

# Correspondence.

## LIBEL LAW AMENDMENTS.

To the Editor of THE PRINTER AND PUBLISHER.

SIR, Will you kindly make room for an explanation from me as to the position of matters re Libel Law Amendments.

An act respecting the law of libel has been passed by the Ontario Assembly. I wish with this announcement I could congratulate the newspaper publishers of the Province, and particularly the members of the Canadian Press Association, upon the fact that a reasonably satisfactory ending has at last been reached to a long agitation. In reality, it is pretty much a case of "as you were."

We have asked for three things chiefly: 1. That the annoyance and expense of moving for security for costs be no longer placed upon the defendant publisher, but that, reserving to the judge certain discretionary powers, the depositing of security for costs be a necessary prelude to entering action; or, failing this, that an order of a judge be made requisite; 2. That in cases of secondary libel (alleged libellous paragraphs received by wire or copied from other papers, etc.), an ample apology be a bar to action unless malice be shown; 3. That in motions for security for costs there should be no appeal from the decision of the Court of first resort.

On the first and main grievance we have received no concession whatever. We may still be harassed by legal vultures, and be made to submit with such grace as expediency dictates to the demands of the blackmailer. For a time it appeared probable that we would be given the protection of a judge's order (something to which no reasonable objection could be taken), but this was finally denied. We have been slightly more fortunate as to our second grievance. It is true the publisher is still left fully liable for the consequences of the publication of the most innocent-looking news paragraph received through ordinary channels, but provision has been made for the consolidation of different actions and for the entering of a plea, in mitigation of damages, that the plaintiff has already agreed to receive compensation in respect of a similar libel. This is practically all the act contains for our benefit. The third point—no appeal in motions for security of costs—was at first conceded, but before the bill got through the Assembly this was modified so as to apply only when the motion has been made before a judge of the High Court of Justice.

There was provision originally for the joinder of the informant as defendant, but in committee this was made available only where malice can be shown, so that practically it is useless.

Neither by the ministers nor in the House does proper consideration seem to have been given our representations. We were told repeatedly about the wickedness of newspaper libels, but the members of the government and the private members alike seem to have ignored the fact that no amendment was being asked that could make the way any easier for the wilful libeller.

Disagreeable as it may be, there is apparently nothing before us as publishers but to agitate ' agitate ' agitate ' until we compel unwilling politicians to heed our complaints. It will

help to do this if we cease to be mere party hacks, and give our politicians to understand that if we assist them in their efforts to command popular support, we do so not of right but of favor. Let us take off our gloves occasionally in dealing with our local members, and they will soon take off their hats when they come to deal with us.

In this connection I desire to express my high appreciation of the position which the Toronto Globe has taken in this matter, while I also appreciate the hint thrown out by the Sentinel-Review, of Woodstock, that there are too many lawyers in parliament. The presence of a few more journalists of the Balfour stripe in the House would afford a wholesome corrective.

Before closing permit me to say that the journalists of this province, and of Canada as a whole, are under a heavy debt of gratitude to John King, Q.C., for his untiring efforts to improve the laws relating to both civil and criminal libel. He has spent a vast amount of time on this subject, and has received and expects no remuneration therefor. I hope, however, the members of the press will see to it that in some way suitable acknowledgment is made of a common indebtedness.

Fraternally yours,

T. H. PRISTON,

President C. P. A.

N. B. I might add, that while the new libel law is a disappointment to us, a decision given by Chancellor Boyd that the publisher shall be given security for costs if he can make out such a case as, if uncontradicted at the trial, would justify the article complained of, is of the very highest importance. Only a few days ago I was able to put it to the test before our county judge, and obtained an order for security without hesitation. Nor was this order appealed against. T. H. P.

The Exeter Times has just put in a new press to aid in the production of the bright weekly of that name.



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