

APPENDIX No. 3.

IN THE COURT OF QUEEN'S BENCH.

BOYLE } Before OSLER, J., at Toronto, 26th Jan., 1880; with a Jury.
vs. } McCARTHY, Q.C., and DONOVAN for Plaintiff.
THE GLOBE } BETHUNE, Q.C., and EDGAR for Defendants.

Action for Libel.

Bethune, Q.C.—We admit publication of these “Globes” in which libel is alleged to be contained.

McCarthy, Q.C.—We put in the following “Globes”: 11th November, 1879, Ex. 1; 14th November, 1879, Ex. 2; 19th November, 1879, Ex. 3; also Mr. Boyle's letter of the 19th, Ex. 4, published in the “Globe” of the 22nd November. We have not the “Globe”: “Globe” of 25th November, Ex. 5, and 27th November, Ex. 6, which contains plaintiff's second letter.—Case.

For the Defence.

HENRY G. HARTNEY, sworn—I am Clerk of the Printing Committee at Ottawa; I am Clerk of the Joint Committee of both Houses.

Q. Have you in your custody some tenders which were given last Session for the printing of both Houses?—I have; I produce them. There are no dates to these tenders.

Bethune, Q.C.—I put in Mr. Boyle's tender, Ex. 7.

Witness—It was received on the 9th April, 1879.

Q. You have marked on the back that this cheque was returned 24th April?—Yes.

Q. How was that returned? To whom was it given?—I presume it was returned by mail. This tender you show me is marked the “Spectator,” and is rejected.

Q. Ex. 8, MacLean, Roger & Co.?—It is not marked. I returned the cheque given in this one on the 24th April. Ex. 19 is Mr. Mackintosh's tender, and the cheque was returned on the 24th. It was handed to Mr. Mackintosh.

Bethune, Q.C.—I only put in three of these tenders.

Witness—I produce report of the Committee.

Bethune, Q.C.—I put in report of the Joint Committee, dated 13th April, 1879, Ex. 10. (Reads.) Show me a letter you have there written by Mr. Boyle?—I produce it.

Q. This is from plaintiff to witness, 21st April, 1879, withdrawing tender, etc.?—I do not know who handed me this letter.

Q. I put this in, Ex. 11; also letter April 12, 1879, Ex. 12?—I do not know what particular day I received that letter. (Letter read.)

Q. I put in letter from Charlton, Ottawa, 23rd April, 1879, Ex. 13?—That is from Mr. E. J. Charlton. (Letter read.) I do not remember when I received that.

Q. I put in a letter from Mr. Hope, dated 19th April, Ex. 14?—I received that. It looks like January or February, but it must be April.