

(Hear, hear, from Mr. Scott) at the same time, although this bill was general in character, he would like it sent to a select committee or one of the standing committees; he was inclined to that on Banking and Commerce. If they thought it desirable that such a provision should be introduced, he had no objection whatever.

The bill was read a second time and referred to Banking and Commerce Committee.

Hon. Mr. BOTSFORD moved the second reading of the Bill from the Commons respecting the Canadian and Great Northern Telegraph Company. He explained that this was intended to amend the Act of incorporation to which it referred. Its design was to extend the time for the commencement of the works of the Company to three years from the passing of this Bill, and the time for completion to five years therefrom. He thought that as the original Act was granted, and as this amendment did not affect the principle of the Bill, there could be no objection to this measure.—Carried.

THE CRIME OF LIBEL.

Hon. Mr. KAULBACH moved the House again into Committee on the Bill respecting libel as amended by the Select Committee.

Hon. Mr. MONTGOMERY took the chair.

Hon. Mr. WILMOT, in order to enjoy an opportunity of speaking on the 10th clause of the bill, moved its reconsideration. He said that while strongly in favor of the liberty of the press, he thought this 10th clause took away that security which the public should enjoy in regard to libel, because it did not hold the proprietor or editor responsible, throwing the onus on some party employed by him instead. He deprecated the encouraging of a licentious press. The hon. gentleman related an instance of the difficulty he had experienced in obtaining the correction by a Liverpool paper of an untrue statement to the effect that he had sent a ship to sea in an unseaworthy condition and leaky. The underwriters said they would not hold themselves responsible under the policy, because of the statement made in the *Mail*. The ship sailed in December, and had she been lost, which she was not, it was doubtful if he could have recovered the insurance. It was with the greatest difficulty he could get the proprietor or editor to insert a statement acknowledging that they had made a mistake; and it

was only done at length unsatisfactorily. He thought that clause 10 would really relieve a proprietor and editor of responsibility for anything published affecting individual interests.

Hon. Mr. SCOTT said that in the case put by his honorable friend, a complainant would have his recourse in a civil action against the proprietor. This Bill in no way would affect a civil right while relieving a newspaper proprietor of the consequences of a criminal act under certain circumstances.

Hon. Mr. DICKEY said it had been urged as if the argument was unanswerable that it was inconsistent to seek to make a person criminally liable for the act of his employee, in this instance, when in no other instance was he so liable. But it must be recollected that the circumstances of a newspaper publisher put him in a very different position from any other employer. From the very necessity of the thing it was always the will to hold a publisher criminally responsible; there were good reasons for it, while in other matters the employer was criminally liable for the criminal action of his servant. That was one side of the case. It was said a person might have a civil remedy in cases contemplated by this Bill; but it he had failed in a criminal prosecution against a publisher upon the ground that the Act was done without his knowledge, he (Mr. Dickey) would not give much for his civil remedy after that; so it amounted to very little. Yet on the other hand it would not seem exactly fair that a person who was honestly carrying on business of publishing or reporting proceedings, should be made criminally liable for an act unauthorized by him—in his absence perhaps, and without his consent or knowledge—possibly against his orders. It would be a hardship to imprison a man under such circumstances, particularly when he was civilly liable; and a newspaper proprietor was supposed to be a person competent to respond to a civil action. Upon the whole, after discussing the matter over, he had made up his mind to this result. There was a grave difficulty in the question, and a great deal in the views put forth by his hon. friend, with whom to a large extent he sympathised; but at the same time he thought upon a fair consideration of the question, and considering that this law had been in operation for several years, without being objected to, and considering also that the balance of advantage was with the clause he felt disposed to sustain it as reported by the Committee. His views had been