as to the procedure for obtaining security for costs, were also suggested to the law-makers of the province, who were reminded of the exceptional position occupied by the press and the public nature of its duties.

Considering the reasonableness of the amendments prayed for, the response to this appeal to the legislature was feeble and disappointing. Every change proposed, with one or two exceptions, was supported by precedent or authority, and, as to the exceptions, cogent reasons were urged in favor of some sort of remedial legislation. The House, however, was sitting on the ragged edge of dissolution, and was in no humor, apparently, to deal to any great extent with the niceties of the case. The new Act might be very much better than it is, but it is on safe lines and in the right direction. Experience has amply justified the changes which have been made, and will still further improve the law, which, in its various amendments from time to time, has been largely the outgrowth of public opinion.

Section 2 contains the definition of the word newspaper, and Mr. King says:

It is, as we shall see, defective in not comprising a large and very useful class of publications which are fairly entitled to the protection of the Libel Act, and having regard to its origin and object, is a questionable definition to insert in a modern statute affecting the newspaper press. Pollock, in his Law of Torts, speaks of a similar definition in the English Libel Act of 1881 as "almost a reductio ad absurdum of modern abuses of Parliamentary drafting."

The definition in this section has been a good deal criticised, and properly so, on account of its excluding monthly periodicals, and especially monthly trade papers, from the benefits of the Act. The latter are, without exception, highly useful and well conducted publications, and are of infinite service to an increasingly large class of readers. They are devoted to the various manufacturing, mercantile and trade interests of the country, and contain "public news, intelligence, or occurrences," and "remarks or observations thereon," relating to those interests, and also to the current events of the day. They do not harbor "blasphemous and seditious libels;" they do not excite "hatred and contempt of the Government," or vilify "our holy religion;" they are neither dangerous nor mischievous, as was the baneful brood of prints at which the penal Act of George was aimed. Except that they are published at intervals "exceeding twenty-six days," they are "newspapers" de facto. Why should they not be "newspapers" de jure? Public opinion has long since declared that they should be; yet the Ontario Legislature has persistently adhered to an effete formula which places them, as compared with other vehicles of intelligence, under the ban of the law. This species of intolerance is indefensible. One of the arguments advanced in its favor is, that articles in monthly publications are usually written with more deliberation than those in ordinary newspapers. Ergo, if they are defamatory, they should receive no more comfort than is afforded them at common law. This is very specious reasoning, and the facts are entirely against it. Every journalist knows that many leading articles are prepared with the greatest care and circumspection, and often long in advance of their appearance in print. The private cabinet of the editor of The London Times is said to contain an obituary of every great living Englishman. The number "twenty six" is at the best purely arbitrary; it no longer marks the line "between news and history," its raison d'etre is not even tenable. The origin and object of the penal statute, under which the decision referred to was given, had everything to do with its provisions. Why should an archaic enactment passed for a specific purpose, and to suppress glaring and perilous evils that no longer exist, be imposed on any respectable publication in our time? When the libel clauses of the Criminal Code were before the Dominion Parliament, the attention of the late Minister of Justice, Sir John Thompson, was directed to a similar definition in the bill. He at once recognized the justice of the proposed amendment, and the bill was amended accordingly. We can only hope that, at some future time, the Local Legislature will follow the precedent set by the Dominion Legislature under the guidance of the distinguished jurist who has since passed from the scene.

Section 3. This section provides for giving evidence of certain facts and circumstances which were previously inadmissible in mitigation of damages. It enacts that, "upon the trial of any action for libel contained in a newspaper, the defendant shall be at liberty to give in evidence, in mitigation of damages, that the plaintiff has already brought actions for, or has recovered damages, or has received, or agreed to receive, compensation in respect of a libel or libels to the same purport or effect as the libel for which such action has been brought. The relief afforded to newspapers by section 3 is an addition to what they have enjoyed for many years under section 4 of the Revised Statute, which permits an apology to be made or offered, and the fact of this being done to be proved, in mitigation of damages."

With regard to secondary libels Mr. King says:

One of the principal complaints of the newspaper press has been that insufficient protection is extended it in regard to "secondary libels," namely, defamatory matter copied from other newspapers, or received by telegraph or otherwise through news agencies or any common or trustworthy medium of intelligence. An effort was made to secure a provision in the Libel Act of 1894 permitting publishers to make a valid defence by proving that the libel complained of was so copied, or received, by the newspaper, and was published with reasonable care, in good faith, and without actual malice to the plaintiff, and that a full retraction and apology was published, promptly and conspicuously, in the newspaper. The objection to this was, that while such a defence might be honestly established, it might not undo the wrong done by the libellous publication. The whole question of "secondary libels" is beset with difficulties, and not easy of solution, and for the time being, at all events, it was found impossible to deal with it directly. Some material relief, however, is afforded indirectly by section 3 of the Act, already quoted, and by section 5, which will be noticed hereafter. As the law now stands, the matters thus sought to be proved under the proposed amendment, as a complete answer to an action, may be given as a partial answer in mitigation, under section 3 of the Act.

It is evident, therefore, that a newspaper has a variety of strings to its bow when standing on the defensive in the courts for a defamation which cannot be justified, but which is in any way capable of being toned down or mitigated. Its means of protection, or partial protection, in this respect have been mul