against the Defendant by the Act of any other Person by his Authority, it shall be competent to such Defendant to prove that such Publication was made without his Authority, Consent, or Knowledge, and that the said Publication did not arise from Want of due Care or Caution on his Part.

On Prosecution for private Libel, Defendant entitled to Costs on Acquittal.

VIII. And be it enacted, That in the Case of any Indictment or Information by a private Prosecutor for the Publication of any defamatory Libel, if Judgment shall be given for the Defendant, he shall be entitled to recover from the Prosecutor the Costs sustained by the said Defendant by reason of such Indictment or Information; and that upon a special Plea of Justification to such Indictment or Information, if the Issue be found for the Prosecutor, he shall be entitled to recover from the Defendant the Costs sustained by the Prosecutor by reason of such Plea, such Costs so to be recovered by the Defendant or Prosecutor respectively to be taxed by the proper Officer of the Court before which the said Indictment or Information is tried.

Interpretation of Act.

IX. And be it enacted, That wherever throughout this Act, in describing the Plaintiff or the Defendant, or the Party affected or intended to be affected by the Offence, Words are used importing the Singular Number or the Masculine Gender only, yet they shall be understood to include several Persons as well as one Person, and Females as well as Males, unless when the Nature of the Provision or the Context of the Act shall exclude such Construction.

Commencement and Extent of Act.

X. And be it enacted, That this Act shall take effect from the First Day of *November* next; and that nothing in this Act contained shall extend to *Scotland*.

CAP. XCVII.

An Act for appointing Commissioners to inquire into the Existence of Bribery in the Borough of *Sudbury*. [24th *August* 1843.]

'WHEREAS there is reason to believe that the Practice of Bribery at Elections of Members to serve in Parliament for the Borough of *Sudbury* hath long prevailed in the said Borough, and that Bribery to a great Extent hath been systematically committed there at the last Election of Members of Parliament: And whereas great Difficulty hath been hitherto experienced in obtaining complete Proof of the System of Bribery so believed to be practised and carried on there, by reason of the Contrivances of certain Parties more or less implicated in the same: And whereas it would tend to ensure a full Discovery of the said Bribery if an Inquiry should be made on the Spot by Commissioners to be specially appointed for that Purpose, and fully authorized to inquire into the Existence and Extent of such Bribery in the said Borough, and the Mode in which the same hath been practised and carried on:' Be it therefore enacted by the Queen's most

most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Russell Gurney* Esquire, Barrister at Law, *John Buckle* Esquire, Barrister at Law, and *George Percy Elliott* Esquire, Barrister at Law, shall be Commissioners of Inquiry for the Purposes of this Act; and in the Case of the Death or Resignation of any One or Two of the said Commissioners, or in the event of any One or Two of them becoming incapacitated or incapable of acting, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act in the Execution of this Act, as if they or he had been solely appointed to be Commissioners or a sole Commissioner for the Purposes of this Act; and all the Provisions of this Act concerning the said Commissioners shall be taken to apply to such surviving or continuing Commissioners or Commissioner.

Commissioners appointed.

II. And be it enacted, That every Commissioner appointed in pursuance of this Act shall, before beginning to act in the Execution of the Commission, take the following Oath before the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, or the Lord Chief Baron of the Court of Exchequer; (that is to say,)

'I *A.B.* do swear, That I will truly and faithfully execute the Powers and Trusts vested in me by an Act, intituled [*here insert the Title of this Act*], according to the best of my Knowledge and Judgment. So help me GOD.'

Commissioners to be sworn.

III. And be it enacted, That it shall be lawful for the said Commissioners to appoint, and at their Pleasure to dismiss, a Secretary, and so many Clerks, Messengers, and Officers as shall be thought necessary by One of Her Majesty's Principal Secretaries of State, for the Purpose of conducting the Inquiry directed by this Act, and to pay to the said Secretary, Clerks, Messengers, and Officers such Salaries and Allowances as shall be thought reasonable by the Commissioners of Her Majesty's Treasury.

Secretary and Clerks to be appointed.

IV. And be it enacted, That the said Commissioners, upon their Appointment or within a reasonable Time afterwards, shall go to the Borough of *Sudbury*, and shall from Time to Time hold Meetings at some convenient Place within the said Borough or within Ten Miles thereof, and shall continue to sit from Day to Day until the said Inquiry shall be ended; and the said Commissioners of Inquiry shall give Notice of their Appointment, and of the Time and Place of holding their First Meeting, by publishing the same in some Newspaper in general Circulation in the said Borough or the Neighbourhood thereof.

Place of Meeting.

