

LIBEL LAW IN QUEBEC.

TO say that the law of libel in the province of Quebec is old-fashioned is putting the case very mild, says The Montreal Gazette. It dates back to the time when newspapers were not, and indeed does not recognise the existence of newspapers as such at all. In the view of the civil law of this province, a newspaper is exactly in the position of any private individual who chooses to circulate news about his neighbors. It has no more dignity or privilege in the eye of the law than the man on the street or the most irresponsible feminine gossip. No well-conducted newspaper would claim any extravagant prerogative; it would not wish to be a licensed slanderer, or to infringe on the just rights of any private person; but it is evident that a newspaper has a duty and responsibility to the public which ought to carry with them certain privileges. In English law a newspaper is acknowledged to have two rights: (1) the right to give a fair report of a public meeting; (2) the right to make fair comment on matters of public interest. A bill presented to the Quebec Legislature by Mr. Auge proposes to establish similar rights for the newspapers of this province. Its main provision is the exemption from proceedings for libel of fair and accurate reports of the meetings of public bodies. The privilege is not to be granted without due precautions. It is provided that any person who thinks himself injured by such a report may demand as a right from the newspaper the publication of "a letter or statement by way of contradiction or explanation of such report;" and if the newspaper refuses to insert this letter, it will be unable to set up the defence of a "fair report." It is further provided that no personal right now existing shall be curtailed, and the section shall not be held to protect "the publication of any matter not of public concern, and the publication of which is not for the public benefit." Another important section sets forth that in a libel action it shall be a good defence that the facts stated were true and published in the public interest. These are the two chief provisions of the bill, and it is not seen how any one can object to them. The other sections are more technical and of less public interest. They provide for the consolidation of libel actions which are grounded on the same cause of complaint, and allow a newspaper to plead in mitigation of damages that the plaintiff has already recovered from other newspapers in respect of the same libel. This is necessary to protect newspapers from the trafficking in libel actions of which they have sometimes been the victims. There have been cases where the person libelled has made a little gold mine out of his wrongs. Journalists are not infallible, and occasionally one of them gets hold of a tale that cannot afterwards be substantiated. The offender may be guilty, but if he cannot be proved so, the newspapers are called upon to offer him consolation for his wounded feelings in the shape of heavy damages. Under the system by which telegraphic news is supplied, an important item is published in a score of newspapers on the same day. As the law at present stands in this province, a person aggrieved can recover damages from each and everyone of those newspapers as if that newspaper was the only one that had published the libel. Newspapers do not want any unreasonable privileges, but they have a right to ask that the difficulties under which their work is carried on should be recognized. They sometimes make mistakes, and it is only right that in such cases they should be called upon to make fair reparation, but where it is simply a mistake, and everything possible has been done to correct it, it

is not fair that the newspaper should be fined in heavy damages. Where malice is shown, or it is proved that a person has suffered in pocket or position, damages may fairly be given to the full extent suffered; but there is no reason why a libelled person should have "fancy" or "sentimental" damages on the supposition that the libel has hurt his feelings. No respectable newspaper will publish what it knows to be false, and nothing short of that demands vindictive damages. There are cases where the publication of a report seems urgently demanded in the public interest, and yet it is impossible to prove that it is absolutely correct. If the legal proof offered by the newspaper in court falls short in one or two particulars, although the report may be substantially correct, the person libelled can still recover damages. In fact, in a libel action in this province, all the disadvantages are on the side of the newspaper, and libel actions are sometimes undertaken by way of speculation. If the plaintiff gets damages, he is sure of his money; but if the newspaper wins, it is by no means sure of its costs. This is not as it should be, and it is bound to result in disadvantage to the public. A newspaper exists to protect the public interests, and anything that tends to prevent its being conducted efficiently is a disadvantage to the community. Newspapers should be encouraged rather than otherwise to unmask those who pray upon the public, but a newspaper which undertakes this duty in the Province of Quebec runs a great risk of burning its fingers. Mr. Auge's bill will remedy some of these grievances, though not all; it will at any rate give the newspaper a legal position, and will recognize that it has public duties, responsibilities and privileges. When this is once established, newspapers will be able to go into the law courts with a better chance of getting substantial justice, and in course of time the Legislature will probably see its way to remedy other grievances, which Mr. Auge's bill does not attempt to deal with.

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CHRISTIE, the printer, lives in Brandon, Man., and he is a hustler. He does a huge book and stationery business, a good printing business, owns a big square block in the town, well built up with houses and stores, and, lastly, publishes a paper. The Christmas number of this paper, which is called "The Eye," presumably because it is printed on what is known as eyesight paper, was a beauty. The cover is one of the most handsome pieces of colored border work that we have seen in Canada for some time. It is striking and well executed, although it must be acknowledged that in eastern Canada the rage for this class of work has almost passed away. The supplement is a neat piece of work, being photographic views of the city of Brandon. The reading matter and illustrations are choice.

Apted Bros., Toronto, have a neat folder, bearing on the front page "Health, Happiness and Prosperity," and on the third page, "Wishing You a Bright and Happy New Year. Apted Bros., Toronto." It is only 3¼ by 3½ inches, contains no advertisement, is simple, chaste, unostentatious, yet charming in its simplicity. Ordinary New Year circulars are to it what the gaudy daubs of an amateur artist are to the handsome Madonnas of an Angelo.

The J. B. McLean Company, 10 Front street east, Toronto, have issued an advertising booklet which is striking, odd and neat. It is striking in its method of solicitation, odd in its illustrations, and neat in its letter press and color work.