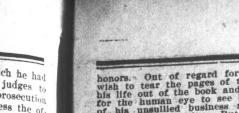
	4 THE VICTOR ATIMES. FRIDAY. DECEMBER 24, 1897.					
		tion, informed him that he was charged	Mr. Gregory (interposing)-"Do you	of it?" A"That is all I marked, but I recognize the other piece."	the responsibility, and whether +others connected with the proprietorship of the	Queen vs. Labouchere) in which he had
D. B. Barris	CRIMINAL LIBEL.	with publishing in the Times of the 11th December, 1897, a defamatory libel upon	all these people?"	Q.—"Has that paper been in your pos- session ever since you purchased it?"	the responsibility, and whether others connected with the proprietorship of the Times are ready to share it with fou. The Victoria Times Printing and Publish- ing Company has failed to send to the Registrar-General of Public Companies a	cited the opinions of great judges to this effect.' A criminal prosecution
		the Hon. J. H. Tarner and the Hon. C. E. Pooley.	A	A.—"No, not in my possession, but it has	Registrar-General of Public Companies a copy of a register containing the names of	ought not to be instituted unless the of- fence be such as can be reasonably con-
	Full Report of the Proceedings Against		Q 'Mr. McIntyre sometimes stands	been in the vault." Q"Did Mr. Cassidy have access to	Registrar-General of Public Companies a copy of a register containing the names of its directors and managers as required by secs. 80 and 160 (b) of the Companies Act, 1897. I must ask an immediate reply. Yours obediently, BOBERT CASSIDY.	strued as calculated to disturb the peace of the community. In such a case the
	Senator Templeman in the	ask my friend who appears for the de-	is open for the public?" A"Some-	it?" A"Yes." Q"And other persons?" A"And	Yours obediently, RUBERT CASSIDY.	public prosecutor has to protect the com-
	Police Court.	fence whether he admits the publication of the Times newspaper by Mr. Temple-	Q.—"And sometimes sells to the pub- lic the Times newspaper?" A.—"Yes."	other persons." Q"And it is possible that the outside	Mr Coopier "On second this which T	But private character should be
	Prosecution Object to the Reading	man. Mr. Gregory-"I am not aware that	(Cross-examined by Mr. Gregory.) Q"The Times is published by the	may have been changed?" A.—"Yes, it is possible, but the inside I will swear	donce and could not be mat in Mathie	dictment for libel is only instifed
Y LA	of Extracts from the Lon-	Mr. Templeman does publish the Times. I would like to ask Mr. Cassidy under	Times Printing & Publishing Company,	to." At this point some diversion was caus-	could affect the matter at all."	it affects the public, as an attempt to disturb the public peace.' (Wood vs.
1	don Newspapers.	what section of the code the information is laid."	1 O -"Are you a shareholder in that	ed by Mr. Gregory's objecting to Mr. Cassidy walking around the table in the	Mr. Gregory-"But you have already put it in."	Cox, 4 Times, L.R., at page 654.) "There has been no danger to the
AN ALASSA		Mr. Cassidy-"Oh, that is for my	company?" A"No." Q"So you really don't know any-	neighborhood of the chair where wit- ness was sitting, and Mr. Gregory asked	Mr. Cassidy—"I say that the letter is not evidence. The gist of that letter is	Dublic nere, My learned friend 1
	The well recognized advantage of pre- buding any specially attractive piece-de-	ANAL CALGORY AND	thing about the management of that company?" A"Not the least thing."	Mr. Cassidy if he was afraid he (Mr.	this, that Messrs. Turner and Pooley, having decided to prosecute, wished to	pretend to say that he thinks his clients are going to take off their coats and at
1-1-2	registance by a "curpain-raiser of me	IT's have miled that Me Cossidy nood	Q"Your sole duties are those of a reporter?" A"Yes."	Gregory) was going to eat the witness or do him some injury. Mr. Cassidy said		all the Province staff The allocad and
	diocre qualities which obtains in the theatrical world was duly observed yes	Mr. Gregory-"I would also like to	Hugh Robertson McIntyre called. After being sworn the witness testified	he didn't suppose Mr. Gregory was in- tending to indulge in other than forensic	wished to shelter himself under the im-	was published on the 11th of Decem. ber; it is now the 21st inst., and the
	terday in the city police court, which for the nonce was the theatre of inter-	i point out that they do not allege in the	that he was a bookkeeper, residing in Victoria West.	violence. Mr. Cassidy resumed his seat at Mr. Gregory's request.	personality of a limited liability com- pany. It is not evidence, and it would	peace has not been disturbed. If the attorney-general wished to institute
	out in the city. Quite a crowd of people	duit that the statements complained	Examined by Mr. Cassidy. Q"You heard the evidence given by	Mr. Gregory (to witness)-""Who in- structed you to purchase this paper?"	be very wrong for me to make any ad- missions of any kind."	proceedings he would apply to the
	evinced their appreciation of the amuse- ment and information to be obtained by	him a chance to amend the information	the last witness, Mr. Denny?" A.—"No, I did not hear it."	A.—"Mr. Cassidy." Q.—"And when you returned to the	Mr. Gregory—The letter has been put in by Mr. Cassidy already.	for an information, and the practice has been to withhold the information unless
	an attendance at the court, and their ap- petites for the good things to follow were	if he wishes to do so."	Q"What is your position on the Times?" A"A bookkeeper."	office you handed it to him?" A	Mr. Cassidy repeated his determination not to put the letter in, on the grounds	there is danger of a breach of the peace. ((Se Taschereau, p. 304, citing R. vs.)
