the paper containing the defamatory matter. If a complainant chooses to proceed civilly instead of criminally, he should be bound by that as his final and only remedy, or else the defendant should be protected against criminal proceedings. An amendment which would facilitate a criminal prosecution, in addition to an action for damages, would be open to grave objection.

AN AMENDMENT OF THE LAW SUGGESTED.

It must be admitted, however, that a ready method of ascertaining and proving who is responsible for the publication of a newspaper is a desideratum in our law, both civil and criminal. In England an attempt has been made to fix responsibility by the Newspaper Libel and Registration Act of 1881. An infringement of its provisions renders the proprietors, publishers, or printers, as the case may be, liable to heavy penalties. That Act was the result of a state of anarchy in Britain similar to that which prevails in this country. The disclosures made before the select parliamentary committee on the law of libel, which sat in 1879, virtually compelled legislation in the matter. The English Act is defective in some important particulars; for example, in not being applicable to joint stock newspaper companies, in not providing for immediate registration in certain contingencies, or for making the registration of a change of ownership compulsory on either the old or the new proprietors of a newspaper. A better model, for the press and public alike in this country, may be found in the statute books of the prairie province of Canada. Under the Newspaper Act of Manitoba, a newspaper publisher and newspaper corporations are required to file, in the office of a certain court official, an affidavi- setting forth the names of the paper and publishers, the place of publication, etc., and a certified copy of this affidavit, produced at the trial, is accepted as proof of the facts contained therein, and dispenses with proof of the purchase of a copy of the paper at the office of publication. Non-compliance with the law in this respect subjects the party to penalties, and deprives him of the benefits of the Libel Act, which is very much the same as our own. This species of proof of publication was suggested in some draft amendments submitted to the Attorney-General of this province in 1893, and is worth considering in the event of any further amendments of our own law.

DECISIONS RELATING TO SECURITY FOR COSTS.

That the Ontario law is capable of some amendment was demonstrated in this same case of D'Ivry v. The World, when, it appearing that security for the defendants' costs of the action had been obtained in the cheapest and most convenient way possible, further security was refused, under the rule of practice providing for such security, on the ground that the defendants had made their election and were bound by it, unless they could have foreseen at the outset that further security would be necessary. This interpretation of the rule, which holds good as against defendants in all sorts of actions, and which increases the costs of litigation, is narrow, illiberal, and unreasonable, and should be rectified by legislation.

Then again, security for costs cannot be obtained under the statute where the alleged libel involves a criminal charge, namely, a charge that the plaintiff has been guilty of the commission of a criminal offence. This is a proper provision, but there should be no doubt that such a charge is involved before security is refused on that ground. Where on the evidence, oral and written, taken on an application for security, it clearly appeared that a criminal charge was not involved, the courts have held that the language of the statements complained of can alone be looked at, and that the evidence must be entirely disregarded. This is an extraordinary decision, and one which was not thought possible under the present Libel Act. There should be some more reasonable limit to the rule laid down by the judges that the meaning of the language—libel or no libel—in such a case, should always be for the jury, and should admit of no explanation by evidence prior to the trial. The effect of the rule is, not only to prevent security being granted against mere speculators in damages, but also to increase immensely the costs of actions in which there is a perfectly good defence. Why should not the question of libel or no libel, even where a criminal charge is said to be involved, as e.g., where it clearly appears that the statement complained of was made by the plaintiff himself, be sometimes determined at an earlier stage than the trial? In considering whether matter is libellous it is the duty of the judge at the trial to say whether, if reasonably considered, it can be libellous. If he considers that the statements complained of are capable only of one meaning, and that not defamatory, or are capable of a defamatory meaning, but no reason is given for attaching that meaning to them, it is his duty to withdraw the case from the jury and nonsuit the plaintiff. The question of libel or no libel must not always and necessarily be left to the jury as to statements not in themselves libellous, i.e., in their proper and natural meaning, according to the ordinary rules of interpretation, without some evidence either of a libellous purpose on the part of the writer, or of some other extrinsic facts calculated to lead reasonable men to understand them in a libellous sense. These legal principles are well understood. But why not give effect to them as soon as possible? Why wait till the trial before applying them to the case in hand? Cases have arisen in our courts in which, on applications for security for costs, no sane reason has been given for attaching a defamatory meaning to the matter complained of, and no evidence has been produced of any libellous purpose, or of any of the extrinsic facts just mentioned. In fact, the evidence on these points, on the applications in question, was entirely, or almost entirely, in favor of the defendants. Yet, the rule that libel or no libel is for the jury having been invoked, not only was no security granted, but the defendants were put to all the additional expense of defeating the plaintiffs at the trial. Care would have to be taken in a modification of the rule; but there can be no doubt that, if it were less rigid in this respect, the courts would be spared a great deal of unnecessary, vexatious and expensive litigation, and the costs of the administration of justice in all the counties would be correspondingly diminished.

REPORTS OF PUBLIC MEETINGS—CAN THE LAW BE IMPROVED?

Another matter, which has occasionally provoked discussion in the press, is the newspaper publisher's responsibility in damages for publishing statements by a person at a public meeting for which the speaker either is not liable at all, or is not made liable. How does the law stand on this point, and is there any remedy which can be suggested for the publisher without prejudice to the public? Under our Libel Act the protection of privilege is extended to reports of public meetings on certain conditions. The meeting must be lawfully convened for a lawful purpose and open to the public, or be a lawful meeting to which the public are invited by an announcement published in accordance with the Act. The report must be fair and accurate, and published without malice, and the publication of the matter complained of must be for the public benefit. The privilege conferred by these enactments, being subject to the conditions stated in them, is what is called a qualified privilege. The same sort of protection is given to reports of public meetings by the Criminal Code; but it is not given, either under the Libel Act or the Code, if the defendant refuses to insert in the newspaper in which the report containing the matter complained of appeared, "a reasonable letter or statement of explanation, or contradiction," by or on behalf of the complainant.

The law as thus laid down was very fully discussed by the writer in a paper read before the association at its Ottawa meeting in March, 1892, but nothing was then said on the question of liability as between the original utterer of defamatory statements at a public