

Mr. CAMERON suggested the altering of the word *or* to *and*, so that the clause should read, "immoral *and* unchaste." The question as to what was immoral conduct he was afraid would give rise to litigation.

Mr. PRINCE suggested the striking out of the words "immoral *and*." He did not see why there should be any difference between slander by writing and that by speech.

Mr. WOOD said he was sorry that he could not agree with the hon. members for Stormont and Essex. Of course it was much to be regretted that idle words handed from one to another should create discomfort, but that was the result of the state of society, and could not be remedied by law. The law was right just as it stood, and it was now just as it had been for five hundred years. The reasons which had been submitted by the hon. member for Stormont had been as apparent to all the legislators and judges five hundred years ago, and ever since, as it was to-day, and the law should not be changed without grave reasons. It was in the experience of every lawyer that hundreds of applications to them to bring actions for slander were refused because it could not be shown that any harm had arisen to the slandered party on account of the words spoken or written. It was not from the middle walks of society that these applications were made, but from a class a little lower down. The result that was brought about by a woman who went into court for the sake of having her character purified, was that through the trial, the press, the people present in Court, and the taste which such trials feed, she came out of Court with a character blasted for ever. He or she must be a fool indeed who went into a Court to recover his character. The passage of this Bill would increase litigation, and the most trivial matters being brought into Court would create bitterness of feeling throughout the whole of the neighbourhood in which the litigants resided. The frequency with which the verdicts in slander and libel cases ranged from twelve and a-half to fifty cents showed the light in which they were looked upon by judges and jurors. From some of the bills which were being introduced by hon. members, it would appear that this was a body of law experimenters who cared nothing for the laws of England or for the thoughts and opinions of the legislators of former days.

Mr. BOULTBEE thought the Bill was unnecessary. He thought no encouragement should be given to parties to bring actions for slander. The sex need not such protection; any man who would slander a woman would find he only injured himself.

Mr. BETHUNE said he had no objection to strike out the words "immoral *or*." He proceeded to reply to the arguments advanced against the Bill.

Mr. FERGUSON moved the six months' hoist.

Mr. FAREWELL said that, believing that this measure would lead to increased litigation, and seeing the diversity of opinion amongst the legal profession on the subject, he would be constrained to vote against it; but he did not wish to vote against it, and he hoped the hon. gentleman would consent to withdraw it.

Mr. FRASER said that in his experience with regard to actions for slander he had found many cases of extreme hardship under the present law. If the argument of gentlemen opposite amounted to anything, it would follow that the law should be amended so that no action for slander could be brought at all. That was the obvious result of their arguments. According to the present law, if a woman were charged with larceny she could bring an action, but the most cruel things might be said with respect to her chastity, and she had no remedy except that she could show that she had suffered pecuniary damage. That was an anomaly which he thought should be removed. If the Legislature rejected this measure it would be equivalent to saying that anything, however cruel, might be said against a woman's chastity with impunity, provided no pecuniary damage was incurred. He did not believe if this Bill were to be passed that women would rush into court with actions for slander. It required a very severe case to induce a woman to take her grievance into court; but even if litigation were increased, he held that the existing anomaly and injustice should be removed.

Attorney-General MOWAT believed this was the fourth time a bill of this kind had been presented to the Legislature; perhaps, therefore, it would be well if his hon. friend would not press it then, as there was a difference of opinion among the members of the House. That which the hon. gentleman wished to prevent was as great a crime as it was possible to commit. To charge an

innocent woman with unchaste conduct was, in his opinion, about as gross a thing and as criminal a thing as he could imagine. He knew of no crime which more deserved punishment than the one in question. He thought it was discreditable that the law did not protect women from being slandered in that manner. In considering the existing evil and the remedy necessary, it was for them to be careful of not bringing other evils by enforcing the remedy. Some of the hon. gentlemen thought that legislation in this direction would not merely provide a remedy for that class of cases, but that actions would be brought which would do harm. As a lawyer he had had no practical experience which would support that argument. He would not have imagined that such a law would have that result. As it was, frivolous actions could be brought against men and women, but they did not find many such cases, although some were brought which ought not to be. Hon. gentlemen would remember that the law was not intended to benefit merely a particular action, but to prevent wrong from being done. It was, in fact, to prevent that wrong. One action brought would perhaps prevent one thousand from being brought. The very knowledge that the law forbids the committing of this crime would be sufficient to prevent a multitude of actions, and to prevent the false charge from being made. Still, he thought the change ought not to be made at once. The Bill had been brought before the House now for the first time, and he would urge his hon. friend not to press it at present. At some future session it might be considered again, and then there might be more gentlemen in favour of it than at present. As for himself, he thought the law was one against which no one should offer an objection.

Mr. BETHUNE consented for the present to withdraw the Bill, and the order was discharged.

UPPER CANADA JURORS' ACT.

Mr. BETHUNE moved the second reading of a Bill to amend the Upper Canada Jurors Act, so as to provide for the payment of special jurors. He entered into an explanation of the working of the present Act, and pointed out the anomalies and injustice which certain classes of jurors laboured under. The Bill, if passed, would not entail a tax upon the public, as the money required would come out of the pockets of the litigants. It was but fair and right that litigants should pay for the juries. The Bill would redress a grievance which had been felt by all lawyers and persons interested, and which the House should remedy as early as possible.

The motion was carried.

Mr. BETHUNE moved that the Bill be referred to a Select Committee.

QUESTIONS BY MEMBERS.

Mr. CLARKE (Wellington), asked whether it is the intention of the Government to recommend that aid shall be extended to properly organized Horticultural Societies in incorporated villages, similar to that now afforded to such societies in towns and cities.

Hon. Mr. McKELLAR said the subject was under the consideration of the Government.

Mr. TOOLEY asked whether it is the intention of the Government to introduce a Bill during the present Session to pay Clerks of the Peace by salaries instead of by fees.

Attorney-General MOWAT—That matter is also under consideration. (Laughter.)

Mr. TOOLEY asked whether it is the intention of the Government to introduce a Bill to amend the Jury Law, so far as to abolish the second selection thereof, and also with regard to reducing the number of Grand Jurors.

Attorney-General MOWAT—That subject is under the consideration of the Government. (Renewed laughter.)

Mr. LAUDER asked whether or not the Commission appointed to enquire into the propriety of amalgamating the Courts of Law and Equity have made any Report, and whether or not such Commission has been abolished, and whether or not any action has been taken by the Government regarding said Commission.

Atty-Gen. MOWAT said the Commission had not reported; that it had been abolished; and that the late Government had taken action in the matter.

Mr. ARDAGH asked whether the property situated in the village of *Orinda*, formerly used as a branch Lunatic Asylum, is held to belong to this Province, and if so whether or not it is the intention of the Government to make use of the same in connection with any public institution proposed to be established within the Province, or for