	and ottad by an unimportant charge	a defamatory libel and that in itself is	Q"Anything else?" A"Collector	Q"Did he seem glad to get it?" A "He didn't seem to show any extraordin-	that it was not admissible as evidence.	Biggs, 2 Man. L.R. 18.) Where there is foundation for a libel, though it falls
	against a Chinaman for an infraction of the health by-law, which charge the	Lucas anothing of all "	sometimes." Q"Business manager?" A"No,	ary joy about it." Q"Any joy that was not extraordin-	do not wish it put in? Mr. Cassidy-	short of justification, an information will not be granted.'
	magistrate, much to the satisfaction of the audience, remanded very summarily	or ther missed the point I am trying to	Q"Who is the manager of the	ary?" A"No; about his usual de-	Mr. Gregory-But he said he would	"Then there is another objection which
	morning.	alleged libel is false in the information	Times?" A"Mr. Templeman." Q"That is, he bosses the show?"	Q"Was he downcast at all about	put it in, and did. The Court-Yes, I think, if I remem-	I submit is insuperable against my client being committed for trial, and
1 M	The gentlemen charged with criminal libel were early in attendance, Messrs.	the statements complained of are true	Mr. Gregory—" No, no; if that is your way of expressing it, it is not necessary	it?" A"No." Q"Did anyone accompany you when		that is that he must be connected with the publication of it, which has not been
	Coltart and Nichol, of the Province, and Senator Templeman, of the Times, ac-	to accept the opportunity of amending	to try and make the witness use the same kind of expressions as you make	you went to purchase it?" Timess did not appear to understand the question,	Mr. Cassidy-I did, but I have thought it over again; I rashly and inadvertently	done in this case. (See Taschereau, page 304. citing 303, citing R. vs. Sel-
	companied by their counsel, occupying seats at the table throughout the proceed-	show him to do. I notice that in this	use of." Mr. Cassidy-"Well, what I meant is,	whereupon Mr. Gregory said: 'Oh, I didn't mean a young lady. (Laughter.) I mean	used the words, and now I regret it. Mr. Gregory-Well, I still maintain	lars, 6. L.N., 137.) 'It must be proved upon in indictment against the pro-
	ings. Mr. Archer Martin had been re-	letter, which he wrote to Senator Tem-	is Mr. Templeman the head of all these people."	you didn't take anyone with you; didn't think it necessary to call a policeman?"	that the letter had been put in, but if Mr. Cassidy throws himself upon the	prietor of a newspaper that the defend.
	Nichol, and Mr. F. B. Gregory on Denait	lie and private honor."	Mr. Gregory objected to leading ques- tions, and Mr. Cassidy denied at first	A"Oh, no." O"Was Mr. Turner in the office	mercy of the court and upon my gen- erosity he may possibly be able to get it	ant was proprietor or publisher of the journal at the time of the publication
	who appeared for the prosecution, arrived	Mr. Cassidy—"I object to Mr. Gregory reading from the letter."	that the question was a leading one, but eventually admitted it was.	when you returned?" A""No, not at that time."	out. The court then ordered that on the	of the libel. That he is such at the time of the trial is not sufficient.' My
	against the Times when it was called; but the gentlemen by whom the informa-	Mr. Gregory—"I have never heard that	His honor colled counsel to order	Q"Or Mr. Pooley?" A"No, not then. They had been there several	depositions should be entered: "Mr.	learned friend has entirely failed to show that Mr. Templeman is the pro-
	tion was laid, Hon. J. H. Turner and Hon. C. E. Pooley, did not enter the	ten by the counsel of the opposing side.	and reminded them that they must ad- dress the court.	times." Q"About how many times?" A	Cassidy now states that he did not intend the letter to be put in and the court al-	prietor or publisher of the Times, and he has only doubtfully established that
	court until more than half of the evi- dence of the first witness had been	ter in as evidence?"	Mr. Cassidy—"Is there any other manager?" Witness—"No, not that I	"Oh, a number of times."	lows him to withdraw it, to which Mr. Gregory objects on the grounds that it	he is the manager to-day. There is not one tittle of evidence to show that he
	given. The following is a copy of the informa-	Mr. Gregory-"It would not help Mr.	know of." Mr. Cassidy—"I produce to you a copy	Q"About how many?" A"Do you mean since I bought the paper?"	is already in evidence and has been read at the request of the court."	had any connection with the paper on
	tion:	unless they are anxious to prove that the libel' is false, but if Mr. Cassidy is	of the Times of December 11th instant. Was that published in the Times office?"	Q"Yes; I suppose Mr. Turner was there a good deal?" A"Oh, yes; sev-	Mr. Gregory asked that the letter might be marked, so that he might identify it,	the 11th inst. Nor has it been shown that Mr. Templeman wrote or know
	(E.) Section 562. SUMMONS TO PERSON CHARGED	satisfied with the information. I, and I	Witness looked at the paper and hesi- tated.	eral times." Q,-"Was there any meeting of the	and this was done. The court asked Mr. Cassidy if he had anything to say.	anything of the libel. He is not respon- sible and cannot be presumed to be re-
	WITH AN INDICTABLE OFFENCE,	presume his clients, are, although I don't see them in court here this morning. Are	Mr. Gregory-"Make sure of it; don't guess at it."	executive council in the office?" A "No, not that I know of."	Mr. Cassidy-Nothing, your honor, but to ask for a committal. The court then	sponsible under Section 297 of the Code, because he has not been shown to be
