

FRIDAY, APRIL 2, 1909.

LIBEL LAW NOT GREATLY CHANGED

Only Two Amendments in the Government Bill.

SUNDAY CAR QUESTION.

A Pronouncement Made by Sir James Whitney.

How Mr. MacKay's Amendment to the Division Court Act Withdrawn Pending Results of the Law Reform Measure—Some Government Bills Advanced.

The newspapers are not likely to obtain many radical improvements in the law of libel at the present session of the Legislature. When the House went into committee yesterday to consider the Government bill, the Attorney-General had but two changes to submit as a result of the efforts of the Press Association. One of these extends the power of the Judges in the consolidation of similar cases against a number of newspapers, and the other—more important to the publishers—is that requiring that an aggrieved party shall give the publisher written notice of his complaint within six weeks of publication. This provision is included in lieu of any change in the three months' time allowance for the issuing of a writ.

The discussion indicated that the Government will accept Mr. Wm. Proudfoot's suggestions that, ere this clause can be availed of, the newspaper shall publish on its front page the name of its owner or responsible financial head, and shall further admit publication on production of a copy of its issue.

Hon. Mr. Foy's Sympathy.

"I can sympathize to some extent with the newspapers," said Hon. J. J. Foy, "but our first duty is to protect the public"—a sentiment in which Hon. A. G. MacKay concurred.

A distinction will be made in favor of the news columns as against the editorial comment in the case of demanding security for costs from the plaintiff in a libel action.

With Mr. F. G. Macdiarmid (West Elgin) in the chair, the Attorney-General submitted the Government libel law amendments to the House. Mr. Foy proposed to give the Judges wider powers in the consolidation of cases where a number of newspapers are defendants for the same alleged libel. The bill makes the newspaper responsible for its contents, "editorial, correspondence, or otherwise," unless for paid advertisements. The Minister said the newspapermen had asked that the present three months' time allowance in which to start an action be shortened. "Rather than do that," observed the Attorney-General, "I am inserting a clause under which a plaintiff in a libel action will have no status in law unless within six weeks of the publication complained of he has given the newspaper notice of his complaint but not intended action in writing.

Some Opposition Views.

Mr. W. Proudfoot (Centre Huron) asked the Attorney-General whether he had considered the question of requiring newspapers to print the names of their owners on the front page. "If this were done," said Mr.

Proudfoot, "service of the writ on the person whose name appears could be made sufficient. It not infrequently happens that certain newspapers seek to evade responsibility by objecting to the service." The question of proof of publication should also have attention, Mr. Proudfoot maintained. The mere production of a copy of the paper should be prima facie evidence of publication, he observed. "The plaintiff is frequently put to much trouble and expense to secure this proof."

Mr. D. J. McDougal (East Ottawa) concurred. While the newspapers were entitled to reasonable protection, he pointed out, the plaintiff should be accorded protection when a libel was committed. He thought the law should give the plaintiff reasonable facilities for carrying on his action. He believed that the owner's name should appear on the front page, or that of the man who was financially responsible for the publication. He also endorsed the proposal that the publication of the newspaper should be deemed proven by the production of a copy of it.

"It shifts the onus," observed Mr. Proudfoot.

"And prevents a lot of costly red tape," supplemented Mr. McDougal.

The Attorney-General confessed himself impressed with Mr. Proudfoot's suggestions. "It might well be," said Mr. Foy, "that a clause should be added providing that unless the newspaper does the things suggested it cannot take advantage of the six weeks' notice. Has my hon. friend framed his amendment?"

Mr. Proudfoot—No.

Hon. Mr. Foy—Then I will ask him to do so, and the clause can be so amended.

Unsatisfied Judgments.

Mr. McDougal drew attention to the case of a paper having an unsatisfied judgment against it for libel. He asked if the Attorney-General contemplated doing anything to compel it to suspend publication until such time as the claim was satisfied. "There should," said he, "be some effectual way to get at execution-proof papers which make a trade of libelling people."

"You would make them forfeit their franchise or trade mark?" put in the Premier.

"Their name or title might be confiscated," said Mr. McDougal. He asked the Minister if he had evolved any method of getting at such papers.

Hon. Mr. Foy said he had not. The only redress was to take action for criminal libel. Men who would thus libel viciously would not hesitate to start a paper under another name if necessary.

As to Security for Costs.

Hon. A. G. MacKay urged that a distinction be made in requiring security for costs, between the editorial and news columns. He thought innocent errors might frequently occur in the news columns.

Mr. Foy thought that any further relaxation might open the door for libels, which ought to be guarded against. The public had to be protected as well as the newspaper. "I can sympathize to a certain extent with the papers," said the Minister, "but our first duty is to protect the public. The newspapers must take greater care and exercise closer supervision."

Mr. MacKay agreed. He thought that security for costs should only be permitted from the plaintiff when the alleged libel was in the news columns, not when it was editorial matter.

The committee here rose and reported progress.

The Sale of Firearms.

Hon. Frank Cochrane killed Mr. W. D. McPherson's bill to restrict the sale of firearms. Legislation of that kind, the Minister said, would not only injure trade, but destroy individuality and fail in the very purpose for which it aimed. After the Minister's knockout had been supplemented by jolts from Messrs. Wilson, Gamey and McGarry the member for West Toronto bowed to the inevitable.

Several Government measures were put through Committee of the Whole and given their third and final reading. These included Hon. Mr. Duff's bill to regulate the manufacture of dairy products, and Hon. Dr. Pyne's bill to amend the university act by adding the Superintendent of Education (Dr. John Seath) to the faculty of education. An amendment to the