Juries (Libel) Act (Ireland) 1793

Chapter 43

An Act to remove Doubts respecting the Functions of Juries in Cases of Libel.[1]

Doubts whether on trial for a libel, the jury can give verdict on the whole matter:

WHEREAS doubts have arisen whether on the trial of an indictment . . .[2] for the making or publishing any libel, where an issue or issues are joined between the King and the defendant or defendants, on the plea of not guilty pleaded, it be competent to the jury impanelled to try the same, to give their verdict upon the whole matter in issue;

On every such trial jury may give a general verdict, and shall not be directed to find defendant guilty, on proof of publication, &c.

[I.] ON every such trial, the jury sworn to try the issue, may give a general verdict of guilty or not guilty, upon the whole matter put in issue upon such indictment . . .[2], and shall not be required or directed by the court or judge before whom such indictment . . .[2] shall be tried, to find the defendant or defendants guilty, merely on the proof of the publication by such defendant or defendants, of the paper charged to be a libel, and of the sense ascribed to the same in such indictment . . .[2].

On such trials, judge may give his opinion, &c. as in other criminal cases.

II. PROVIDED always, That on every such trial the court or judge before whom such indictment . . .[2] shall be tried, shall according to their or his discretion, give their or his opinion and directions to the jury on the matter in issue between the King and the defendant or defendants, in like manner as in other criminal cases.

Jury may find a special verdict.

III. PROVIDED also, That nothing herein contained, shall extend, or be construed to extend, to prevent the jury from finding a special verdict in their discretion, as in other criminal cases.

Defendants found guilty, may move an arrest of judgment, as before.

IV. PROVIDED also, That in case the jury shall find the defendant or defendants guilty, it shall and may be lawful for the said defendant or defendants, to move in arrest of judgment on such ground, and in such

manner as by law he or they might have done before the passing of this act, any thing herein contained to the contrary notwithstanding.

References

1. Short title "The Juries (Libel) Act (Ireland) 1793". 1951 c.1 (NI)
2. Rep., 1967 c.18 (NI) s.15(2) sch.2 Pt.II