A starter	Canada: Province of British Columbia.	they coming?" Mr. Cassidy—"The public, represented	Witness-"I believe that is a copy of the Times."	Cross-examination closed. Mr. Cassidy—"That is my case."	called upon Mr. Gregory. Mr. Gregory—I would again point out	the proprietor. On the contrary Mr. Cassidy's own letter and two of his own
	City of Victoria. To William Templeman, of the City of	by this information, are my clients." Mr. Cassidy called his first witness.	Q"Have you any doubt about it?" Witness (hesitating)-"No."	The court asked Mr. Cassidy if he had anything to say.	that my learned friend has not alleged that the statements of which he com-	witnesses have stated that the Times is
	Victoria, in the Province of British Columbia:	George Denny, sworn. Witness-I 'reside at 128 Pandora	Q"You stand behind the counter in the office of the Pimes sometimes, do	Mr. Cassidy-"No." 'The court asked Mr. Gregory of he had	plains are false, and as he may have made another mistake in this respect, as	published by a limited liability company. This objection was held to be fatal in
	Whereas you have this day been tharged before me, the undersigned, Far-	street; my occupation is that of a re-	you not?" A "Yes, sir."	anything to say. Mr. Gregory-"I don't quite understand	he did in the letter, I want to give him	the case of Attorney-General vs. Lux- ten, a newspaper report of which Mr.
	ouhar Macrae, police magistrate in and	(Examination by Mr. Cassidy.) Q.—"Are you employed on the Victoria	Q.—"And sell papers when they are asked for, sometimes?" A.—"I do, some-	what Mr. Cassidy means." The Court-"He has finished."	another chance to amend the informa- tion.	Martin has just handed to me." (Mr. Gregory read it.) "Now as to the libel
	for the City of Victoria, for that you on Saturday, the eleventh day of De-	Daily Times?" A"Yes, sir." Q"Who is the manager of that	times." Q"Do you know if that issue of the	Mr. Gregory-"What, is he not going	Mr. Cassidy—I have no wish to make any amendment. Everyone knows the	itself. I contend that this libel' Mr. Cassidy (interrupting)-I would
	vember, 1897, at the City of Victoria atoresaid, unlawfully did publish in a	paper?" Mr. Gregory objected to the question	Times was published on that day?" A "Yes; I don't know about that particular	to call the men whose public and private lionor he said he was going to vindi-	meaning which is applied to the words: "publishing a defamatory libel," and	like-
	certain newspaper called "The Victoria Daily Times," a defamatory libel on, of	in that shape; he must first ask if he knows who the manager is.	paper." Mr. Cassidy—"I mean that issue of the	The Court—"He has a right to call	those are the words which are used in the information and a reference to the	Mr. Gregory (continuing): "I would like to draw your attention to
	and concerning John Herbert Turner and Charles Edward Pooley, under the	Mr. Cassidy-"I ask you, do you know	Times." A"I believe it was."	whatever evidence he likes." Mr. Gregory—"Well, there is one thing	code will show my friend that what I claim is correct.	the fact that the prosecution have not been either fair or honest. They have
	names J. H. Turner and C. E. Pooley, they the said John Herbert Tur-	who is the manager of that paper?" A.— "I presume that Mr. Templeman is, but	"Yes." Q.—"Do you remember selling a copy	at least he must surely have forgotten; there is this letter written by him to	Mr. Gregory-I see that Mr. Cassidy is still in the dark. There are two of-	cut the article of which they complain in two, and charge my client with only a
	ner and Charles Edward Pooley then be- ing members of the provincial legislature	I don't know of my own knowledge. I presume he is. I was not at the meeting	of the paper to Mr. Davey, here?" A	the defendant, which he said he was go- ing to put in evidence."		portion of it, omitting altogether that portion which could be taken as a miti-
A Contraction	of British Columbia, and members of	of directors at which he was appointed."	(Cross-examined by Mr. Gregory.) Q.—"Sometimes, Mr. McIntyre, you	Mr. Cassidy—"Let me see the letter." Mr. Gregory (holding the letter)—"Will	tory libel, knowing it to be false, the lat-	gation of any charge they might have to
	the executive council of the said pro- vince, that is to say the said John Her-	Mr. Cassidy—"Do you mean Senator Templeman?" A.—"Yes."	collect for the Times?" A.—"Yes, sir." Q.—"Then, sometimes you do not?"	you put it in without reading it?" Mr. Cassidy-"Yes."	my client with. If he succeeds in con-	make against any other portion, al- though they have put in evidence the pa-
	bert Turner being the minister of finance and agriculture, and the said Charles	Q"The defendant in this action?" A"Yes."	A"Sometimes I don't."	The clerk entered upon the depositions, "letter from R. Cassidy to the defendant,.	defamatory libel knowing the same to be	
1. 1. C.	Edward Pooley being the president of the executive council of the said prov-	Q.—"Who acts as manager?" A.—"Mr.	Q.—"And sometimes you stand behind the counter?" A.—"Yes, sir."	dated 16th December, 1897, put in as	might expect a penalty of two years'	The Hon. J. H. Turner is spoken of per-
	ince, which libel was in the words fol-	Templeman." Mr. Cassidy—"Do you know whether			imprisonment and a fine of \$400; where- a: if he only convicts him of publishing	sonally as being an honest man. His apol- ogists excuse his shortcomings in the mat-



