CHAPTER 63.

An Act to amend the twenty-third section of "The Crofters Holdings (Scotland) Act, 1886."

[24th December 1888.]

WHEREAS it is expedient to amend the law relating to the delegation of powers by the Crofters Commission to one or more of their number:

Be it therefore enacted by the Queen's 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, as follows:

Delegation of powers.

1.—(1.) In executing the provisions of this Act it shall be competent for the Crofters Commission to delegate the duties thereby prescribed to one or more of their number, assisted by two valuers or assessors; but any determination arrived at by such commissioner or commissioners shall be subject to review, upon appeal, by the whole three commissioners.

49 & 50 Vict. c. 29.

(2.) This section shall be read in place of the twenty-third section of the Crofters Holdings (Scotland) Act, 1886, and shall have the same effect as though it were enacted in the said Act.

Short title.

2. This Act may be cited as the Crofters Commission (Delegation of Powers) Act, 1888.

CHAPTER 64.

An Act to amend the Law of Libel.

[24th December 1888.]

WHEREAS it is expedient to amend the law of libel:

Be it therefore enacted by the Queen's 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, as follows:

Interpretation.

1. In the construction of this Act the word "newspaper" shall have the same meaning as in the Newspaper Libel and Registration Act, 1881.

Repeal of 44 & 45 Vict. c. 60. s. 2.

2. Section two of the Newspaper Libel and Registration Act, 1881, is hereby repealed.

Newspaper reports of proceedings in court privileged.

3. A fair and accurate report in any newspaper of proceedings publicly heard before any court exercising judicial authority shall, if published contemporaneously with such proceedings, be privileged: Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter.

Newspaper reports of proceedings of public meetings

4. A fair and accurate report published in any newspaper of the proceedings of a public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a vestry,

town council, school board, board of guardians, board or local authority formed or constituted under the provisions of any Act of Parliament, or of any committee appointed by any of the above-mentioned bodies, or of any meeting of any commissioners authorised to act by letters patent, Act of Parliament, warrant under the Royal Sign Manual, or other lawful warrant or authority, select committees of either House of Parliament, justices of the peace in quarter sessions assembled for administrative or deliberative purposes, and the publication at the request of any Government office or department, officer of state, commissioner of police, or chief constable of any notice or report issued by them for the information of the public, shall be privileged, unless it shall be proved that such report or publication was published or made maliciously: Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter: Provided also, that the protection intended to be afforded by this section shall not be available as a defence in any proceedings if it shall be proved that the defendant has been requested to insert in the newspaper in which the report or other publication complained of appeared a reasonable letter or statement by way of contradiction or explanation of such report or other publication, and has refused or neglected to insert the same: Provided further, that nothing in this section contained shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter not of public concern and the publication of which is not for the public benefit. and of certain bodies and persons privileged.

For the purposes of this section "public meeting" shall mean any meeting bonâ fide and lawfully held for a lawful purpose, and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted.

5. It shall be competent for a judge or the court, upon an application by or on behalf of two or more defendants in actions in respect to the same, or substantially the same, libel brought by one and the same person, to make an order for the consolidation of such actions, so that they shall be tried together; and after such order has been made, and before the trial of the said actions, the defendants in any new actions instituted in respect of the same, or substantially the same, libel shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated. Consolidation of actions.

In a consolidated action under this section the jury shall assess the whole amount of the damages (if any) in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately; and if the jury shall have found a verdict against the defendant or defendants in more than one of the actions so consolidated, they shall proceed to apportion the amount of damages which they shall have so found between and against the said last-mentioned defendants; and the judge at the trial, if he awards to the plaintiff the costs of the action, shall thereupon make such order as he shall deem just for the apportionment of such costs between and against such defendants.

Power to defendant to give certain evidence in mitigation of damages.

6. At the trial of an action for a libel contained in any newspaper the defendant shall be at liberty to give in evidence in mitigation of damages that the plaintiff has already recovered (or has brought actions for) damages or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as the libel for which such action has been brought.

Obscene matter need not be set forth in indictment or other judicial proceeding.

7. It shall not be necessary to set out in any indictment or other judicial proceeding instituted against the publisher of any obscene libel the obscene passages, but it shall be sufficient to deposit the book, newspaper, or other documents containing the alleged libel with the indictment or other judicial proceeding, together with particulars showing precisely by reference to pages, columns, and lines in what part of the book, newspaper, or other document the alleged libel is to be found, and such particulars shall be deemed to form part of the record, and all proceedings may be taken thereon as though the passages complained of had been set out in the indictment or judicial proceeding.

Repeal of 44 & 45 Vict. c. 60. s. 3. Order of Judge required for prosecution of newspaper proprietor, &c.

8. Section three of the forty-fourth and forty-fifth Victoria, chapter sixty, is hereby repealed, and instead thereof be it enacted that no criminal prosecution shall be commenced against any proprietor, publisher, editor, or any person responsible for the publication of a newspaper for any libel published therein without the order of a Judge at Chambers being first had and obtained.

Such application shall be made on notice to the person accused, who shall have an opportunity of being heard against such application.

Person proceeded against criminally a competent witness.

9. Every person charged with the offence of libel before any court of criminal jurisdiction, and the husband or wife of the person so charged, shall be competent, but not compellable, witnesses on every hearing at every stage of such charge.

Extent of Act.

10. This Act shall not apply to Scotland.

Short title.

11. This Act may be cited as the Law of Libel Amendment Act, 1888.

CHAPTER 65.

An Act to provide for the custody of the Roll of Solicitors of the Supreme Court in England by the Incorporated Law Society, and otherwise to amend the law relating to Solicitors. [24th December 1888.]

WHEREAS the office of Clerk of the Petty Bag has recently, on the death of the late holder of that office, been abolished:

And whereas the custody of the roll of solicitors of the Supreme Court of Judicature in England was up to that date entrusted to the Clerk of the Petty Bag, and it is now expedient to transfer its custody to the Incorporated Law Society as Registrar of Solicitors, and it is also expedient to make other amendments in the law relating to solicitors of the Supreme Court:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and