

When the Quebec scheme was published, in 1864, plaintiff also opposed it, in its details, chiefly on financial grounds, but reiterated his desire for a union on what he considered fair terms. In 1866 witness had several conversations with plaintiff, before and after the meeting of the Legislature in that year, on the subject of union. The attitude of the Imperial Government; the relations of the Provinces with the neighboring States; and other causes which the plaintiff mentioned, induced him to desire a compromise of the difficulties that stood in the way of Confederation. After several interviews and much discussion, it was agreed that the plaintiff would support a compromise by which the whole question was to be referred to a new Conference to meet in London, when all disputed points would be decided under the auspices of the Imperial Government. No offer of a Senatorship, or any other inducement, consideration or reward, with witness's knowledge or consent, was directly or indirectly, held out to the plaintiff for his support of the Union. As Premier of the Province, it was not possible that any such arrangement could be consummated without the knowledge or consent of witness. When delegates to the London Conference were appointed, it was considered that plaintiff's position and services entitled him to a place in that delegation, and witness notified him of the intention of the Government to appoint him. The plaintiff declined the appointment. He stated his desire was to recover the confidence of his constituents, among whom he had become very unpopular on account of his support of the Union, and that if he took any office or position from the Government it would be looked upon as a consideration for that support, and would be injurious to him in his election. This was months after the Union resolution had been carried in the Legislature of Nova Scotia, and was the first communication of a personal character witness ever had with the plaintiff in regard to this subject. Witness then informed plaintiff for the first time that the Government was prepared to offer him a seat in the Senate of Canada. Plaintiff replied that he did not want a seat in the Senate, as he intended to ask his constituents for a seat in the House of Commons, and only consented to his appointment on the condition that he should be at liberty to resign the Senatorship at any time previous to the general election, and contest his county. Plaintiff appeared decided either to get a seat in the Commons or go out of public life. Witness considered the plaintiff's prominence and public services justly entitled him to a Senatorship, and it was for these reasons the position was offered to him.

Senator Miller was then examined and cross-examined at great length, his examination occupying the greater part of two days.

Near the conclusion of the plaintiff's cross-examination, an argument having arisen as to the admissibility of evidence, the defendant's counsel (Mr. Weeks) addressed the Court at some length, and a synopsis of his remarks appeared in the *Halifax Herald* of the next day.

On the meeting of the Court that day, an amicable arrangement of the case was arrived at, which was reported in the *Halifax Morning Chronicle* of the 22nd of November, 1879, as follows:

THE LIBEL SUIT.

Miller vs. Annand—The Case Settled.

On the meeting of the Court, yesterday morning, Senator Miller asked permission of the Court to retire for ten minutes for the purpose of consulting with his counsel, stating that he did not think the time would be lost.

The learned Judge having assented, Mr. Miller retired. On his return he held a brief conversation with the counsel of the defendant, who retired for consultation with their client.

On their return, Mr. Weeks addressed the Court as follows:

On consultation with Mr. Motton, who is associated with me in this case, and with the defendant, I beg to call Your Lordship's attention to the report of my remarks made in the course of this case yesterday, as published in the *Herald* of this morning, and ask what more the plaintiff can desire if his object, as has been stated, is not pecuniary damages. I desire now to state that my client will undertake to publish the report, as it appears in the *Herald*, in the *Chronicle*, as an amicable settlement of the case, if this suit is not pressed further, in view of the evidence which Mr. Miller has, for the first time, given in this cause.

Senator Miller said—Under the circumstances, as the case has occupied a large amount of valuable time, and as I came here simply for the purpose of vindicating my character, I am willing to accept that vindication as it stands.

Judge DesBarres—I can only say, as far as I am concerned, I am very glad that this arrangement has been made. When I saw the evidence given by Sir Charles Tupper, as well as by Mr. Miller himself, I then thought the object of the prosecution, as stated by the counsel in opening, had been attained. The evidence which has been given on the point which affects Mr. Miller most deeply ought to remove from every mind any suspicion