honors. Ont of regard for him wish to tear the pages of this or tear the pages of this or the human eye to see but of this unsullied business reput of his unsullied business reput of his unsullied business reput of his personal integrity. But un the seaf mast tell the truth and turk searchight of publicity upon the mask of the human eye to here the searching but the pitital was been strike the final the truth as been strike the truth as truth as the strike the truth as been strike the truth the strike the truth the strike the truth as been strike the truth the truth the strike the truth the truth as been strike the truth as been strike the truth the truth as been strike the truth the tru Mr. Gregory then read the of a portion of the alleged libel out that there was nothing d about it, and proceeded. tions 292 and 293 of the Code commits an offence by publishin famatory matter which he on r grounds believes to be true, is relevant to any subject of terest, the public discussion is for the public benefit, nor by ing fair comments upon the pu duct of a person who takes pa lic affairs. If this matter of of is not fair comment and then nothing is. This article a of the fact that Messrs. Tu Pooley have associated themse a speculative company in Lond has advertised itself through length and breadth of Great Br the colonies, and the prospectus I hold in my hand. It oc full page in the Daily Telegray same in the Times, and Mr. name appears as the prime m British Columbia, (which h not once, but many times, and ey as the president of the council of the colony of Britis bia. It states that to the car vestor the first and only desid that members of the board w ly control the operations of t should comprise men of influ high official standing. The and advisory boards of this co which includes the prime min British Columbia has been sp elected to fill these conditions. pany has been formed for the of acquiring lands, timber.