V. And be it enacted, That the said Commissioners shall, by all such lawful Means as to them shall appear best with a view to the Discovery of the Truth, inquire into the Manner in which the last Election of Members to serve in Parliament for the said Borough has been conducted, and whether any Bribery has been committed at such Election, and if so, whether such

Inquiry by the Commissioners.

such Bribery was by way of the Gift or the Promise of the Gift of any Sum of Money or other valuable Consideration to any Voter or Voters, or to any other Person or Persons on his or their Behalf, for the Promise or the giving of his or their Vote or Votes, or for his or their refraining or promising to refrain from giving his or their Vote or Votes, at such Election, or for his or their procuring or undertaking to procure the Votes of other Electors at such Election, or whether by the Payment of any Sum of Money or other valuable Consideration whatsoever to any Voter or to any other Person on his Behalf, before, during, or after the Termination of such Election, by way of Head Money, or in compliance with any Usage or Custom in the said Borough, or how otherwise, or whether any Sum of Money or other valuable Consideration whatsoever has been paid to any Voter, or to any other Person in his Behalf, after the Termination of such Election, as a Reward for giving or for having refrained from giving his Vote at such Election; and the said Commissioners shall from Time to Time report to Her Majesty the Evidence which shall be taken by them, and what they shall find concerning the Premises, and especially the said Commissioners shall report with respect to such Election the Names of all Persons whom they shall find to have been guilty of Bribery at such Election, and as well those who shall have given Bribes for the Purchase or for the Purpose of purchasing the Votes of others as those who shall have themselves received Money or any other valuable Consideration for having given or having refrained from giving, or for the Purpose of inducing them to give or to refrain from giving, their Votes at such Election, and also the Names of all Persons whom they shall find to have given to others or to have received themselves Payments by way of Head Money or as a Reward for giving or refraining to give their Votes at such Election, and all other things whereby, in the Opinion of the said Commissioners, the Truth may be better known touching the Premises.

Reports to be laid before Parliament.

VI. And be it enacted, That every Report which the said Commissioners shall make to Her Majesty in pursuance of this Act shall be laid before Parliament within One Calendar Month next after such Report shall be made, if Parliament shall be then sitting, or if not, then within One Calendar Month next after the then next Meeting of Parliament.

Power to send for Persons and Papers.

VII. And be it enacted, That it shall be lawful for the Commissioners to be appointed in pursuance of this Act, by a Summons under their Hands and Seals or under the Hand and Seal of any One of them, to require the Attendance before them, at a Time to be mentioned in the Summons, of any Person or Persons whomsoever whose Evidence shall in the Judgment of the said Commissioners be material to the Subject Matter of the Inquiry directed by this Act, and to require all Persons to bring before them such Books, Papers, Deeds, and Writings as to the said Commissioners shall appear necessary for arriving at the Truth of the Things directed to be inquired into by them under the Provisions of this Act; all which

Persons

Persons shall attend the said Commissioners, and shall produce all such Books, Papers, Deeds, and Writings as shall be required of them, and which shall be in their Custody or under their Control, according to the Tenor of the Summons: Provided always, that no Person shall be compellable to answer any Question, or to produce any Book, Paper, Deed, or Writing, the Answer to which or the Production of which may criminate or tend to criminate such Person, or to expose such Person to any Pains or Penalties.

Persons implicated in Bribery, who may be examined and shall make a faithful Discovery, indemnified.

VIII. 'And whereas it may appear to the said Commissioners desirable to examine as Witnesses several Persons 'touching the Things directed to be inquired into by this 'Act, the Evidence of which Persons may tend to expose them 'to penal Consequences;' be it therefore enacted, That, for the more effectually prosecuting the Inquiry directed by this Act every Person who has been engaged in any Act of Bribery at or connected with any Election of Members to serve in Parliament for the said Borough of *Sudbury*, and who shall be examined as a Witness and give Evidence before the said Commissioners touching such Bribery, and who shall upon such Examination make a true Discovery, to the best of his or her Knowledge, touching all things to which he or she shall be so examined, shall be freed from all penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions to which he or she may have been or may become liable or subject, at the Suit of Her Majesty, Her Heirs or Successors, or any other Person, for any thing done by such Person or Persons in respect of such Bribery.

Witnesses examined not to be indemnified unless they shall have a Certificate from the Commissioners.

IX. Provided always, and be it enacted, That where any Witness shall be so examined as aforesaid, such Witness shall not be indemnified under this Act unless he or she shall receive from the said Commissioners a Certificate in Writing under their Hands, stating that such Witness has upon his or her Examination made a true Disclosure touching all things to which he or she has been so examined; and if any Action, Information, or Indictment shall at any Time be pending in any Court for Bribery at the last Election for the Borough of *Sudbury* against any Person or Persons who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may, in its Discretion, award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment.

