

of. I think a magistrate, or a judge taking that language would be able to decide reasonably what is the "neighbourhood" of the polls. I would not have any hesitation in deciding the point myself, and I do not think any reasonable man would.

Mr. MURPHY: May I ask my hon. friend if this section, in his opinion, would cover the case of giving an elector a pass to travel on the Government railway to vote?

Mr. J. D. REID: It would depend on whom he was voting for.

Mr. MURPHY: That is what I am afraid of. I direct the attention of the Acting Solicitor General to the statement of his colleague.

The CHAIRMAN: Shall clause 13 carry?

Mr. MURPHY: No, I want an answer to my question.

Mr. GUTHRIE: There is a clause somewhere in the Bill with respect to railway passes. The Railway Act also contains a clause which prohibits the giving of passes. An express clause dealing with this subject is to be found somewhere in the Bill, but I cannot at present recall it.

Mr. MURPHY: Prohibiting the giving of passes?

Mr. GUTHRIE: Yes. I think section 12 would prohibit it also.

Mr. PARENT: That would be free transportation, whereas the clause prohibits "paying," so it would not apply.

Section agreed to.

On section 14—penalty for publishing false statements to affect return of any candidate.

Mr. GUTHRIE: I desire to point out that the first subsection is identical with the provision in the statute of 1908, but subsection 2 is taken from the British Election Act. It was not formerly in our law and it opens rather a wide door.

Mr. LAPOINTE: Yes.

Mr. GUTHRIE: I would like to hear what the view of the Committee is.

Mr. PARDEE: Does not the Acting Solicitor General think that subsection 2 practically does away with any effect that subsection 1 may have? If anybody were accused of such practices and were to swear that he believed any such statements he had made were true he would be absolutely exempt under the section and subsection.

Mr. GUTHRIE: A little more than that is required. He has to prove that he had "reasonable grounds for believing and did believe."

Mr. PARDEE: What does that mean?

Mr. GUTHRIE: Of course I see the difficulty. I like the section as it originally existed in the Canadian Act of 1908. Slanders at election time are very common. If a man has only to avoid the consequences of his slander by proving that he had some reasonable grounds I think there would be a great many more slanders than we have had in the past. However, I express only my own view, I leave the matter to the judgment of the Committee.

Mr. JACOBS: It seems to me that the ordinary criminal law takes care of cases of that kind.

Mr. GUTHRIE: What part of it?

Mr. JACOBS: The law of slander. It applies to any person who makes a false statement.

Mr. GUTHRIE: There is nothing in the criminal law about slander.

An hon. MEMBER: Libel is also referred to in section 14.

Mr. GUTHRIE: Libel is a different thing.

Mr. JACOBS: The law of slander takes care of cases of this kind.

Mr. GUTHRIE: In what way?

Mr. JACOBS: The ordinary way is to proceed for damages.

Mr. GUTHRIE: The worthless man who cannot pay damages is usually guilty of slander.

Mr. JACOBS: Not necessarily. I know cases where damages have been recovered against people for slander. I do not know what the practice is in the other provinces, but in our province damages are recovered by coercive imprisonment.

Mr. GUTHRIE: That is not the law in the other provinces. I think the committee is well aware that while our criminal law makes provision for the punishment of those guilty of libel, slander has never been a criminal offence in this country. I believe experience will show that at election times the worst slanderers are men who have little or no financial responsibility, and it is poor consolation to a candidate who, for political reasons, has been slandered during an election to bring an action in our civil courts against a man of straw,