statutes of Upper Canada, which had a law on the subject already. It was thought it would be a pity to alter that law when in reality it was merely extending it by this Bill, over the rest of the country. It was thought, it was better to take it as it stood, than to change it as regards Upper Canada, while the main object was merely to give the other provinces the law of the west. He thought, as the clause now stood, it was more in accordance with criminal pleadings.

The amendment was then put and lost on a division.

The clauses subsequent to 6, as well as those before, having been carried down to the 9th inclusive, a discussion arose on the 10th, which reads as follows:—

"Whenever, upon the trial of any indictment or information for the publication of a defamatory libel, to which a plea of not guilty has been pleaded, evidence is given which establishes a presumptive case of publication against the defendant by the act of any other person, by his authority, the defendant may prove, and if proved it shall be a good defence, that such publication was made without his authority, consent or knowledge, and that such publication did not arise from want of due care or caution on his part."

Hon. Mr. HOWLAN disclaimed any intention of trespassing on the proper and legitimate sphere of the press, but he thought they should be very careful about that clause, and a great many others in the Bill. True, this Bill had been law in England and in Ontario for many years, but the press of England stood in a far higher position than the press of this whole Dominion. It might be quite right to have a law of this kind in that country, without our circumstances justifying it for Canada.

Hon Mr. MILLER here objected to a discussion of the principles of the bill in Committee—it was irregular.

Hon. Mr. HOWLAN said he was addressing himself to the 10th clause, which contained the gist of the bill. He argued that an editor might escape the consequences of the publication of a libel by attributing it to another person, or pleading his own absence, thus defeating the object of the assailed party in his efforts to obtain justice. Another objection was the absence of any provision declaring that the bill would not apply to any pending cases. Mr. Brook's bill on this subject, before the Lower House, was a better one than this. It, to a very large extent, comprehended this one, properly providing in addition, that no legislative enactment at present, should interfere with the rights or privileges of any person having an action pending for this offence,

Hon. Mr. SCOTT said the hon. gentleman was mistaken about that bill.

Hon. Mr. MILLER said that was a mere matter of detail.

Hon. Mr. SCOTT, in reply to the repetition of Mr. Howlan's objection on this point, repeated that this Bill would not interfere with pending actions or with civil cases.

Hon. Mr. MILLER contended that the 10th clause did not contain the gist of the measure, which was to be found in the clauses defining the crime of libel and the punishment for that crime, and what constituted justification. The bill before the other House was not before them at all, and it was quite enough for them to deal with one at a time. The 10th clause was merely a matter of detail. This bill provided for criminal proceedings for the punishment of libel, leaving still a recourse at civil law. Supposing that the proprietor or editor of a paper happened to be absent, and that a libel found its way into the paper, despite their care, precautions, or instructions, could criminal intent be reasonably imputed? The very foundation of our criminal law was that there should be no criminal punishment where there was no criminal intent. It would be monstrous to punish a man without proof of that intent. The bill was strong enough for him. He was sorry Parliament had not the power to deal with this offence civilly as well as criminally.

Hon. Mr. HOWLAN replied that the provision affecting the owner or editor was nothing more than a political scarecrow. After a wronged individual had undergone much trouble and expense in court, the owner or editor might coolly say—"I never wrote the article, but it was written by such a person," who might be a mere man of straw or a carpet-bagger, here to-day and away to-morrow. [Laughter.] This clause might be greatly abused.

Hon. Mr. PENNY was understood to say that, as a member of the press himself, as well as a member of this House, he felt it his duty to reply to some of the remarks of the hon. gentleman from P. E. Island. The hon. gentleman's speech, however, would not be thought convince the House that those who used types should be put out of the pale of the ordinary principle of law. He thought the hon. gentleman would not use the same kind of argument with regard to any important interest other than the press. In