

of the newspaper, and especially of the daily newspaper, has grown so immeasurably, the danger has shifted to the news columns. From these it is inseparable, and it increases with the expanding sphere of newspaper activity. The system of news purveying which now prevails makes it impossible for an editor to verify the intelligence which pours into an office from all parts of the world, often in the small hours of the morning. He finds himself responsible for the accuracy, judgment and bona fides, not only of his own correspondents, but of hundreds of others of whom he knows nothing, but with whom he is put in temporary contact by the electric wire and the ever-widening circle of news agencies, which play so large a part in the life of the modern press. This remarkable change in the circumstances of the newspaper has produced a corresponding change in the moral aspect of newspaper libel. What was once a deliberate and intentional offence is now usually an accidental and involuntary wrong. Anyone familiar with the management of a daily newspaper knows that, in the vast majority of cases—and there are many cases of which the general public never hear—the wrong done is one of that class. It is the growing perception of this state of things which has led the Legislature, from time to time, to discriminate between the moral character and the legal consequences of newspaper libel, and to endeavor to reconcile them, as far as possible, without impairing any real safeguard to reputation. How far it is expedient to do this is always an arguable question. Some of the legislation, which we have been considering, has helped, to a certain extent, to solve the difficult problem, and, in so far as it has been successful, it is entitled to generous praise.

WISE ADMINISTRATION AS NECESSARY AS GOOD LAWS.

The newspaper press is greatly indebted to the Legislature of Ontario for the law of libel as it stands. With some slight changes, such as those indicated, the law would be improved, to the mutual advantage of publishers and the newspaper public. Too much, however, should not be expected from legislation. Not a few of the present grievances against the libel law are due, not to the Act itself, but to the spirit in which, in some cases, it is administered in the courts, and to anomalies and absurdities which still prevail in our general rules of procedure and practice. These rules govern in all cases not expressly covered by the statute, and a good deal of discretion is allowed in their application. This discretion is not always wisely exercised. In one important case, which the writer has in mind—a purely speculative action by a worthless plaintiff who was eventually defeated—the defendants were harassed by repeated applications in chambers for information which had been fully disclosed on oath, and set out in the statement of defence. There are occasionally cases of that character in which costs are heaped up by the toleration extended to technicalities and sharp practice, and in which *effete* precedents are applied to our modern system of procedure for the perversion, instead of the furtherance, of justice. Abuses like these the Legislature can do little to remedy. They come rather within the dictum of the ancient philosopher, that "a good law is not more necessary than men with proper sympathies and understandings to administer it."

UNIFORMITY OF LAWS—A NATIONAL PRESS ASSOCIATION.

Before concluding this paper the writer has a suggestion to offer, from a lawyer's standpoint, with respect to the objects of the association, which may be worth consideration at the present meeting. In his investigation of the law of libel, in the different provinces of Canada, he has discovered many divergencies and differences both in the substantive law and in the practice and procedure of the courts, especially in civil cases. The criminal law and procedure, being under our Constitutional Act within the legislative jurisdiction of the Dominion Parliament, is the same for the whole of Canada; the civil law, being within the domain of civil rights, which are under the legislative jurisdiction of the several provinces,

is not. Indeed, the civil law is as varied in character as the Dominion itself. For example, Manitoba, the youngest province of the Dominion, has a statute relating to libel superior far to any that is to be found in the oldest provinces. It is based largely on our Ontario statute, excepting the provisions incorporated from the Act of 1894, which we have been reviewing. It has also a Newspaper Act which contains a number of clauses that will bear reproduction in other provincial statute books, e.g., those providing a ready mode of proving publication of a newspaper, which is much needed in Ontario. In Quebec there is no civil law of libel that is worthy of the name. A gallant effort was made a year ago to carry a fairly good libel bill through the Legislature, but unfortunately it failed. The provinces by "the loud-resounding sea" are, in their law, far behind their sister provinces of Ontario and Manitoba. In Ontario we have, on the whole, a good law, but it is far from perfect; and there is still room for a little missionary effort on the part of the law reformer. We thus see how wide and fruitful is the field in which uniformity of law-making may be cultivated.

Uniformity of laws and procedure is most desirable, whenever possible, because it conduces to uniformity of interpretation and decision, and imparts consistency, confidence and strength to the judgments of the courts. Is it not possible for this association to make a new departure in its objects and general policy, by endeavoring to promote uniformity in the substantive law of libel, and in the practice and procedure relating to it, in the different provinces? This might be accomplished in various ways. One, not the least effective and successful, would be by the formation of a National Press Association, with a constitution so framed on federal lines and principles as to enlist the best efforts of the newspaper press in every part of the Dominion. Such an association would be an incalculable benefit to Canadian journalism. The national body, composed of representatives from all the provincial bodies, might be charged with matters like the criminal law and the law of copyright, which are of general concern, and could render very material service in bringing about uniformity in the civil laws. The provincial bodies, which would, of course, still maintain their separate autonomy, could deal with matters of a local or provincial character. There are many other matters and questions, besides a supervision and improvement of the law of the press, in which such an association could powerfully intervene, and which it could promote with immense advantage to the publishing interest and to all its allied interests and trades. Time will not permit of further discussion of the subject, attractive and inspiring as it is; but one thing is certain, the mission of associated newspaper effort in this country is far from being accomplished. Canadian journalism must develop with the nation; its march must be onward and upward; it must follow, with commensurate and ever-broadening aims and aspirations, the star of Canadian empire whithersoever it takes its way.

Toronto, March, 1898.

J. KING.

After Mr. King had concluded his digest of the paper, Mr. A. Pattullo, M.P.P., said: "There is just one suggestion I would like to make in connection with that very valuable paper. Allusion has been made here this morning—surprise was, I believe, expressed—that legislation was not recently sought in the Ontario Legislature on the lines laid down in Mr. King's paper. I would like to say, on behalf of myself and of my brother journalists who are in the House, that the matter has been considered. Our duty has been pointed out, my own duty rather specially, by my genial friend of *The Hamilton Spectator*, who takes a great interest in this association, as well as in myself and other members. The first session I was there, journalistic modesty prevented me taking the subject up in your behalf. This session