Commissioners to examine on Oath.

X. And be it enacted, That it shall be lawful for the said Commissioners or One of them to administer an Oath, or, in the Case of Persons allowed by Law to make Affirmation instead of taking an Oath, an Affirmation, to all Persons who shall be examined before them touching the things directed to be inquired into by them under the Provisions of this Act.

Penalty for Non-attendance or refusing to give Evidence.

XI. And be it enacted, That if any Person upon whom any such Summons shall be served, by the Delivery thereof to him or her or by the leaving thereof at his or her usual Place of Abode, shall without reasonable Cause (to be allowed by the said Commissioners of Inquiry) fail to appear before them at the Time and Place mentioned in the Summons, or shall refuse to be sworn or make Affirmation (as the Case may be), or shall not make Answer to such Questions as shall be put to him or her touching the Matters directed to be inquired into by the said Commissioners, or shall refuse or fail without reasonable Cause (to be allowed by the said Commissioners) to produce and show to the said Commissioners any such Papers, Books, Deeds, or Writings, being in the Possession or under their Control, as to the said Commissioners shall appear necessary for arriving at the Truth of the things directed to be inquired into by them as aforesaid, the said Commissioners or the greater Number of them shall have the same Powers in all respects touching any such Person so failing to appear, or refusing to be sworn or to make Affirmation, or not answering such Questions as shall be put to him or her, or refusing to produce any such Books, Papers, Deeds, or Writings as aforesaid, as any of the Superior Courts in *Westminster Hall* or any Judge of the said Courts may now by Law exercise against any Person for making default of Appearance or for refusing to be sworn or give Evidence on any Issue joined in any Action depending in any of the said Courts.

Penalty for false swearing.

XII. And be it declared and enacted, That every Person who, upon Examination upon Oath or Affirmation before the said Commissioners of Inquiry, shall wilfully give false Evidence shall be liable to the Pains and Penalties of Perjury.

Expences of the Inquiry.

XIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being to make an Order for the Payment of the necessary Expences of the Inquiry directed by this Act; and that every Commissioner to be appointed under this Act shall be paid at the Rate of Five Guineas for every Day that he shall be actually employed in conducting the Inquiry directed by this Act, over and above his travelling and other Expences; and the said Commissioners, after the Termination of their last Sitting, and after they shall have made their Report to Her Majesty as herein-before directed, shall lay or cause to be laid before the Commissioners of Her Majesty's Treasury for the Time being a Statement of the Number of Days they shall have been so employed, together with an Account of the travelling and other Expences of each of such Commissioners; and the said Commissioners of Her Majesty's Treasury shall make an Order for the Payment to each Commissioner of the Amount due to him in respect of the Number of Days he shall have been so employed, and in respect of his travelling and other Expences.

Limitation of Actions.

XIV. And be it enacted, That no Action shall be brought against the said Commissioners or either of them, or any other Person

Person or Persons whomsoever, for any thing done in the Execution of this Act, unless such Action shall be brought within Six Calendar Months next after the doing of such thing.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. XCVIII.

An Act for the more effectual Suppression of the Slave Trade. [24th *August* 1843.]

'WHEREAS an Act was passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, whereby it is enacted (among other things), that it shall not be lawful (except in such special Cases as are herein-after mentioned) for any Persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, Purchase, Sale, Barter, or Transfer of Slaves or Persons intended to be dealt with as Slaves; or to carry away or remove, or to contract for the carrying away or removing of Slaves or other Persons as or in order to their being dealt with as Slaves; or to import or bring, or to contract for the importing or bringing, into any Place whatsoever, Slaves or other Persons as or in order to their being dealt with as Slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons for the Purpose of their being carried away or removed as or in order to their being dealt with as Slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board, of any Ship, Vessel, or Boat, Slaves or other Persons for the Purpose of their being imported or brought into any Place whatsoever as or in order to their being dealt with as Slaves; or to fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire, any Ship, Vessel, or Boat, in order to accomplish any of the Objects or the Contracts in relation to the Objects which Objects and Contracts have herein-before been declared unlawful; or to lend or advance, or become Security for the Loan or Advance, or to contract for the lending or advancing, or becoming Security for the Loan or Advance of Money, Goods, or Effects employed or to be employed in accomplishing any of the Objects or the Contracts in relation to the Objects which Objects and Contracts have herein-before been declared unlawful; or to become Guarantee or Security, or to contract for the becoming Gua- 5 G. 4. c. 113.