

for he has all the worry and expense of a lawsuit, tried probably months after the election itself, and it is simply adding insult to injury. I think there should be some positive provision of the law, such as is suggested in this section, which was pretty fully considered by this House in 1908 before the clause was enacted.

Mr. NESBITT: I would submit that subsection 2 be struck out, because the man who slanders will have no difficulty in proving that he had reasonable grounds for taking such action; he will easily get some of his chums to swear that he had reasonable grounds for believing the statement made by him to be true. I think the slanderer should be punished, and punished diligently.

Mr. MACKENZIE KING: I heartily endorse what the hon. member for West Lambton (Mr. Pardee) and other hon. members have said. I think every care should be taken to protect the characters of public men during an election campaign; but I feel that the effect of subsection 2 is largely to destroy the efficacy of the first subsection.

Mr. GUTHRIE: I move that subsection 2 of section 14 be stricken out.

Mr. PROULX: Does the Acting Solicitor General know how this legislation has worked in England? Has it served any useful purpose?

Mr. GUTHRIE: I know that actions for slander are more common in England than in this country, and damages are awarded on a much heavier scale, but I do not know what has been the history of that particular clause.

Mr. JACOBS: If this section goes through as drafted we will have our courts busy disposing of these cases for at least one year after every general election.

Mr. J. H. SINCLAIR: The regular process of bringing a slander suit against an offender is very slow and very expensive. It is quite common to throw mud during an election campaign, and I quite agree with the minister that the man who does so ought to be held responsible, and undoubtedly it is wise to have a summary way of dealing with such a slanderer. I am in favour of the section, and I am also in favour of striking out subsection 2.

Amendment agreed to.

Mr. COCKSHUTT: What is the meaning of the word "before" in the first line of the [Mr. Guthrie.]

clause? "Before" an election might be five or ten years before, although I should judge the intention is to indicate either immediately before or during the course of an election.

Mr. GUTHRIE: "During an election" is defined by subsection (d) of section 2 as meaning after the issue of the writ for an election, or after the dissolution of Parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, until the elected candidate is returned as elected. "Before" means the period before the issue of the writ for the election. As my hon. friend (Mr. Cockshutt) is well aware, men are frequently nominated and become candidates in fact and in law some time before the writ for an election issues. It is important that a man's character should be protected at that time as well as after the issue of the writ. So the word "before" is intended to cover that period when a man is an actual candidate before the issue of the writ.

Mr. MORPHY: I see just one weakness in the section. A man might make a false statement of fact in relation to the personal character of a candidate which might not carry damages,—and yet he would be liable to conviction under the section as it stands. Surely there should be something added which would import that the statement was either maliciously uttered or derogatory to the person of the candidate.

Mr. GUTHRIE: It is "for the purpose of affecting the return of any candidate."

Mr. MORPHY: I think it might sometimes affect the return of a candidate if we said he was a gentleman, although he was not.

Mr. MCKENZIE: I suppose the phrase "guilty of an illegal practice" is defined somewhere in this Bill, but so far we have not yet had defined what the consequence of the offence is.

Mr. GUTHRIE: Section 83 provides the punishment for a corrupt practice, and section 84 provides the punishment for anything which is described in the Bill as an indictable offence.

Mr. JACOBS: This is not an indictable offence.

Mr. GUTHRIE: Section 85 provides a penalty for any one who is guilty of a non-indictable offence. "Corrupt practice" is provided for by section 82. A number of