

CRIMINAL LIBEL.

Full Report of the Proceedings Against Senator Templeman in the Police Court.

Prosecution Object to the Reading of Extracts from the London Newspapers.

The well recognized advantage of preceding any specially attractive piece of resistance by a "curtain-raiser" of mediocre qualities which obtains in the theatrical world was duly observed yesterday in the court of police...

SUMMONS TO PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Province of British Columbia, City of Victoria, To William Templeman, of the City of Victoria in the Province of British Columbia:

Whereas you have this day been charged before me, the undersigned, Farquhar Macrae, police magistrate in and for the City of Victoria, at the City of Victoria, on Saturday the eleventh day of December, 1897, at the City of Victoria aforesaid, unlawfully did publish in a certain newspaper called "The Victoria Daily Times," a defamatory libel on, of and concerning John Herbert Turner and Charles Edward Pooley, under the names J. H. Turner and C. E. Pooley, the said John Herbert Turner and Charles Edward Pooley then being members of the executive council of the said province, that is to say the said John Herbert Turner being the minister of finance and agriculture, and the said Charles Edward Pooley being the president of the executive council of the said province, which libel was in the words following, that is to say:

Then follows the article complained of, in which it was written in substance, sense of imputing that the said John Herbert Turner and Charles Edward Pooley as such minister of finance and agriculture and president of the provincial executive council, respectively, have each of them betrayed the public trust reposed in them, and that they as such minister of finance and agriculture and president of the executive council, respectively, are dishonest and have received bribes, and that they did not and are prepared to put the plans and purposes and secret information of the said executive council and government of the said province, of which they are members, at the disposal of a certain commercial company or companies with which they are connected, and that they are lending such their official influence and official knowledge as such members of the said executive council to the promotion of companies of a questionable character (meaning in regard to honesty), for a valuable consideration, direct or indirect, to a large amount paid or given or to be paid or given by such companies to each of them, the said John Herbert Turner and Charles Edward Pooley, therefore, and that such their conduct constituted a corrupt bargain and sale of themselves and prostitution of such their public offices for their own private gain as men in high places (meaning the said places as such minister of finance and agriculture and president of said executive council); and that the said John Herbert Turner and Charles Edward Pooley each of them, as such minister of finance and agriculture and president of said executive council, and as such members of the legislature of the province of British Columbia, is dishonest and corruptly accepted or obtained or agreed to accept or attempt to obtain for himself money or valuable considerations on account of something done or omitted, or to be afterwards done or omitted by him in his capacity as such member of the said legislature and of the said executive council.

These are, therefore, to command you, in Her Majesty's name, to be and appear before me on Tuesday, the twenty-first day of December, one thousand eight hundred and ninety-seven, at ten o'clock in the forenoon, at the police court in the city hall building, situate on the corner of Douglas and Pandora streets, in the said city of Victoria, at which time there, to answer to the said charge and to be further dealt with according to law. Herein fail not.

Given under my hand and seal this 17th day of December, in the year of our Lord one thousand eight hundred and ninety-seven, at the city of Victoria, aforesaid.

F. MACRAE, P.M., City of Victoria.

The case against Senator Templeman was the first called. Mr. Gregory rose and stated that he appeared for Mr. Templeman, and the magistrate asked Mr. Templeman to stand up. The senator complied with the request, and the magistrate, without reading the informa-

tion, informed him that he was charged with publishing in the Times of the 11th December a defamatory libel upon the Hon. J. H. Turner and the Hon. C. E. Pooley.

Mr. Cassidy stated that he appeared for the prosecution and said: "I would ask my friend who appears for the defence whether he admits the publication of the Times newspaper by Mr. Templeman."

Mr. Gregory—"I am not aware that Mr. Templeman read from the Times. I would like to ask Mr. Cassidy under what section of the code the information is laid."

Mr. Cassidy—"Oh, that is for my friend to say. Perhaps my friend does not know himself."

His honor ruled that Mr. Cassidy need not specify further. Mr. Cassidy would also like to point out that they do not allege in the information that the so-called libel is false. I don't suppose my friend will admit that the statements complained of are true if he wishes to do so."

Mr. Cassidy—"The libel is defined as a defamatory libel and that in itself is presumed to be false, although I don't know anything at all."