n of per-His apolother rights and concession Columbia. With the

lowing, that is to say: Then follows the article complained of.

in the

And which libel was written in the he does or not." sense of imputing that the said John Herbert Turner and Charles Edward Pooley as such minister of finance and agriculture and president of the provinor not?" cial executive council, respectively, had each of them betrayed the public trust witness)-"Do you know?" reposed in them, and that they as such I don't' minister of finance and agriculture and president of the executive council, respecrticles?" tively, are bribable and have received bribes, and that they did put and are prepared to put the plans and purposes he case. 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 Times.' be paid or given by such companies to each of them, the said John Herbert Turner and Charles Edward Pooley, therefor, 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 their said places as such minject him to cross-examination. inter 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 editor of the Times?" or obtained or agreed to accept or attempted to obtain for himself money or valuable considerations on account of one " something done or omfitted, or to be afterwards done or omitted by him in his capacity as such member of the said leggard to this point. We have an editorial islature and of the said executive counim the editor.

there is an editor."

like your clients."

couple of reporters."

and readers of the Times."

not on the staff, are they?"

think, there are about fifty newsboys."

These are, therefore, to command you. in Her Majesty's name, to be and appear before men 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 said city of Victoria, or before such justice or justices of the peace for the said city of Victoria as shall then be 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-

Mr. Cassidy-"Do you know whether A .- "Yes, sir." Mr. Templeman writes articles for that Q .-- "And sometimes you sell papers?"

paper or not?" Witness-"I don't know A.-"Yes, sir." Q.-"And sometimes you do not?" Mr. Cassidy-"Do you mean to say that A.-"Yes. sir."

ou don't know whether he writes any Mr. Gregory-"It seems a very peculiar of the articles which appear in the Times way of going about it, but by the way the The magistrate-"He had alquestions were asked it would of course ready said he doesn't know. (To the witness)—"Do you know?" Witness seem that sometimes you did and sometimes you did not, and I don't see that follows: my friend gained by the information. (To witness)—"The paper you said in Mr. Cassidy-"Who does write the

answer to my friend was published in the Mr. Gregory-"I object. He must place where Mr. Templeman is manager. specify such articles as have a bearing on Are you sure that this paper was not published from the office where Mr. W. Mr. Cassidy-"Who is the editor?" H. Ellis is manager?" A.-"I can't say Mr. Gregory-"I must object to that. about this particular paper."

is necessary for him to find out first Q .- "You can't identify this particular Q.—"Do you know if Mr. J. H. Turner ver writes leading articles for the pacopy of the paper?" A .- "No, sir?" Mr. Cassidy—"I must point out to cur honor that I am obliged to adopt ever writes leading articles for the pathis process of examination; I am trying

to find out who the man is who writes the articles, by a process of exclusion. His Honor-"You can ask him who is the editor." Witness-"I cannot say

who was appointed as editor of the

Mr. Cassidy-"You mean to say this, that you cannot say who the editor is cause you don't know who was appointed by the directors to fill that posi-

Mr. Gregory objected on the ground records; this statement is not evidence. that counsel had no right to attempt We must have the best evidence of everyto discredit his own witness nor to subthing. Any paper can claim to be a

limited hability company, but there are Mr. Cassidy-"The whole matter is for certain rules and regulations which must our worship to decide as to what is and be complied with and the records must what is not cross-examination. Your be taken to prove that in the regular worship understands that I am calling a way."

witness from the camp of the other side Mr. Gregory-"The place where Mr. and I am trying to get his evidence in Templeman is manager is the Times' the way that your worship knows." (To Printing & Publishing Co., Ltd., Lty." the witness)-"Do you know who acts as Mr. Cassidy-"You can't call any place a limited liability company."

