

BILL

No. 24 of 1915.

An Act to amend The Libel and Slander Act.

(Assented to _____, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Libel and Slander Act*, being chapter 12 of the Statutes of Alberta, 1913 (2nd Session), is amended by striking out the first subsection of section 11 of the said Act and substituting therefor the following:

“In an action for libel contained in a newspaper the defendant may at any time after the delivery of the statement of claim apply to a judge of the court in which the action is taken for security for costs, by notice of motion which shall be supported by an affidavit of the defendant or his agent, showing the nature of the action and of the defence, that the defendant has a good defence upon the merits, as the deponent is advised and believes, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a judgment is given in favour of the defendant, that the statements complained of were published in good faith, and that the grounds of action are trivial or frivolous, and the judge, upon a perusal of all material in support of and in opposition to the motion, may, in his discretion, order that the plaintiff shall give security for costs, which security shall be given in accordance with the practice in cases where the plaintiff resides out of Alberta, and the order shall be a stay of proceedings until the security is given; but where the alleged libel involves a criminal charge the defendant shall not be entitled to security for costs under this Act, nor shall he in any other case unless he can show that there was reasonable ground to believe that the publication was for the public benefit; and if it is alleged by the defendant that the publication took place in mistake or misapprehension of the facts that a full and fair retraction of any statement therein alleged to be erroneous was published either before or immediately after he was served with a notice under section 7 of this Act and was published in as conspicuous a place in the said newspaper and in as large type as was the article complained of.”

No. 24

THIRD SESSION
THIRD LEGISLATURE
5 GEORGE V
1915

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An Act to amend The Libel and
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Received and read the

First time

Second time

Third time

MR. MACKAY.

EDMONTON:
J. W. JEFFERY, Government Printer
A. D. 1915.