reputation, which he knows to be untrue, to be circulated broadcast, cannot complain if he is held to strict account, and compelled to make reparation. But the denial to him of any remedy against the writer of a defamatory communication, either in the form of a letter or an editorial, merely because it is anonymous, is not reasonable, and detracts very much from the value of the whole enactment. It is the outcome of a foolish prejudice and timidity with respect to anonymity in the press, and stamps it with an odium which is undeserved The most and best part of newspaper literature is anonymous, the proportion of matter which is actionable, as compared with that which is not actionable, is a mere bagatelle. In the present instance the precaution taken by the Legislature strikes one as over-fastidious. It was unnecessary, so far as the newspaper is concerned, and is actually prejudicial to the person defamed. It was unnecessary, because a publisher would have to disclose the identity of his anonymous contributor if he wished to prefer a claim against him; and it is prejudicial to the person aggrieved, because such a disclosure would have enabled him to sue both writer and publisher. The courts will not compel a publisher to give up the name of an anonymous correspondent; in fact, they have justified his refusal to do so. It is the rule in newspaper offices to treat anonymous contributions as confidential, and certainly the seal of confidence will not be broken when nothing is to be gained by it. There may well be an exception to the rule when an editor has been deceived and imposed upon by an anonymous contributor, and his newspaper has been dragged into an expensive law suit. But, in every such case, the Legislature has declared that he shall have no recourse against the impostor. The enactment, as a whole, is, in these particulars at least, fairly open to revision.

AN OLD GRIEVANCE REMEDIED.

The Act of 1894 also removed one of the special grievances of the press arising out of appeals against orders granting or refusing security for costs. Where such an order has been made by a local judge in the outer counties, there may be only one appeal to a judge of the High Court in Chambers. Where a judge of the High Court has made the order in the first instance, the order is final, and there is no appeal. The rule thus laid down is two-edged, and cuts both ways; but it at the same time favors cheap and speedy justice.

THE DEFINITION OF "NEWSPAPER" OBJECTIONABLE.

These are some of the merits and defects of the statute. It contains, however, one other notable defect, and that is in the definition which it gives of the term "newspaper." The wording of the definition excludes from the benefit of the Libel Act an important class of publications which are fairly entitled to its protection. This is a very serious matter for the publishers, and a very strong objection to the Act as it stands. In a review of the legislation of 1894, contributed to The Canadian Law Times three years ago, the writer had occasion to trace the origin, and explain the object, of the definition in question. It was shown to have been derived from a statute of William IV., which followed, on this point, a series of Acts commencing as far back as the reign of Queen Anne, and ending in the reigns of George III. and George IV. These statutes imposed stamp duties on certain publications designated as "newspapers," and affixed heavy penalties for issuing them without stamps. For example, Addison's famous "Spectator," one of the English classics, was taxed under the statute of Anne, and grievious complaint is made of this by the great essayist in one of the numbers. The statute of William IV., from which the definition of "newspaper" in our own statute was originally taken, was meant to be, and was, in fact, a definition of certain "newspapers" that were intended to be brought within the stamp laws. The preamble of the Act expressly declares that the interval of twenty-six days between the publication of the parts or numbers of newspapers, as therein defined, was adopted for the purpose of restraining the publication of papers tending to excite hatred and contempt of the Government and constitution of these realms as by law established, and also vilifying our holy religion. This was the reason assigned by the Act for their being subjected to stamp duties. It is manifest, therefore, that the object of the statute in setting a time limit of twenty-six days, beyond which the numbers of these "newspapers" should not be printed, was to impose a tax upon them, and thereby to repress, as far as possible, a class of literature that was regarded as mischievous and dangerous both to Church and State.

A CRITICISM BY THE CANADIAN LAW TIMES.

The following quotation from the writer's comments in The Law Times on the subject is still in point, and always will be until the law is changed. "The definition in this section has been a good deal criticized, and properly so, on account of its excluding monthly periodicals, and especially monthly trade papers, from the benefits of the Act. The latter are, without exception, highly useful and well conducted publications, and are of infinite service to an increasingly large class of readers. They are devoted to the various manufacturing, mercantile and trade interests of the country, and contain 'public news intelligence, or occurrences,' and 'remarks or observations thereon,' relating to those interests, and also to the current events of the day. They do not harbor 'blasphemous and seditious libels'; they do not excite 'hatred and contempt of the Government,' or vilify 'our holy religion'. they are neither dangerous nor mischievous, as was the baneful brood of prints at which the penal Act of George was aimed. Except that they are published at intervals 'exceeding 26 days,' they are 'newspapers,' de facto. Why should they not be 'newspapers' de jure? Public opinion has long since declared that they should be, yet the Ontario Legislature has persistently adhered to the effete formula which places them, as compared with other vehicles of intelligence, under the ban of the law. This species of intolerance is indefensible. One of the arguments advanced in its favor is, that articles in monthly publications are usually written with more deliberation than those in ordinary newspapers. Ergo, if they are defamatory, they should receive no more comfort than is afforded them at common law. This is very specious reasoning, and the facts are entirely against it. Every journalist knows that many leading articles are prepared with the greatest care and circumspection, and often long in advance of their appearance in print. The private cabinet of the editor of The London Times is said to contain an obituary of every great living Englishman. The judgments in the Attorney-General v. Bradbury & Evans (a decision on the section in question previously referred to in The Law Times articles) present no such argument. * * * The times and the criteria have changed since George the Third was King. The whole life of the press has been revolutionized, and the 'tax on knowledge,' along with the odious penalities by which it was enforced, has been swept away. The number '26' is at the best purely arbitrary; it no longer marks the line 'between news and history'; its raison d'etre is not even tenable. The origin and object of the penal statute, under which the decision referred to was given, had everything to do with its provisions. Why should an archaic enactment, passed for a specific purpose, and to suppress glaring and perilous evils that no longer exist, be imposed on any respectable publication in our time?

"These were some of the considerations which influenced a proposal to the Legislature at its last session to extend the benefits of section two to monthly periodicals and trade papers. The simple change of '26 days' to '31 days' would have done this; but, fair and reasonable as was the proposal, it was not entertained. When