Mr. Gregory-"My learned friend is Mr. Gregory-"It is the Times Print bound first of all to find out if there is ing & Publishing Co., Ltd. Lty. is it not?" Witness-"Yes." Witness-"The Times office is in a

While the desposition was being read rather peculiar position at present in reto the witness previous to his signing it, he said: "I cannot swear to the particuwriter: I don't know if you would call lar paper there without comparing it word for word with the copy on file in

Mr. Cassidy-"Yes, I presume the the office." Times is in a rather peculiar position." Mr. Cassidy-"Put that down." Mr. Gregory-"They are something Examination closed.

Arthur Davey called. Mr. Cassidy-"You say there is an edi-

orial writer. Who else?" A .- "A student and articled clerk in Mr. Cassidy's office, and reside on Burnside Q .- "Who are they?" Witness (not øvenue. catching the last question)—A proof reader, a telegraph editor, and, I should

Examined by Mr. Cassidy-"I produce and show to you a paper marked exhibit A. Do you know that?" Witness Mr. Gregory-"And a hundred thous-"Yes, I purchased that from Mr. Mc-Intyre, the last witness, in the Times

Mr. Cassidy-"But the newsboys are office on December 13th, 1897." (Cross-examined by Mr. Gregory.) Q.-"How do you know that you par-Witness-"You did not say on the staff. and as you said you wanted me to tell you all there were, I included them." chased this particular copy?" A,-" made a note on it of identification direct

Mr. Cassidy-"And there is a manag- ly I returned to the office." er?" A.--"Yes, a manager." Q.--"Who is the editorial writer?" A.-- tio Q -- "Where is the note of indentifica-Witness took the paper offered to "Mr. Graham writes the editorials." him by Mr. Gregory and showed the

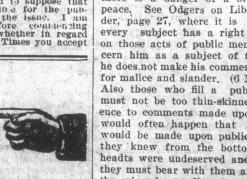
proof reader?" A.-"Dr. Hathaway." Q.-""Who is Mr. McIntyre?" A.-"A bookkeeper and business manager." "You didn't mark both?" A .-

took the letter from the clerk and after perusing it said he did not put it in be- a defamatory libel the defendant would cause he said the letter was not evi- be only libel to a penalty of one year's dence and that it would be absurd to expect a letter written by him to the defendant to be used as evidence, but added that he had no objection to Mr. Gregory putting it in.

The Court-"Let me see the letter." Mr. Gregory then read the letter, as

follows: Victoria, B. C., December 16th, 1897. Hon. William Templeman, Senator, Vic-toria, B. C.: Sir:-The Hon. Mr. Turner and the Hon. Mr. Pooley wish to know who is or are personally responsible for the publication in the Victoria Dally Times of January the 11th inst. of the article re-coupled from the 11th inst., of the article re-copied from the Province of the 11th inst., with the additional heading "Ministerial Decoy

ever writes leading articles for the paper?" A.—"I don't know who writes them." Q.—"Or whether Mr. Pooley, for instance, ever writes them?" A.—"I don't think so." Q.—"Or whether Mr. Pooley, for instance, ever writes them?" A.—"I don't think so." Q.—"Have you the least idea who does write them?" A.—"No, sir." Q.—"The Times is printed in the building occupied by the Times Printing & Times and with a full sense of the gravity of the inguage it those personally responsible for the publication in the Times you accept Mr. Cassidy—"That depends upon the



press was the best security for the pro-

The Hon. J. H. Turner is spoken or per-sonally as being an honest man. His apol-solution of purblishing a defamatory libel the defendant would bc only libel to a penalty of one year's imprisonment and a fine of \$200, and I thought it was possible that on re-consideration he would charge the other, of Mr. Turner is hardly flattering. This pictur sideration he would charge the other, and the more serious offence. Mr. Cassidy—The words "defamatory libel" include the charge of its falsity; there is no such thing as an indictment under the code as charging a libel to be false. Mr. Gregory—You will find a form of indictment for false defamatory libel at page 300, Taschereau's Criminal Code. Mr. Cassidy examined the reference given to him by Mr. Gregory and found it as stated. Mr. Gregory proceeded to address the court as follows: "Ww learned friend says that he an

That Extraordinary Interview.

