

ANNO TERTIO

VICTORIÆ REGINÆ.

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C A P. IX.

An Act to give summary Protection to Persons employed in the Publication of Parliamentary Papers. [14th *April* 1840.]

WHEREAS it is essential to the due and effectual Exercise and Discharge of the Functions and Duties of Parliament, and to the Promotion of wise Legislation, that no Obstructions or Impediments should exist to the Publication of such of the Reports, Papers, Votes, or Proceedings of either House of Parliament as such House of Parliament may deem fit or necessary to be published: And whereas Obstructions or Impediments to such Publication have arisen, and hereafter may arise, by means of Civil or Criminal Proceedings being taken against Persons employed by or acting under the Authority of the Houses of Parliament, or One of them, in the Publication of such Reports, Papers, Votes, or Proceedings; by reason and for Remedy whereof it is expedient that more speedy Protection should be afforded to all Persons acting under the Authority aforesaid, and that all such Civil or Criminal Proceedings should be summarily put an end to and determined in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

F f   Lords

Proceedings, Criminal or Civil, against Persons for Publication of Papers printed by Order of Parliament, to be stayed, upon Delivery of a Certificate and Affidavit to the Effect that such Publication is by Order of either House of Parliament.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any Person or Persons who now is or are, or hereafter shall be, a Defendant or Defendants in any Civil or Criminal Proceeding commenced or prosecuted in any Manner soever, for or on account or in respect of the Publication of any such Report, Paper, Votes, or Proceedings by such Person or Persons, or by his, her, or their Servant or Servants, by or under the Authority of either House of Parliament, to bring before the Court in which such Proceeding shall have been or shall be so commenced or prosecuted, or before any Judge of the same (if One of the Superior Courts at *Westminster*), first giving Twenty-four Hours Notice of his Intention so to do to the Prosecutor or Plaintiff in such Proceeding, a Certificate under the Hand of the Lord High Chancellor of *Great Britain*, or the Lord Keeper of the Great Seal, or of the Speaker of the House of Lords, for the Time being, or of the Clerk of the Parliaments, or of the Speaker of the House of Commons, or of the Clerk of the same House, stating that the Report, Paper, Votes, or Proceedings, as the Case may be, in respect whereof such Civil or Criminal Proceeding shall have been commenced or prosecuted, was published by such Person or Persons, or by his, her, or their Servant or Servants, by Order or under the Authority of the House of Lords or of the House of Commons, as the Case may be, together with an Affidavit verifying such Certificate; and such Court or Judge shall thereupon immediately stay such Civil or Criminal Proceeding, and the same, and every Writ or Process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

Proceedings to be stayed when commenced in respect of a Copy of an authenticated Report, &c.

II. And be it enacted, That in case of any Civil or Criminal Proceeding hereafter to be commenced or prosecuted for or on account or in respect of the Publication of any Copy of such Report, Paper, Votes, or Proceedings, it shall be lawful for the Defendant or Defendants at any Stage of the Proceedings to lay before the Court or Judge such Report, Paper, Votes, or Proceedings, and such Copy, with an Affidavit verifying such Report, Paper, Votes, or Proceedings, and the Correctness of such Copy, and the Court or Judge shall immediately stay such Civil or Criminal Proceeding, and the same, and every Writ or Process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

In Proceedings for printing any Extract or Abstract of a Paper, it may be shewn that such Extract was bonâ fide made.

III. And be it enacted, That it shall be lawful in any Civil or Criminal Proceeding to be commenced or prosecuted for printing any Extract from or Abstract of such Report, Paper, Votes, or Proceedings, to give in Evidence under the General Issue such Report, Paper, Votes, or Proceedings, and to show that such Extract or Abstract was published *bonâ fide* and without Malice; and if such shall be the Opinion of the Jury a Verdict of Not guilty shall be entered for the Defendant or Defendants.

IV. Pro-

IV. Provided always, and it is hereby expressly declared and enacted, That nothing herein contained shall be deemed or taken, or held or construed, directly or indirectly, by Implication or otherwise, to affect the Privileges of Parliament in any Manner whatsoever. Act not to affect the Privileges of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.