

THE ONTARIO LIBEL LAW.

A DEPUTATION of newspaper publishers and editors, members of the Canadian Press Association, waited upon the Provincial Government on the 20th to press for certain reforms in the law of civil libel. They were met by Sir Oliver Mowat, and Messrs. Hardy, Harcourt and Dryden. The deputation consisted of Mr. A. F. Pirie, Dundas, president of the Association, and Messrs. Andrew Pattullo, the Sentinel-Review, Woodstock; T. H. Preston, the Expositor, Brantford; I. S. Brierley, the Journal, St. Thomas; David Creighton, the Empire; W. F. Maclean, M.P., the World; J. S. Willison, the Globe; I. J. Crable, the Star; C. S. Mortimer, the Architect and Builder, Toronto; A. R. Fawcett, the Review, Streetsville; T. H. Moore, the Free Press, Acton; L. G. Jackson, the Era, Newmarket; R. Homes, the New Era, Clinton. The publishers' case was presented by Messrs. Pirie, Preston, Pattullo, Willison, Maclean, and Creighton.

The object of their visit was explained to be the enactment of amendments to the libel law to put an end to a system of blackmail, by which actions are instituted by some lawyers in the hope of scaring publishers into a settlement. The point was emphasized by every speaker that it is protection for the reputable, conscientious publisher against these trumped-up cases, and not protection for the wilful libeller, that is sought. The deputation was willing, as Mr. Pirie put it, that the Government should "sew the libeller up as tight as they liked." But, under the law as at present, publishers, no matter how conscientious and careful, are subject to the serious cost and annoyance of actions commenced by lawyers who are the only gainers by them. A number of cases were cited to illustrate how the processes of the law are being used to extort blackmail under the guise of libel suits, sometimes where there is no libel, and frequently when the fullest possible retraction and restitution has been made. It was contended that in all the numerous class of cases of which Mr. Preston called "legal freebootery" the damage to the ostensible plaintiff is not the origin of action, but the opportunity which some unscrupulous lawyer sees to mulct the publisher. This was supported by half a score of recent cases, in which settlement for sums ranging from \$5 to \$45 were made. It was against these predatory lawyers that the publishers claimed protection. They did not come, they said, with any drafted amendments. They wished merely to present their complaints, and having, as they claimed, established the existence of a grievance, asked the Government to remedy it. They do not seek to have the protection which the private individual now enjoys under the libel law diminished, but to have restricted the speculative possibilities by which, during the hard times of the past year or two, a portion of the legal profession have been seeking to profit at the publishers' expense.

In reply to questions by the Premier as to what suggestions the deputation had to make with reference to amendments, two or three were made. The law at present provides that a plaintiff must furnish security for costs under certain circumstances and at the discretion of the county judge. It was pointed out that the protection which this is supposed to confer is largely nullified by the power of appeal. By appealing, the plaintiff can put serious costs upon the publisher in securing the security, and then, the suit being dropped, the cost of these preliminaries are left upon the publisher, the plaintiff being in these cases usually worthless. In a recent case referred to, the cost of

obtaining security for costs was over \$300, and the case never came to trial. The lawyers who institute these cases are, of course, familiar with this phase of the law, and count upon the expense to which they may put the publisher to help them to arrange the alleged libel of their client "amicably," as one of the lawyers' letters read by Mr. Pattullo put it, suggestively. With regard to this, two suggestions were made. One was that in all cases security shall be required, except where it is dispensed with by the county judge. The other was that the power of appeal be removed.

The deputation urged strongly, too, publishers' exemptions from what is called secondary libels. That is, where one paper copies from another an article of news, a retraction and apology shall be sufficient so far as those papers that copy are concerned, except in cases where malice can be shown. In the same way for news received over the wire from telegraph companies, the newspapers in the absence of malice, and where due care is exercised, shall not be liable after they have published a full retraction and apology for any statement complained of. In these cases the original libeller is to bear the responsibility, and not the innocently offending publisher. The deputation made it clear in their speeches that they are not seeking any relief from their responsibility for what is contained in their editorial columns, nor for their comments upon men or things. What they want, is to be protected against vexatious and blackmailing actions, based upon inaccuracies in the news columns of newspapers, which in the nature of their business as purveyors of news, it is a human impossibility altogether to avoid.

At the conclusion of the meeting, Sir Oliver made the customary promise of consideration. Mr. Hardy remarked that a stronger case for an amendment of the law had been presented than last year. He was answered by one of the deputation that the publishers had more experience, while another remarked that the past year had been a busy one for libels—a joke to which point was given by the string of cases to which illustrative reference had been made during the interview.

At the meeting of the executive of the Canadian Press Association held afterwards, a committee, consisting of President Pirie, and Messrs. Wilson, Preston, and W. F. Maclean, were appointed to act with John King, Q.C., and prepare amendments to the law, for submission to the Ontario Government.

CHAUNCEY AND THE REPORTER.

"In my dealings with reporters I have had only one experience with the death watch," said Chauncey M. Depew.

"A couple of years ago I was laid up for a week. I was no, very sick, but in some way it got rumored about that I was dying.

"At 11.30 o'clock at night the telephone in my house rang. I was up and answered the call.

"Is this Dr. Depew's house?" was asked.

"Yes," I replied.

"Is he dead?"

"No."

"Is he going to die to-night?"

"I don't think so."

"Thanks, good night."

"Good night."—Detroit Free Press.