

MILLIGAN WINS.

Jury Gave Him Full
Damages ClaimedIN HIS SUIT AGAINST
THE GLEANER
PUBLISHER.Solicitor General Scored
the DefendantFOR NOT GOING ON THE
STAND.

The libel suit of C. J. Milligan, manager of the Telegraph, against J. H. Crockett, publisher of the Fredericton Gleaner, which had occupied the attention of Judge McLeod and a jury in the St. John circuit court for nearly a week, came to a close Saturday afternoon and resulted in a verdict for Mr. Milligan for \$1,000, the full amount of damages claimed.

The suit arose out of a letter published in the Gleaner connecting Mr. Milligan with the Rothessay electoral list forgery.

Address of Counsel.

In addressing the jury for the defendant, Mr. O. S. Crockett said the defence set forth was that the evidence showed that the defendant had sufficient reason to publish the article complained of. The proper meaning to be put on the article was that the plaintiff knew of the preparation of the forged lists; it did not accuse him of being a party to the act, or of mailing the lists, therefore it was not libelous.

The counsel intimated that the defence was badly handicapped by the absence of witnesses they had intended to have, and it almost appeared that they were keeping away on purpose. He maintained that the evidence clearly justified the defendant in publishing the article he had published, and that the jury should put the meaning to the letter he had stated and find a verdict for the defendant.

Hon. H. A. McKeown

In addressing the jury for the plaintiff, Milligan, said that in reference to the argument of the defendant's counsel that the defendant had not charged the plaintiff with forgery, Mr. McKeown pointed out that in his plea the defendant directly makes the charge. That he stated what he said was correct, and in the defendant's open letter he stated that he was prepared to stand by it, surely this would convince the jury as to what the defendant meant. He, the defendant, had put these pleas on record in the Supreme Court, and there they would remain forever.

In regard to the intimation of the counsel on the other side that there had been

a plot to keep away witnesses, it was absurd; but there was one witness whose absence he would like to have explained. Where was Jas. H. Crockett, the defendant, the man who reiterated these charges and knew just why he had published the letter about Mr. Milligan, the man who could tell the reasons he had for believing the charge against the plaintiff and publishing them, in fact the man who by his plea knew all about the whole affair, where was he? Why did he not come to the trial, and tell what he knew, either producing the facts which led him to publish the letter and so justify it, or show that while he may have been mistaken, nevertheless, he had sufficient reasons at the time of the publication to justify him?

It was a very peculiar thing that the defendant had not been called to give evidence in his own behalf, and the only possible explanation is that he knew these charges to be false. The plaintiff had been accused of being slow in getting this case to trial. He knew that the plaintiff had done everything in his power to hurry matters up.

The plaintiff had not been slow, this was an incorrect statement, and he would further say that the public were under a deep debt of gratitude to Mr. Milligan for the energetic manner in which he and those associated with him had prosecuted the deaf and dumb investigation, which resulted in the finding that the damages preferred were true.

Mr. Milligan has been for a long time lying under this serious charge—the target of these slanders. The meanest man on God's earth is the slanderer; with a lie on his lips and malice in his heart, he goes about to ruin the reputation of men who may not even know the existence of the charges until by the loss of friends, or by the changed aspect of his acquaintances, the work of his maligner is made apparent. The victim is not only he at whom such charges are directly hurled, but the family circle, his closest friends. Those whose respect and goodwill he may prize above all earthly possessions are stricken with shame and sorrow at charges involving the reputation of the man who may be ignorant that his good name is being filched away.

A newspaper hath a thousand tongues, and into the mind of each reader it pours its tale of falsehood poisoning the mind of the reader, and levelling to the dust the reputation of the man who is thus libelled. All this must be considered when coming to the question of damages; he would ask that the jury find for the full amount asked for, that is \$1,000. The plaintiff had asked for only a reasonable amount, and he thought the plaintiff deserved the whole of it.

Mr. McKeown's address was one of the ablest heard in the court for some time.

Judge McLeod then briefly charged the jury. He defined a libel to them as a statement without truth which exposes the libelled person to the hatred, contempt or ridicule of the community. He then proceeded to direct them on the different points. The preparation of the Rothessay lists was a forgery. The libelous letter as published is capable of the defamatory meaning which the plaintiff attaches to it, it is for the jury to say whether it has that meaning or not. The publication of the Gleaner in which the letter appeared is not privileged in any way at all. It is open to the jury to find the exact meaning of the publication and what any reasonable man would infer from reading the letter.

As to the damages, the defendant had pleaded justification. Where a party pleads justification to a libel, and fails to support the plea by the evidence, the damages are aggravated.

Under these directions the jury retired, and after nearly an hour's absence they returned with a verdict for plaintiff for the full amount claimed, \$1,000. This is the first time in an action for damages that a St. John jury has ever given a verdict for the full amount asked.

Solicitor General McKeown, K. C., appeared for the plaintiff in this case, and O. S. Crockett and W. B. Wallace, K. C., for the defendant.

BAPTIST ASSOCIATION.

Several Interesting Sessions Held on Sunday.

The seventh session of the Baptist Association opened at ten o'clock Sunday morning with a prayer and praise service with Rev. E. P. Dresser as leader. This was a very interesting service in which a great many in the congregation took an active part. This was followed at eleven o'clock by a missionary sermon by Rev. J. A. Cahill of Jacksonville, Carleton Co., who preached a very interesting and practical sermon, taking his text from 2 Corinthians IX 7, "Every man according as he purposeth in his heart so let him give not grudgingly or of necessity, for God loveth a cheerful giver." The reverend gentleman was assisted in his services by the Revs. Messrs Hughes and Blakeney. The choir was strengthened by members from Gibson. Miss Eva Smith presided at the organ. The hymns sung were 209, 332, and 427, the singing being a feature of the services. The afternoon session opened by a very interesting address along the line of Sabbath school work by Mr. J. W. Sporden followed by an illustrated address by Rev. J. H. MacDonald. Both addresses were very interesting. At four o'clock a service was held under the auspices of the Woman's Missionary Society. At all these services the church was crowded to the doors, several being unable to gain admission. In the evening there was an association sermon by Rev. George Howard, followed by an evangelistic service led by Rev. J. A. Marple. At 7 o'clock a. m. there was a praise service led by Rev. F. S. Atkinson. In the afternoon the topic was Missions Temperance and a general view of things. The speakers were Revs. J. D. Wetmore, N. B. Rodgers, M. P. King, W. D. Manzer and others. This was followed by a sermon by Rev. W. H. Smith. Rev. W. R. Robinson spoke on Denominational Literature.

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