Cassidy proceeded to address the court on behalf of the prosecution, and continued until adjournment at 12:40 until 2:30 this afternoon. Mr. Cassidy commenced by saying that he thought there was something of irony in the suggestion of Mr. Martin that the prosecution should have instituted proceedings in a civil rather than in a criminal court, in view of the fact that by an extremely injurious arrangement which reflects much credit upon the shrewdness of the people who originated it this newspaper (the Province) had placed itself in such a situation that no person bringing a private action for damages would be able to recover a farthing of damages.

Mr. Martin entered a strong objection. He claimed that Mr. Cassidy was asserting that the Province Limited Liability was practically bankrupt. This assertion was unwarranted and the court should not allow such aspersions to be made. His worship said he had not heard the remark made by Mr. Cassidy of which Mr. Martin objected, and Mr. Cassidy was proceeding with a similar line of argument when Mr. Martin again appealed to the court for a ruling upon his objection to Mr. Cassidy casting aspersions upon the financial standing of the defendants. Mr. Cassidy said it was not the financial standing of the company he was bringing in question, but Mr. Martin with some warmth held that to assert that the company were unable to pay whatever might be awarded as damages against them was highly improper. His worship said he had only understood Mr. Cassidy to say that had his clients obtained a verdict they could not collect.

Mr. Martin—"Why should he say that?"

The Court—"He was not questioning the ability of your clients to pay."

Mr. Martin—"What right has my learned friend to say that the prosecution could not collect?"

Mr. Cassidy said he was going to prove that, whereupon Mr. Martin appealed with much energy to the court to put a stop to such a highly improper course, saying that the admission of such things was practically turning the enquiry into the examination of a judgment debtor. "It may be," said Mr. Martin, "that my clients could not recover costs against Mr. Turner because he has given a mortgage to the Bank of British Columbia to cover his indebtedness for $160,000. Did I refer to that, supposing it to be the case? No; it would have been highly improper; and it is just as much so for him to allege that my client could not pay any damages which might be awarded against them, and I ask your worship to stop it."

Mr. Cassidy again denied having intended to cast any reflections whatever upon the personal financial responsibility of Mr. Coltart or of the individuals associated with him, but it had been shown that the Province Limited Liability was the only body liable for the publication, and it is well known law that a body of persons are entitled to associate themselves in a company whereby they can only be forced in any civil proceeding or execution to pay the amount represented by the unpaid shares of stock standing in their name, and in this case it had been shown by the memorandum of association that the shares are fully paid up, so that there was no way in which a man of them could be made liable. Mr. Martin expressed astonishment that the court should allow such an inference as that to be drawn by his friend, as he could not know whether or no the company had a million dollars' worth of assets, and the inference was foreign to the case.

Counsel waxed very warm and the court warned them to address the bench, saying that out of consideration of Mr. Cassidy's voice he recommended more moderation, being quite sure Mr. Martin would not like Mr. Cassidy to lose that organ, whereupon Mr. Martin said that Mr. Cassidy had "a government organ" which was doing his talking for him.

Continuing Mr. Martin said that no consideration would allow him to refrain from entering a protest against what he thought to be wrong. Mr. Cassidy then proceeded to say the evidence proved the whole of the assets, the plant, buildings, etc., had been carefully put in the hands of the publishing company. Mr. Martin again expressed surprise that his worship should allow this, and Mr. Cassidy replied that it had been proved that even the editorial chair and certainly the room, were leased by the newspaper company from the publishing company. Mr. Martin said that was absolutely false, and the court told Mr. Cassidy he should not say that. Mr. Cassidy then, apparently with reluctance, abandoned that line of procedure. Counsel then proceeded to deal with the alleged libel, saying it was not primarily the libel upon Messrs. Turner and Pooley in their private capacities, but in their positions as ministers of the crown, and read a portion of the article which is made the basis of the action. He characterized the charges as the most gross that could possibly have been formulated, and was proceeding to argue that although Mr. Martin had ridiculed the idea of there being any danger of a breach of the peace, such a possibility might have been brought about. Mr. Martin pointed out that he had never said anything about a breach of the peace and Mr. Cassidy acknowledged the correction, but continued his argument as to the possibilities of serious disturbances being caused by the reading of such articles, unreplied to, on a political platform. Counsel submitted that the proper course to be adopted by men in the position of his clients had been taken by them and again attempted to fix upon Mr. Martin the reference to the case of Queen vs. Labouchere, to which Mr. Martin had made no reference.

Having signified that he would say nothing further as to the character of the libel, Mr. Cassidy was instructed by the court that the only other point on which he would be heard was the matter of publication, and quoting from Odger very copiously counsel sought to establish the fact that the authorities quoted yesterday by Mr. Martin as to the essential requisities to prove publication referred only to libels on private persons by other means than newspaper publication. In pursuance of the attempt to prove that the defendant had knowledge of the fact that similar articles to the one complained of had been appearing in the Province, Mr. Cassidy referred to the issues of 27th November and 4th December, to which Mr. Martin objected, saying the court had previously ruled that as Mr. Coltart's evidence did not show that he had denied any knowledge of previous criticisms, he (Mr. Martin) had not dealt with that portion of the evidence. Mr. Cassidy insisted, however, that he was pursuing a proper course, but Mr. Martin urged repeatedly that the only object with which the previous articles could be produced was to prove that they were defamatory. To prove this, or to ask his worship to rule upon it, involved the whole of the present case. Mr. Cassidy indulged in some audible laughter at one of Mr. Martin's remarks, which called forth from the latter some sarcastic allusions to Mr. Casidy's want of legal knowledge. Mr. Cassidy said he would not submit to be continually insulted and Mr. Martin retorted that of Mr. Cassidy gave way to hoarse cackinnations he must take the consequences.

Mr. Cassiday was ultimately allowed to refer to the articles of November 27th and December 4th, and read some portions of them amid the ill-suppressed merriment of the large audience. Counsel was continuing his argument when the court rose at 12:45, an adjournment being taken until 2:30.

Mr. Cassidy concluded his argument this afternoon, and the magistrate reserved his decision. The hearing of the charge against Mr. Nichol will commence on Friday next.

Joseph Boscowitz returned this morning from Europe.