Mr. Gregory—"Mr. Cassidy has altogether missed the point I am trying to make. There is no allegation that the alleged libel is false, and unless he is willing to admit that the statements complained of are true it seems to me that he should be willing to accept the opportunity of amending the information, which I am willing to allow him to do. I notice that in the information, he writes to Senator Templeman, he states that his clients are coming into court to vindicate their public and private honor."

Mr. Cassidy—"I object to Mr. Gregory reading from the letter."

Mr. Gregory—"I have never heard that counsel could read from a letter written by the counsel of the opposing side. I suppose you are going to put this letter in as evidence?"

Mr. Cassidy—"Yes, I will put it in." Mr. Gregory—"It would not help Mr. Cassidy's clients to vindicate their honor unless they are anxious to prove that the libel is false, but if Mr. Cassidy is satisfied with the information, I and I presume his clients, although I don't see them in court here this morning. Are they coming?"

Mr. Cassidy—"The public, represented by this information, are my clients." Mr. Cassidy called his first witness, George Denny, sworn.

Witness—"I reside at 128 Pandora street; my occupation is that of a reporter."

Mr. Gregory—"Do you know whether Mr. Templeman writes articles for that paper or not?"

Mr. Cassidy—"Do you mean Senator Templeman?"

Mr. Cassidy—"Do you know whether Mr. Templeman writes articles for that paper or not?"

Mr. Cassidy—"Do you mean to say that you know whether he writes any of the articles which appear in the Times or not?"

Mr. Cassidy—"Who does write the articles?"

Mr. Cassidy—"I must point out to your honor that I am obliged to adopt this process of examination; I am trying to find out who the man is who writes the articles by process of exclusion."

His Honor—"You can ask him who is the editor." Witness—"I cannot say who was appointed as editor of the Times."

Mr. Gregory—"You mean to say this, that you cannot say who the editor is because you don't know who was appointed by the directors to fill that position?"

Mr. Cassidy—"That depends upon the records; this statement is not evidence. I must have the best proof for every thing. Any paper can claim to be a limited liability company, but there are certain rules and regulations which must be complied with and the records must be taken to prove that in the regular way."

Mr. Gregory—"The place where Mr. Templeman is manager is the Times Printing & Publishing Co., Ltd., is it not?"

Mr. Cassidy—"It is the Times Printing & Publishing Co., Ltd., is it not?"

While the deposition was being read to the witness previous to his signing it, he said: "I cannot swear to the particular paper there without comparing it word for word with the copy on file in the office."

Mr. Cassidy—"Put that down." Examination closed.

Arthur Davey called. Witness to the clerk—"I am a law student and article clerk in Mr. Cassidy's office, and reside on Burnside avenue."

Examined by Mr. Cassidy—"I produce and show to you a paper marked exhibit A. Do you know that?"

Witness—"Yes, I purchased that from Mr. McIntyre last witness, in the Times office on December 13th, 1897."

Mr. Cassidy—"You did not say on the staff, and as you said you wanted me to tell you all these were, I included them."

Mr. Gregory (interposing)—"Do you want to read the names and business of all these people?"

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the responsibility, and whether others connected with the proprietorship of the Victoria Times Printing and Publishing Company have failed to send to the Registrar-General of Public Companies a copy of a register containing the names of the directors and officers of the company, as required by section 80 and 100 (b) of the Companies Act, 1897. I must direct inquiry to be made by your obedient servant.

Mr. Cassidy—"On second thought I have decided that the letter is not evidence and could not be put in. Nothing that I could say in a letter of that kind could affect the matter at all."

Mr. Cassidy—"But you have already put it in."

Mr. Cassidy—"I say that the letter is not evidence. The rest of that letter is this, that Messrs. Turner and Pooley, having decided to prosecute, wished to know whether Mr. Templeman was willing to indemnify himself under the terms of a limited liability company. It is not evidence, and it would be very wrong for me to make any admissions of any kind."

Mr. Gregory—"The letter has been put in by Mr. Cassidy already."

Mr. Cassidy—"I repeat my determination not to put the letter in, on the grounds that it was not admissible as evidence."

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Queen vs. Labouchere in which he had cited the opinions of great judges on this effect. A criminal proceeding ought not to be instituted unless the defence be such as can be reasonably expected as calculated to disturb the peace of the community. In such a case the public prosecutor has to protect the community in the person of an individual. But private character should be vindicated in an action for libel, and an indictment for libel is only justified when it affects the public, and an attempt to disturb the public peace would not be a ground for an indictment. (See Queen vs. Labouchere, 11 Q.B. 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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