commissioned Officers, and Pensioners, or any of them, on the Occasions aforesaid, may be inquired of and tried by Court-martial assembled under the Provisions of any such Act, according to the usual Discipline of Her Majesty's Army; and Courts-martial for the Trial of any such Offences may be holden, and the Punishment awarded by any such Court-martial may be inflicted, either during the Time for which the said Pensioners shall be so on Duty, or at any Time within Twelve Calendar Months after the Offence shall have been committed or the Offender shall have been apprehended.

Penalty for damaging or selling Accoutrements, &c.

VII. And be it enacted, That every Pensioner enrolled as aforesaid, who shall carelessly lose, destroy, or damage any Arms, Accoutrements, Ammunition, or Clothing provided for him or intrusted to his Charge, shall be liable to make good the same out of his Pension, together with such Penalty, not exceeding Double the Amount of such Loss or Damage, as the Secretary at War may direct; and every such enrolled Pensioner who shall wilfully damage or destroy, or who shall sell, pawn, or otherwise unlawfully dispose of any such Arms, Accoutrements, Ammunition, or Clothing, shall be liable to Forfeiture of his Pension; and any Person knowingly purchasing or receiving the same shall, on Conviction thereof, by the Oath of any credible Witness or upon his own Confession, before any Magistrate or Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds, and in default of Payment may be imprisoned for any Time not exceeding Three Calendar Months.

Field and Staff Officers exempt from Toll.

VIII. And be it enacted, That no Toll shall be demanded or taken at any Turnpike Gate or Bar, Pier, Wharf, or Landing Place, for any Horse ridden by any Field Officer or Staff Officer of Pensioners, being in Uniform, when employed on any of the Duties referred to in this Act, nor for any private or hired Vehicle necessarily used by such Officers being in Uniform, for the Conveyance of themselves and the Books and other Documents required for the Purpose of paying the Out-Pensioners at the several Stations within the District; and any Toll Collector who shall demand and take Toll from any such Officer when so employed and in Uniform shall, on Conviction thereof, by the Oath of any credible Witness or on his own Confession, before a Magistrate or Justice of the Peace, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Act may be amended, &c.

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

CAP. XCVI.

An Act to amend the Law respecting defamatory Words and Libel. [21th *August* 1843.]

FOR the better Protection of private Character, and for more effectually securing the Liberty of the Press, and for better preventing Abuses in exercising the said Liberty, be it enacted by

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, That in any Action for Defamation it shall be lawful for the Defendant (after Notice in Writing of his Intention so to do, duly given to the Plaintiff at the Time of filing or delivering the Plea in such Action,) to give in Evidence, in mitigation of Damages, that he made or offered an Apology to the Plaintiff for such Defamation before the Commencement of the Action, or as soon afterwards as he had an Opportunity of doing so, in case the Action shall have been commenced before there was an Opportunity of making or offering such Apology.

Offer of an Apology admissible in Evidence in mitigation of Damages.

In an Action against a Newspaper for Libel, the Defendant may plead that it was inserted without Malice and without Neglect, and may pay Money into Court as Amends.

II. And be it enacted, That in an Action for a Libel contained in any public Newspaper or other periodical Publication it shall be competent to the Defendant to plead that such Libel was inserted in such Newspaper or other periodical Publication without actual Malice, and without gross Negligence, and that before the Commencement of the Action, or at the earliest Opportunity afterwards, he inserted in such Newspaper or other periodical Publication a full Apology for the said Libel, or, if the Newspaper or periodical Publication in which the said Libel appeared should be ordinarily published at Intervals exceeding One Week, had offered to publish the said Apology in any Newspaper or periodical Publication to be selected by the Plaintiff in such Action; and that every such Defendant shall upon filing such Plea be at liberty to pay into Court a Sum of Money by way of Amends for the Injury sustained by the Publication of such Libel, and such Payment into Court shall be of the same Effect and be available in the same Manner and to the same Extent, and be subject to the same Rules and Regulations as to Payment of Costs and the Form of Pleading, except so far as regards the pleading of the additional Facts herein-before required to be pleaded by such Defendant, as if Actions for Libel had not been excepted from the personal Actions in which it is lawful to pay Money into Court under an Act passed in the Session of Parliament held in the Fourth Year of His late Majesty, intituled *An Act for the further Amendment of the Law, and the better Advancement of Justice;* and that to such Plea to such Action it shall be competent to the Plaintiff to reply generally, denying the whole of such Plea.

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Publishing or threatening to publish a Libel, or proposing to abstain from publishing any thing, with Intent to extort Money, punishable by Imprisonment and hard Labour.

III. And be it enacted, That if any Person shall publish or threaten to publish any Libel upon any other Person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing, of any Matter or Thing touching any other Person, with Intent to extort any Money or Security for Money, or any valuable Thing from such or any other Person, or with Intent to induce any Person to confer or procure for any Person any Appointment or Office of Profit or Trust, every such Offender, on being convicted thereof, shall be liable to be

 imprisoned,

imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, for any Term not exceeding Three Years: Provided always, that nothing herein contained shall in any Manner alter or affect any Law now in force in respect of the sending or Delivery of threatening Letters or Writings.

False defamatory Libel punishable by Imprisonment and Fine;

IV. And be it enacted, That if any Person shall maliciously publish any defamatory Libel, knowing the same to be false, every such Person, being convicted thereof, shall be liable to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Two Years, and to pay such Fine as the Court shall award.

Malicious defamatory Libel, by Imprisonment or Fine.

V. And be it enacted, That if any Person shall maliciously publish any defamatory Libel, every such Person, being convicted thereof, shall be liable to Fine or Imprisonment, or both, as the Court may award, such Imprisonment not to exceed the Term of One Year.

Proceedings upon the Trial of an Indictment or Information for a defamatory Libel.

VI. And be it enacted, That on the Trial of any Indictment or Information for a defamatory Libel, the Defendant having pleaded such Plea as herein-after mentioned, the Truth of the Matters charged may be inquired into, but shall not amount to a Defence, unless it was for the Public Benefit that the said Matters charged should be published; and that to entitle the Defendant to give Evidence of the Truth of such Matters charged as a Defence to such Indictment or Information it shall be necessary for the Defendant, in pleading to the said Indictment or Information, to allege the Truth of the said Matters charged in the Manner now required in pleading a Justification to an Action for Defamation, and further to allege that it was for the Public Benefit that the said Matters charged should be published, and the particular Fact or Facts by reason whereof it was for the Public Benefit that the said Matters charged should be published, to which Plea the Prosecutor shall be at liberty to reply generally, denying the whole thereof; and that if after such Plea the Defendant shall be convicted on such Indictment or Information it shall be competent to the Court, in pronouncing Sentence, to consider whether the Guilt of the Defendant is aggravated or mitigated by the said Plea, and by the Evidence given to prove or to disprove the same: Provided always, that the Truth of the Matters charged in the alleged Libel complained of by such Indictment or Information shall in no Case be inquired into without such Plea or Justification: Provided also, that in addition to such Plea it shall be competent to the Defendant to plead a Plea of Not guilty: Provided also, that nothing in this Act contained shall take away or prejudice any Defence under the Plea of Not guilty which it is now competent to the Defendant to make under such Plea to any Action or Indictment or Information for defamatory Words or Libel.

Double Plea.

Proviso as to Plea of Not guilty in Civil and Criminal Proceedings.

Evidence to rebut primâ facie Case of Publication by an Agent.

VII. And be it enacted, That whensoever, upon the Trial of any Indictment or Information for the Publication of a Libel, under the Plea of Not guilty, Evidence shall have been given which shall establish a presumptive Case of Publication against

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