

## EDITORIAL NOTES—ONTARIO LEGISLATION.

adopted by the *American Law Register*, of publishing the most important current English and American decisions, and appending notes to them after the manner of Smith's leading cases, is not calculated to be more useful to the profession than the more common editorial articles on legal subjects.

### ONTARIO LEGISLATION.

Upon Friday last the Lieutenant-Governor prorogued the Ontario Legislature, which had been in session since 12th January. During the nine weeks session 82 public Acts were passed and a considerable number of private Bills. The most important of the public Acts are the following:—

Chapter 6, "An Act respecting the Jurisdiction of the Court of Appeal." The important section of this Act is that which gives an appeal from all final decisions of a Judge of the County Court, whether sitting in Chambers or in Court, under the provisions of law relating to the examination of debtors, attachment for debts, and proceedings against garnishees, and from any final decision or order hereafter given in any cause or matter disposing of any right or claim.

We presume this section was passed in consequence of the decision of the Court of Appeal in *Sato v. Hubbard*, Ap. R. This Act also removes the difficulty which was frequently experienced on account of the signing of judgment in a County Court caseousting the right of appeal. Now an appeal will lie either before or after judgment is signed, provided that security is given within ten days from the decision appealed against, or within such further period, not exceeding 30 days, as a Judge of the County Court appealed from may allow. Provision is also made in this Act, for the making of the judgment of a Judge of the Court of Appeal who may be unable to attend, and the giving of judgment of three Judges who may be unanimous, not-

withstanding the fourth Judge who heard the cause may have ceased to hold office.

Chapter 9, "An Act to amend the Law of Newspaper Libel." This Act is short, but will be found a great boon to decent newspapers. It provides that any report published in a public newspaper of a public meeting shall be privileged, if the meeting was lawfully convened for a lawful purpose, and open to the public, if the report was fair and accurate, and published without malice, and if the publication was for the public benefit. A newspaper proprietor, however, who refuses to insert a reasonable explanation or contradiction by or on behalf of the person complaining, cannot set up the Act as a defence.

Chapter 10, "An Act for the removal of certain defects in the Law of Evidence." This Act adopts the Imperial Evidence Act, 32-33 Vict., cap. 68, as amended by 33-34 Vict. cap. 48. Under it parties to an action of breach of promise of marriage are made competent to give evidence, but there is to be no recovery by the plaintiff unless the evidence in support of the promise is corroborated. Parties to actions for adultery and their husbands and wives are also made competent witnesses.

This Act also removes a difficulty which has been at various times commented upon in the Courts of Justice, viz.—the loss which litigants were put to by the exclusion of the evidence of agnostics and atheists. This can now be obtained under its provisions. In case a judge is satisfied that the taking of an oath would have no binding effect on the conscience of a person tendered as a witness, who is objected to as incompetent to take an oath, the evidence of such person may be taken under this Act upon affirmation. Under 31 Vict., cap. 74, sec. 4 (Dom), and 32-33 Vict., cap. 23, sec. 2 (Dom), any person who after taking such an affirmation, gives false testimony, is liable to the same punishment as he would be for perjury.

The legislature, having given to the judges full authority over the procedure of the High Court, the next Act, chapter 11., entitled,