The dregory proceeded to address the count as follows:
"My learned friend says that he appears here on behalf of the public—a more absurd position has never been taken in this or any other court. His letter, already referred to, shows he is acting in the interests of Messrs. Turner and Pooley ony; proceedings in a criminal court are never taken unless there is a danger of a breach of the peace. See Odgers on Libel and Slander, if a breach of the deer, page 27, where it is stated that every subject has a right to comment on those acts of public men which concern him as a subject of the realm, if he does not make his commentary a cloak for malice and slander. (6 M. & W.108) Also those who fill a public position must not be too thin-skinned in reference to comments made upon them. It would often happen that observations would be made upon public men which they knew from the bottom of their headts were undesserved and unjust, yet they must bear with them and submit to the misunderstanding for a time, be cause all knew that the criticism of the press was the best security for the proper discharge of public duites. (Per discharge of public duites.)

The British Investor Alarmed.

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such a board of directors as th corporation will possess for early and reliable information best sources of investment, t the corporation's business sho believed, prove a considerable profit.' Who grants these right ish Columbia? Why, Mr. Tu his government."

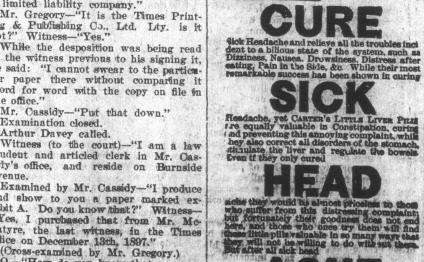
Mr. Cassidy objected. Mr. Gregory-Is it getting ful for you?

Mr. Cassidy-It would take much time to go into these the police court, and I think ship should make an end of i Mr. Gregory-You chose Mr. Cassidy.

Counsel here indulged in ba dissension, and Mr. Gregory "I am endeavoring to show the ticle is fair comment upon th these public men, and in doing quite justified in showing what ing financial papers of Lon financia centre of the world, them."

Mr. Gregory read the artic London Times of November 4 comments as follows: "We recently thought it it

"We recently thought it nee raise a protest against the too acceptance by officials occupying ernmental positions in the colon rectorships on the boards of lo trial or commercial undertakings, jections to the practice are tolk vious. In the first place there is that the presence of a gentlema a member of the government of on the board of a company ca operations within its territories of influence is certain to induce so to suppose that the government fi of influence is certain to induce so to suppose that the government is way responsible for the undertakin persons who are not deceived in user are likely to think that the company with such "influential" is likely to be made smooth in modes which need not be specific neither of these ideas ought to couraged at all. As to the first be argued that only very silly pers entertain it; but the second is kind of notion to attract a cor class of speculative investors, not a few "clever" people to w possession of occult influence appe the chief road to success. In eithe the expectations formed cannot o rate ought not to be gratified. the chief road to success. In ef-the expectations formed cannot or rate ought not to be gratified. leading influence of the names of officials or investors is, however, of the evils which result from tu ence on local company boards. distinct tendency to injure the po-the men who accept these posts. deliberately placing themselves in tion where their actions will iney suspected. Questions may easily which the premier of a colo and accepted a seat on the coard" of a commercial compan-find a divided duty, and, coarde he might adopt, he could n attack. We really do not know ternative would be more disagree that as a public man or to sacrifi terests of shareholders who had their money on the faith of his n beed and power on the sacreed heir money on the faith of his need act point out how exce leasant his position would Yent of the company failing. vent of the company failing mpied contingency even in unianies enjoying "official is said in some quarters is officials who take such p imitating men of high pos Wen if this were true it aswer, or a very insufficie onsiderations we have put be assertion is not true in s ember of the home governme assertion is not government amber of the home government are, even if he wished, to y are, even if he wished, to y



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